

**FILED**

**NOV 13 2012**

**COUNTY CLERK  
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // OCTOBER 22, 2012**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, OCTOBER 22, 2012 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:**

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 DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

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

**CONSENT AGENDA:**

**MINUTE ORDER NO 307.12 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF THE SEPTEMBER, 2012 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
  - MARK ARNOLD, AGRICULTURE
  - PAGE BISHOP, 4-H
  - RITA HODGES, FAMILY & CONSUMER SCIENCES
- A3 APPROVAL OF INVOICE #0029387-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$4,942.55 (NARROW BAND IMPLEMENTATION) FOR AUGUST 1, 2012 – AUGUST 31, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A4 APPROVAL OF INVOICE #0029388-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$5,504.38 (RADIO TOWER PROJECT) FOR AUGUST 1, 2012 – AUGUST 31, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY

- A5 MODIFY FY2012-13 BUDGET RELATING TO SALARY OF ENGINEER FROM \$70,000 TO A RANGE FROM \$52,000 TO \$70,000
- A6 ACCEPTANCE OF THE OATH OF OFFICE FOR JOSH HIBSCHMAN, ASSISTANT FIRE MARSHAL FOR ELLIS COUNTY
- A7 CONSIDERATION AND ACTION TO APPROVE A SERVICE AGREEMENT BETWEEN ELLIS COUNTY AND COURT APPOINTED SPECIAL ADVOCATES OF ELLIS COUNTY (CASA OF ELLIS COUNTY) FOR A TERM BEGINNING OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 RENEWABLE IN ONE YEAR INCREMENTS WITH A MAXIMUM OF THREE RENEWALS IN THE AMOUNT OF \$5000 PER YEAR
- A8 APPROVAL OF PAYMENT OF INVOICE IN THE AMOUNT OF \$2,937.50 TO WRAY, WILLETT & STOFFER, P.L.L.C., FOR LEGAL SERVICES RENDERED ON BEHALF OF ELLIS PRAIRIE SWCD IN A MATTER INVOLVING THE APPLICATION OF GALILEE PARTNERS, L.P., FOR THE CREATION OF MAYPEARL WCID No. 1, WHICH IS PRESENTLY PENDING BEFORE THE EASTLAND COURT OF APPEALS
- A9 APPROVAL OF AN INTERLOCAL COOPERATION CONTRACT BETWEEN ELLIS COUNTY AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY IMPLEMENTING THE PROVISION OF THE TEXAS TRANSPORTATION CODE CHAPTER 706. THIS INTERLOCAL AGREEMENT AUTOMATICALLY RENEWS YEARLY
- A10 MODIFY FY2012-13 BUDGET RELATING TO SALARY OF HUMAN RESOURCE DIRECTOR FROM \$62,000 TO A RANGE FROM \$62,000 TO \$72,000

**FINANCIAL:** (ITEMS F1– F7ARE FROM FY 2011-12 BUDGET) FM=FARM TO MARKET RB=ROAD AND BRIDGE

- F1 FROM 001-0375-50835, TRAINING EDUCATION To 001-0375-50802, EQUIPMENT; 001-0375-50869, PROFESSIONAL FEES – JOE WHITE, ENGINEERING
- F2 FROM 001-0400-50801, SUPPLIES; 001-0400-50806, OFFICIAL BOND/DUES To 001-0400-50805, CONFERENCE; 001-0400-50819, COMPUTER – CHERYL CHAMBERS, TREASURER
- F3 FROM 001-0430-50802, EQUIPMENT; 001-0430-50805, CONFERENCE; 001-0430-50806, OFFICIAL BOND/DUES; 001-0430-50834, CRIME SCENE; 001-0430-50963, DAM BREACH STUDY To 001-0430-50801, SUPPLIES; 001-0430-50809, AUTO REPAIRS; 001-0430-50810, AUTO TIRES; 001-0430-50811, AUTO PURCHASE/INSURANCE; 001-0430-50934, GRANT EXPENSE – JOE STEWART, EMERGENCY SERVICES
- F4 FROM 001-0614-50821, UNIFORMS; 001-0614-50812, RADIO; 001-0614-50810, TIRES; 001-0614-50805, CONFERENCE To 001-0614-50801, SUPPLIES; 001-0614-50802, EQUIPMENT; 001-0614-50809, AUTO REPAIRS –MIKE JONES, CONSTABLE, PCT. 4
- F5 FROM 005-0703-50913, CHEMICALS To 005-0703-50910, GAS/OIL – HEATH SIMS, RB3
- F6 FROM 010-0653-50807, FM2 GEN EXP To 010-0653-50909, FM2 REPAIRS PARTS – BILL DODSON, COMMISSIONER PCT 2
- F7 FROM 056-0956-40087, FORFEITURE INCOME To 056-0956-50807, FORFEITURE EXPENSE – TERRY NAY, CONSTABLE PCT 2
- F8 FROM FY 2012-13 001-0430-50868, CRI CONTRACT LABOR To 001-0430-50502, SALARY; 001-0430-50553, SOCIAL SECURITY/FICA; 001-0430-50554, RETIREMENT – JOE STEWART, EMERGENCY SERVICES

**SIMPLIFIED PLAT:**

- SP1 GRAVES ADDITION, 2 LOTS, CHARLIE GRAVES, PCT. 1.
- SP2 TWIN BOZ ESTATES, PHASE 1, 2 LOTS, AARON BANDA, PCT. 3

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

**DEPARTMENT OF COUNTY DEVELOPMENT**

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

**MINUTE ORDER NO 308.12** APPROVING REPLAT – SHILOH FOREST, PHASE 2, LOTS 6R & 7E, BLOCK C, ROGER OLSON, PCT. 4

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

**MINUTE ORDER NO 309.12** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MOBILE HOME PARKS, AS IT RELATES TO ROAD FRONTAGE REQUIREMENT FOR SINGLE-FAMILY RESIDENCE, 465 BLAIN ROAD, CAROL YEARGAN, PCT. 3

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

**ADMINISTRATIVE:**

**MINUTE ORDER NO 310.12** APPROVING THE RENEWAL OF THE LEASE AGREEMENT BETWEEN ELLIS COUNTY AND EDWIN SPANIEL FOR THE TERM OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013, FOR AGRICULTURAL PURPOSES FOR \$6,003 WHICH IS \$20.01 AN ACRE, FOR 300 ACRES OF THE PROPERTY REFERRED TO AS THE ELLIS COUNTY FARM (BILL DODSON, COMMISSIONER Pct 2)

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

**PURCHASING:**

CONSIDERATION AND ACTION REGARDING THE FOLLOWING:

**MINUTE ORDER NO 311.12** APPROVING PURCHASE OF NEW EQUIPMENT THROUGH WAXAHACHIE EQUIPMENT CO, INC. FOR ROAD AND BRIDGE 3 [A CASE FARMALL 85C TRACTOR]

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

**ADMINISTRATIVE:**

4.2 DISCUSSION OF THE ELLIS COUNTY TRANSIT NEEDS ASSESSMENT AND PLANNING STUDY.

- CAROL BUSH, COUNTY JUDGE

**MINUTE ORDER NO 312.12** EXTENDING A CONTRACT WITH INDIGENT HEALTHCARE SOLUTIONS ON A MONTH TO MONTH BASIS (CAROL BUSH, COUNTY JUDGE)

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

**MINUTE ORDER NO 313.12** APPROVING CHANGES, AT NO ADDITIONAL COST TO THE COUNTY, FOR RETIREE HEALTH AND DENTAL INSURANCE BENEFITS TO INCLUDE BENEFICIARY BENEFITS

(CHERYL CHAMBERS, TREASURER)

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

**MINUTE ORDER NO 314.12** ACCEPTING A FY 2012 CHAPTER 59 ASSET FORFEITURE REPORT FOR THE OFFICE OF ELLIS COUNTY CONSTABLE, PCT. 2 (TERRY NAY, CONSTABLE PCT.)  
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**MINUTE ORDER NO 315.12** ACCEPTING A FY 2012 CHAPTER 59 ASSET FORFEITURE REPORT FOR THE OFFICE OF ELLIS COUNTY & DISTRICT ATTORNEY  
(ANN MONTGOMERY-MORAN, ASSISTANT CO & DISTRICT ATTORNEY)  
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 316.12** RESCINDING THE CURRENT BURN BAN ORDER #273.12  
(JOE STEWART, EMERGENCY MANAGEMENT COORDINATOR)  
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 317.12** APPROVING THE REQUEST OF THE OFFICE OF EMERGENCY MANAGEMENT TO FORM AN ADVISORY COMMITTEE TO REVIEW CONTRACTUAL ISSUES BETWEEN ELLIS COUNTY 1<sup>ST</sup> RESPONDERS AND OUR CURRENT PARAMEDIC AMBULANCE SERVICE PROVIDER, AND SUBMIT FEEDBACK AS NEEDED TO THE COMMISSIONERS' COURT FOR THEIR REVIEW (JOE STEWART, EMERGENCY MANAGEMENT COORDINATOR)  
MOTION BY COMMISSIONER BROWN TO APPROVE AND TO NOMINATE COMMISSIONER ROBINSON TO REPRESENT THE COMMISSIONERS COURT ON THE COMMITTEE, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 318.12** APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAXAHACHIE AND THE COUNTY REGARDING THE DOWNTOWN LIGHTING PROJECT [LIGHTING TREES ON COURTHOUSE LAWN] .... COUNTY AGREES TO FUND ELECTRICITY FOR INITIAL 2 YEARS OF CONTRACT (APPROX \$1,800 PER YEAR) WHILE CITY LOOKS FOR ALTERNATIVE FUNDING (CAROL BUSH, COUNTY JUDGE)

*PRESENTING: MIKE RAMSEY, DEBRA WAKELAND, PAUL HERNANDEZ, JUDY NITZINGER, MICHAEL SCOTT, KEVIN STRENGTH*  
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 319.12** APPROVING THE THIRD AMENDMENT TO CONSULTANT SERVICES AGREEMENT WITH RCC CONSULTANTS, INC., TO AUTHORIZE ADDITIONAL CONSULTING SERVICES TO COMPLETE THE IMPLEMENTATION OF AN OPERATIONAL COMMUNICATION SYSTEM THAT COMPLIES WITH THE FEDERAL NARROW BANDING REQUIREMENTS (KATHY ERIKSEN, PROJECTS COORDINATOR)  
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 320.12** APPROVING AN INTERLOCAL COOPERATION CONTRACT AS AUTHORIZED UNDER CHAPTER 791 OF THE TEXAS GOVERNMENT CODE BETWEEN THE CITY OF MAYPEARL AND ELLIS COUNTY FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 (HEATH SIMS, COMMISSIONER PCT. 3)  
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**ADJOURNMENT**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 22, 2012 ARE HEREBY APPROVED.

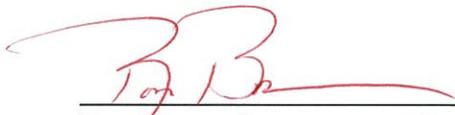
PRESIDING OFFICER:

  
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CAROL BUSH, COUNTY JUDGE

  
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DENNIS ROBINSON, COMMISSIONER PCT 1

  
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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 13, 2012.

  
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CINDY POLLEY, COUNTY CLERK

