

FILED

OCT - 8 2012

COUNTY CLERK
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // SEPTEMBER 10, 2012**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, SEPTEMBER 10, 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:

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

INVOCATION AND PLEDGE OF ALLEGIANCE—HEATH SIMS, COMMISSIONER PCT. 3

CONSENT AGENDA:

MINUTE ORDER NO 250.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF THE COUNTY JUDGE'S CERTIFICATION OF AN ELLIS COUNTY ATTORNEY TITLE IV-E LEGAL SUPPORT CLAIM BUDGET FOR FY 2013
- A3 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE REGULAR COMMISSIONERS' COURT AGENDAS DATED: AUGUST 13, 2012 REG
- A4 APPROVAL OF THE APPOINTMENT OF THE FOLLOWING MEMBERS TO THE ELLIS COUNTY HISTORICAL COMMISSION: BRUCE FOWLER, SUGAR GLASPY, ELMERINE BELL

- A5 CONSIDERATION AND ACTION TO AMEND ELLIS COUNTY JUROR PAY FROM \$34 A DAY TO \$36 A DAY FOR EACH DAY FOLLOWING THE FIRST DAY OF SERVICE, AND TO GRANT THE COUNTY JUDGE AUTHORITY TO AMEND AND EXECUTE THE JUROR PAY ORDER TO THAT EFFECT

FINANCIAL:

- F1 FROM 001-0010-40003, GENERAL MISC TO 001-0425-50835, SAFETY/TRAINING. – CAROL BUSH, COUNTY JUDGE
- F2 FROM 001-0020-50704, PEST CONTROL; 001-0020-50858, CUSTODIAN SUPPLIES TO 001-0020-50702, REPAIRS. – KEITH ROBERTS, MAINTENANCE
- F3 FROM 001-0210-40719, CHAPTER 19 STATE FUNDING TO 001-0210-50800, CHAPTER 19 EXPENDITURES. – JANE ANDERSON, ELECTIONS
- F4 FROM 001-0360-40028, DA MISC REV. – VIDEO COPIES TO 001-0360-50807, DA – GEN MISC. PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F5 FROM 001-0360-50807, DA – GEN MISC TO 001-0360-50802, DA EQUIPMENT. - PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F6 FROM 001-0360-50873, DA, MAINTENANCE/REPAIRS; 001-0360-50805, DA, CONFERENCE; 001-0360-50811, DA, AUTO INSURANCE; 001-0360-50846, DA, WITNESS FEE; 001-0360-50801, DA, SUPPLIES TO 001-0360-50808, DA, AUTO GAS; 001-0360-50803, DA, FURNITURE & FIXTURES. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F7 FROM 001-0370-50804, POSTAGE TO 001-0370-50601, TRAVEL REIMBURSEMENT; 001-0370-50801, SUPPLIES. – JOHN BRIDGES, TAX OFFICE
- F8 FROM 001-0385-50805, CONFERENCE; 001-0385-50873, MAINT/RPS OFC EQUIP; 001-0385-50802, EQUIPMENT TO 001-0385-50807, VISITING JUDGE; 001-0385-50842, JUDGE’S CONFERENCE; 001-0385-50806, OFFICIAL BONDS & DUES; 001-0385-50801, SUPPLIES. – JUDGE CALVERT, CCL2
- F9 FROM 001-0510-50873, MAINT/RPS OFC EQUIP TO 001-0510-50874, DOCKET BOOKS; 001-0510-50801, SUPPLIES. – JUDGE WOODY, JP1
- F10 FROM 001-0612-50808, AUTO GAS/OIL; 001-0612-50809, AUTO REPAIRS; 001-0612-50811, AUTO PURCHASE/INS; 001-0612-50806, BONDS/DUES; 001-0612-50805, CONFERENCE; 001-0612-50812, RADIO TO 001-0612-50802, EQUIPMENT; 001-0612-50810, TIRES. – TERRY NAY, CONSTABLE PCT 2
- F11 FROM 003-0601, 50807, RB1 GEN MISC TO 003-0601-50915, RB1 ASPHALT. – DENNIS ROBINSON, RB1
- F12 FROM 005-0703-50807, GEN MISC; 005-0703-50802, PURCHASE OF EQUIPMENT TO 005-0703-50907, TIRES; 005-0703-50910, GAS/OIL. – HEATH SIMS, RB3
- F13 FROM 009-0602-50807, FM1 GEN MISC; 009-0602-50914, FM1 SIGNS TO 009-0602-50909, FM1 REPAIRS/PARTS; 009-0602-50906, FM1 CULVERTS; 009-0602-50802, FM1 PURCHASE OF EQUIPMENT. – DENNIS ROBINSON, RB1
- F14 FROM 012-0755-30302, FM4 FUND BALANCE TO 012-0755-50802, FM4 PURCHASE OF EQUIPMENT; 012-0755-50911, GRAVEL. – RON BROWN, RB4

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

ADMINISTRATIVE:

4.1 **PRESENTATION** OF CERTIFICATES TO JUDY MASTON, SANDRA STACKS & PATRICIA MOORE FOR THEIR EXCEPTIONAL PARTICIPATION IN THE RECENT ELLIS COUNTY EMPLOYEE HEALTH AND SAFETY INITIATIVE, SONIC BOOM.

- CAROL BUSH, COUNTY JUDGE

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 251.12 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT SPACED EVERY 450', DAWN ESTATES, JERRY POTTER, PCT. 1

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 252.12 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO 150' ROAD FRONTAGE REQUIREMENT, DILWORTH ROAD, MARSHALL TEMPLETON, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY HANNA MCCLEARY,
INTERIM PURCHASING AGENT:

MINUTE ORDER NO 253.12 APPROVING THE PURCHASE OF NEW EQUIPMENT THROUGH BUY BOARD A JOHN DEERE 5093E UTILITY TRACTOR; JOHN DEERE CX15 10' MOWER AND A JOHN DEERE 6430 WITH A 22' MACHETE MOWER FOR RB4

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 254.12 DECLARING ITEMS LOCATED AT COMMISSIONERS' RECINCTS 1- 4 AS SURPLUS AND AUTHORIZING DISPOSAL. THESE ITEMS CONSIST OF SCRAP METAL AND MISCELLANEOUS DISCARDED ITEMS.

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 255.12 DECLARING AS SURPLUS 1994 INTERNATIONAL 4900 SERIES TANDEM DUMP TRUCK VIN# 1HTSHAARX5H647047

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 256.12 DECLARING (2) CROWN VICTORIA POLICE CRUISERS UNIT 602 VIN 2FAFP71WXXX170577 AND UNIT 403 VIN 2FAFP71WX6X120759 AS SURPLUS SO THEY MAY BE SOLD IN AN ONLINE AUCTION

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 257.12 DECLARING AS SURPLUS TONER CARTRIDGES THAT CANNOT BE USED DUE TO THE REPLACEMENT OF COPIERS, PRINTERS AND FAX MACHINES
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PUBLIC HEARING

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PUBLIC HEARING ON THE PROPOSED FY 2012-13 ELLIS COUNTY TAX RATE, PURSUANT TO TEXAS TAX CODE §26.05
SPEAKER: AMY HEDTKE

ADJOURNMENT OF PUBLIC HEARING

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 258.12 ADOPTING A GENERAL MAINTENANCE AND OPERATIONS TAX RATE OF 0.380091 (CONSISTING OF AN INTEREST AND SINKING RATE OF 0.059247 AND AN OPERATIONS RATE OF 0.320844), AND ADOPTING A FARM TO MARKET TAX RATE OF 0.033508 FOR ELLIS COUNTY FY 2012-13, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §81.006 AND TEXAS TAX CODE §26.05. THIS WILL MAKE THE TOTAL TAX RATE 0.413599 PER \$100 OF TAXABLE VALUE.
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS *TO APPROVE LEAVING TAX RATE AT CURRENT LEVEL* CARRIES UNANIMOUSLY

MINUTE ORDER NO 259.12 CONVEYING BY QUITCLAIM DEED THE FOLLOWING TAX SALE "STRUCK OFF" PROPERTIES TO THE CITY OF WAXAHACHIE:

- * LOT 1, BLOCK 348, (OLD) TOWN ADDITION, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AS DESCRIBED IN VOLUME 1546, PAGE 487, DEED RECORDS OF ELLIS COUNTY, TEXAS. (171959)(JEFFERSON STREET)
- * LOT 2, BLOCK 348, (OLD) TOWN ADDITION, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AS DESCRIBED IN VOLUME 1546, PAGE 487, DEED RECORDS OF ELLIS COUNTY, TEXAS. (171960)(JEFFERSON STREET)
- * LOT 3, BLOCK 348, (OLD) TOWN ADDITION, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AS DESCRIBED IN VOLUME 1546, PAGE 487, DEED RECORDS OF ELLIS COUNTY, TEXAS. (171961)(JEFFERSON STREET)
- * ALL THAT CERTAIN LOT 1, BLOCK 349 TOWN ADDITION TO THE CITY OF WAXAHACHIE ACCORDING TO THE MAP THEREOF AND BEING LOCATED AT 901 WEST JEFFERSON STREET, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS. (171963)

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 260.12 AUTHORIZING NOTICE OF INTENT TO PARTICIPATE IN THE "HOG OUT" COUNTY GRANTS PROGRAM BY SEPTEMBER 30, 2012 FOR ELLIS COUNTY'S PARTICIPATION IN THE TEXAS DEPARTMENT OF AGRICULTURE FERAL HOG ABATEMENT TECHNOLOGIES PROGRAM. MARK ARNOLD, ELLIS COUNTY EXTENSION AGENT, WILL ADMINISTER THE PROGRAM AND BE RESPONSIBLE FOR THE GRANT APPLICATION PROCESS.

(MARK ARNOLD, AGRILIFE EXTENSION OFFICE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 261.12 ENACTING A NEW BURN BAN ORDER IN ELLIS COUNTY TO TAKE EFFECT IMMEDIATELY WHEN THE CURRENT BURN BAN ORDER #195.12 EXPIRES ON SEPTEMBER 23, 2012 (JOE STEWART, EMERGENCY MANAGEMENT COORDINATOR)
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 262.12 APPROVING A WORK ORDER UNDER INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD & BRIDGE PCT. 1 AND PECAN HILL TO REBUILD AND RESURFACE BURKETT ST (DENNIS ROBINSON, COMMISSIONER PCT. 1)
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

No Action: 4.7 CONSIDERATION AND ACTION TO APPROVE THE RENEWAL OF A CONTRACT WITH THE SPCA FOR ANIMAL SERVICES WITH CONTRACTED MONTHLY PAYMENTS OF \$4728 FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013. THIS IS A RENEWAL OF MINUTE ORDER 310.11.

- DENNIS ROBINSON, COMMISSIONER PCT. 1

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF SEPTEMBER 10, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



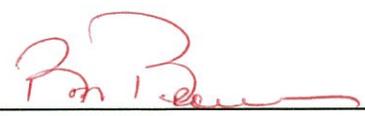
DENNIS ROBINSON, COMMISSIONER PCT 1



BILL DODSON, COMMISSIONER, PCT 2



HEATH SIMS, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS OCTOBER 8, 2012.



CINDY POLLEY, COUNTY CLERK Deputy