

FILED

MAY 12 2014

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JANUARY 13, 2014**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JANUARY 13, 2014 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 (ABSENT)

COUNTY CLERK:

TINA CHAMBERS, ASSISTANT COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

OPENING COURT: (10:01 AM)

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 ROBINSON CARRIES UNANIMOUSLY

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

PUBLIC COMMENT: 4.2 COY SEVIER — RE: ERNEST TUBB
4.18 TREY MOON & EDDIE MINOR —RE: RE-APPOINTMENT OF JOE STEWART, FIRE MARSHALL
PARTICIPATION FORM: 4.15 THE FOLLOWING RESIDENTS REGISTERED SUPPORT FOR BOB MAHLSTEDT, RAY BRINDLE AND WALTER NOWELL IN ESO#4...CHOSE NOT TO ADDRESS THE COURT:

ANDY LANCASTER

TOM MANNING

LUCY GARCIA

RENA BAUER

RUBEN GARCIA

CODY TATUM

JENNIFER CURRY

DANIEL HOMIAK

DOMINIQUE HOMIAK

SHIRLEY HUNSTABLE

BOB BAUER

SHERI TEN HAGEN

SCOTT TEN HAGEN

CLARISSA HENNINGTON

SHARON TAYLOR

DON TAYLOR

MICHAEL CLARDY

DEANNA CLARDY

NEKE HOLT

WENDY HOLT

LYNN HUNNSTABLE

PHILLIP BRANCATO

CONSENT AGENDA:

MINUTE ORDER NO 101.14 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 CONSIDERATION AND ACTION TO PURCHASE 23 KENWOOD DIGITAL HANDHELD RADIOS USING STATE FORFEITURE FUNDS. COST FOR UNITS AND PROGRAMMING CABLES IS \$20,504.88 – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE
- A3 DECEMBER 2013 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - PAGE BISHOP, 4-H
 - RITA HODGES, FAMILY & CONSUMER SCIENCES
- A4 APPROVAL TO ACCEPT THE FOLLOWING RESIGNATIONS FROM EMERGENCY SERVICE DISTRICT BOARDS EFFECTIVE DECEMBER 31, 2013:
 - ESD #1 DON FRISBEE
 - ESD #5 PAUL JONES
 - ESD #8 JULIE HASTINGS
 - ESD #8 RONNIE GATLIN

FINANCIAL:

- F1 FROM 001-0210-40965 CONTRACTING ELECTIONS To 001-0210-50801 SUPPLIES, 001-0210-50848 SALARIES – ELECTIONS ADMINISTRATION
 - F2 FROM 058-0958-30302 FUND BALANCE To 058-0958-50802 EQUIPMENT – MIKE JONES, CONSTABLE, PRECINCT 4
 - F3 FROM 001-0612-50812 RADIO To 001-0612-50802 EQUIPMENT – TERRY NAY, CONSTABLE, PRECINCT 2
 - F4 FROM 031-0931-50853 LEGAL RESEARCH, 031-0931-50802 EQUIPMENT, 031-0931-50807 GENERAL MISC To 031-0931-50502 SALARIES, 031-0931-50553 FICA/SS, 031-0931-50554 RETIREMENT, 031-0931-50550 INSURANCE – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
 - F5 FROM 047-0947-50807 GENERAL EXPENSE, 3-047-0000-0302 FUND BALANCE To 047-0947-50802 EQUIPMENT – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE
 - F6 FROM 001-0520-50802 EQUIPMENT To 001-0520-50803 FURNITURE/FIXTURES – JACKIE MILLER, JR., JUSTICE OF THE PEACE, PCT. 2
 - F7 FROM 3-030-0000-0302 BUDGETED FUND BALANCE To 030-0930-50502 CK PROC – SALARY, 030-0930-50553 CK PROC – SOCIAL SECURITY – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
 - F8 FROM 001-0070-50502 SALARY To 001-0070-50819 COMPUTER – DAN COOK, VETERANS SERVICES
- MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT:

- No ACTION:** 2.1 CONSIDERATION AND POSSIBLE ACTION TO GRANT OR DENY A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES AND REGULATIONS, AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT PERTAINS TO THE CONSTRUCTION BOND FOR A NEW SUBDIVISION. PROPERTY OWNER, CLYDE HARGROVE PROPOSES AN ALTERNATIVE SECURITY AGREEMENT FOR SUBDIVISION, SPRINGFIELD

LAKES, IN LIEU OF THE STANDARD CONSTRUCTION BOND REQUIRED WITHIN SECTION 232.004 OF THE LOCAL GOVERNMENT CODE AND SECTION X OF THE COUNTY RULES, LOCATED IN PCT. 4

PURCHASING:

MINUTE ORDER NO 102.14 APPROVAL TO DISPOSE OF OUT-DATED LAW BOOKS FROM THE LAW LIBRARY IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 263.152

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

MINUTE ORDER NO 103.14 AUTHORIZING THE COUNTY JUDGE TO SIGN AMENDMENT OF THE SUEZ ENERGY CONTRACT FOR ELLIS COUNTY

MOTION BY COMMISSIONER DODSON, *NO SECOND* . . .

MOTION BY COMMISSIONER PERRY TO AMEND MOTION TO APPROVE , SUBJECT TO LEGAL APPROVAL, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 104.14 PROCLAIMING JANUARY 2014 AS NATIONAL MENTORING MONTH –
MARTY WHITE ADDRESSED THE COURT

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

MINUTE ORDER NO 105.14 APPROVING PROCLAMATION PAYING TRIBUTE TO ELLIS COUNTY NATIVE SON ERNEST DALE TUBB FOR HIS LEGENDARY CAREER IN COUNTRY MUSIC AS THE 100TH ANNIVERSARY OF HIS BIRTH IS FEBRUARY 9, 2014 (PAUL PERRY, COMMISSIONER, PCT. 3)

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

MINUTE ORDER NO 106.14 ACCEPTING DONATION FROM JOHN FITE OF AN ORIGINAL OIL PAINTING OF THE HISTORIC COURTHOUSE PAINTED BY HIS MOTHER ILA J. FITE

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

MINUTE ORDER NO 107.14 EXPANDING THE USE OF THE ELLIS COUNTY SHERIFF'S OFFICE PETTY CASH FUND TO INCLUDE ESTRAY FEEDING AND VETERINARIAN SERVICES NOT TO EXCEED \$250.00 PER PURCHASE, AS AUTHORIZED IN THE LOCAL GOVERNMENT CODE, SECTION 130.904(B).

(CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

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

MINUTE ORDER NO 108.14 APPROVING EARLY VOTING SCHEDULE FOR THE MARCH 4, 2014 DEMOCRAT AND REPUBLICAN PRIMARY ELECTIONS (ELECTION ADMINISTRATION)

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

ORDER NO 109.14 RENEWING THE APPLICATION AND SUPPORTING DOCUMENTS FOR THE TEXAS 1033 SURPLUS PROPERTY PROGRAM. THIS IS A YEARLY REQUIREMENT OF THE PROGRAM.

(CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

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

MINUTE ORDER NO 110.14 APPROVAL FOR THE SHERIFF'S OFFICE TO ACCEPT A \$1,500 GRANT FROM TARGET CORPORATION TO BE USED FOR K-9 PUBLIC SAFETY RELATED ITEMS; THE FUNDS TO BE PUT IN THE CURRENT DEPT 10 GENERAL MISC LINE ITEM, AND APPROVAL TO COMPLETE ANY FOLLOW-UP DOCUMENTS REQUIRED AS PART OF RECEIVING THIS GRANT

(DENNIS BREARLEY, ELLIS COUNTY SHERIFF'S OFFICE)

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

No ACTION: 4.8 CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE RATIFICATION OF A CONTRACT WITH ACS, FIREHOUSE SOFTWARE, IN REGARD TO SOFTWARE UTILIZED BY THE FIRE MARSHAL'S OFFICE.

No ACTION 4.9 DISCUSSION AND POSSIBLE ACTION REGARDING TRASH / DEBRIS DUMPING IN RURAL ELLIS COUNTY
(DISCUSSION ONLY) PAUL PERRY, COMMISSIONER, PCT. 3

MINUTE ORDER NO 111.14 APPROVING INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD AND BRIDGE PCT 1 AND PALMER ISD (DENNIS ROBINSON, COMMISSIONER, PCT. 1)

MINUTE ORDER NO 112.14 APPROVING INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD AND BRIDGE PCT 1 AND CITY OF PECAN HILL (DENNIS ROBINSON, COMMISSIONER, PCT. 1)

MINUTE ORDER NO 113.14 APPROVING INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD AND BRIDGE PCT 1 AND CITY OF FERRIS (DENNIS ROBINSON, COMMISSIONER, PCT. 1)

MINUTE ORDER NO 114.14 APPROVING INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD AND BRIDGE PCT 1 AND CITY OF PALMER (DENNIS ROBINSON, COMMISSIONER, PCT. 1)

MOTION BY COMMISSIONER ROBINSON TO APPROVE AGENDA ITEMS 4.10 THRU 4.13, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY 4.10 (MINUTE ORDER 111.14) 4.12 (MINUTE ORDER 113.14)
4.11 (MINUTE ORDER 112.14) 4.13 (MINUTE ORDER 114.14)

MINUTE ORDER NO 115.14 ENGAGING PATTILLO, BROWN & HILL, LLP TO CONDUCT THE ANNUAL INDEPENDENT AUDIT (MIKE NAVARRO, COUNTY AUDITOR)

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

MINUTE ORDER NO 116.14 APPOINTING **GARRY HARRIS, NORQUIST WADE AND NEILL SIMS** TO SERVE AS EMERGENCY SERVICE DISTRICT BOARD MEMBERS FOR **ESD #1** FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015

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

MINUTE ORDER NO 117.14 APPOINTING *JACKIE CATE AND MURRIE WAINSCOTT* TO SERVE AS EMERGENCY SERVICE DISTRICT BOARD MEMBERS FOR **ESD #3** FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015

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

MINUTE ORDER NO 118.14 APPOINTING *BOB MALLSTEDT, RAY BRINDLE, WALTER NOWELL* TO SERVE AS EMERGENCY SERVICE DISTRICT BOARD MEMBERS FOR **ESD #4** FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015

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

MINUTE ORDER NO 119.14 APPOINTING *RAYMOND MINER* TO SERVE AS EMERGENCY SERVICE DISTRICT BOARD MEMBER FOR **ESD #5** FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015

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

MINUTE ORDER NO 120.14 APPOINTING *BILLY GETZENDANER* TO SERVE AS EMERGENCY SERVICE DISTRICT BOARD MEMBER FOR **ESD #6** FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015

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

MINUTE ORDER NO 121.14 APPOINTING *JANIS COLEMAN, GARY SPORTSMAN* TO SERVE AS EMERGENCY SERVICE DISTRICT BOARD MEMBERS FOR **ESD #7** FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015

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

MINUTE ORDER NO 122.14 APPOINTING *TEANER JOHNSON, TIFFANY MASON* TO SERVE AS EMERGENCY SERVICE DISTRICT BOARD MEMBERS FOR **ESD #8** FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015

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

MINUTE ORDER NO 123.14 APPOINTING *RICK DAVIS, KENNY CALDWELL* TO SERVE AS EMERGENCY SERVICE DISTRICT BOARD MEMBERS FOR **ESD #9** FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015

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

DISCUSSION: 4.17 ELECTIONS COMMITTEE AND ELECTIONS OFFICE UPDATE. – CAROL BUSH, ELLIS COUNTY JUDGE

No ACTION: 4.18 CONSIDERATION AND ACTION REGARDING THE APPOINTMENT OF THE FIRE MARSHAL POSITION.

RECESS TO CONVENE EXECUTIVE SESSION (10:50 AM)

MOTION BY COMMISSIONER DODSON, 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.

- 5.1 PURSUANT TO SECTION 551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE FIRE MARSHAL.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION (12:25 PM)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

ADJOURNMENT (12:26 PM)

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JANUARY 13, 2014 ARE HEREBY APPROVED.

PRESIDING OFFICER:

CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER, PCT 1

PAUL PERRY, COMMISSIONER, PCT 3



BILL DODSON, COMMISSIONER, PCT 2



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MAY 12, 2014



CINDY POLLEY, COUNTY CLERK