

FILED

NOV 13 2012

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // OCTOBER 8, 2012**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, OCTOBER 8, 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:

TINA CHAMBERS, ASSISTANT COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

OPENING COURT: (10:03 AM)

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—DENNIS ROBINSON, COMMISSIONER PCT. 1

CONSENT AGENDA:

MINUTE ORDER NO 290.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF SALARY SUPPLEMENTS FOR THE COUNTY ATTORNEY'S OFFICE TO CONTINUE TO BE PAID WITH SUPPLEMENTS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR DISCRETIONARY EXPENSES FOR THE 2012-13 BUDGET YEAR: HABON MOHAMED (\$4,570.00), STACEY M. AUVENSHINE (\$3,013.00), SANDY FISHER (\$5,818.00), AND DARIN JACKSON (\$3,350.00). NO ELLIS COUNTY TAX REVENUE WILL BE USED TO PAY THESE SUPPLEMENTS
- A3 APPROVE A REQUEST FOR FUNDS IN THE AMOUNT OF \$15,000 TO THE ELLIS COUNTY CHILD PROTECTIVE SERVICES AS PER THE BUDGET FOR FY 2012-13
- A4 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE REGULAR COMMISSIONERS' COURT AGENDAS DATED: SEPTEMBER 10, 2012 REG; SEPTEMBER 24, 2012 REG; SEPTEMBER 28, 2012 SPECIAL

- A5 APPROVAL OF INVOICE #2-4853221, BEARCOM WIRELESS WORLDWIDE IN THE AMOUNT OF \$37,973.82 FOR EQUIPMENT AND INSTALLATION SERVICES REFERRED TO AS "MILESTONE PAYMENT #2" AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A6 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

FINANCIAL:

(ALL ITEMS ARE FROM FY 2011-12) FM= FARM TO MARKET RB= ROAD AND BRIDGE

- F1 FROM 001-0035-50805, CONFERENCE; 001-0035-50601, TRAVEL REIMBURSEMENT; 001-0035-50801, SUPPLIES TO 001-0035-50819, COMPUTER. – TERAL CRAWFORD, INFORMATION TECHNOLOGY
- F2 FROM 001-0230-50802, EQUIPMENT; 001-0230-50890, COUNTY SUPPLY TO 001-0230-50801, SUPPLIES; 001-0230-50805, CONFERENCE; 001-0230-50601, TRAVEL REIMBURSEMENT. – HANNA MCCLEARY, PURCHASING
- F3 FROM 001-0360-50805, DA-CONFERENCE TO 001-0360-50803, DA-FURNITURE. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F4 FROM 001-0510-50802, EQUIPMENT; 001-0510-50801, SUPPLIES; 001-0510-50874, DOCKET/BOOKS/PRINT TO 001-0510-50601, TRAVEL REIMBURSEMENT. – JUDGE BILL WOODY, JP1
- F5 FROM 001-0612-50809, AUTO REPAIRS; 001-0612-50803, FURNITURE / FIXTURES; 001-0612-50812, RADIO TO 001-0612-50810, AUTO TIRES. – TERRY NAY, CONSTABLE PCT. 2
- F6 FROM 006-0754-40008, INTERLOCAL TO 006-0754-50915, ASPHALT; 006-0754-50807, GENERAL MISC. – RON BROWN, COMMISSIONER RB4
- F7 FROM 006-0754-50868, CONTRACT LABOR; 006-0754-50906, CULVERTS; 006-0754-50907, TIRES; 006-0754-50701, UTILITIES TO 006-0754-50807, GENERAL MISC. – RON BROWN, COMMISSIONER RB4
- F8 FROM 010-0653-50807, FM 2 GEN EXP TO 010-0653-50915, FM2 ASPHALT. – BILL DODSON, COMMISSIONER FM2
- F9 FROM 030-0930-50807, DA CHECK PROC – GENERAL EXP TO 030-0930-50502, DA CHECK PROC – SALARY. - PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F10 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
C & C FOX HOLLOW II, LTD	138213	\$2,499.68
FIRST AMERICAN TITLE COMPANY	225929	\$3,200.41
BAYVIEW LOAN SERVICING, LLC	226642	\$3,532.77

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

DEPARTMENT OF COUNTY DEVELOPMENT

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY JUDY ARMSTRONG, DIRECTOR DOD:

MINUTE ORDER NO 291.12 APPROVING REPLAT – BROOK BEND PLACE, PHASE ONE, LOT 8, BILL AND VIRGINIA JILBERT, PCT. 1

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

MINUTE ORDER NO 292.12 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS AS IT RELATES TO THE 150' OF COUNTY ROAD FRONTAGE FOR SINGLE FAMILY RESIDENCE - TOM SAWYER ROAD, JODY AND MELISSA DREWS, PCT. 2
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 293.12 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS AS IT RELATES TO THE SPACING OF FIRE HYDRANTS EVERY 450' AS IT RELATES TO REPLATTING; TO INSTALL A FLUSH VALVE IN LIEU OF THE REQUIRED HYDRANT - OAK RIDGE SUBDIVISION, GENE LEWIS, PCT. 3
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 294.12 APPROVING REPLAT – OAK RIDGE, TRACT 8A, GENE LEWIS, PCT. 3
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

3.1 INTRODUCTION OF MR. DONALD KELM, DISTRICT EXTENSION ADMINISTRATOR, TEXAS A & M AGRILIFE EXTENSION SERVICE BY MARK ARNOLD, DIRECTOR, ELLIS COUNTY TEXAS A&M AGRILIFE EXTENSION SVC

MINUTE ORDER NO 295.12 DECLARING OCTOBER, 2012 AS DOMESTIC VIOLENCE AWARENESS MONTH IN ELLIS COUNTY (CAROL BUSH, COUNTY JUDGE)
ALISHA PETERSON ADDRESSED THE COURT REGARDING COMMUNITY EVENTS AND COUNSELING SERVICES
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

3.5 DISCUSSION REGARDING A STATUS OF AGREEMENT BETWEEN THE ELLIS COUNTY INDIGENT CARE CORPORATION AND ELLIS COUNTY COALITION FOR HEALTH OPTIONS, D/B/A HOPE CLINIC. CAROL BUSH, COUNTY JUDGE
REPRESENTATIVES OF ENNIS HOSPITAL, BAYLOR WAXAHACHIE AND HOPE CLINIC ADDRESSED THE COURT REGARDING STATUS OF AGREEMENT

3.7 DISCUSSION WITH THE WAXAHACHIE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT COUNCIL REGARDING LIGHTING THE TREES ON THE HISTORIC COURTHOUSE LAWN. CAROL BUSH, COUNTY JUDGE
MIKE RAMSEY, CHAIRMAN OF ECONOMIC DEVELOPMENT FOR THE CITY OF WAXAHACHIE ADDRESSED THE COURT.

MINUTE ORDER NO 296.12 ADOPTING AN ORDER PURSUANT TO SECTION 251.058 OF THE TEXAS TRANSPORTATION CODE TO CLOSE, VACATE, DISCONTINUE AND ABANDON APPROXIMATELY 775 FEET OF THE SOUTHERNMOST END OF S. FALLING LEAVES DRIVE, LOCATED WITHIN THE UNINCORPORATED AREA OF ELLIS COUNTY, WHOLLY WITHIN ELLIS COUNTY ROAD AND BRIDGE PRECINCT NO. 3. THE PORTION OF AFFECTED RIGHT-OF WAY IS LOCATED ON PROPERTY CURRENTLY OWNED BY SEAN KEIGHTLEY THAT IS WHOLLY ENCLOSED BY A FENCE AND HAS NOT BEEN MAINTAINED BY ELLIS COUNTY FOR MORE THAN 20 YEARS."
(HEATH SIMS, COMMISSIONER, PCT. 3)

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

MINUTE ORDER NO 297.12 APPROVING A RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE COUNTY JUDGE TO ACT AS THE COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(HEATH SIMS, COMMISSIONER, PCT. 3)

RAY LOVELESS, GENERAL MANAGER, SOUTH ELLIS COUNTY WATER SUPPLY CORP ADDRESSED THE COURT
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 298.12 AUTHORIZING THE ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE TO HIRE TWO (2) TEMPORARY PART TIME CLERKS (CLERK 1) AT \$9 PER HOUR FUNDED FROM DISTRICT ATTORNEY – CHECK PROCESSING – SALARY LINE ITEM 030-0930-50502-00000-000, IN AN AMOUNT NOT TO EXCEED A TOTAL OF \$20,000. (PATRICK WILSON, COUNTY & DISTRICT ATTORNEY)

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

MINUTE ORDER NO 299.12 APPROVING PURCHASE OF ONE 2012 CHEVROLET TAHOE FOR THE SHERIFF'S OFFICE USING FUNDS FROM THE STATE SEIZURE ACCOUNT PURSUANT TO CHAPTER 262 OF THE TEXAS LOCAL GOVERNMENT CODE. (DENNIS BREARLEY, SHERIFF'S OFFICE)

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

MINUTE ORDER NO 300.12 APPROVING A RESOLUTION GRANTING EXEMPTION OF CERTAIN VEHICLES FROM COMPLIANCE WITH TEXAS TRANSPORTATION CODE SECTION 721.044 INSCRIPTION REQUIREMENTS AND REQUESTING THAT THE TEXAS DEPARTMENT OF TRANSPORTATION ISSUE, UPON PROPER APPLICATION, REGULARLY DESIGNED LICENSE PLATES NOT BEARING THE WORD EXEMPT TO THE ELLIS COUNTY FIRE MARSHAL FOR ALL OF ITS VEHICLE(S) LISTED ON ATTACHMENT 1 OF THE RESOLUTION. COUNTY FIRE MARSHAL JOE STEWART SHALL BE THE AUTHORIZED REPRESENTATIVE FOR THE ELLIS COUNTY FIRE MARSHAL'S OFFICE IN THIS MATTER AND SHALL EXECUTE PROPER AND NECESSARY DOCUMENTS PERTAINING TO THIS PURPOSE. (JOE STEWART,

EMERGENCY MANAGEMENT COORDINATOR)

JOE STEWART, ELLIS COUNTY FIRE MARSHAL INTRODUCED *JOSH HIBSCHMAN ASSISTANT FIRE MARSHAL*

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

MINUTE ORDER NO 301.12 EXECUTING THE 2010 GRANT ADJUSTMENT NOTICE FOR ELLIS COUNTY IN REGARD TO THE STATE HOMELAND SECURITY PROGRAM (SHSP), AWARD NUMBER 2010-SS-T0-0008 FOR THE SOLE PURPOSE OF EXTENDING THE GRANT PERIOD FROM JULY 31, 2012 TO DECEMBER 31, 2012 TO ALLOW FUNDS ALLOCATED TO PAY FOR THE ELLIS COUNTY CODERED TELEPHONE WARNING SYSTEM TO COINCIDE WITH THE CURRENT CODERED CONTRACT PERIOD.

(JOE STEWART, EMERGENCY MANAGEMENT COORDINATOR)

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

MINUTE ORDER NO 302.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND AVALON ISD AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS GOVERNMENT CODE. TERM OF AGREEMENT... OCTOBER 1, 2012 TO SEPTEMBER 30, 2013

(BILL DODSON, COMMISSIONER, PCT. 2)

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

MINUTE ORDER NO 303.12 APPROVING ALL NECESSARY ADJUSTMENTS AND REVISIONS TO AGREEMENTS PREVIOUSLY APPROVED BY THE ELLIS COUNTY COMMISSIONERS COURT ON SEPTEMBER 12, 2011 (MINUTE ORDER 311.11) AND JANUARY 9, 2012 (MINUTE ORDER 104.12) ASSOCIATED WITH AN EQUIVALENT MATCH PROJECT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE ALL NECESSARY AGREEMENTS REGARDING SAME. PURSUANT TO THE PROJECT, THE TEXAS DEPARTMENT OF TRANSPORTATION WILL REPLACE BRIDGES LOCATED ON WEST ROAD AND CARTWRIGHT ROAD IN EXCHANGE FOR ELLIS COUNTY'S AGREEMENT TO CONDUCT REPAIRS ON BACAK ROAD. ALL WORK WILL BE LOCATED WITHIN ELLIS COUNTY ROAD AND BRIDGE PRECINCT NO. 2. THE EFFECT OF THE REVISED AGREEMENT WILL INCREASE THE PERCENTAGE OF ELLIS COUNTY'S EQUIVALENT MATCH FROM 5.5 PERCENT TO 5.7 PERCENT.

(BILL DODSON, COMMISSIONER, PCT. 2)

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

MINUTE ORDER NO 304.12 APPROVING ALL NECESSARY ADJUSTMENTS AND REVISIONS TO AN AGREEMENT PREVIOUSLY APPROVED BY THE ELLIS COUNTY COMMISSIONERS COURT ON JANUARY 23, 2012 (MINUTE ORDER 110.12) ASSOCIATED WITH AN EQUIVALENT MATCH PROJECT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE ALL NECESSARY AGREEMENTS REGARDING SAME. PURSUANT TO THE PROJECT, THE TEXAS DEPARTMENT OF TRANSPORTATION WILL REPLACE BRIDGES LOCATED ON RICHLAND BEND, WHISKERS ROAD, COWAN ROAD AND BRANNON ROAD IN EXCHANGE FOR ELLIS COUNTY'S AGREEMENT TO CONDUCT REPLACE A BRIDGE ON HOLDER ROAD. ALL WORK WILL BE LOCATED WITHIN ELLIS COUNTY ROAD AND BRIDGE PRECINCT NO. 3. THE EFFECT OF THE REVISED AGREEMENT WILL INCREASE THE PERCENTAGE OF ELLIS COUNTY'S EQUIVALENT MATCH FROM 5.5 PERCENT TO 5.7 PERCENT.

(HEATH SIMS, COMMISSIONER, PCT. 3)

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

MINUTE ORDER NO 305.12 APPROVING RENEWAL OF SALARY SUPPLEMENTS FOR JUSTICES ON THE TENTH COURT OF APPEALS IN THE AMOUNT OF \$1,641 FOR FISCAL YEAR 2012-2013

(CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES 4/1 WITH COMMISSIONER SIMS OPPOSING

3.15 DISCUSSION OF THE HISTORIC ELLIS COUNTY COURTHOUSE LAWN - RON BROWN, COMMISSIONER, PCT. 4

MINUTE ORDER NO 306.12 AMENDING RULES OF PROCEDURE, CONDUCT AND DECORUM AT MEETINGS OF THE ELLIS COUNTY COMMISSIONERS' COURT. (AMENDING MINUTE ORDER NO 469.06 OF NOVEMBER 13, 2006) (CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY JUDGE BUSH, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

3.17 **UPDATE** ON STATUS OF PUBLIC COMMUNICATIONS SYSTEM AND NARROWBANDING.

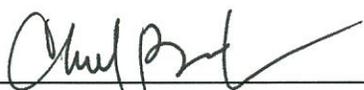
- KATHY ERIKSEN, SPECIAL PROJECTS DIRECTOR

ADJOURNMENT (11:30AM)

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 8, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS, ROBINSON, COMMISSIONER PCT 1



HEATH SIMS, COMMISSIONER, PCT 3

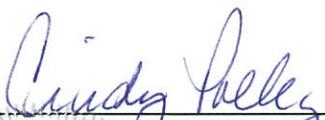


BILL DODSON, COMMISSIONER, PCT 2



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS NOVEMBER 13, 2012



CINDY POLLEY, COUNTY CLERK

