

**FILED**  
**MAY 28 2013**  
COUNTY CLERK  
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT**  
**OFFICIAL MINUTES // MAY 13, 2013**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, MAY 13, 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, 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 PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON, PCT. 1

**CONSENT AGENDA:**

**MINUTE ORDER NO 175.13 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

A2 APRIL, 2013 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

A3 1<sup>ST</sup> QUARTER 2013 ELLIS COUNTY INVESTMENT REPORT — CHERYL CHAMBERS, TREASURER

A4 TO INCREASE PHOTO COPY FEE FROM .50 CENTS TO \$1.00 AS ALLOWED BY LAW — MELANIE REED, DISTRICT CLERK

A5 APPROVAL OF THE MINUTES OF THE ELLIS COUNTY COMMISSIONER COURT MEETING, APRIL 22, 2013 — CINDY POLLEY, COUNTY CLERK

- A6 APPROVE CHANGE OF INDIGENT SUPERVISOR POSITION TO INDIGENT HEALTHCARE COORDINATOR AT AN HOURLY RATE OF \$17.87

**FINANCIAL:**

- F1 FROM 001-0520-50874, DOCKET BOOKS / PRINTING TO 001-0520-50803, OFFICE FIXTURE / FURNITURE. – JACKIE MILLER, JR. JP, PCT. 2
- F2 FROM 001-0612-50808, GAS/OIL; 001-0612-50819, COMPUTERS; 001-0612-50812, RADIO TO 001-0612-50703, TELEPHONE; 001-0612-50802, EQUIPMENT. – TERRY NAY, CONSTABLE, PCT. 2
- F3 FROM 010-0653-50807, FM2 GEN EXP TO 010-0653-50913, FM2 CHEMICAL. – BILL DODSON, COMMISSIONER, PCT. 2
- F4 FROM 010-0653-50868, FM2 CONTRACT LABOR TO 010-0653-50907 FM2 TIRES. – BILL DODSON, COMMISSIONER, PCT. 2
- F5 FROM 003-0601-30302 RB 1 FUND BALANCE TO 003-0601-50807 RB 1 GEN. MISC. – DENNIS ROBINSON, COMMISSIONER, PCT. 1
- F6 FROM 009-0602-30302 FM1 FUND BALANCE TO 009-0602-50909 FM1 REPAIRS/PARTS, 009-0602-50910 FM1 FUEL, 009-0602-50914 FM1 SIGNS, 009-0602-50807 FM1 GEN. MISC. – DENNIS ROBINSON, COMMISSIONER PCT. 1
- F7 FROM 001-0310-50626 RECORDING/MICROFILM TO 001-0310-50805 CONFERENCE – MELANIE REED, DISTRICT CLERK
- F8 FROM 005-0703-50930 RIGHT OF WAY PURCHASE TO 005-0703-50701 UTILITIES – PAUL PERRY, COMMISSIONER, PCT. 3
- F9 FROM 001-0050-50873 MAINT/REPAIR TO 001-0050-50803 FURNITURE/FIXTURES AND 001-0050-50843 4-H TRAVEL – MARK ARNOLD, TEXAS A&M AGRILIFE EXTENSION SERVICE
- 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>
RICKY L., DONNA K. BALLARD	209661	\$2,892.12
D. L. PETERSON TRUST	230759	\$5,776.32

**SIMPLIFIED PLAT:**

- SP1 GARRETT-ROBERTS SUBDIVISION SECTION ONE, 2 LOTS, F.M. 879, AT THE REQUEST OF EVAN H. JOHNSON AND CYNTHIA VASQUEZ, PCT. 2. – JUDY ARMSTRONG, DEPARTMENT OF DEVELOPMENT
- MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**PURCHASING**

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

**MINUTE ORDER NO 176.23** DECLARING AS SURPLUS (1) 1995 FORD F250 VIN #1FTHX25F3SKB52918 TO BE DISPOSED OF BY ONLINE AUCTION IN ACCORDANCE TO THE TX LOCAL GOVERNMENT CODE

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

**ADMINISTRATIVE:**

**MINUTE ORDER NO 177.13** APPROVING SALE AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE THE DEED AND ANY AND ALL DOCUMENTS NECESSARY TO CONVEY CERTAIN REAL PROPERTY PREVIOUSLY ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE TO DAVID FORD, ON BEHALF OF E.M.A. CHURCH IN THE AMOUNT OF \$15,000.00. ELLIS COUNTY, ENNIS INDEPENDENT SCHOOL DISTRICT AND CITY OF ENNIS ACQUIRED TITLE TO SAID REAL PROPERTY AT A TAX FORECLOSURE SALE IN CAUSE NO.14,445-TX, IN THE 40<sup>TH</sup> JUDICIAL DISTRICT COURT OF ELLIS COUNTY, TEXAS. SAID PROPERTY IS DESCRIBED AS FOLLOWS: LOT 18, BLOCK 5, LAKE HIGHLAND ADDITION #5, AN ADDITION TO THE CITY OF ENNIS, ELLIS COUNTY, TEXAS ACCORDING TO MAP OR PLAT, THEREOF, RECORDED IN VOLUME 3, PAGE 126 MAP RECORDS OF ELLIS COUNTY, TEXAS (25-5840-0050-1800-103) (CAROL BUSH, COUNTY JUDGE)

*PRESENTATION BY JAKE BATTENFIELD, ATTY, LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP*

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

**MINUTE ORDER NO 178.13** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF GLENN HEIGHTS FOR ROAD REPAIRS AND RELATED MAINTENANCE FOR A TERM OF MAY 1, 2013 TO MAY 1, 2014 (RON BROWN, COMMISSIONER, PCT. 4)

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

**MINUTE ORDER NO 179.13** AUTHORIZING PLACEMENT OF A GATE ACROSS HARRINGTON ROAD IN ELLIS COUNTY ROAD AND BRIDGE PCT. 2 PURSUANT TO SECTION 251.010 OF THE TEXAS TRANSPORTATION CODE AT NO COST TO ELLIS COUNTY. (BILL DODSON, COMMISSIONER, PCT.2)

*PUBLIC PARTICIPATION: KEVIN STRENGTH*

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

**RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING (10:08 AM)**

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**PUBLIC HEARING**

IN ACCORDANCE WITH §251.152 OF THE TEXAS TRANSPORTATION CODE, A PUBLIC HEARING WILL BE CONDUCTED BEFORE THE ELLIS COUNTY COMMISSIONERS COURT TO CONSIDER REDUCING THE SPEED LIMIT ON LISKA ROAD NEAR ENNIS, TEXAS, TO 35 MILES PER HOUR PURSUANT TO §251.154 OF THE TEXAS TRANSPORTATION CODE.

*(NO PUBLIC PARTICIPATION)*

**ADJOURNMENT OF PUBLIC HEARING AND RECONVENE TO REGULAR SESSION (10:09 AM)**

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 180.13** APPROVAL TO REDUCE THE SPEED LIMIT ON LISKA ROAD NEAR ENNIS, TEXAS TO 35 MILES PER HOUR PURSUANT TO §251.154 OF THE TEXAS TRANSPORTATION CODE AND AUTHORIZING INSTALLATION OF ALL APPROPRIATE SIGNS TO ENFORCE THIS ORDER  
(PUBLICATION VERIFIED – ENNIS DAILY NEWS) (BILL DODSON, COMMISSIONER, PCT. 2)  
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**MINUTE ORDER NO 181.13** APPROVING SELECTION OF THREE PUBLIC MEMBERS TO SERVE ON THE ELECTED OFFICIALS' SALARY GRIEVANCE COMMITTEE FOR FISCAL YEAR 2013-2014. THREE NAMES DRAWN AT RANDOM FROM THE LIST OF GRAND JURORS FOR THE PRECEDING YEAR WILL BE MEMBERS OF THE COMMITTEE UPON WRITTEN ACCEPTANCE TO THE COUNTY CLERK. (ADDITIONAL NAMES WILL BE DRAWN TO CREATE AN ALTERNATE LIST.) (TX LOC GOV'T CODE §152.014/§152.015).  
(CINDY POLLEY, COUNTY CLERK)

*JERIMIAH JONES—WAXAHACHIE, SANDRA HILL—MIDLOTHIAN, PENNY R SMITH—WAXAHACHIE*  
*ALTERNATES: JAMEELAH SABIR-RED OAK, JOSEPHINE GALLEGOS-FERRIS, JEFFREY BROGDEN-*  
*MANSFIELD, COLLEEN TOBEY-RED OAK*

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

#### **RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING**

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

#### **PUBLIC HEARING**

PUBLIC HEARING REGARDING POTENTIAL CHANGES TO THE ELLIS COUNTY FLOOD DAMAGE PREVENTION ORDER WHICH WAS ORIGINALLY ADOPTED ON NOVEMBER 30, 1998, AND AMENDED ON JULY 25, 2011, PURSUANT TO CHAPTER 16, SUBCHAPTER I OF THE *TEXAS WATER CODE* AND TO COMPLY WITH THE REQUIREMENTS AND CRITERIA OF THE NATIONAL FLOOD INSURANCE PROGRAM.

#### **ADJOURNMENT OF PUBLIC HEARING**

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

#### **RECONVENE TO REGULAR SESSION**

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**MINUTE ORDER NO 182.13** APPROVING CHANGES TO THE ELLIS COUNTY FLOOD DAMAGE PREVENTION ORDER, ORIGINALLY ADOPTED ON NOVEMBER 30, 1998 AND AMENDED ON JULY 25, 2011 (PURSUANT TO CHAPTER 16, SUBCHAPTER I OF THE TEXAS WATER CODE AND TO COMPLY WITH THE CRITERIA OF THE NATIONAL FLOOD INSURANCE PROGRAM)  
(JOE WHITE, ELLIS COUNTY ENGINEER)

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

#### **RECESS TO CONVENE TO EXECUTIVE SESSION (10:24 AM)**

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**EXECUTIVE SESSION**

“THE COMMISSIONERS COURT OF ELLIS COUNTY RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED IN THIS AGENDA, IN THE ORDER DEEMED APPROPRIATE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE 551, OR TO SEEK THE ADVICE OF ITS ATTORNEY AND/OR OTHER ATTORNEYS REPRESENTING ELLIS COUNTY ON ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE COMMISSIONERS COURT UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH TEXAS GOVERNMENT CODE CHAPTER 551 OR AS OTHERWISE MAY BE PERMITTED UNDER 551.”

- 4.1 PURSUANT TO SECTION 551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING THE POSSIBLE SALE OR LEASE OF REAL PROPERTY “IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.”

**ADJOURNMENT OF EXECUTIVE SESSION**

**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 MAY 13, 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 MAY 28, 2013:



CINDY POLLEY, COUNTY CLERK