

FILED
MAR 25 2013
COUNTY CLERK
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // FEBRUARY 11, 2013**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, FEBRUARY 11, 2013 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

PAUL PERRY, 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 PERRY CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER PAUL PERRY, PCT. 3

CONSENT AGENDA:

MINUTE ORDER NO 117.13 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF INVOICE #0029717-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$20,316.40 (RADIO TOWER PROJECT) FOR OCTOBER 1, 2012 – NOVEMBER 30, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A3 APPROVAL OF INVOICE #0029716-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$17,520.91 (NARROWBAND IMPLEMENTATION) FOR OCTOBER 1, 2012 – NOVEMBER 30, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A4 ACCEPTANCE OF RACIAL PROFILE REPORTS FROM CONSTABLE PCT. 1, ROY CALLENDER AND CONSTABLE PCT 3, JIMMIE RAY

- A5 CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS' COURT AGENDAS DATED:
 NOVEMBER 13, 2012 NOVEMBER 16, 2012 NOVEMBER 26, 2012
 DECEMBER 10, 2012 DECEMBER 18, 2012 DECEMBER 20, 2012
- A6 ACCEPTANCE OF OATHS OF OFFICE AND STATEMENTS OF APPOINTED OFFICIALS FOR THE FOLLOWING EMERGENCY SERVICE DISTRICT BOARD MEMBERS:
- | | |
|--|---|
| ESD #1 PHILIP ANDREW MULVANEY
JAMES MORRISON | ESD #6 BILL GILLILAND
TOMMY HAMILTON
RICHARD ROZIER |
| ESD #2 GARY RATLIFF
MONICA LYNNE ARROYO | ESD #7 LARRY MENTZER
JEFF PRESSLER |
| ESD #3 VICENTE GUERRERO
HOWARD MORGAN
MURRIE WAINSCOTT | ESD #8 EVERETT RUSSELL |
| ESD #4 JERRY SMITH | ESD #9 DOUG YOUNG |
| ESD #5 BRUCE MOORE
STEPHEN SALMON | |
- A7 APPROVE INTERLOCAL COOPERATION CONTRACT WITH DPS, REPROGRAPHICS AND DISTRIBUTION SERVICES FOR THE PURCHASE OF VARIOUS TEST KITS FOR THE ELLIS COUNTY SHERIFF'S OFFICE

FINANCIAL:

- F1 FROM 011-0704-50802, PURCHASE OF EQUIPMENT; 011-0704-50807, GEN. MISC. TO 011-0704-50909, REPAIR/PARTS – PAUL PERRY, FM 3
- F2 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>
CITIMORTGAGE	176379	\$3,442.04
AARON ASHBROOK	176786	\$4,583.38
CITIMORTGAGE	204057	\$3,419.24
CITIMORTGAGE	205692	\$3,793.80
CHASE	210325	\$3,661.43
CHASE MORTGAGE	210920	\$3,308.42
WELLS FARGO HOME MORTGAGE	219249	\$3,385.14
WELLS FARGO HOME MORTGAGE	222304	\$6,393.05
DEBRA ROGERS AND GARY ROGERS	227952	\$5,429.89

SIMPLIFIED PLAT:

- SP1 REEVES PLACE, 1 LOT, NORTH HWY 77, ITALY, TX, RORY REEVES, PCT. 3
 MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 118.13 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS RELATED TO 150' ROAD FRONTAGE REQUIREMENT, F.M. 66, BERNIE SCHROME, PCT. 3
(SINGLE FAMILY RESIDENCE FOR FAMILY MEMBER)

PUBLIC PARTICIPATION: MARK COOK...WRITTEN OBJECTION

LANELLE TADLOCK ...WRITTEN OBJECTION

EDWARD TADLOCK...ADDRESSED THE COURT OBJECTING

MOTION TO GRANT VARIANCE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES 4/1 WITH COMMISSIONER BROWN OPPOSING

MINUTE ORDER NO 119.13 APPROVING FINAL PLAT – SHILOH MANOR, 49 LOTS, JOE WILSON ROAD AND SHILOH ROAD; BOBBY GLASS, PCT. 4

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

PURCHASING:

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY KIM GOULD, PURCHASING AGENT:

MINUTE ORDER NO 120.13 APPROVING “LESSEE’S AUTHORIZING RESOLUTION” BETWEEN ELLIS COUNTY AND CATERPILLAR FINANCIAL SERVICES

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

MINUTE ORDER NO 121.13 RENEWING COMPREHENSIVE PROPERTY AND CASUALTY INSURANCE WITH HIBBS HALLMARK FOR ELLIS COUNTY FOR THE PERIOD OF ONE YEAR BEGINNING MAY 23, 2013 THROUGH MAY 22, 2014

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

MINUTE ORDER NO 122.13 APPROVING LEASE AGREEMENT BETWEEN ELLIS COUNTY AND PITNEY BOWES FOR THE LEASE OF POSTAGE MACHINE, MODEL CONNECT + 3000 SERIES WOW. TERM 60 MONTHS, \$823.00 MONTHLY, BILLED QUARTERLY AT \$2,469.00

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

ADMINISTRATIVE:

MINUTE ORDER NO 123.13 APPOINTING JANIS COLEMAN TO THE EMERGENCY SERVICES DISTRICT #7 BOARD FOR A TERM EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2013

(DENNIS ROBINSON COMMISSIONER PCT 1)

JANIS COLMAN OF BRISTOL ADDRESSED THE COURT UPON INTRODUCTION

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

MINUTE ORDER NO 124.13 LEASING THE COUNTY'S HANDICAP VOTING EQUIPMENT TO ELLIS COUNTY CITIES AND SCHOOL DISTRICTS FOR THE MAY 12, 2012 ELECTION. SEE CITIES AND SCHOOLS LISTED BELOW:

<u>CITY</u>	<u>CITY</u>	<u>CITY</u>	<u>SCHOOL</u>	<u>SCHOOL</u>
BARDWELL	MAYPEARL	PALMER	ENNIS	MILFORD
ENNIS	MILFORD	PECAN HILL	FERRIS	PALMER
FERRIS	OAK LEAF	RED OAK	ITALY	RED OAK
ITALY	OVILLA	WAXAHACHIE	MAYPEARL	WAXAHACHIE

(JANE ANDERSON, ELECTIONS)

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

MINUTE ORDER NO 125.13 APPROVING A RESOLUTION TO THE TEXAS LEGISLATURE IN SUPPORT OF LEGISLATION PROPOSED BY ELLIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 WHICH IS WHOLLY LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FERRIS. PROPOSED LEGISLATION WILL AUTHORIZE THE DISTRICT TO EXERCISE ADDITIONAL POWERS RELATED TO THE PROVISION OF ROADWAY PUBLIC INFRASTRUCTURE AND ADDRESS OTHER ISSUES RELATED TO THE DISTRICT.

(DENNIS ROBINSON, COMMISSIONER PCT 1)

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

MINUTE ORDER NO 126.13 APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE COUNTY OF ELLIS AND CITY OF RED OAK FOR A TERM AGREEMENT OF FEBRUARY 1, 2013 TO OCTOBER 1, 2013

(RON BROWN, COMMISSIONER PCT 4)

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

No Action: 4.5 CONSIDERATION AND ACTION TO AMEND MINUTE ORDER 238.12 CHANGING ALL OF THE COMMISSIONERS' COURT MEETING TIMES REFLECTED IN THE MINUTE ORDER TO 10:00 A.M. EFFECTIVE FEBRUARY 25, 2013.

(RON BROWN, COMMISSIONER PCT 4)

PUBLIC PARTICIPANTS:

HENRY HEFNER...OPPOSED

TJ FABBY...OPPOSED

JIM SIMMONS...OPPOSED

DUFF HALE...OPPOSED

AMY HEDTKE...OPPOSED

ROBERT STAFFORD...OPPOSED

RODNEY RAMSEY...OPPOSED

JOYCE LIPTAK "WRITTEN" OPPOSITION

MOTION BY COMMISSIONER BROWN TO CHANGE MEETING TIMES FROM 6:00 PM TO 4:30 PM...DIES FOR LACK OF 2NDCOMMISSIONER DODSON MADE MOTION TO TABLE AND NO ACTION WAS TAKEN

MINUTE ORDER NO 127.13 APPROVING A RESOLUTION IN SUPPORT OF THE CITY OF MIDLOTHIAN IN ITS PURSUIT OF LEGISLATION CREATING THE "WINDSOR HILLS MUNICIPAL MANAGEMENT DISTRICT #1, WHICH IS LOCATED ENTIRELY WITHIN THE MIDLOTHIAN CITY LIMITS

(RON BROWN, COMMISSIONER PCT 4)

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

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 FEBRUARY 11, 2013 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



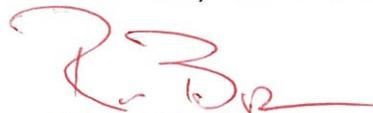
DENNIS ROBINSON, COMMISSIONER, PCT 1



BILL DODSON, COMMISSIONER, PCT 2

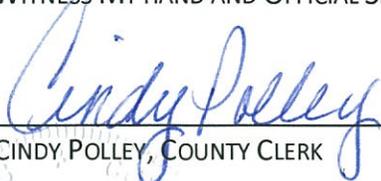


PAUL PERRY, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MARCH 25, 2013.



CINDY POLLEY, COUNTY CLERK

