

FILED

JUL - 9 2012

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JUNE 11, 2012**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JUNE 11, 2012 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:

COMMISSIONERS:

DENNIS ROBINSON, COMMISSIONER, PCT. 1
BILL DODSON, COMMISSIONER, PCT. 2
HEATH SIMS, COMMISSIONER, PCT. 3
RON BROWN, COMMISSIONER, PCT. 4...PRESIDING JUDGE

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 SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER BILL DODSON, PCT. 2

CONSENT AGENDA:

MINUTE ORDER NO 182.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF A XEROX AGREEMENT TO RELEASE THE 40TH DISTRICT COURT, ELLIS COUNTY FROM THE XEROX ORDER AGREEMENT DATED JANUARY 23, 2012 AND TO REPLACE IT WITH XEROX LEASE AGREEMENT NEGOTIATED CONTRACT: 07253500
- A3 APPROVAL OF THE MAY, 2012 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - PAGE BISHOP, 4-H
 - RITA HODGES, FAMILY & CONSUMER SCIENCES
- A4 APPROVAL TO ACCEPT A DONATION OF BASE MATERIAL FROM TRANS-TEXAS ENERGY GROUP, LLC. LOCATIONS AT FORBES RD. AND V.V. JONES RD. DRILLING SITES IN PCT. 4
- A5 PURSUANT TO §775.082, TEXAS HEALTH AND SAFETY CODE, ACCEPTANCE OF THE ANNUAL AUDIT OF THE FISCAL ACCOUNTS AND RECORDS OF THE FOLLOWING EMERGENCY SERVICE DISTRICTS IN ELLIS COUNTY:
 - ESD#1 – MAYPEARL
 - ESD#2 – MIDLOTHIAN
 - ESD#3 – ITALY

- ESD#4 – RED OAK
- ESD#5 – FERRIS
- ESD#6 – WAXAHACHIE
- ESD#7 – BRISTOL
- ESD#8 – AVALON
- ESD#9 - PALMER

A6 APPROVAL TO EXECUTE THE FOLLOWING SIGNED AGREEMENTS RELATIVE TO THE MEMORANDUM OF UNDERSTANDING WITH ELLIS COUNTY REGARDING THE AUTHORIZED USE OF DESIGNATED ELLIS COUNTY PRIMARY REPEATER CHANNELS FOR THE PURPOSE OF PROVIDING TWO-WAY RADIO COMMUNICATIONS TO SUPPORT PUBLIC SAFETY OPERATIONS AND WHEN THERE IS A NEED FOR INTEROPERABLE RADIO COMMUNICATIONS:

- AVALON VOLUNTEER FIRE DEPARTMENT
- TELICO VOLUNTEER FIRE DEPARTMENT
- ITALY VOLUNTEER FIRE DEPARTMENT
- PALMER VOLUNTEER FIRE DEPARTMENT
- CITY OF PALMER
- GARRETT CITY VOLUNTEER FIRE DEPARTMENT

A7 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS' COURT AGENDAS DATED: APRIL 2, 2012 SPECIAL, APRIL 9, 2012 REGULAR AND APRIL 23, 2012 REGULAR

FINANCIAL:

- F1 FROM 001-0230-50819, COMPUTERS To 001-0230-50805, CONFERENCE. – ALISHA WICKENS, PURCHASING
- F2 FROM 001-0520-50873, MAINT/EQUIPMENT; 001-0520-50874, DOCKET BOOKS To 001-0520-50802, EQUIPMENT; 001-0520-50806, OFFICIAL BOND / DUES. – JACKIE MILLER, JR., JP2
- F3 FROM 005-0703-50807, MISC To 005-0703-50907, TIRES. –HEATH SIMS, RB3
- F4 FROM 006-0754-40008, INTERLOCAL; 006-0754-30302, FUND BALANCE CARRYOVER To 006-0754-50907, TIRES; 006-0754-50906, CULVERTS. – RON BROWN, RB4
- F5 FROM 009-0602-50807, FM1 GEN MISC To 009-0602-50907, FM1 TIRES. – DENNIS ROBINSON, RB1

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

DEPARTMENT OF COUNTY DEVELOPMENT

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY JUDY ARMSTRONG, DIRECTOR DEPARTMENT OF DEVELOPMENT:

ADDRESSING COURT: BILLY COLLARD/OWNER-OPERATOR, THOMAS JEFFERSON-CONCERNED CITIZEN AND CLYDE MELICK-CITY OF WAXAHACHIE

- 2.1 TO APPROVE THE LOCATION OF 3230 S. HWY. 77, WAXAHACHIE, TEXAS 75165 FOR A SALVAGE YARD (WDC ENTERPRISES), WILLIAM COLLARD, PCT. 3.

MOTION BY COMMISSIONER SIMS TO GRANT PERMIT; MOTION DIES FOR LACK OF SECOND

ADMINISTRATIVE:

MINUTE ORDER NO 183.12 APPROVING THE EARLY VOTING SCHEDULE FOR THE JULY 31, 2012 DEMOCRATIC AND REPUBLICAN PRIMARY RUN-OFF ELECTION (JANE ANDERSON, ELECTIONS)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 184.12 APPROVING THE LEASE OF ONE (1) HANDICAP (AUTO MARK) VOTING MACHINE TO THE CITY OF MILFORD FOR A LOCAL OPTION ALCOHOL ELECTION TO BE CONDUCTED ON NOVEMBER 6, 2012 (JANE ANDERSON, ELECTIONS)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 185.12 ACCEPTING FUNDS (\$14,585.42) FROM THE TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFITS POOL AS AN APPROVED PLAN SPONSOR OF THE EARLY RETIREE REINSURANCE PROGRAM, AUTHORIZING THE COUNTY JUDGE TO SIGN THE NECESSARY ACKNOWLEDGEMENT FORM, AND RECOGNIZING THAT USE OF THE FUNDS IS RESTRICTED (DIANNA BUCKLEY, HUMAN SERVICES)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 186.12 AUTHORIZING CONSTABLE PCT. 2 TERRY NAY TO APPLY FOR A GRANT OF STATE FUNDS AWARDED BY TCEQ FOR REGIONAL DISBURSEMENT ON THE "STOP ILLEGAL DUMPING ENFORCEMENT" PORTION OF THE REGIONAL SOLID WASTE PLAN FOR NORTH CENTRAL TEXAS TO FUND THE HIRING OF A TEXAS PEACE OFFICER TO INVESTIGATE ENVIRONMENTAL RELATED OFFENSES FOR ALL OF ELLIS COUNTY. (TERRY NAY, CONSTABLE PCT. 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 187.12 APPROVING SELECTION OF THREE (3) PUBLIC MEMBERS OF THE ELECTED OFFICIAL SALARY GRIEVANCE COMMITTEE FOR FY 2012-2013. (NAMES ARE DRAWN FROM LIST OF GRAND JURORS FOR PRECEDING YEAR.) (TEXAS LOCAL GOVERNMENT CODE § 152.014 AND § 152.015) (CINDY POLLEY, COUNTY CLERK)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 188.12 APPROVING A RESOLUTION DESIGNATING AND AUTHORIZING SOUTH ELLIS COUNTY WATER SUPPLY CORPORATION TO PREPARE AND SUBMIT A TEXAS COMMUNITY BLOCK GRANT (TXCDBG) PROGRAM APPLICATION THROUGH ELLIS COUNTY FOR THE 2013/2014 GRANT PROGRAM CYCLE. TIM GLENDENNING ADDRESSED COURT. (HEATH SIMS, COMMISSIONER PCT. 3)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 189.12 APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN ELLIS COUNTY EMERGENCY SERVICES DISTRICT #6 AND ELLIS COUNTY FOR ROAD MAINTENANCE INTO ITS NEW FIRE STATION LOCATED AT 1816 FM 66 IN PCT. 3 (HEATH SIMS, COMMISSIONER PCT. 3)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

No ACTION: 3.8 CONSIDERATION AND ACTION TO ENACT THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY.
- RON BROWN, COMMISSIONER PCT. 4

MINUTE ORDER NO 190.12 APPROVING AN AMENDED LEASE AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF MIDLOTHIAN FOR OFFICE SPACE FOR ELLIS COUNTY JUSTICE OF THE PEACE PRECINCT 4 AND CONSTABLE PRECINCT 4 FOR A TWO YEAR TERM ENDING APRIL 30, 2014 (RON BROWN, COMMISSIONER PCT. 4)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 191.12 APPROVING SECOND AMENDMENT TO LICENSE AGREEMENT BETWEEN ELLIS COUNTY AND AMERICAN TOWER CORPORATION REGARDING INSTALLATION OF NEW MICROWAVE DISHES AND RELATED EQUIPMENT (KATHY ERIKSEN, PROJECTS COORDINATOR)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JUNE 11, 2012 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 JULY 9, 2012.



CINDY POLLEY, COUNTY CLERK *Deputy*

