

NOTICE OF REGULAR MEETING ELLIS COUNTY COMMISSIONERS' COURT

Notice is hereby given that a regular meeting of the Ellis County Commissioners' Court will be held on **Monday, March 10, 2008 at 10:00 A.M., in the Commissioners' Courtroom, 101 West Main Street (2nd Floor), Waxahachie, Texas** at which time the following will be discussed and considered, to-wit:

County Judge:

Judge Chad Adams

Commissioners:

Dennis Robinson, Commissioner, Pct. 1

Bill Dodson, Commissioner, Pct. 2

Heath Sims, Commissioner, Pct. 3

Ron Brown, Commissioner, Pct. 4

County Clerk:

Cindy Polley, County Clerk

County & District Attorney's Office:

Ann Montgomery, Assistant County Attorney

Lee Auvenshine, Assistant County Attorney

1. OPENING COURT

1.1 County Judge will call meeting to order, declare quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

1.2 Motion to Open Court.

1.3 Invocation and Pledge of Allegiance – Commissioner Heath Sims

2. CONSENT AGENDA – Consideration and Action:

Administrative:

A1 Approval of Regular Bills, Payroll, and Officers' Reports.

A2 To approve a resolution authorizing the Ellis County Auditor and Ellis County Treasurer to sign documents on behalf of the county to receive disaster grant award funds.

A3 To approve a revision to the elevator maintenance

contract with ThyssenKrupp Elevator to \$581.65, effective June 1, 2008, for a three-month period, due to an increase in straight time hourly labor cost from \$33.445 to \$35.37.

A4 To approve the signing of the Disclosure Update Report for the FEMA Grant money for the Office of Rural Community Affairs.

A5 Approval and Certification of the Minutes from the Regular Commissioners' Court Agenda dated January 28, 2008, February 11, 2008 and February 25, 2008.

Financial:

F1 From 3-001-0000-0302 Fund Balance to 5-001-0010-0802 Equipment – Chad Adams, County Judge

F2 From 4-041-0000-0001 HIDTA to 5-041-0000-0001 HIDTA – Sheriff Ray Stewart

F3 From 4-003-0601-0950 FEMA Fund, 5-009-0601-0911 Gen Misc to 5-003-0601-0903 Gravel, 5-009-0601-0901 Repairs/Parts – Dennis Robinson, Commissioner, Pct. 1

F4 From 3-010-0000-0302 Fund Balance Carryover to 5-010-0652-0911 Gen. Exp. – Bill Dodson, Commissioner, Pct. 2

F5 From 4-003-0601-0950 FEMA Fund to 5-003-0601-0911 Gravel – Dennis Robinson, Commissioner, Pct. 1

F6 From 4-001-0330-0003 General Revenue to 5-001-0010-0820 LEOSE – Sheriff Ray Stewart

F7 To approve a refund for payments made in error to Wells Fargo Home Mort for Account #233074 and transfer the payment to Account #233073 with a refund balance of \$3,988.28.

F8 To approve a refund for payments made in error to Primewest Mort Corp for Account #222429 in the amount of \$3,748.88.

Simplified Plat:

2.1 Palmer North Estates II, 2 lots, Lee and Louis Barron, Pct. 1.

2.2 Bristol Country Estates, 2 lots, Magda Girgis and Christine Jenkins, Pct. 2.

2.3 Beulah, 3 lots, Bridgette Hawks, Pct. 4.

3. ADMINISTRATIVE

3.1 Consideration and action to approve a Proclamation recognizing American Red

Cross Month and introduction of the VOAD (Volunteer Organizations Active in Disaster) organization.

- Sharon McKinney, Emergency Management Coordinator
- Shelly Campbell, American Red Cross

3.2 Consideration and action to accept a Proclamation recognizing “World Kidney Day”.

- Chad Adams, County Judge

3.3 Consideration and action to declare March 23-March 29, 2008 as Farm Safety Week in Ellis County.

- Heath Sims, Commissioner, Pct. 3

3.4 Consideration and action to rescind the Ellis County Burn Ban.

- Jim Pharr, Ellis County Fire Marshal Investigator

3.5 Consideration and action to authorize the County Judge to execute a Tax Resale Deed between Ellis County and the City of Waxahachie and the Waxahachie Independent School District trustee for itself and on behalf of the successor in interest to the Ellis County Educational District and the Waxahachie Independent School District, for property acquired by tax foreclosure located in Ellis County, Texas, being all that certain tract of land described as Tract 1 and 2 to deed from C.G. Horsford to Iva Johnson recorded in volume 442, Page 546 Deed Records of Ellis County, Texas also know as 1205 E. Main Street (1205 E. MLK), Ellis County, Texas (R1750051). A bid in the amount of \$100 has been received from Habitat for Humanity which has been approved by the Waxahachie Independent School District and the City of Waxahachie.

- Kevin Chester, Linebarger Googan Blair & Sampson, LLP

3.6 Consideration and action to authorize the County Judge to execute a Tax Resale Deed between Ellis County and the City of Waxahachie and the Waxahachie Independent School District trustee for itself and on behalf of the successor in interest to the Ellis County Educational District and the Waxahachie Independent School District, for property acquired by tax foreclosure located in Ellis County, Texas, being all that certain tract of land described as lot 19, Highland Park Addition, Ellis County as described in Volume 467, Page 424, Deed Records of Ellis County, Texas also known as 500 Perry Street (R174052). A bid in the amount of \$100 has been received from Habitat for Humanity which has been approved by the Waxahachie Independent School District and the City of Waxahachie.

- Kevin Chester, Linebarger Googan Blair & Sampson, LLP

3.7 Consideration and action to approve the “Closed and Abandoned Municipal Solid Waste Landfill Draft Inventory” for Ellis County.

- Chad Adams, County Judge

3.8 Consideration and action to approve Contract Amendment Number 04 between Ellis County and Texas Commission on Environmental Quality (TCEQ) for funding relating to the Low Income Repair and Replacement Program (LIRAP) for funds administered through the North Central Texas Council of Governments (NCTCOG).

- Holly Davis, Special Projects Director
- Shannon Stevenson, NCTCOG

3.9 Consideration and action to approve an application for grant funds through the Texas Commission on Environmental Quality to provide funding for the Texas Emissions Enforcement Program, said funding to be used in Constable Precinct 2.

- Holly Davis, Special Projects Director
- Richard McComb, NCTCOG

3.10 Consideration and action to approve a Memorandum of Understanding between Ellis County Constable Office, Precinct 2, Ellis County Constable Office Precinct 4 and the Ellis County

District Attorney’s Office to gain access to the North Central Texas Council of Governments (NCTCOG) and Texas Transportation Department emissions database to aid in reducing the number of high emitting vehicles on the road and subsequent emissions.

- Holly Davis, Special Projects Director
- Richard McComb, NCTCOG

3.11 Consideration and action to enter into a Tax Abatement Agreement for Taxable Personal Property between Ellis County, Texas and Sunset Ennis, Inc, Sunset Blum, Inc., Sun-Tech Leasing, Inc., Sun-Tech Leasing, L.P., and Glidewell Leasing, Co. (collectively referred to as “Sunset”), located in the Waxahachie, Texas Enterprise Zone, City of Waxahachie, Texas.

- Holly Davis, Special Projects Director

3.12 Consideration and action to approve the early voting schedule for the April 8, 2008 Republican and Democratic Primary Run-off election.

- Jane Anderson, Elections Administrator

3.13 Consideration and action to accept the certification of signatures on two (2) Local Option Alcohol Petitions within the City of Ennis. The petitions are (1) "TO LEGALIZE THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY" and (2) "TO LEGALIZE THE SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY".

- Jane Anderson, Elections Administrator

3.14 Consideration and action to approve a resolution to order the Local Option Alcohol Elections on May 10, 2008 within the City of Ennis. The resolution contains the early voting schedule and election day poll locations.

- Jane Anderson, Elections Administrator

3.15 Consideration and action to approve the lease of the Ellis County handicap voting equipment (Auto Mark) to Ellis County entities (see below) for the May 10, 2008 elections and to

authorize the County Judge and Elections Administrator to sign the lease agreements. (Ennis ISD, Ferris ISD, Italy ISD, Maypearl ISD, Midlothian ISD, Milford ISD, Palmer ISD, Red Oak ISD, Waxahachie ISD, City of Alma, City of Bardwell, City of Ennis, City of Ferris, City of Garrett, City of Italy, City of Maypearl, City of Midlothian, City of Milford, City of Oak Leaf, City of Ovilla, City of Palmer, City of Pecan Hill, City of Red Oak, City of Waxahachie).

- Jane Anderson, Elections Administrator

3.16 Consideration and action as necessary to authorize the County Judge to sign all legal documents and/or to authorize the Ellis County Attorney to initiate any and all necessary legal action to acquire the following real properties located in downtown Waxahachie in furtherance of the completion of the Ellis County Criminal and Civil Courts Complex: Stoffregen property located on the corner of Flat and Madison; Stoffregen property located on Jefferson between Flat and Jackson; Lanoue property located on the corner of Flat and Jefferson; and Roth property located on the corner of Flat and Franklin.

- Joe White, County Engineer

3.17 Consideration and action to accept a donation of two 21" culverts for Feaster Road and application of calcium fluoride for dust control on the gravel roads from the Country Thunder USA production group

- Bill Dodson, Commissioner, Pct. 2

3.18 Consideration and action to approve the funding by the Ellis County Commissioners' Court to modify the cast iron Spring Creek Bridge to facilitate pedestrian traffic. Modifications will be made contingent upon legal agreements being agreed upon by both parties and funds are not to exceed \$18,000.

- Bill Dodson, Commissioner, Pct. 2

3.19 Consideration and action to send notice to cure letter to Kehe Food Distributors, Inc., under the tax abatement agreement and to authorize the County and District Attorney's Office to take further legal action as may be required.

- Ann Montgomery, Assistant County and District Attorney

3.20 Consideration and action to evaluate the job performance of the purchasing agent every two years, effective March 2008.

- Chad Adams, County Judge

4. DEPARTMENT OF COUNTY DEVELOPMENT

Consideration and action regarding the following presented by Delton Ake, Director Department of County Development:

4.1 To grant a variance to Ellis County Rules, Regulations and Specifications for Subdivisions and Manufactured Homes as it relates to road frontage requirement of 150' per lot, located in Hugh McDaniel Subdivision; Spring Branch Road, Sandra Clark, Pct. 4.

4.2 To grant a variance to Ellis County Rules, Regulations and Specifications for Subdivisions and Manufactured Homes as it relates to the fire hydrant requirement located every 450', Hugh McDaniel Subdivision, Spring Branch Road, Sandra Clark, Pct. 4.

5. PURCHASING

Consideration and action regarding the following presented by Richard Denniston, Purchasing Agent:

5.1 To pay an accident claim to Becky and Jerry Pierce for the Sheriff's Office in the amount of \$498.91. Accident occurred 1/7/2008.

6. RECESS TO CONVENE TO EXECUTIVE SESSION

7. EXECUTIVE SESSION

“The Commissioners’ Court of Ellis County reserves the right to adjourn into **Executive Session** at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Texas Government Code §551.071, §551.072, §551.074 or to seek the advice of its attorney and/or other attorneys representing Ellis County on any matter in which the duty of the attorney to the Commissioners’ Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551 or as otherwise may be permitted under §551.071, §551.072, §551.074.”

7.1 Pursuant to Section 551.072 of the Government Code, consultation with counsel regarding the possible sale or lease of real property “if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

7.2 Pursuant to §551.071 of the Texas Government Code, consultation with legal counsel regarding current or contemplated litigation.

7.3 Pursuant to Section 551.074 of the Government Code, deliberation on the appointment, employment, evaluation, reassignment, duties, or discipline of the Purchasing Agent.

8. ADJOURNMENT OF EXECUTIVE SESSION

9. ADJOURNMENT

Signed this the 6th day of March, 2008.

Chad Adams
Ellis County Judge

I, the undersigned, County Clerk of the Ellis County Commissioners Court do hereby certify that

the above Notice of Regular Meeting of the Ellis County Commissioners Court is a true and correct copy of said Notice, that I received said Notice, and it was posted at the doors of the Ellis County Courthouse, a place readily accessible to the general public at all times on the 6th day of March, 2008, at _____ a.m./p.m.

Cindy Polley, County Clerk

By _____

The Commissioners Court reserves the right to consider and take action on the above agenda items in any particular order.

Anyone wishing to address the Commissioners Court concerning a posted agenda item must make a formal request by presenting a "Participation Form" to the County Clerk at least 10 minutes prior to the beginning of the meeting.

If you or your representative, have a disability that requires special arrangements and you plan to attend this public meeting, please contact the County Judge's Office at (972) 825-5011 within 72 hours of the meeting. Reasonable accommodations will be made to meet your needs at the meeting.