

**FILED**

**AUG 12 2013**

**COUNTY CLERK  
ELLIS COUNTY, TEXAS**

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

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JULY 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, 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 210.13 APPROVING CONSENT AGENDA**

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 CONSIDERATION AND ACTION TO ACCEPT A DONATION FROM PETSMAST IN THE AMOUNT OF \$4,000 TO CONSTRUCT A CANINE TRAINING FACILITY — CHUCK LAUBACH, SHERIFF'S OFFICE
- A3 APPROVAL OF THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING DATED JUNE 10, 2013 — CINDY POLLEY, COUNTY CLERK

FINANCIAL:

- F1 FROM 001-0210-40719 CHAPTER 19 STATE FUNDING TO 001-0210-50800 CHAPTER 19 EXPENDITURES — JANE ANDERSON, ELECTIONS
- F2 FROM 001-0385-50805 CONFERENCE, 001-0385-50601 TRAVEL REIMBURSEMENT, 001-0385-50801 SUPPLIES TO 001-0385-50807 VISITING JUDGE — JUDGE GENE CALVERT, COUNTY COURT AT LAW 2
- F3 FROM 001-0360-50799 DA-COPIER, 001-0360-50703 DA-TELEPHONE, 001-0360-50805 DA-CONFERENCE TO 001-0360-50853 DA-LEGAL RESEARCH — PATRICK WILSON, COUNTY AND DISTRICT ATTORNEY

- F4 FROM 030-0930-50802 CHECK PROC-EQUIPMENT, 030-0930-50819 CHECK PROC-COMPUTER TO 030-0930-50502 CHECK PROC-SALARY – PATRICK WILSON, COUNTY AND DISTRICT ATTORNEY
- F5 FROM 001-0425-50810 AUTO TIRES/TIRE RPS TO 001-0425-50819 COMPUTER – ANNE PRICE, HUMAN SERVICES
- F6 FROM 009-0602-50807 FM1 GEN. MISC. TO 009-0602-50910 FM1 FUEL, 009-0602-50909 FM1 REPAIRS/PARTS, 009-0602-50911 FM1 GRAVEL – DENNIS ROBINSON, COMMISSIONER PCT. 1.
- F7 FROM 001-0520-50873 MAIN/RPS OFC. EQUIP TO 001-0520-50803 OFFICE FIXTURE/FURNITURE AND 001-0520-50801 SUPPLIES – JACKIE MILLER JR., JUSTICE OF THE PEACE, PCT. 2.
- F8 FROM 024-0924-40975 FIRE MARSHAL SPECIAL FUND TO 024-0924-50502 SALARIES, 024-0924-50553 SOCIAL SECURITY, 024-0924-50802 EQUIPMENT, 024-0924-50831 UNIFORM EXP – JOE STEWART, FIRE MARSHAL.

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 211.13** DECLARING AS SURPLUS (1) 8X8X40 STORAGE BUILDING FROM PRECINCT 2, TO BE PLACED IN AN ONLINE AUCTION IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 263.152

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

**No ACTION:** 3.2 CONSIDERATION TO DECLARE AS SURPLUS (1) 2003 FORD TAURUS VIN#1FAFP52U53A210603 FROM DISTRICT ATTORNEY’S OFFICE, TO BE PLACED ON AN ONLINE AUCTION IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 263.152.

**ADMINISTRATIVE:**

CALEB PERKINS REPRESENTING PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP SUBMITTED TAX RESALE OFFERS FOR THE FOLLOWING ELLIS COUNT PROPERTIES: AGENDA ITEMS 4.1 - 4.13...MINUTE ORDER NOS. 212.13 THRU 224.13

**MINUTE ORDER NO 212.13** APPROVING THE TAX RESALE OFFER BY MR. WELDON DAVIS FOR PROPERTY LOCATED AT 102 POND ST., BARDWELL, TX

**MINUTE ORDER NO 213.13** APPROVING THE TAX RESALE OFFER BY MR. ISAURO MENDOZA FOR PROPERTY LOCATED AT 404 QUINLAN DR., ENNIS, TX

**MINUTE ORDER NO 214.13** APPROVING THE TAX RESALE OFFER BY MS. MARTHA MENDOZA FOR PROPERTY LOCATED AT E. LATIMER ST., ENNIS, TX

**MINUTE ORDER NO 215.13** APPROVING THE TAX RESALE OFFER BY NEXTLOTS 5, LLC FOR PROPERTY LOCATED AT E. DECATUR ST., ENNIS, TX

**MINUTE ORDER NO 216.13** APPROVING THE TAX RESALE OFFER BY NEXTLOTS 5, LLC FOR PROPERTY LOCATED AT S. OWENS ST., ENNIS, TX

**MINUTE ORDER NO 217.13** APPROVING THE TAX RESALE OFFER BY NEXTLOTS 5, LLC FOR PROPERTY LOCATED AT 300 E. FREEMAN ST., ENNIS, TX

**MINUTE ORDER NO 218.13** APPROVING THE TAX RESALE OFFER BY NEXTLOTS 5, LLC FOR PROPERTY LOCATED AT 1305 DAFFAN AVE., ENNIS, TX

**MINUTE ORDER NO 219.13** APPROVING THE TAX RESALE OFFER BY NEXTLOTS 5, LLC FOR PROPERTY LOCATED AT 1905 N. BRECKENRIDGE ST., ENNIS, TX

**MINUTE ORDER NO 220.13** APPROVING THE TAX RESALE OFFER BY NEXTLOTS 5, LLC FOR PROPERTY LOCATED AT 1205 N. BRECKENRIDGE ST., ENNIS, TX

**MINUTE ORDER NO 221.13** APPROVING THE TAX RESALE OFFER BY MR. JOSE RODRIGUEZ FOR PROPERTY LOCATED AT 1502 PITTSFIELD ST., ENNIS, TX

**MINUTE ORDER NO 222.13** APPROVING THE TAX RESALE OFFER BY MR. BARTOLO SANDOVAL FOR PROPERTY LOCATED AT 1006 W. BROWN ST., ENNIS, TX

**MINUTE ORDER NO 223.13** APPROVING THE TAX RESALE OFFER BY MR. STEVEN SANTOS FOR PROPERTY LOCATED AT 174 LYONS RD., ENNIS, TX

**MINUTE ORDER NO 224.13** APPROVING THE TAX RESALE OFFER BY MR. JOE SIFUENTES FOR PROPERTY LOCATED AT 2263 FM 1182, ENNIS, TX

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN TO APPROVE CARRIES UNANIMOUSLY  
(*AGENDA ITEMS 4.1 THRU 4.13 // MINUTE ORDER NO 212.13-224.13*)

**MINUTE ORDER NO 225.13** APPROVING THE EARLY VOTING SCHEDULE AND ELECTION DAY POLLING LOCATIONS FOR THE NOVEMBER 5, 2013 CONSTITUTIONAL AMENDMENT ELECTION

(JANE ANDERSON, ELECTIONS ADMINISTRATOR)

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

**MINUTE ORDER NO 226.13** APPROVING CERTIFIED PETITION SUBMITTED BY JANE ANDERSON, ELECTIONS ADMINISTRATOR UPON VERIFICATION THAT 2,198 SIGNATURES REQUIRED WERE RECEIVED AND WERE QUALIFIED VOTERS IN ELLIS COUNTY JUSTICE OF THE PEACE, PCT2 REQUESTING A LOCAL OPTION ELECTION FOR "THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE AND BEVERAGE CERTIFICATE HOLDERS ONLY".

AND

**ORDERING A LOCAL OPTION ELECTION** TO BE CONDUCTED ON NOVEMBER 5, 2013 FOR THE QUALIFIED VOTERS IN ELLIS COUNTY JUSTICE OF THE PEACE PRECINCT NUMBER 2 TO DETERMINE THE ISSUE TO "**LEGALIZE THE SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY**"

(JANE ANDERSON, ELECTIONS ADMINISTRATOR)

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

**MINUTE ORDER NO 227.13** APPROVING AN ORDER AUTHORIZING THE COUNTY AND DISTRICT ATTORNEY'S OFFICE TO ACQUIRE REGULAR LICENSE PLATES FOR CERTAIN COUNTY OWNED VEHICLES PURSUANT TO TRANSPORTATION CODE SECTION 502.201 EXEMPTING REQUIREMENT THAT VEHICLES REQUIRE INSCRIPTION OF COUNTY-OWNED VEHICLES FOR A 2008 CROWN VICTORIA, VIN #2FAP71V88X103856

(LEE AUVENSHINE, ASSISTANT COUNTY AND DISTRICT ATTORNEY)

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

**MINUTE ORDER NO 228.13** APPROVING WORK ORDER UNDER INTERLOCAL AGREEMENT WITH CITY OF ITALY AND ELLIS COUNTY ROAD & BRIDGE, PCT. 3 (SOUTH WARD STREET BETWEEN TRAVIS STREET AND DILWORTH STREET)

(PAUL PERRY, COMMISSIONER, PCT. 3)

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

**MINUTE ORDER NO 229.13** APPROVING WORK ORDER UNDER INTERLOCAL AGREEMENT WITH CITY OF MAYPEARL AND ELLIS COUNTY ROAD & BRIDGE, PCT. 3 (RESURFACE CITY STREET...PHILLIPS STREET FROM FOURTH STREET TO HWY 157)

(PAUL PERRY, COMMISSIONER, PCT. 3)

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

**MINUTE ORDER NO 230.13** APPROVING ORDER PROHIBITING OUTDOOR BURNING ENACTING THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY (JOE STEWART, FIRE MARSHAL)  
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 231.13** APPROVING ONE YEAR CONTRACT RENEWALS FOR CONTRACT FE3.1K26344 AND CONTRACT FE7K25116, ON THE BATTERY BACKUP SYSTEM FOR THE ELLIS COUNTY DETENTION CENTER  
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**RECESS TO CONVENE TO EXECUTIVE SESSION (10:18 AM)**

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON 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.”

- 5.1 PURSUANT TO SECTION 551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DUTIES OF THE FIRE MARSHAL/EMERGENCY MANAGEMENT OFFICE.
- 5.2 CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES UNDER SEC. 551.076.

**ADJOURNMENT OF EXECUTIVE SESSION (11:05 AM)**

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN 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 JULY 8, 2013 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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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 12<sup>TH</sup> DAY OF AUGUST, 2013



CINDY POLLEY, COUNTY CLERK

