

**FILED**

**NOV 14 2011**

**COUNTY CLERK  
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // OCTOBER 24, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, OCTOBER 24, 2011 AT 6:00 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

HEATH SIMS, COMMISSIONER, PCT. 3

RON BROWN, COMMISSIONER, PCT. 4

COUNTY CLERK:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

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 BROWN CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER HEATH SIMS

CONSENT AGENDA:

**MINUTE ORDER NO 350.11 APPROVING CONSENT AGENDA**

ADMINISTRATIVE:

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

A2 APPROVAL OF THE SEPTEMBER, 2011 TRAVEL REPORTS OF THE TEXAS AGRILIFE  
EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

A3 APPROVAL OF THE APPOINTMENT OF SYLVIA SMITH TO THE ELLIS COUNTY WOMEN'S BUILDING BOARD FOR A  
FOUR YEAR TERM FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2015

A4 AUTHORIZING THE COUNTY JUDGE TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN ELLIS COUNTY AND  
THE NCTCOG AREA AGENCY ON AGING FOR FY 2011-12 FOR A ONE-TIME PAYMENT IN THE AMOUNT OF \$9,115  
AS ITS PROPORTIONATE SHARE OF THE NCTAAA'S MATCH REQUIREMENT

- A5 APPROVAL OF INVOICE #0027811-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$14,761.79 FOR SEPTEMBER 1, 2011 – SEPTEMBER 31, 2011 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A6 ACCEPT DONATIONS FROM THE COMMUNITY FOR THE ANNUAL EMPLOYEE HEALTH FAIR
- A7 TO APPROVE PAYMENT TO PHILLIP AND DOLETHA COOKSEY IN THE AMOUNT OF \$877.10 IN EXCHANGE FOR A FULL AND FINAL RELEASE OF ALL CLAIMS AGAINST ELLIS COUNTY
- A8 APPROVAL AND CERTIFICATION OF THE OFFICIAL MINUTES FROM THE COMMISSIONERS COURT AGENDA:  
REGULAR - SEPTEMBER 12 AND 26, 2011 SPECIAL - SEPTEMBER 21, 2011
- A9 APPROVAL OF A PROCLAMATION RECOGNIZING DR. HAROLD NOLTE FOR HIS DEDICATION AND SERVICE TO THE ELLIS COUNTY COMMUNITY

**FINANCIAL:**

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0010-40003, GEN MISC TO 001-0425-50835, SAFETY TRAINING. – CAROL BUSH, CO JUDGE
- F2 FROM 001-0210-50848, HOLDING; 001-0210-50695, FICA; 001-0210-50823, LEGAL; 001-0210-50855, VOTING SUBSCRIPTION TO 001-0210-50801, SUPPLIES. – JANE ANDERSON, ELECTIONS
- F3 FROM 001-0540-50803, OFFICE FIXTURE & FURNITURE TO 001-0540-50801, SUPPLIES; 001-0540-50703, TELEPHONE; 001-0540-50602, STAFF TRAVEL. – STEVE EGAN, JP4
- F4 FROM 001-0540-50802, EQUIPMENT TO 001-0540-50602, STAFF TRAVEL. – STEVE EGAN, JP4
- F5 FROM 001-0614-50803, FURNITURE; 001-0614-50812, RADIO TO 001-0614-50808, FUEL; 001-0614-50703, TELEPHONE. – MIKE JONES, CONSTABLE PCT 4

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

**ADMINISTRATIVE:**

**MINUTE ORDER NO 351.11** APPROVING PURCHASE OF NEW VOTING EQUIPMENT (5 UNITS AT \$53,175) USING FUNDS PROVIDED BY THE HELP AMERICA VOTE ACT (HAVA). REMAINING FUNDS - \$139,614.63. (JANE ANDERSON, ELECTIONS)

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

**MINUTE ORDER NO 352.11** APPROVING PURCHASE OF NEW SHELVING UNITS FOR STORAGE OF VOTING EQUIPMENT (JANE ANDERSON, ELECTIONS)

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

**PURCHASING (2.1 – 2.9)**

**CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY ALISHA WICKENS, PURCHASING AGENT:**

- 2.1 **PRESENTATION (NO ACTION)** BY LARRY ION WITH TEXZON UTILITIES CONCERNING LOCKING IN CURRENT RATES FOR FUTURE ELECTRICITY NEEDS.

**MINUTE ORDER NO 353.11** REDUCING THE ORIGINAL BID TO A FORMAL CONTRACT AND APPROVING THE 2<sup>ND</sup> AND FINAL RENEWAL TO EXTEND BID NUMBER BPA260 WITH GINGERBREAD PRESS FOR AN ADDITIONAL 12 MONTHS (1/1/2012 – 12/31/2012) FOR PRINTING SERVICES.

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

**MINUTE ORDER NO 354.11** CANCELLING EXISTING CONTRACTS WITH AVAYA FOR THE MAINTENANCE AND REPAIR OF THE AVAYA TELEPHONE SYSTEMS. CONTRACT 0100879634 - COVERED THE COUNTY JAIL AT 300 S. JACKSON WAS ORIGINALLY AUTHORIZED ON MAY 31, 2007 AND IS DUE TO EXPIRE ON JUNE 22, 2012 WITH A FINAL CONTRACTUALLY OBLIGATED AMOUNT OF \$6,712.40. CONTRACT 0102067595 – COVERED THE JUVENILE PROBATION OFFICE AT 111 W. FRANKLIN STREET AND IS DUE TO EXPIRE ON MAY 22, 2012 WITH A FINAL CONTRACTUALLY OBLIGATED AMOUNT OF \$155.48. LEGAL HAS REVIEWED THESE CONTRACTS AND CONCURS WITH THIS ACTION.

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

**MINUTE ORDER NO 355.11** REDUCING THE ORIGINAL BID TO A FORMAL CONTRACT AND APPROVING THE 2<sup>ND</sup> AND FINAL RENEWAL TO EXTEND BID NUMBER BPA100 WITH AVENUE FUEL DISTRIBUTORS FOR AN ADDITIONAL 12 MONTHS (1/1/2012 – 12/31/2012) FOR WHOLESALE GASOLINE AND DIESEL.

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

**MINUTE ORDER NO 356.11** REDUCING THE ORIGINAL BID TO A FORMAL CONTRACT AND APPROVING THE 2<sup>ND</sup> AND FINAL RENEWAL TO EXTEND BID NUMBER BPA100A WITH PEARMAN OIL & LP GAS, INC FOR AN ADDITIONAL 12 MONTHS (1/1/2012 – 12/31/2012) FOR CONVENIENCE STORE GASOLINE AND DIESEL.

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

**MINUTE ORDER NO 357.11** EXECUTING A COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF NACOGDOCHES TO PURCHASE LIKE GOODS AND SERVICES TO AVOID DUPLICATE PROCUREMENT EFFORTS AND OBTAIN THE BENEFITS OF VOLUME PURCHASING

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

**MINUTE ORDER NO 358.11** APPROVING A 24-MONTH CONTRACT WITH TRISTEM, INC. TO ANALYZE COUNTY UTILITY, TELECOMMUNICATION AND GASOLINE BILLING FOR POTENTIAL REFUNDS AND TO DETERMINE ELIGIBILITY FOR LOWER RATES WITH CURRENT PROVIDERS. TRISTEM WILL RECEIVE 45% OF ANY REFUNDS ELLIS COUNTY RECEIVES FOR THEIR SERVICES AS COMPENSATION. TRISTEM FEES ARE NOT DUE UNTIL ELLIS COUNTY RECEIVES REFUND.

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

**MINUTE ORDER NO 359.11** APPROVING 5 YEAR CONTRACTS WITH BAT FIRE AND SECURITY SERVICES TO PROVIDE FIRE ALARM AND SECURITY SYSTEM MONITORING FOR COUNTY FACILITIES AT EIGHT LOCATIONS OPERATED AND MAINTAINED BY ELLIS COUNTY

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

**No Action:** 2.9 CONSIDERATION AND ACTION TO APPROVE THE 2<sup>ND</sup> AND FINAL RENEWAL TO EXTENT BID NUMBER BPA170 FOR AN ADDITIONAL 12 MONTHS (1/1/2012 – 12/31/2012) FOR EMULSIFIED ASPHALT AT THE REQUESTED PRICE REDETERMINATION ADJUSTMENT ALLOWED FOR UNDER THE ORIGINAL CONTRACT, ARTICLE I. NEW PRICING REFLECTS AN INCREASE OF \$35.51 PER TON FOR BOTH FOB PLANT AND DELIVERED FOR HFRS-2, CRS-2, MS-2 AND CRS-2H. NEW PRICING REFLECTS AN INCREASE OF \$ 47.34 PER TON FOR BOTH FOB PLANT AND DELIVERED FOR AE-P AND CRS-2P. CONTRACTOR WILL NOT AGREE TO EXTEND AT EXISTING CONTRACT PRICE.

**CONSIDERATION AND APPROVAL REGARDING THE FOLLOWING INTERLOCAL CONTRACT AGREEMENTS WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 PRESENTED BY HEATH SIMS, RB 3: (ITEMS 3. 3– 3.10)**

**MINUTE ORDER NO 360.11** APPROVING INTERLOCAL CONTRACT AGREEMENT WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 AND THE CITY OF ITALY

**MINUTE ORDER NO 361.11** APPROVING INTERLOCAL CONTRACT AGREEMENT WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 AND THE CITY OF MAYPEARL

**MINUTE ORDER NO 362.11** APPROVING INTERLOCAL CONTRACT AGREEMENT WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 AND THE CITY OF MILFORD

**MINUTE ORDER NO 363.11** APPROVING INTERLOCAL CONTRACT AGREEMENT WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 AND THE CITY OF WAXAHACHIE

**MINUTE ORDER NO 364.11** APPROVING INTERLOCAL CONTRACT AGREEMENT WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 AND ITALY ISD

**MINUTE ORDER NO 365.11** APPROVING INTERLOCAL CONTRACT AGREEMENT WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 AND MAYPEARL ISD

**MINUTE ORDER NO 366.11** APPROVING INTERLOCAL CONTRACT AGREEMENT WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 AND MILFORD ISD

**MINUTE ORDER NO 367.11** APPROVING INTERLOCAL CONTRACT AGREEMENT WITH ELLIS COUNTY ROAD AND BRIDGE, PCT. 3 AND WAXAHACHIE ISD

MOTION BY COMMISSIONER SIMS TO APPROVE AGENDA ITEMS 3.3 – 3.10 (*MINUTE ORDERS 360.11-367.11*) USING SEPARATE MINUTE ORDERS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**ADJOURNMENT**

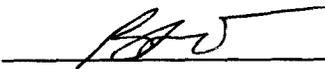
MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS MOTION CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 24, 2011 ARE  
HEREBY APPROVED.

PRESIDING OFFICER:

  
CAROL BUSH, COUNTY JUDGE

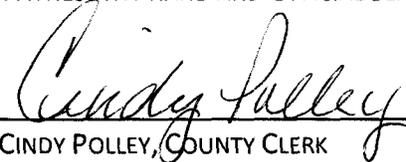
  
DENNIS ROBINSON, COMMISSIONER PCT 1

  
BILL DODSON, COMMISSIONER, PCT 2

  
HEATH SIMS, COMMISSIONER, PCT 3

  
RON BROWN, COMMISSIONER, PCT 4

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

  
CINDY POLLEY, COUNTY CLERK