

FILED

FEB 10 2014

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // OCTOBER 14, 2013**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, OCTOBER 14, 2013 AT 10:00 A.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2ND FLOOR), WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED TO WIT:

PRESENT WERE:

COUNTY JUDGE:

JUDGE CAROL BUSH

COMMISSIONERS:

DENNIS ROBINSON, COMMISSIONER, PCT. 1

BILL DODSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

RON BROWN, COMMISSIONER, PCT. 4

COUNTY CLERK:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

OPENING COURT:

THE COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO THE OPEN MEETINGS ACT

MOTION TO OPEN COURT BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER RON BROWN, PCT. 4

PUBLIC COMMENT* *GEOFFREY SIMPSON, MELANIE (ADDRESSING 2.1 & 2.2)*

CONSENT AGENDA:

MINUTE ORDER NO 352.13 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF A RESOLUTION IN SUPPORT OF THE MEALS-ON-WHEELS OF JOHNSON & ELLIS COUNTY APPLYING FOR A GRANT FROM THE TEXAS DEPARTMENT OF AGRICULTURE HOME —DELIVERED MEAL GRANT PROGRAM
- A3 APPROVAL OF SALARY SUPPLEMENT FOR THE COUNTY ATTORNEY OFFICE TO BE PAID WITH FUNDS RECEIVED FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR DISCRETIONARY EXPENSE FOR THE 2013-2014 BUDGET YEAR EFFECTIVE OCTOBER 1, 2013: VANCE HINDS IN THE AMOUNT OF \$4,130.00. NO ELLIS COUNTY REVENUE IS USED TO PAY THIS SUPPLEMENT
- A4 APPROVE A REQUEST FOR FUNDS IN THE AMOUNT OF \$15,000 TO THE ELLIS COUNTY CHILD PROTECTIVE SERVICES AS PER THE BUDGET FOR FY 2013-14
- A5 SEPTEMBER, 2013 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE - MARK ARNOLD, AGRICULTURE
 -PAGE BISHOP, 4-H
 -RITA HODGES, FAMILY & CONSUMER SCIENCES

- A6 ACCEPT A DONATION FROM INDIGENT HEALTHCARE SOLUTIONS IN THE AMOUNT OF \$250.00 TO BE APPLIED TOWARD COSTS ASSOCIATED WITH THE ELLIS COUNTY EMPLOYEE HEALTH AND SAFETY FAIR
- A7 APPROVAL TO DIRECT ALL MONEY THAT OTHERWISE WOULD BE DEPOSITED IN A SALARY FUND CREATED UNDER THIS CHAPTER TO BE DEPOSITED IN THE GENERAL FUND OF THE COUNTY
- A8 APPROVAL OF THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT MEETINGS DATED AUGUST 12, 2013, AUGUST 26, 2013, SEPTEMBER 9, 2013, SEPTEMBER 11, 2013, AND SEPTEMBER 16, 2013

FINANCIAL:

- F1 FROM 005-0703-50807 GEN MISC TO 005-0703-50910 GAS/OIL – PAUL PERRY, COMMISSIONER, PCT. 3
- F2 FROM 001-0020-50704 PEST CONTROL, 001-0020-50802 EQUIPMENT, 001-0020-50858 CUSTODIAN SUPPLIES TO 001-0020-50705 ELEVATOR, 001-0020-50807 GENERAL MISC., 001-0020-50702 REPAIRS - KEITH ROBERTS, MAINTENANCE
- F3 FROM 005-0703-50807 GEN MISC TO 005-0703-50701 UTILITIES – PAUL PERRY, COMMISSIONER, PCT. 3
- F4 FROM 001-0510-50602 STAFF TRAVEL, 001-0510-50805 CONFERENCE TO 001-0510-50601 TRAVEL REIMBURSEMENT – JUDGE BILL WOODY, JP 1
- F5 FROM 001-0210-40719 CHAPTER 19 REVENUE TO 001-0210-50800 CHAPTER 19 EXPENDITURES – JANE ANDERSON, ELECTIONS
- F6 FROM 010-0653-50807 FM2 GEN EXP TO 010-0653-50910 FM2 GAS – BILL DODSON, COMMISSIONER, PCT. 2
- F7 FROM 001-0360-50805 DA-CONFERENCE TO 001-0360-50833 DA-COURT REPORTING, 001-0360-50846 DA-WITNESS FEE – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F8 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
HOLLY WATERS	148985	\$3,271.28

SIMPLIFIED PLAT:

SP1 THE OAKS AT CEDAR GLENN, PHASE 2, 1 LOT, TIMOTHY AND BRENDA LIONS, PCT. 3
 MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PUBLIC HEARING

IN ACCORDANCE WITH §251.152 OF THE TEXAS TRANSPORTATION CODE, A PUBLIC HEARING TO DETERMINE AND SET A MAXIMUM REASONABLE AND PRUDENT SPEED FOR VEHICLES TRAVELING ON HUGHES CEMETERY ROAD PURSUANT TO §251.154 OF THE TEXAS TRANSPORTATION CODE. HUGHES CEMETERY ROAD IS LOCATED IN THE UNINCORPORATED AREA OF ELLIS COUNTY, WITHIN ELLIS COUNTY ROAD AND RIDGE PRECINCT NO. 2, NEAR THE COMMUNITY OF AVALON. THE PROPOSED SPEED LIMIT IS 35 MILES PER HOUR.

NO PUBLIC PARTICIPATION

ADJOURNMENT OF PUBLIC HEARING AND RECONVENE TO REGULAR SESSION

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 353.13 SETTING MAXIMUM SPEED AT 35 MILES PER HOUR ON HUGHES CEMETERY ROAD PURSUANT TO §251.154 OF THE TEXAS TRANSPORTATION CODE (BILL DODSON, COMMISSIONER, PCT.2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT:

MINUTE ORDER NO 354.13(2.1) GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE REQUIREMENT OF 150' OF COUNTY ROAD FRONTAGE PER LOT IN A SUBDIVISION, AT THE REQUEST OF GEOFFREY SIMPSON. THIS PROPERTY IS LOCATED IN SUGAR RIDGE ESTATES, NO. 2, ON SUGAR RIDGE ROAD, ENNIS, TEXAS, SPECIFICALLY WITHIN ELLIS COUNTY ROAD AND BRIDGE PCT. 1

MINUTE ORDER NO 355.13(2.2) GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE REQUIREMENT OF A FIRE HYDRANT SPACED EVERY 450' IN A SUBDIVISION, AT THE REQUEST OF GEOFFREY SIMPSON. THIS PROPERTY IS LOCATED IN SUGAR RIDGE ESTATES, NO. 2, ON SUGAR RIDGE ROAD, ENNIS, TEXAS, SPECIFICALLY WITHIN ELLIS COUNTY ROAD AND BRIDGE PCT. 1

MOTION BY COMMISSIONER ROBINSON TO APPROVE 2.1 & 2.2, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY
(MINUTE ORDER NO 354.13 & 355.13)

MINUTE ORDER NO 356.13 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE REQUIREMENT OF A 30' BUILDING SET-BACK ON THE FRONT OF A LOT IN A SUBDIVISION, AT THE REQUEST OF KARL KACEREK. THIS PROPERTY IS LOCATED IN SHILOH FOREST PHASE 2, LOT 1, BLOCK G, WITH THE ADDRESS OF 3310 SHILOH TRAIL, MIDLOTHIAN, TEXAS, SPECIFICALLY WITHIN ELLIS COUNTY ROAD AND BRIDGE PCT. 4

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 357.13 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE REQUIREMENT OF A MAXIMUM CUL-DE-SAC OF 1000' SPACING, AT THE REQUEST OF BEORN LEGER. THIS PROPERTY IS LOCATED ON NORTH ARMSTRONG ROAD, VENUS TEXAS, SPECIFICALLY WITHIN ELLIS COUNTY ROAD AND BRIDGE PCT. 3.

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 358.13 APPROVING PRELIMINARY PLAT, RED BARON ESTATES, 10 LOTS, AT THE REQUEST OF BEORN LEGER, PCT. 3

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 359.13 APPROVING FINAL PLAT, ALLISON ADDITION, PHASE TWO, 6 LOTS, AT THE REQUEST OF STEPHEN ALLISON, PCT.3

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

PURCHASING:

MINUTE ORDER NO 360.13 ACCEPTING PAYMENT IN THE AMOUNT OF \$7,126.00 FROM TEXAS FARM BUREAU AS A REIMBURSEMENT FOR PROPERTY DAMAGE TO COSBY ROAD, LOCATED WITHIN ELLIS COUNTY ROAD AND BRIDGE PRECINCT NO.3, AND AUTHORIZING THE EXECUTION OF A SETTLEMENT AND RELEASE AGREEMENT FOREVER DISCHARGING JOSH AND LISA PERRY AND TEXAS FARM BUREAU FROM ANY LIABILITY REGARDING SAID PROPERTY DAMAGE WHICH OCCURRED ON OR ABOUT AUGUST 31, 2013.

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 361.13 DECLARING THE FOLLOWING ITEMS AS SALVAGE TO BE DISPOSED OF IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 263: 2000 DODGE INTREPID VIN 2B3HD46R4YH146365 FROM HUMAN RESOURCES

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 362.13 AWARDING G-2013-012 JANITORIAL SUPPLIES FOR ELLIS COUNTY TO *IJS-EJS, INC. ENNIS JANITORIAL (PRIMARY) AND DESOTO JANITORIAL SUPPLY (SECONDARY)*

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 363.13 DECLARING OCTOBER, 2013 AS DOMESTIC VIOLENCE AWARENESS MONTH IN ELLIS COUNTY *ALICIA PETERS – HEALING HEARTS CENTER*

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 364.13 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN CITY OF ITALY AND ELLIS COUNTY, PCT. 3 (PAUL PERRY, COMMISSIONER, PCT. 3)

MINUTE ORDER NO 365.13 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN MAYPEARL ISD AND ELLIS COUNTY, PCT. 3 (PAUL PERRY, COMMISSIONER, PCT. 3)

MOTION BY COMMISSIONER PERRY TO APPROVE AGENDA ITEMS 4.2 & 4.3 (*MINUTE ORDER Nos. 364.13 & 365.13*) SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 366.13 NOMINATING CANDIDATES FOR THE BOARD OF DIRECTORS OF THE ELLIS CENTRAL APPRAISAL DISTRICT FOR THE TERM OF 2014-15, ACCORDING TO THE TEXAS TAX CODE, TITLE 1, SUBTITLE B, CHAPTER 6, SUBCHAPTER A, SECTION 6.03

CHERREE BARRETT – NOMINATED BY COMMISSIONER ROBINSON, PCT 1

WILLIAM VANSYCKLE – NOMINATED BY COMMISSIONER PERRY, PCT 3

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

No ACTION: 4.5 CONSIDERATION AND ACTION TO DISCUSS AND APPROVE FUNDING ON THE PROPOSAL FROM SWAGIT PRODUCTIONS TO PROVIDE STREAMING AUDIO AND VIDEO FOR THE COMMISSIONERS' COURT MEETINGS NOT TO EXCEED \$16,000. – PAUL PERRY, COMMISSIONER, PCT. 3

No ACTION: 4.5 CONSIDERATION AND ACTION TO APPOINT WILLIAM VANSYCKLE TO THE ELLIS COUNTY EMERGENCY SERVICE DISTRICT #6 BOARD OF DIRECTORS. – PAUL PERRY, COMMISSIONER, PCT. 3

MINUTE ORDER NO 367.13 RESCINDING THE COUNTY BURN BAN ORDER 251.13
(JOE STEWART, FIRE MARSHAL)

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADJOURNMENT

MOTION TO ADJOURN BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 14, 2013 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



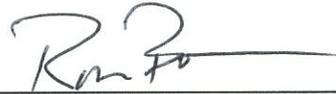
DENNIS ROBINSON, COMMISSIONER, PCT 1



BILL DODSON, COMMISSIONER, PCT 2



PAUL PERRY, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 10TH DAY OF FEBRUARY, 2014



CINDY POLLEY, COUNTY CLERK

