

FILED

JUN 23 2014

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // MAY 27, 2014**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, MAY 27, 2014 AT 3:00 P.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 DENNIS ROBINSON

CONSENT AGENDA:

MINUTE ORDER NO 227.14 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT:
 - MARCH 10, 2014 APRIL 14, 2014
 - MARCH 14, 2014 APRIL 28, 2014
 - MARCH 24, 2014

FINANCIAL:

- F1 FROM 001-0360-50805 DA – CONFERENCE \$2,000.00 To 001-0360-50806 DA- DUES \$2,000.00 – PATRICK WILSON, COUNTY AND DISTRICT ATTORNEY
- F2 FROM 001-0520-50874 DOCKET BOOKS/PRINTING \$178.89, 001-0520-50802 EQUIPMENT \$450.00 To 001-0520-50703 \$628.89 – JACKIE MILLER JR., JUSTICE OF THE PEACE PCT 2
- F3 FROM 001-0530-50502 CLERK'S SALARY \$900.00, 001-0530-50505 LONGEVITY \$1,500.00, 001-0530-50602 STAFF TRAVEL \$1,028.00, 001-0530-50805 CONFERENCE \$1,500.00, 001-0530-50802 EQUIPMENT \$283.00, 001-0530-50812 RADIO \$200.00 To 001-0530-50601 TRAVEL REIMB \$1,602.00, 001-0530-50703 TELEPHONE

\$600.00, 001-0530-50801 SUPPLIES \$1,761.00, 001-0530-50874 DOCKET BOOKS \$1,448.00 – CURTIS POLK, JUSTICE OF THE PEACE PCT. 3

F4 FROM 012-0755-40008 FM4/INTERLOCAL AGREEMENT \$70,000.00 TO 012-0755-50915 FM4/ASPHALT \$70,000.00 – RON BROWN, COMMISSIONER PCT. 4

F5 FROM 031-0931-30301 DA DRUG FORFEITURE – CURRENT FUND BALANCE \$55,000.00 TO 031-0931-50819 DA DRUG FORFEITURE – COMPUTER \$55,000.00 – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

F6 FROM 001-0400-50801 SUPPLIES \$1,438.26 TO 001-0400-50819 COMPUTER \$1,438.26 – CHERYL CHAMBERS, TREASURER

MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 228.14 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT RELATES TO 150' ROAD FRONTAGE REQUIREMENT, *BEARDEN ROAD, REQUESTED BY KENNETH JAHNKE, LOCATED IN ROAD AND BRIDGE PCT. 3*

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

MINUTE ORDER NO 229.14 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT RELATES TO 150' ROAD FRONTAGE REQUIREMENT, *LAKEWAY DRIVE, REQUESTED BY BILLY BURKES, ROAD AND BRIDGE PCT. 4*

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 230.14 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS, RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT RELATES TO FIRE HYDRANT REQUIREMENT, *LAKEWAY DRIVE, REQUESTED BY BILLY BURKES, ROAD AND BRIDGE PCT. 4*

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 231.14 APPROVING FINAL PLAT – *TAMMINGA FARMS, 11 LOTS, REQUESTED BY KARS TAMMINGA, ROAD AND BRIDGE PCT. 3*

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

No ACTION: 1.5 GRANT A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT RELATES TO STREET SPACING, *OAK VISTA ROAD, REQUESTED BY RICK MISKIMON, ROAD AND BRIDGE PCT. 3. JIM STRAWN*

PURCHASING:

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 232.14 PURCHASING A 1997 INTERNATIONAL 8100 WATER TRUCK, VIN IHSHBAAN7VH438088, FROM *EAST TEXAS TRUCK SYSTEMS* FOR ROAD AND BRIDGE PRECINCT 4, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 233.14 (SKIPPED NUMBER)

3.1 BUILDING A BETTER TEXAS – 100 YEARS OF THE SMITH-LEVER ACT PRESENTATION. – MARK ARNOLD, TEXAS A & M AGRILIFE EXTENSION SERVICE

MINUTE ORDER NO 234.14(A) PURCHASING 1 CHEVY LS TAHOE AT A COST OF \$35,162.61 INCLUDING EMERGENCY EQUIPMENT. FUNDS FOR THIS PURCHASE WILL COME FROM THE SHERIFF'S FEDERAL FORFEITURE FUNDS. (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

MINUTE ORDER NO 234.14(B) PURCHASING 1 POLICE PACKAGE TAHOE AT A COST OF \$46,259.66 INCLUDING EMERGENCY EQUIPMENT. FUNDS FOR THIS PURCHASE WILL COME FROM THE SHERIFF'S FEDERAL FORFEITURE FUNDS. (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

MOTION TO APPROVE 3.2 & 3.3 BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY (PER *MINUTE ORDER NO 234.14(A) & 234.14(B)*)

MINUTE ORDER NO 235.14 APPROVING TWO RENEWAL CONTRACTS WITH *ENERGY CONTROL SYSTEMS FOR ONE YEAR MAINTENANCE AGREEMENTS ON BATTERY BACKUP SYSTEMS THAT COVER JAIL FUNCTIONS DURING POWER OUTAGES*. THE CONTRACTS RUN FROM JUNE 17, 2014 TO JUNE 17, 2015. QUOTES: RG-50914-1 (RENEWAL), RG-50914-2 (RENEWAL) (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 236.14 APPROVING A NEW CONTRACT WITH *ENERGY CONTROL SYSTEMS FOR ONE YEAR MAINTENANCE AGREEMENT ON BATTERY BACKUP SYSTEMS THAT COVER JAIL FUNCTIONS DURING POWER OUTAGES*. THE CONTRACT RUNS FROM JUNE 17, 2014 TO JUNE 17, 2015. RG-041414-2-R1 (NEW). (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

MOTION TO APPROVE BY COMMISSIONER DODSON *TO APPROVE SUBJECT TO LEGAL REVIEW*, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 237.14 FROM 001-0000-30302 BUDGETED FUND BALANCE \$11,471.46 TO 001-0010-50802 EQUIPMENT \$11,471.46. RADIO PURCHASE WAS APPROVED LAST YEAR BUT INVOICE WAS NOT RECEIVED UNTIL NEW BUDGET YEAR. (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 238.14 AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ FOR RENEWAL OF TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) GENERAL PERMIT NO. TXR0400000. THE PERMIT IS APPLICABLE TO SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4). TCEQ HAS DESIGNATED ELLIS COUNTY AS A SMALL MS4 DUE TO THE PRESENCE OF THE DALLAS-FORT WORTH-ARLINGTON URBANIZED AREA WITHIN THE COUNTY. THE PERMIT COVERAGE IS REQUIRED FOR THE PART OF THE URBANIZED AREA THAT IS WITHIN THE UNINCORPORATED PORTION OF THE COUNTY. (MAEGAN NUNLEY, ENGINEERING)

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 239.14 APPROVAL TO RECLAIM & CHIPSEAL SECOND, THIRD, AND BOWERS STREETS AND PATCH VARIOUS OTHER CITY STREETS FOR THE *CITY OF MAYPEARL* PER MINUTE ORDER 351.13 DATED 09.23.13 (PAUL PERRY, COMMISSIONER, PCT. 3)

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 240.14 APPROVAL TO RECLAIM & CHIPSEAL HARPOLD STREET AND HARRIS STREET BETWEEN HARDEMAN AND DILWORTH STREETS FOR THE *CITY OF ITALY* PER MINUTE ORDER 364.13 DATED 10.14.13 (PAUL PERRY, COMMISSIONER, PCT. 3)

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

AGENDA ITEM 3.10 & 3.11

PUBLIC PARTICIPANTS: FOR USE OF BIOSOLIDS

BEN DAVIS – REPRESENTING RENDA ENVIRONMENTAL
MARTHA DAVIS/ MIDLOTHIAN
CHARLES SPURGEON/ENNIS
ZACH ZOLL
MIKE HANNA/MAYPEARL
STEVEN A. BURWELL/VENUS
KAREN C. BURWELL/VENUS
BILLY TOM FULTON/ENNIS
JOHN ABNEY/HILLSBORO
LARRY JONES/MIDLOTHIAN
RC RAY/MIDLOTHIAN
WILL WITTEN/WAXAHACHIE
ANITA BLACKWELL/VENUS
HENRY BLACKWELL/VENUS
CLINT BLACKWELL/VENUS
KENNETH BRADDOCK/ENNIS
THOMAS ABNEY/HILLSBORO
MONICA SPARKMAN/ENNIS
LONNIE MESNESS/ENNIS
DANIEL SPARKMAN/ENNIS
MARILYN JONES/MIDLOTHIAN

PUBLIC PARTICIPANTS: AGAINST USE OF BIOSOLIDS

PEGGY DONATHAN/MILFORD
ANNA WIGHT/MILFORD
CRAIG MONK/MIDLOTHIAN
NOEL COWARD/ MAYPEARL (*PRESENTED PETITION TO STOP HUMAN WASTE SEWAGE SLUDGE APPLICATION IN ELLIS COUNTY*)
TRAVIS HUCKABY/MIDLOTHIAN
RANDY DONATHAN/ MILFORD
DAN LOBB/WAXAHACHIE
DAVE VANCE/WAXAHACHIE

MINUTE ORDER NO 241.14 AUTHORIZING THE COUNTY JUDGE TO EXECUTE A LETTER TO TCEQ THAT A COMMISSIONERS' COURT MEETING WAS HELD ON MAY 27, 2014 WHERE THERE WAS PARTICIPATION OF MANY MEMBERS OF THE PUBLIC. THE ELLIS COUNTY COMMISSIONERS' COURT WISHES TO BRING ATTENTION TO THE ISSUE OF THE APPLICATION OF BIOSOLIDS TO TCEQ REQUESTING STRINGENT APPLICATION OF THE RULES AND REGULATIONS FOR CONTROL OF BIOSOLID APPLICATION. (RON BROWN, COMMISSIONER, PCT 4)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

3.11 **DISCUSSION** OF HUMAN WASTE-BASED PRODUCTS BEING DISTRIBUTED IN ELLIS COUNTY. – PAUL PERRY, COMMISSIONER, PCT. 3

MINUTE ORDER NO 242.14 (SKIPPED NUMBER)

MINUTE ORDER NO 243.14 APPROVING THE POLICY, RULES AND PROCEDURES REGARDING THE WORK WEEK, PAY PERIODS, RECORDING TIME, COMPENSATORY TIME AND PROCESSING PAYROLL EFFECTIVE JUNE 8, 2014. (ANNE PRICE, DIRECTOR OF HUMAN RESOURCES)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES 4/1 WITH COMMISSIONER PERRY OPPOSING

No ACTION: 3.13 CONSIDERATION AND ACTION AS REQUIRED IN SELECTING THREE PUBLIC MEMBERS FOR SERVICE ON THE ELECTED OFFICIALS' SALARY GRIEVANCE COMMITTEE FOR FISCAL YEAR 2014-2015. THREE (3) NAMES ARE DRAWN AT RANDOM FROM THE LIST OF GRAND JURORS FOR THE PRECEDING YEAR TO BECOME MEMBERS OF THE COMMITTEE UPON WRITTEN ACCEPTANCE TO THE COUNTY CLERK. ADDITIONAL NAMES WILL BE DRAWN TO CREATE AN ALTERNATE LIST. (TX LOCAL GOVERNMENT CODE §152.014 AND §152.015). – CINDY POLLEY, COUNTY CLERK

ADJOURNMENT

MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF MAY 27, 2014 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



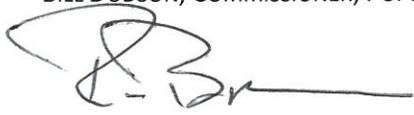
DENNIS ROBINSON, COMMISSIONER, PCT 1



BILL DODSON, COMMISSIONER, PCT 2



PAUL PERRY, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JUNE 23, 2014.



CINDY POLLEY, COUNTY CLERK Deputy

