

FILED

AUG 11 2014

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JULY 28, 2014**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JULY 28, 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:

TINA CHAMBERS, ADMINISTRATIVE ASSISTANT

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 PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER BILL DODSON

CONSENT AGENDA:

MINUTE ORDER NO 275.14 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

A2 2ND QUARTER 2014 ELLIS COUNTY INVESTMENT REPORT — CHERYL CHAMBERS, COUNTY TREASURER

FINANCIAL:

F1 FROM 001-0330-40065 TRANSPORT REIMBURSEMENT FEES \$17,484.59 TO 001-0010-50808 AUTO GAS & OIL \$17,484.59 — JOHNNY BROWN, SHERIFF

F2 FROM 042-0942-30302 FEDERAL FORFEITURE FUND BALANCE \$22,136.68 TO 042-0942-50868 CONTRACT SERVICES \$20,443.70, 042-0942-50802 \$1,692.95 — CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE

F3 FROM 001-0520-50805 CONFERENCE \$1,000.00, 001-0520-50601 TRAVEL REIM \$1,000.00 TO 001-0520-50801 SUPPLIES \$2,000.00 — JACKIE MILLER JR., JUSTICE OF THE PEACE, PCT. 2

F4 FROM 001-0310-50802 EQUIPMENT \$5.00 TO 001-0310-50806 OFFICIAL BOND/DUES \$5.00 — MELANIE REED, DISTRICT CLERK

F5 FROM 005-0703-50807 Misc \$5,000.00, 005-0703-50913 CHEMICALS \$3,000.00 TO 005-0703-50910 GAS/OIL \$8,000.00 — PAUL PERRY, COMMISSIONER, ROAD & BRIDGE, PCT.3

F6 FROM 010-0653-50962 FM2 LUBRICANTS \$2,000.00 To 010-0653-50807 FM2 GENERAL EXPENSES \$2,000.00 –
BILL DODSON, COMMISSIONER, PCT. 2

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 276.14 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT, 252 PACE ROAD, PALMER, TX, MARGARET BALDRIDGE, LOCATED IN ROAD AND BRIDGE PCT. 1

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

MINUTE ORDER NO 277.14 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT, 190 HAMPEL ROAD, PALMER, TX, JOHN MICHAEL MERCER, LOCATED IN ROAD AND BRIDGE PCT. 1

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

MINUTE ORDER NO 278.14 APPROVING PRELIMINARY PLAT, ADAY ESTATES, FM 66, 35 LOTS, DON WALKER, ROAD AND BRIDGE PCT. 3

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

MINUTE ORDER NO 279.14 ACCEPTING THE INFRASTRUCTURE OF JORDAN RUN PHASE II, INCLUDING PORTIONS OF AMANDA LANE AND PORTIONS OF JAYCEE DRIVE, REQUESTED BY HEALTHFIRST REAL ESTATE HOLDINGS III LTD AND MORRISON PARTNERS LTD, LOCATED IN PCT. 3

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

MINUTE ORDER NO 280.14 RELEASING THE SUBDIVISION CONSTRUCTION BOND #1089458 TO LEXON INSURANCE COMPANY IN THE AMOUNT OF THREE HUNDRED SIXTY NINE THOUSAND AND FIVE HUNDRED DOLLARS FOR THE COMPLETED CONSTRUCTION OF JORDAN RUN, PHASE II, REQUESTED BY HEALTHFIRST REAL ESTATE HOLDINGS III LTD AND MORRISON PARTNERS LTD, LOCATED IN PCT. 3

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

PURCHASING:

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

MINUTE ORDER NO 281.14 APPROVING DIR CONTRACT/VERIZON WIRELESS CUSTOMER AGREEMENT

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

MINUTE ORDER NO 282.14 APPROVING LEASE AGREEMENT FOR THREE STORAGE UNITS LOCATED AT SECURE MORE RV AND MINI STORAGE IN THE AMOUNT OF \$188.00 PER MONTH FOR ELLIS COUNTY TAX ASSESSOR'S OFFICE

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

MINUTE ORDER NO 283.14 APPROVING LEASE AGREEMENT FOR TWO STORAGE UNITS LOCATED AT A BIG TOY RV AND MINI STORAGE IN THE AMOUNT OF \$155.00 PER MONTH WITH A ONE-TIME LOCK AND KEY DEPOSIT OF \$15.00 FOR ELLIS COUNTY CLERK'S OFFICE

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

MINUTE ORDER NO 284.14 APPROVING RENEWAL AGREEMENT AND SERVICE CONTRACT WITH ASSOCIATED TIME AND PARKING CONTROLS FOR MODEL AR-E, SERIAL NUMBER 482841 DATE AND TIME STAMP FOR JUSTICE OF THE PEACE, PCT. 3 OFFICE, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE. TERM WILL BE 08-01-14 TO 07-21-14.

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

MINUTE ORDER NO 285.14 DECLARING A 1985 FORD F8000 VIN 1FDXD80U7FVA48686 AS SURPLUS TO BE DISPOSED OF IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 263 - FROM ROAD AND BRIDGE, PCT. 4

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

MINUTE ORDER NO 286.14 DECLARING A SPRAY RIG WITH BRIGGS AND STRATTON MOTOR AS SURPLUS TO BE DISPOSED OF IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 263 - FROM ROAD AND BRIDGE, PCT. 4

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

ADMINISTRATIVE:

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

MINUTE ORDER NO 287.14 APPROVAL TO FUND IN THE AMOUNT OF \$15,000 FOR THE ELLIS COUNTY CHILD PROTECTIVE SERVICES BOARD FOR THE FISCAL YEAR 2014-2015

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY TO APPROVE \$15,000 AS IT WAS IN PREVIOUS YEAR CARRIES UNANIMOUSLY

MINUTE ORDER NO 288.14 ACCEPTING THE RESIGNATION OF BILLY GETZENDANER, PRESIDENT, EMERGENCY SERVICES DISTRICT #6

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

MINUTE ORDER NO 289.14 APPOINTING WILLIAM H. DERDEN TO THE EMERGENCY SERVICES DISTRICT #6 BOARD FOR A TERM EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2015

(RON BROWN, COMMISSIONER, PCT. 4)

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

RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

PUBLIC HEARING

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 AUTHORIZE THE INSTALLATION AND MAINTENANCE OF STOP SIGNS, NO PARKING SIGNS, NO STANDING SIGNS AND OTHER POTENTIAL TRAFFIC CONTROL SIGNS AND SIGNALS THAT THE COURT CONSIDERS NECESSARY FOR PUBLIC SAFETY WITHIN SAID ZONES WITHIN THE UNINCORPORATED AREAS OF ELLIS COUNTY, TEXAS PURSUANT TO §251.155 OF THE TRANSPORTATION CODE.

NO PUBLIC PARTICIPATION FOR PUBLIC HEARING

ADJOURNMENT OF PUBLIC HEARING AND RECONVENE TO REGULAR SESSION

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 290.14 APPROVING THE ESTABLISHMENT OF RESTRICTED TRAFFIC ZONES AUTHORIZING THE INSTALLATION AND MAINTENANCE OF STOP SIGNS, NO PARKING SIGNS, NO STANDING SIGNS AND OTHER POTENTIAL TRAFFIC CONTROL SIGNS AND SIGNALS THAT THE COURT CONSIDERS NECESSARY FOR PUBLIC SAFETY WITHIN SAID ZONES PURSUANT TO §251.155 OF THE TRANSPORTATION CODE, APPLICABLE TO THE FOLLOWING ELLIS COUNTY ROADS WITHIN THE UNINCORPORATED AREA OF ELLIS COUNTY: SAND ROAD AND EASTGATE ROAD (RON BROWN, COMMISSIONER, PCT. 4)

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

MINUTE ORDER NO 291.14 AUTHORIZING THE INSTALLATION OF STOP SIGNS AT THE INTERSECTION OF SAND ROAD AND EASTGATE ROAD AND THE INSTALLATION OF NO PARKING AND NO STANDING SIGNS ON THE NORTHWEST AND NORTHEAST SIDE AT THE NORTH END OF EASTGATE ROAD WITHIN RESTRICTED TRAFFIC ZONES PURSUANT TO §251.155 OF THE TRANSPORTATION CODE (RON BROWN, COMMISSIONER, PCT. 4)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 292.14 AUTHORIZING THE COUNTY JUDGE TO SIGN APPROXIMATELY 25 EMERGENCY ACTION PLANS ASSOCIATED WITH HIGH HAZARD NRCS FLOOD CONTROL DAMS SPONSORED BY ELLIS COUNTY. THESE PLANS ARE TCEQ REQUIREMENTS. THESE PLANS ARE REQUIRED BY TCEQ BECAUSE THERE IS A RESIDENCE OR STRUCTURE BELOW THE DAM IN THE POTENTIAL BREACH ZONE (JOE WHITE, ENGINEER)

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

MINUTE ORDER NO 293.14 AUTHORIZING THE COUNTY JUDGE TO SIGN FOUR TXDOT ROW AGREEMENTS ASSOCIATED WITH IMPROVEMENTS OF ON-SYSTEM BRIDGES AND ROADWAYS ON FM 308, FM 876, AND FM 984 (JOE WHITE, ENGINEER)

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

MINUTE ORDER NO 294.14 APPROVAL TO PAY TXDOT THE AMOUNT OF \$18,561.63 FOR THE COUNTY'S PARTICIPATION IN ROW PURCHASES ASSOCIATED WITH NINE ON-SYSTEM ROAD PROJECTS. THIS PAYMENT WILL RECONCILE REFUNDS FROM TXDOT AND AMOUNTS OWED TO TXDOT FOR PAST AND FUTURE PROJECTS ON US 287, US 67, SH 34, FM 308, FM 876, FM 984, AND FM 664. MONIES HAVE BEEN SET ASIDE FOR THIS PURPOSE AND ARE AVAILABLE FROM ROW-2008, FUND #25. (JOE WHITE, ENGINEER)

MOTION BY COMMISSIONER PERRY TO PAY OUT OF RIGHT OF WAY FUNDS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 295.14 APPROVING HDR ARCHITECTS TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH THE BUILD OUT OF THE COURTROOM, JURY SELECTION ROOM AND OFFICES IN THE ELLIS COUNTY COURTS BUILDING (JOE WHITE, ENGINEER)

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

MINUTE ORDER NO 296.14 APPROVING ARCHITEXAS ARCHITECTS TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH DESIGN AND CONSTRUCTION OF COUNTY BUILDINGS (JOE WHITE, ENGINEER)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 297.14 AUTHORIZING ELLIS COUNTY TO ENTER INTO AN AGREEMENT WITH REGION 10 EDUCATION SERVICE CENTER FOR THE PURCHASE OF A 450 FOOT GUYED RADIO TOWER AND EQUIPMENT SHELTER LOCATED 4 MILES SE OF ENNIS ON FM 85. COST NOT TO EXCEED \$35,000. THE TOWER IS LOCATED ON CITY OF ENNIS PROPERTY AND PURCHASE WOULD BE CONTINGENT UPON REACHING A PRIOR PROPERTY AGREEMENT WITH THE CITY OF ENNIS. (JOE WHITE, ENGINEER)
MOTION TO APPROVE BY COMMISSIONER DODSON TO APPROVE UP TO \$35,000 AND GET ALL DETAILS WORKED OUT WITH THE PURCHASE WITH CITY OF ENNIS AND REGION 10 SERVICE CENTER SO ELLIS COUNTY WILL EITHER HAVE A LONG-TERM LEASE OR OWN THE PROPERTY WITH A RIGHT OF WAY IN TO THE LEASE PROPERTY, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 298.14 APPROVING MALOUF ENGINEERING TO PROVIDE PROFESSIONAL SERVICES IF NECESSARY FOR STRUCTURAL MODIFICATIONS ON THE REGION 10 TOWER (JOE WHITE, ENGINEER)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 299.14 ENTERING INTO CONTRACT WITH WAXAHACHIE ISD FOR ELECTION SERVICES (BRUCE SHERBET, ELECTIONS)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 300.14 APPROVING NEGOTIATED CONTRACT WITH US SCRIPT AND AUTHORIZING THE COUNTY JUDGE TO SIGN APPROPRIATE DOCUMENTS FOR PRESCRIPTION SERVICE FOR THE INDIGENT, EFFECTIVE SEPTEMBER 1, 2014 (ANNE PRICE, DIRECTOR OF HUMAN RESOURCES)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 301.14 APPROVING RENEWAL OF THE CURRENT COUNTY RETIREE HEALTH INSURANCE COVERAGE THROUGH THE TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFITS POOL FOR FISCAL YEAR 2014-2015 (ANNE PRICE, DIRECTOR OF HUMAN RESOURCES)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

No ACTION: 3.16 TO ENACT A BURN BAN ORDER FOR ELLIS COUNTY EFFECTIVE IMMEDIATELY. – JOE STEWART, FIRE MARSHAL/EMC

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JULY 28, 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 AUGUST 11, 2014



CINDY POLLEY, COUNTY CLERK

