

**FILED**

**NOV 10 2014**

**COUNTY CLERK  
ELLIS COUNTY, TEXAS**

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

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, OCTOBER 27, 2014 AT 3:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2<sup>ND</sup> 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

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 DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER BILL DODSON

CONSENT AGENDA:

**MINUTE ORDER NO 411.14 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 SUPPLEMENTS FOR THE COUNTY ATTORNEY'S OFFICE TO BE PAID WITH FUNDS RECEIVED AND TRANSFERRED FROM THE COUNTY & DISTRICT ATTORNEY ASSET FORFEITURE FUNDS TO THE COUNTY ATTORNEY SALARY LINE FOR LINDY BEATY IN THE AMOUNT OF \$3,358.00 ANNUALLY – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- A4 APPROVAL OF SALARY SUPPLEMENTS FOR THE COUNTY ATTORNEY'S OFFICE TO BE PAID WITH STATE APPORTIONMENT FUNDS RECEIVED FROM TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR DISCRETIONARY EXPENSES FOR LINDY BEATY IN THE AMOUNT OF \$1,175.00 ANNUALLY – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- A5 APPROVAL OF THE OFFICIAL MINUTES FOR SEPTEMBER 8, 2014, SEPTEMBER 15, 2014 AND SEPTEMBER 22, 2014 – CINDY POLLEY, COUNTY CLERK

**FINANCIAL:**

- F1 FROM 001-0612-50803 FURNITURE/FIXTURES \$400.00 To 001-0612-50703 TELEPHONE \$400.00 – TERRY NAY, CONSTABLE, PCT. 2
- F2 FROM 012-0755-50911 GRAVEL \$25,000.00 To 012-0755-50915 ASPHALT \$25,000.00 – RON BROWN, COMMISSIONER, PCT 4
- F3 FROM 001-0430-50802 EQUIPMENT \$1269.66 To 001-0430-50819 COMPUTERS \$1269.66 – JOE STEWART, FIRE MARSHAL/EMC

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 412.14** APPROVING FINAL PLAT – OAK VISTA ESTATES, 5 LOTS, AT THE LOCATION OF OAK VISTA ROAD AND F.M. 1446 IN ROAD AND BRIDGE PCT. 3, REQUESTED BY JIM STRAWN

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 413.14** RENEWING BID 2012-012 PREVENTATIVE MAINTENANCE SERVICE AGREEMENT FOR HVAC & MECHANICAL SYSTEMS WITH PERFORMANCE A/C FOR A ONE (1) YEAR RENEWAL PERIOD, FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 (NO INCREASE)

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

**MINUTE ORDER NO 414.14** RENEWING BID RFP-2013-002 CONVENIENCE STORE FUEL WITH PEARMAN OIL & LP GAS, INC. FOR A ONE (1) YEAR RENEWAL PERIOD, FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 (NO INCREASE)

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

**MINUTE ORDER NO 415.14** RENEWING BID G-2013-012 JANITORIAL SUPPLIES WITH ENNIS JANITORIAL AND DESOTO JANITORIAL SUPPLY FOR A ONE (1) YEAR RENEWAL PERIOD, FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 (NO INCREASE)

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

**MINUTE ORDER NO 416.14** RENEWING BID RFP-2013-001 WHOLESALE GAS & DIESEL WITH AVENUE FUEL FOR A ONE (1) YEAR RENEWAL PERIOD, FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 (NO INCREASE)

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

**MINUTE ORDER NO 417.14** RENEWING BID RFP-2013-004 BRIDGE AND HEADWALL REPAIR WITH NEYLAND BRIDGE COMPANY AND JAMES R. BOLTON CONSTRUCTION FOR A ONE (1) YEAR RENEWAL PERIOD, FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 (NO INCREASE)

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

**MINUTE ORDER NO 418.14** AWARDING BID RFP-2014-009 TO *ENNIS ROOFING* FOR RE-ROOFING SUB COURTHOUSE BUILDING IN ENNIS \$61,750 (INS COVERED \$57,000)

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

**MINUTE ORDER NO 419.14** AWARDING BID RFP-2014-007 TO *HASEN INC* FOR CONSTRUCTION OF THE RECORDS STORAGE BUILDING PENDING LEGAL APPROVAL

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON TO APPROVE PENDING LEGAL REVIEW

**ADMINISTRATIVE:**

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

3.1 JOHN K. KISSET, P.E., ASSISTANT AREA ENGINEER FOR TEXAS DEPARTMENT OF TRANSPORTATION – ELLIS COUNTY TO PRESENT UPDATE OF IH-35E SOUTH OF WAXAHACHIE PROJECT. – RON BROWN, COMMISSIONER, PCT. 4

**MINUTE ORDER NO 420.14** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF OAK LEAF (RON BROWN, COMMISSIONER, PCT. 4)

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

**MINUTE ORDER NO 421.14** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN CITY OF MAYPEARL AND ELLIS COUNTY, PCT. 3 (PAUL PERRY, COMMISSIONER, PCT. 3)

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

**MINUTE ORDER NO 422.14** ENTERING INTO AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF ENNIS TO PROVIDE PERMANENT ACCESS TO THE COMMUNICATIONS TOWER BEING PURCHASED BY ELLIS COUNTY THAT IS LOCATED AT 185 OLD FM 85 ON CITY OF ENNIS PROPERTY

(JOE WHITE, COUNTY ENGINEER)

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

**MINUTE ORDER NO 423.14** AUTHORIZING THE COUNTY JUDGE TO SIGN A CONTRACT BETWEEN ELLIS COUNTY AND REGION 10 EDUCATION SERVICE CENTER FOR THE PURCHASE OF A COMMUNICATIONS TOWER LOCATED AT 185 OLD FM 85 NEAR ENNIS. THE ACQUISITION OF THIS TOWER FOR THE AMOUNT OF \$35,000 HAS PREVIOUSLY BEEN APPROVED BY THE COMMISSIONERS' COURT AND IS CONTINGENT UPON THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF ENNIS TO ALLOW PERMANENT ACCESS.

(JOE WHITE, COUNTY ENGINEER)

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

**NO ACTION:** 3.6 TO ENACT A BURN BAN ORDER FOR ELLIS COUNTY EFFECTIVE IMMEDIATELY.

JOE STEWART, FIRE MARSHAL

**RECESS TO CONVENE TO EXECUTIVE SESSION (3:19 PM)**

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON 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 § 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A SETTLEMENT OFFER INVOLVING CHRIS SKRIVANEK CONCERNING PROPERTY DAMAGE TO HIS 1948 PONTIAC TORPEDO FROM ROCKS THROWN FROM A MOWER OWNED AND OPERATED BY AN EMPLOYEE OF ELLIS COUNTY.

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

**ADJOURNMENT OF EXECUTIVE SESSION** (3:32 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**MINUTE ORDER NO 424.14** AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY CONCERNING PROPERTY DAMAGE TO THE 1948 PONTIAC TORPEDO OWNED BY CHRIS SKRIVANEK INCLUDING OBTAINING A RELEASE OF ALL CLAIMS... DAMAGE CAUSED FROM ROCKS THROWN FROM A MOWER OWNED AND OPERATED BY AN EMPLOYEE OF ELLIS COUNTY.

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

**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 OCTOBER 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 NOVEMBER 10, 2014



CINDY POLLEY, COUNTY CLERK