

**FILED**  
MAR 14 2011  
COUNTY CLERK  
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // FEBRUARY 14, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, FEBRUARY 14, 2011 AT 10:00 A.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  
HEATH SIMS, COMMISSIONER, PCT. 3  
RON BROWN, COMMISSIONER, PCT. 4

**COUNTY CLERK:**

CINDY POLLEY, COUNTY CLERK

**COUNTY & DISTRICT ATTORNEY'S OFFICE:**

ANN MONTGOMERY, 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 ROBINSON; MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER BILL DODSON

**CONSENT AGENDA:**

**MINUTE ORDER NO 119.11 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS;
- A2 APPROVAL TO ENTER INTO A CONTRACT WITH NEXTEL OF TEXAS, INC. FOR RECONFIGURATION OF OUR 800 MHZ FREQUENCY;
- A3 ACCEPTANCE OF CONSTABLE PRECINCT 4'S ANNUAL RACIAL PROFILING REPORT;
- A4 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS' COURT  
AGENDA DATED:  
JANUARY 1, 2011, SPECIAL                      JANUARY 10, 2011, REGULAR  
JANUARY 24, 2011, REGULAR
- A5 APPROVAL OF THE STATEMENT OF ELECTED/APPOINTED OFFICIAL AND OATH OF OFFICE FOR THE FOLLOWING EMERGENCY SERVICE DISTRICT BOARD MEMBERS:  
ESD #4 JERRY SMITH  
ESD #7 FRED BLEDSUE

**A6 APPROVAL OF THE FOLLOWING ELLIS COUNTY EMERGENCY DISTRICT BONDS:**

**ESD #1 POSITION (PRESIDENT) BOND \$10,000  
POSITION (VICE PRESIDENT) \$10,000  
POSITION (TREASURER) \$10,000  
POSITION (ASST. TREASURER) \$10,000  
POSITION (SECRETARY) \$10,000**

**ESD #4 POSITION (SECRETARY/TREASURER) BOND \$100,000  
POSITION (PRESIDENT) BOND \$10,000  
POSITION (MEMBER) BOND \$10,000  
POSITION (MEMBER) BOND \$10,000  
POSITION (MEMBER) BOND \$10,000**

<b>ESD #7 LARRY MENTZER</b>	<b>PUBLIC OFFICIAL BOND \$10,000</b>
<b>GENE MARUSAK</b>	<b>PUBLIC OFFICIAL BOND \$10,000</b>
<b>JEFF PRESSLER</b>	<b>PUBLIC OFFICIAL BOND \$10,000</b>

**FINANCIAL:**

**APPROVING THE FOLLOWING BUDGET AMENDMENTS:**

- F1 FROM 001-0015-50807, GEN MISC TO 001-0015-50806, OFFICIAL BOND/DUES. –JOHNNY BROWN, SHERIFF**
- F2 FROM 001-0140-50558, CONTINGENCY RESERVE TO 001-0140-50694, EMPLOYEE APPRECIATION DINNER. – CAROL BUSH, COUNTY JUDGE**
- F3 FROM 006-0754-40004, SALE OF MATERIAL; 006-0754-40008, INTERLOCAL TO 006-0754-50910, GAS/OIL. – RON BROWN, RB #4**

**SIMPLIFIED PLAT:**

**SP1 MURRAY ADDITION, 2 LOTS, HUNSUCKER ROAD, MICHAEL LEE MURRAY, PCT. 1.  
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON TO APPROVE CONSENT AGENDA;  
MOTION CARRIES UNANIMOUSLY**

**DEPARTMENT OF COUNTY DEVELOPMENT**

**CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY DELTON AKE, DIRECTOR  
DEPARTMENT OF DEVELOPMENT:**

**MINUTE ORDER NO 120.11 APPROVING REPLAT – REAGOR GATEWAY, LOT 2, HWY. 287  
BUSINESS, HENRY W. RICHERZHAGEN, PCT. 2.**

**MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY**

**MINUTE ORDER NO 121.11 GRANTING A VARIANCE FROM 10' BUILDING SET-BACK AND 10'  
UTILITY EASEMENT FOR AN EXISTING CONCRETE PAD LOCATED AT 121 DUBLIN CIRCLE,  
VIRGIL CURRY, PCT. 1**

**MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY**

**MINUTE ORDER NO 122.11 GRANTING A VARIANCE FROM 10' BUILDING SET-BACK AND 10'  
UTILITY EASEMENT FOR A STORAGE BUILDING LOCATED AT 5721 SAM COURT, JUAN  
CARLOS MENDEZ, PCT. 4**

**MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY**

**PURCHASING**

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY RICHARD DENNISTON, PURCHASING AGENT:

**No ACTION:** 3.1 TO APPROVE THE DONATION OF TWO SURPLUS CRUISERS TO THE CITY OF MILFORD POLICE DEPARTMENT AS REQUESTED BY COMMISSIONER SIMS.

**ADMINISTRATIVE:**

**No ACTION:** 4.1 DISCUSSION CONCERNING AN UPDATE OF THE PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT BY RANDY KIRK, ELLIS COUNTY REPRESENTATIVE.  
HEATH SIMS, COMMISSIONER, PCT. 3

**MINUTE ORDER NO 123.11** APPROVING A RESOLUTION IN SUPPORT OF THE CITY OF MIDLOTHIAN IN ITS PURSUIT OF LEGISLATION CREATING THE “WINDSOR HILLS MUNICIPAL MANAGEMENT DISTRICT #1, WHICH IS LOCATED ENTIRELY WITHIN THE MIDLOTHIAN CITY LIMITS – *PRESENTER CRAIG MURPHY*  
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 124.11** ACCEPTING \$5000 FROM THE TEXAS DEPARTMENT OF AGRICULTURE FOR HAVING THE MOST PARTICIPATION IN FERAL HOG EDUCATIONAL EVENTS IN “HOG-OUT MONTH” AND ALLOCATING \$500 FOR EDUCATION AND REMAINING \$4500 FOR FERAL HOG ABATEMENT EITHER THROUGH PRIVATE OR GOVERNMENT RELATED CONTRACTORS

(MARK ARNOLD, TEXAS AGRILIFE EXTENSION SERVICE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 125.11** ACCEPTING ANNUAL RACIAL PROFILING REPORT FOR ELLIS COUNTY SHERIFF’S DEPARTMENT (CHUCK LAUBACH, SHERIFF’S OFFICE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 126.11** ACCEPTING ANNUAL RACIAL PROFILING REPORT FOR ELLIS COUNTY CONSTABLE, PCT 2 (TERRY NAY, CONSTABLE PCT 2)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 127.11** AUTHORIZING CONSTABLE TERRY NAY TO APPOINT ONE (1) ADDITIONAL RESERVE DEPUTY CONSTABLE PER TEXAS LOCAL GOVERNMENT CODE, SECTION 86.012(A). THIS NON-PAID RESERVE DEPUTY CONSTABLE SHALL BE A FULLY CERTIFIED TEXAS PEACE OFFICER PER THE TEXAS CODE OF CRIMINAL PROCEDURE, ART. 2.12; AND SHALL BE BONDED AS REQUIRED BY SECTION 86.012(B) OF THE TEXAS LOCAL GOVERNMENT. (TERRY NAY, CONSTABLE PCT 2)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 128.11** APPROVING A RESOLUTION REQUESTING THE 82<sup>ND</sup> TEXAS LEGISLATURE TO SUPPORT FUNDING OF THE AIRCHECK TEXAS DRIVE A CLEAN MACHINE PROGRAM AND OF THE ELLIS COUNTY EMISSIONS ENFORCEMENT PROGRAM  
(TERRY NAY, CONSTABLE PCT 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

4.8 **DISCUSSION REGARDING FORMING A CITIZENS ADVISORY COMMITTEE FOR THE REDISTRICTING PROCESS.** - KATHY ERIKSEN, PROJECTS COORDINATOR

*THE COMMITTEE MUST BE DIVERSE RE: ETHNICITY, GENDER . . .  
151,352 ESTIMATED POPULATION FOR ELLIS COUNTY  
COMMISSIONERS ROBINSON AND BROWN PREFER COMMITTEE OF 10  
COMMISSIONERS DODSON AND SIMS PREFER 15  
MAXIMUM 3 PERSONS COMMISSIONER COURT MEMBERS SUGGESTED*

**MINUTE ORDER NO 129.11** AUTHORIZING THE RENEWAL CLAUSE OF THE CONTRACT WITH EMERGENCY COMMUNICATIONS NETWORK TO PROVIDE THE CODERED TELEPHONE WARNING SYSTEM SERVICE THROUGHOUT THE COUNTY. THE COST OF THIS RENEWAL IS \$33,000 AND IS 100% FUNDED THROUGH A 2010 STATE HOMELAND SECURITY PROGRAM GRANT.  
(JOHN PATTERSON, EMERGENCY MANAGEMENT)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 130.11** APPROVAL TO APPOINT AN OPERATING BOARD TO MANAGE THE GOALS EXPRESSED WITHIN THE ELLIS COUNTY THOROUGHFARE PLAN, PURSUANT TO SECTIONS 284.003 AND 284.066 OF THE TEXAS TRANSPORTATION CODE

(BARBRA LEFTWICH, COUNTY PLANNER)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 131.11** APPROVAL TO PAY SOUTHWEST SOLUTIONS GROUP \$3496.72 FOR SHELVING IN THE LAW LIBRARY  
(JOE WHITE, ENGINEER)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 132.11** SECURING THE PROFESSIONAL SERVICES OF SONNY WILSON TO DESIGN THE WASTEWATER TREATMENT SYSTEMS FOR THE SHERIFF'S TRAINING CENTER AND THE JUVENILE BUILDING LOCATED AT THE NEW COUNTY FARM FACILITY  
(JOE WHITE, ENGINEER)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 133.11** APPROVAL FOR FISK ELECTRIC TO PROVIDE HOURLY LABOR AND MATERIALS AS NECESSARY FOR TESTING, EVALUATION AND POSSIBLE MODIFICATION OF ELECTRIC SECURITY DOORS AND CONTROL SYSTEMS. THIS WORK IS LOCATED PRIMARILY IN THE OLD AREA OF THE JAIL AND IS ESSENTIAL TO MEET JAIL COMMISSION REQUIREMENTS. COST NOT TO EXCEED \$3,500.

(JOE WHITE, ENGINEER)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

**MINUTE ORDER NO 134.11** CANCELING THE ELLIS COUNTY CURRENT CONTRACT WITH TROTT COMMUNICATIONS  
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

4.15 **DISCUSSION** OF COUNTY POLICY REGARDING EXPENDITURES FOR EMPLOYEE MORALE.

- MIKE NAVARRO, AUDITOR

*SOCIAL FUNCTIONS FOR COUNTY EMPLOYEES OUTSIDE THE REALM OF THE ANNUAL COUNTY APPRECIATION BANQUETS SHOULD NOT BE PAID FROM COUNTY FUNDS. EXPENDITURES OF THAT NATURE TO BE PAID FROM PERSONAL FUNDS OR BROUGHT BEFORE THE COMMISSIONERS' COURT FOR PRE-APPROVAL*

**ADJOURNMENT**

MOTION TO ADJOURN BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF FEBRUARY 14, 2011 ARE HEREBY APPROVED.

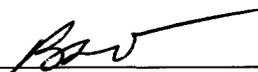
PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER PCT 1



BILL DODSON, COMMISSIONER, PCT 2



HEATH SIMS, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MARCH 14, 2011



CINDY POLLEY, COUNTY CLERK