

**FILED**

**APR 22 2013**

**COUNTY CLERK  
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // APRIL 8, 2013**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, APRIL 8, 2013 AT 10:00 A.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

PAUL PERRY, COMMISSIONER, PCT. 3

RON BROWN, COMMISSIONER, PCT. 4

COUNTY CLERK:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN

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—COMMISSIONER PAUL PERRY, PCT. 3

CONSENT AGENDA:

**MINUTE ORDER NO 154.13 APPROVING CONSENT AGENDA**

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS COURT AGENDA DATED: MARCH 25, 2013
- A3 RE-APPROVAL OF THE 2012-13 INTERAGENCY AGREEMENT FOR PARTICIPATION IN THE TRI COUNTY AUTO BURGLARY & THEFT PREVENTION TASK FORCE. THIS WAS PREVIOUSLY APPROVED ON FEBRUARY 25, 2013, BUT SINCE THEN A TYPO WAS FOUND IN THE THIRD PARAGRAPH OF PAGE ONE. THE AMOUNT SHOULD READ \$239,772 AS OPPOSED TO THE ONE PRESENTED WITH \$152,237.
- A4 (SEE MINUTE ORDER NO 155.13)
- A5 AUTHORIZATION OF AN INTERGOVERNMENTAL TRANSFER AS PER THE ELLIS COUNTY INDIGENT CARE AFFILIATION AGREEMENT, MINUTE ORDER 404.11, DECEMBER 12, 2011 AND AS AMENDED MINUTE ORDER 365.12 ON DECEMBER 10, 2012 FOR THE PERIOD JANUARY 1, 2013 THROUGH MARCH 31, 2013 IN THE AMOUNT OF \$110,228.82 FOR MEDICAL SERVICES RELATED TO INDIGENT CARE

**FINANCIAL:**

- F1 FROM 001-0140-50558, CONTINGENCIES To 001-0035-50819, IT COMPUTER; 001-0230-50888, PURCHASING COMPUTER SERVICE. – CAROL BUSH, COUNTY JUDGE
- F2 FROM 001-0210-40719, CHAPTER 19 STATE FUNDING To 001-0210-50800, CHAPTER 19 EXPENDITURES – JANE ANDERSON, ELECTIONS
- F3 FROM 001-0370-50804, POSTAGE To 001-0370-50801, SUPPLIES. – JOHN BRIDGES, TAX OFFICE
- F4 FROM 001-0520-50802, EQUIPMENT To 001-0520-50803, OFFICE FIX/FURN. – JACKIE MILLER, JP2
- F5 FROM 009-0602-50906, FM1CULVERTS To 009-0602-50914, FM1 SIGNS. – DENNIS ROBINSON RB1
- F6 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>
U.S. BANCORP SERVICE PROVIDERS, LLC	1 41489	\$5,451.94
FIRST AMERICAN TITLE	169144	\$4,101.90
DOVENMUEHLE MORTGAGE	229980	\$3,281.10
WM RENEWABLE ENERGY, LLC	243186	\$52,524.82

MOTION TO APPROVE CONSENT AGENDA *WITH EXCEPTION OF A4* BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**MINUTE ORDER NO 155.13** APPROVING RECEIPT OF A DONATION OF ROAD SIGNS FROM ELLIS COUNTY SHARE THE ROAD COMMITTEE TO BRING AWARENESS TO THE PRESENCE OF MOTORCYCLE RIDERS IN COMMISSIONERS PRECINCT 3

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

**DEPARTMENT OF COUNTY DEVELOPMENT**

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

**MINUTE ORDER NO 156.13** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS, AND SPECIFICATIONS OF SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT IS RELATED TO 300' ROAD FRONTAGE REQUIREMENT WHEN A PROPERTY WITH AN ON-SITE-SEWAGE FACILITY ADDS A PRIVATE WATER WELL, AT THE LOCATION IN ROCKING B ADDITION LOT 1, 6321 FORBES ROAD, NEAR MIDLOTHIAN, TEXAS, 76065, AT THE REQUEST OF RONNI BISHOP, SPECIFICALLY WITHIN ELLIS COUNTY ROAD AND BRIDGE PRECINCT 3

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 157.13** DECLARING 2003 FORD CROWN VICTORIA VIN 1J4FT68SOWL155594, 1998 JEEP CHEROKEE VIN 2FAFP71W73X156274, 1999 FORD RANGER VIN 1FTUR10V6X1A43755, LITTLE BEAVER MECHANICAL EARTH DRILL MDL-8H/8HP HONDA ALONG WITH A 6 YEAR OLD TREE TERMINATOR AS SURPLUS TO BE SOLD ON AN ONLINE AUCTION

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

**MINUTE ORDER NO 158.13** DECLARING TIRES FOR ROAD AND BRIDGE PRECINCTS AS WASTE FOR DISPOSAL

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

**ADMINISTRATIVE:**

**MINUTE ORDER NO 159.13** AUTHORIZING THE COUNTY JUDGE TO ISSUE APPROPRIATE LEGAL NOTICE TO CANCEL THE RADIO TOWER LEASE BETWEEN ELLIS COUNTY AND AMERICAN TOWER CORPORATION AT THE EXPIRATION OF THE CURRENT TERM, EFFECTIVE OCTOBER 31, 2013

(CAROL BUSH, COUNTY JUDGE)

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

**MINUTE ORDER NO 160.13** APPOINTING RON BROWN, COMMISSIONER PCT. 4, AS JUDGE PRO-TEM TO SERVE AS PRESIDING OFFICER OF THE ELLIS COUNTY COMMISSIONERS COURT WHEN THE COUNTY JUDGE CANNOT ACT IN THAT CAPACITY

(CAROL BUSH, COUNTY JUDGE)

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

**ADJOURNMENT**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF APRIL 8, 2013 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

  
\_\_\_\_\_  
PAUL PERRY, COMMISSIONER, PCT 3

  
\_\_\_\_\_  
RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS APRIL 8, 2013

  
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CINDY POLLEY, COUNTY CLERK