

FILED

NOV 10 2014

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // OCTOBER 13, 2014**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, OCTOBER 13, 2014 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 - *ABSENT*

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

VANCE HINDS, 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 DENNIS ROBINSON

CONSENT AGENDA:

MINUTE ORDER NO 382.14 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 3RD QUARTER 2014 ELLIS COUNTY INVESTMENT REPORT – CHERYL CHAMBERS, TREASURER
- A3 SEPTEMBER 2014 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - RITA HODGES, FAMILY & CONSUMER SCIENCES

FINANCIAL:

- F1 FROM 010-0653-40003 FM2 REVENUE \$3,725.01 TO 010-0653-50915 FM2 ASPHALT \$3,725.01 – BILL DODSON, COMMISSIONER, PCT.2
- F2 FROM 010-0653-40003 FM2 REVENUE \$578.92 TO 010-0653-50911 FM2 GRAVEL \$578.92 - BILL DODSON, COMMISSIONER, PCT.2
- F3 FROM 001-0380-50601 TRAVEL REIMBURSEMENT \$350.00, 001-0380-50832 VISITING JUDGE \$700.00 TO 001-0380-50882 BOOKS \$350.00, 001-0380-50873 MAINTENANCE/OFFICE EQUIPMENT \$700.00 – JUDGE JIM CHAPMAN, COUNTY COURT AT LAW #1

- F4 FROM 005-0703-50911 GRAVEL \$1,000.00, 005-0703-50915 ASPHALT \$1,000.00 To 005-0703-50910 Gas/OIL \$2,000.00 - PAUL PERRY, COMMISSIONER PCT. 3
- F5 FROM 010-0653-50914 FM2 SIGNS \$1,000.00 To 010-0653-50868 FM2 CONTRACT LABOR \$1,000.00 - BILL DODSON, COMMISSIONER, PCT. 2
- F6 FROM 001-0614-50819 COMPUTER \$118.00, 001-0614-50802 EQUIPMENT \$575.00 To 001-0614-50811 INSURANCE \$118.00, 001-0614-50808 FUEL \$575.00 – MIKE JONES, CONSTABLE PCT. 4
- F7 FROM 001-0010-50502 STAFF SALARIES \$10,000.00, 001-0010-50807 GENERAL MISC. \$7,000.00, 001-0010-50819 COMPUTER \$7,000.00, 001-0010-50835 EMPLOYEE TRAINING \$1,000.00, 001-0010-50868 SPCA CONTRACT SERVICES \$4,000.00, 001-0010-50902 CRIME PREVENTION \$3,000.00, 001-0010-50904 ANIMAL CONTROL \$5,000.00 To 001-0010-50808 AUTO GAS & OIL \$31,000.00, 001-0010-50809 AUTO REPAIR \$6,000.00 – JOHNNY BROWN, SHERIFF
- F8 FROM 001-0015-50502 JAIL STAFF SALARIES \$78,000.00, 001-0015-50702 REPAIRS \$5,000.00, 001-0015-50704 PEST CONTROL \$1,800.00, 001-0015-50801 SUPPLIES \$10,000.00, 001-0015-50812 RADIOS \$1,913.00, 001-0015-50815 JAILER UNIFORMS \$7,708.00, 001-0015-50865 EMPLOYEE SCREENING \$14,000.00, 001-0015-50905 JAIL PETTY CASH \$3,157.00 To 001-0015-50701 UTILITIES \$73,078.00, 001-0015-50814 FEEDING PRISONERS \$48,500.00 – JOHNNY BROWN, SHERIFF
- F9 FROM 001-0385-50801 SUPPLIES \$666.00, 001-0385-50703 TELEPHONE \$624.00 To 001-0385-50873 MAINTENANCE/REPAIR OFFICE \$85.84, 001-0385-50802 EQUIPMENT \$1,204.16 – JUDGE GENE CALVERT, COUNTY COURT AT LAW #2
- F10 FROM 001-0090-50833 CONTRACT COURT REPORTERS \$80,346.00 To 001-0200-50502 SALARY \$62,465.00, 001-0200-50553 FICA/SS \$4,779.00, 001-0200-50554 RETIREMENT \$6,727.00, 001-0200-50550 INSURANCE \$6,375.00 – JUDGE CINDY ERMATINGER, 443RD DISTRICT COURT
- F11 FROM 001-0613-50808 AUTO GAS/OIL \$1,000.00 To 001-0613-50801 SUPPLIES \$1,000.00
- F12 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNT FOR PAYMENT IN ERROR:
- | <u>REFUND TO BE ISSUED TO:</u> | <u>ACCOUNT</u> | <u>AMOUNT DUE</u> |
|--------------------------------|----------------|-------------------|
| NATIONSTAR MORTGAGE | 150661 | \$3,533.93 |

SIMPLIFIED PLAT:

SP1 THE ALSDORF ESTATE, 1 LOT, LOCATED ON ALSDORF ROAD IN ROAD AND BRIDGE PCT. 1 REQUESTED BY DONALD AND MARY JO DEINHART

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 383.14 GRANTING A ONE-TIME VARIANCE AS IT RELATES TO THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES, FOR THE 150’ ROAD FRONTAGE REQUIREMENT, AT THE LOCATION OF 145 ORR CIRCLE, PALMER; GREEN ACRES NORTH SUBDIVISION, LOT 28, IN ROAD AND BRIDGE PCT. 1, REQUESTED BY BIATRIZ ARANGO

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

MINUTE ORDER NO 384.14 GRANTING A ONE-TIME VARIANCE AS IT RELATES TO THE COUNTY OF ELLIS RULES, REGULATION AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES, FOR THE FIRE HYDRANT REQUIREMENT AT THE LOCATION OF 145 ORR CIRCLE, PALMER; GREEN ACRES NORTH SUBDIVISION, LOT 28, IN ROAD AND BRIDGE PCT. 1, REQUESTED BY BIATRIZ ARANGO

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

No ACTION: 1.3 FINAL PLAT – OAK VISTA ESTATES, 6 LOTS OAK VISTA ROAD, WAXAHACHIE, LOCATED IN ROAD AND BRIDGE PCT. 3, REQUESTED BY JIM STRAWN.

MINUTE ORDER NO 385.14 APPROVING FINAL PLAT – TAYLOR RIDGE PHASE 2, 10 LOTS, OAK VISTA ROAD, WAXAHACHIE, LOCATED IN ROAD AND BRIDGE PCT. 3, REQUESTED BY IVAN BRIGMAN
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 386.14 ACCEPTING THE INFRASTRUCTURE OF TAYLOR RIDGE PHASE 2, INCLUDING A PORTION OF TAYLOR RIDGE DRIVE, LOCATED IN ROAD AND BRIDGE PCT. 3, REQUESTED BY IVAN BRIGMAN
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 387.14 RELEASING CONSTRUCTION BOND #5173937 TO SURETEC INSURANCE COMPANY FOR THE COMPLETED INFRASTRUCTURE OF TAYLOR RIDGE, PHASE 2 IN THE AMOUNT OF \$111,967.00 AND ACCEPTING THE SURETEC MAINTENANCE BOND #SUR6037266 IN THE AMOUNT OF \$44,787.00
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PURCHASING:

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

MINUTE ORDER NO 388.14 APPROVING THE PURCHASE OF A 2006 DODGE RAM 3500 FROM ADVENTURE MOTORS IN THE AMOUNT OF \$10,000.00 FOR ROAD & BRIDGE, PCT. 4, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 389.14 RENEWING CONTRACT #2013-011 FOOD SERVICE FOR ELLIS COUNTY DETENTION CENTER, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE. TERM WILL BE OCTOBER 6, 2014 TO SEPTEMBER 30, 2015.
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

No ACTION: 2.3 TO AWARD RFP 2014-007, CONSTRUCTION SERVICES FOR CONSTRUCTION OF THE RECORDS STORAGE BUILDING, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE.

MINUTE ORDER NO 390.14 AUTHORIZING THE COUNTY JUDGE TO SIGN A CUSTOMER SERVICE AGREEMENT WITH KNIGHT SECURITY SYSTEMS UTILIZING DIR CONTRACT #DIR-SDD-1725 IN THE AMOUNT OF \$12,146.31 IN ACCORDANCE WITH LOCAL GOVERNMENT CODE
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 391.14 DECLARING A 1993 CHEVROLET UTILITY TRUCK, VIN1GBHC34K6PE113007 SURPLUS TO BE DISPOSED OF IN ACCORDANCE WITH SECTION 263 OF THE LOCAL GOVERNMENT CODE
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

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

MINUTE ORDER NO 392.14 APPROVING A PROCLAMATION DECLARING OCTOBER, 2014 AS DOMESTIC VIOLENCE AWARENESS MONTH IN ELLIS COUNTY (ALECIA PETERS, HEALING HEARTS)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 393.14 APPROVING PROSPECTIVE 4-H AGENT MEGAN PHARR PRESENTED BY DR DONALD KELM, DISTRICT EXTENSION ADMINISTRATOR (MARK ARNOLD, TEXAS A&M AGRILIFE EXTENSION SERVICE)
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 394.14 APPOINTING KAREN CARREON TO THE ELLIS COUNTY HISTORICAL COMMISSION FOR A TERM EXPIRING ON DECEMBER 31, 2014 (SYLVIA SMITH, ELLIS COUNTY HISTORICAL COMMISSION)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 395.14 APPOINTING PAT CHANDLER TO THE ELLIS COUNTY WOMAN'S BUILDING BOARD FOR A TERM ENDING DECEMBER 31, 2018 (SYLVIA SMITH, ELLIS COUNTY WOMAN'S BUILDING BOARD)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 396.14 APPROVING A RESOLUTION DESIGNATING THE COUNTY JUDGE AS THE PROGRAM DIRECTOR / CONTACT PERSON AND THE COUNTY AUDITOR AS THE FINANCIAL OFFICER FOR THE 2015 INDIGENT DEFENSE FORMULA GRANT PROGRAM (MIKE NAVARRO, COUNTY AUDITOR)
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

(MINUTE ORDER NOS: 397.14-404.14 (AGENDA: 3.6-3.13))

MINUTE ORDER NO 397.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY OF ITALY AND ELLIS COUNTY, PCT. 3 (3.6) (PAUL PERRY, COMMISSIONER, PCT. 3)

MINUTE ORDER NO 398.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY OF MIDLOTHIAN AND ELLIS COUNTY, PCT. 3 (3.7) (PAUL PERRY, COMMISSIONER, PCT. 3)

MINUTE ORDER NO 399.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY OF MILFORD AND ELLIS COUNTY, PCT. 3 (3.8) (PAUL PERRY, COMMISSIONER, PCT. 3)

MINUTE ORDER NO 400.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY OF WAXAHACHIE AND ELLIS COUNTY, PCT. 3 (3.9) (PAUL PERRY, COMMISSIONER, PCT. 3)

MINUTE ORDER NO 401.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN MAYPEARL ISD AND ELLIS COUNTY, PCT. 3 (3.10) (PAUL PERRY, COMMISSIONER, PCT. 3)

MINUTE ORDER NO 402.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN MIDLOTHIAN ISD AND ELLIS COUNTY, PCT. 3 (3.11) (PAUL PERRY, COMMISSIONER, PCT. 3)

MINUTE ORDER NO 403.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN MILFORD ISD AND ELLIS COUNTY, PCT. 3 (3.12) (PAUL PERRY, COMMISSIONER, PCT. 3)

MINUTE ORDER NO 404.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN WAXAHACHIE ISD AND ELLIS COUNTY, PCT. 3 (3.13) (PAUL PERRY, COMMISSIONER, PCT. 3)

MOTION TO APPROVE 3.6-3.13 BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON TO CARRIES UNANIMOUSLY
(MINUTE ORDER NOS: 397.14-404.14)

No ACTION: 3.14 THE POSSIBLE SUPPORT FOR THE INSTALLATION OF CROSSING-GUARD – A CAMERA MOUNTED ON SCHOOL BUS STOP ARMS -- FOR ANY SCHOOL DISTRICT THROUGHOUT ELLIS COUNTY TO PROTECT CHILDREN ENTERING AND EXITING A SCHOOL BUS. THERE IS NO COST TO THE COUNTY FOR THIS PROGRAM. – PAUL PERRY, COMMISSIONER, PCT. 3
(NEED MORE INFORMATION)

MINUTE ORDER NO 405.14 APPOINTING KAUFMAN COUNTY JUDGE BRUCE WOOD TO SERVE AS ALTERNATE REPRESENTATIVE FOR ELLIS AND KAUFMAN COUNTIES, ALONG WITH THE CITIES OF WAXAHACHIE, MIDLOTHIAN, ENNIS, RED OAK, FORNEY, TERRELL AND KAUFMAN ON THE REGIONAL TRANSPORTATION COUNCIL OF THE METROPOLITAN PLANNING ORGANIZATION FOR THE DALLAS-FORT WORTH METROPOLITAN AREA ON THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR A TERM BEGINNING JANUARY 1, 2015 THROUGH MAY 31, 2016 (CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 406.14 APPROVAL TO FILL VACANCIES OF ELECTION JUDGES AND ALTERNATE JUDGES (BRUCE SHERBET, ELECTIONS ADMINISTRATOR)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

No Action: 3.17 INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF MIDLOTHIAN FOR TERM AGREEMENT OF OCTOBER 1, 2014 TO SEPTEMBER 30, 2015. – RON BROWN, COMMISSIONER, PCT 4

MINUTE ORDER NO 407.14 APPROVING CONSTRUCTION PERMIT FEE, FOR PUBLICLY FUNDED CONSTRUCTION PROJECTS, TO THE ELLIS COUNTY FIRE CODE FEE SCHEDULE. THE FEE WILL BE \$500.00 PLUS \$25.00 PER HOUR. (JOE STEWART, FIRE MARSHAL/EMC)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 408.14 APPROVAL TO SPRAY APPROXIMATELY 54 MILES OF ROADSIDE THROUGHOUT COUNTY BY ROADSIDE INC (FRANK KELLY) (BILL DODSON, COMMISSIONER, PCT. 2)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (10:50 AM)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

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, 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.

4.1 PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH ATTORNEY CONCERNING A SETTLEMENT OFFER OR CONTEMPLATED LITIGATION BY JOSHUA HIBSCHMAN.

ADJOURNMENT OF EXECUTIVE SESSION (11:21 AM)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

ADJOURNMENT
MOTION TO ADJOURN BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 13, 2014 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER, PCT 1



BILL DODSON, COMMISSIONER, PCT 2

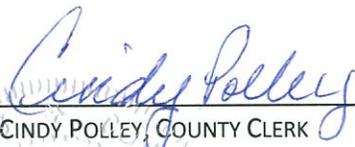


PAUL PERRY, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS NOVEMBER 10, 2014:



CINDY POLLEY, COUNTY CLERK

