

**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, May 11, 2009 at 10:00 A.M., in the Commissioners' Courtroom, 101 West Main Street (2<sup>nd</sup> Floor), Waxahachie, Texas** at which time the following will be discussed and considered, to-wit:

**County Judge:**

Judge Carol Bush

**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 Bill Dodson

**2. CONSENT AGENDA – Consideration and Action:**

**Administrative:**

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

A2 Approval and Certification of the Minutes from the Commissioners' Court Agenda dated:  
April 8, 2009 Special      April 13, 2009 Regular      April 27, 2009 Regular

A3 Approve the transfer of an employee in R&B 2 from part-time seasonal to full time, Road Worker I, effective May 18, 2009, increasing pay to \$10.50/hour, to replace a retired employee. - (Bill Dodson).

**Financial:**

F1 From 009-0602-50802 Purchase of Equipment to 009-0602-50909 Repairs/Parts – Dennis Robinson, Commissioner, Pct. 1

F2 From 042—0942-40001 Sheriff Fed Forfeiture to 042-0942-50802 Equipment – Johnny Brown, Sheriff

F3 From 006-0754-30301 Fund Balance to 006-0754-50915 Asphalt, 006-0754-50802 Purchase of Equipment, 006-0754-50907 Tires, 006-0754+50911 Gravel, 006-0754-50912 Bridge Repairs – Ron Brown, Commissioner, Pct. 4

- F4 From 012-0755-30301 Fund Balance to 012-0755-50906 Culverts, 012-0755-50915 Asphalt, 012-0755-50909 Repairs/Parts – Ron Brown, Commissioner, Pct. 4
- F5 From 001-015-50801 Supplies to 001-0015-50835 Employee Training – Johnny Brown, Sheriff
- F6 From 001-0360-50873 Maint Office Equip to 001-0360-50846 Witness Fee – Joe Grubbs, District Attorney
- F7 From 001-0210-40719 Chapter 19 Funding to 001-0210-50800 Chapter 19 Expenditures – Jane Anderson, Elections
- F8 From 001-0370-50873 Maintenance to 001-0370-50803 Furn/Fixtures – John Bridges, Tax Office
- F9 From 001-0020-50716 Courthouse Repairs to 001-0020-50703 Telephone – Keith Roberts, Maintenance
- F10 Approve refund of overpayment to the following accounts for payment in error (John Bridges):
 

CitiMortgage	1179718	\$ 2,630.63
First Amer Real Est Tax Ser	176527	\$ 5,112.02
IndyMac Bank	208645	\$11,691.78
- F11 From 001-0210-50802 Equipment, 001-0210-50801 Supplies to 001-0210-50803 Furn/Fixtures – Jane Anderson, Elections

**3. 3. ADMINISTRATIVE**

- 3.1 Consideration and action to accept a donation of a fixed wing aircraft, at no charge, from the Sheriff’s Association of Texas.
  - Johnny Brown, Sheriff
- 3.2 Consideration and action to approve an insurance policy from Aviation West of California for the fixed wing aircraft at an approximate cost of \$3,600 for \$1,000,000 coverage.
  - Johnny Brown, Sheriff
- 3.3 Consideration and action to approve a change to the Sheriff’s Reserve Unit from 10 to 20 members.
  - Dennis Brearley, Sheriff’s Office
- 3.4 Consideration and action to set the speed limit to 30 MPH on Skrivanek Road from Crisp Road to Chmelar Rd (Ref: Vernon’s Texas Codes Annotated – Code 545.355).
  - Bill Dodson, Commissioner, Pct. 2
- 3.5 Consideration and action to set the speed limit to 30 MPH on Cummins Creek Road from Oak Grove Road to Ensign Road ( Ref: Vernon’s Texas Code Annotated – Code 545.355).
  - Bill Dodson, Commissioner, Pct. 2
- 3.6 Consideration and action to set the speed limit to 35 MPH on Crisp Road from the Ennis city limits at Sun Ridge Road to FM 660 with the exception of the distance on either side of the Village Creek Bridge with a speed limit of 20 MPH ( Ref: Vernon’s Texas Code Annotated – Code 545.355).
  - Bill Dodson, Commissioner, Pct. 2
- 3.7 Consideration and action to accept Amendment No. 2 for the LIP Grant (Local Initiative Projects) to carry over 2009 funds to 2010, to enable the county to participate in the NCTCOG Regional Smoking Vehicle Program (RSVP).
  - Holly Davis, Special Projects Director

3.8 Pursuant to Section 366.092 of the Texas Health and Safety Code, consideration and action to authorize the Ellis County and District Attorney's Office to file a civil lawsuit against Larry Smallwood seeking both injunctive relief and civil penalties to address an ongoing sanitation and environmental quality nuisance, as defined by Chapters 341 and 366 of the Texas Health and Safety Code, 30 TAC Chapter 285 and the Ellis County Commissioners Court Order No. 20162, which exists on property located at 1113 Westminster near Waxahachie, Texas."

- Lee Auvenshine, Assistant County and District Attorney

#### **4. RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING**

#### **5. PUBLIC HEARING**

5.1 In accordance with §251.152 of the Texas Transportation Code, a public hearing will be conducted before the Ellis County Commissioners Court to consider the establishment of restricted traffic zones to prohibit or restrict the stopping, standing or parking of certain vehicles within said restricted traffic zones pursuant to §251.155 and §251.156 of the Texas Transportation Code.

#### **6. ADJOURNMENT OF PUBLIC HEARING**

#### **7. RECONVEVE TO REGULAR SESSION**

7.1 Consideration and action to establish restricted traffic zones and to prohibit or restrict the stopping, standing or parking of certain vehicles within said restricted traffic zones pursuant to §251.155 and §251.156 of the Texas Transportation Code, applicable to the following Ellis County roads within the unincorporated area of Ellis County:

Azalea Lane, Berkshire Lane, Brushy Way, Carlton Parkway, Carmen Drive, Castleridge, Chazlynn Court, Clover Lane, Cole Road, Courtney Circle, Crest Brook Drive, Davenport Lane, Deborde Circle, Dixie Lane, Dublin Circle, Eastridge Circle, Hampshire Road, Hillview Drive, Jason Drive, Kings Court Drive, La Cresta Drive, Lasseter Drive, Link Court, Link Street, Loycie Circle, Lynn Ann Drive, Maree Court, Maree Drive, Northview Drive, Park Crest Drive, Pecos, Pierce Road, Pratt Road, Preston Road, Quail Run Court, Rachele Drive, Ridge Crest Drive, Ridge Oak Circle, Ridge Oak Drive, Ridgeway Drive, Rocky Ridge Road, Sanger Creek Way, Shadow Drive, Shadow Ridge Lane, Sharpshire Court, E. Sharpshire Drive, N. Sharpshire Drive, S. Sharpshire Drive, Southview Drive, W. Sharpshire Drive, Stagecoach Drive, Thames Circle, Timberland Drive, Valley Road, Westminster Drive, Westminster Drive, Wilshire Circle and Windsor Circle

- Dennis Robinson, Commissioner, Pct. 1

## **8. ENGINEERING**

### **Consideration and action regarding the following presented by Joe White, County Engineer:**

- 8.1 To authorize the County Judge to sign all necessary agreements associated with the Natural Resources Conservation Services (NRCS) repair of five (5) flood prevention dams located in Ellis County. The dams are Chambers 75B, 108, 109, 111-112 and Richland 44. This is a 100% federally funded project at a total cost of \$5.777 million dollars.
- 8.2 To approve a contract with General Datatech in an amount not to exceed \$970,000 for comprehensive telephony, LAN and Wireless LAN Networking Systems associated with the bond program.
- 8.3 To pay AT&T for materials and contractor cost to relocate a telephone pole and cable at the location of the tunnel. This is in association with the Bond Program. Cost not to exceed \$1,110.10.
- 8.4 To approve Terracon to provide professional services for drilling, lab testing and other geotechnical work associated with the construction of the County Farm Campus.
- 8.5 To approve using Mas-D to provide professional environmental services in conjunction with the FEMA flooding/demolition grant.

## **9. PURCHASING**

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

- 9.1 To award the 2009-2010 contract for Limestone Chipseal to Hanson Aggregate based on the lowest and best bid.
- 9.2 To award the 2009-2010 requirement for Limestone Flexbase to Lonestar Aggregates based on the lowest and best bid.
- 9.3 To declare the listed items from the Elections Department as surplus and authorize sale at auction: Adding machine, Sharp copier, HP Laser Jet 1300, HP 1050 fax machine, 2 OKI printers, Gateway computer monitor, APC battery backup, 5 ft. table
- 9.4 To award the 2009-2010 contract for convenience store fuel. Both Pearman Oil and Colwell Oil bids were rack price + \$.07. Award is to be made by the Commissioners' Court based on LGC 262.027 (b) "...the Commissioners Court shall decide between the two by drawing lots in a manner prescribed by the County Judge".
- 9.5 To award the 2009-2010 contract for insurance to Hibbs-Hallmark based on an interlocal with Texas Association of Counties (TAC).
- 9.6 To approve the replacement of the Pitney Bowes mail station located in the mail room of the courthouse at a cost of \$799/month for 60 months and have the County Judge execute the agreement upon review by the county attorney.

## **10. DEPARTMENT OF COUNTY DEVELOPMENT**

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

- 10.1 Replat – Shiloh Grove, lots 6 & 7, block A, Charles and Cynthia Boyd, Pct. 4
- 10.2 Replat – Spring Grove Crossing, lots 6 & 7, block 3, Thomas and Carol McLemore, Pct. 2

**11. RECESS TO CONVENE TO EXECUTIVE SESSION**

**12. 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, 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.”

12.1 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”.

**13. ADJOURNMENT OF EXECUTIVE SESSION**

**14. ADJOURNMENT**

Signed this the 7th day of May, 2009.

\_\_\_\_\_  
Carol Bush  
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 7th day of May, 2009, at \_\_\_\_\_ a.m./p.m.

Cindy Polley, County Clerk

By \_\_\_\_\_  
Deputy

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.