

**FILED**

**JUL 11 2011**

**COUNTY CLERK  
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // JUNE 13, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JUNE 13, 2011 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 - ABSENT**

**BILL DODSON, COMMISSIONER, PCT. 2**

**HEATH SIMS, COMMISSIONER, PCT. 3**

**RON BROWN, COMMISSIONER, PCT. 4**

**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: (10:04 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 DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER BILL DODSON

**CONSENT AGENDA:**

**MINUTE ORDER NO 219.11 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

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

**NO ACTION:** ~~A2 APPROVAL OF TWO UNMARKED, DEPARTMENT SEIZED, "EXEMPT" STATUS VEHICLES TO BE USED BY CONSTABLE'S OFFICE (PCT. 2), AS REQUIRED BY STATE LAW, REGULAR TYPE LICENSE REGISTRATIONS, UNMARKED/UNDERCOVER VEHICLES FOR INVESTIGATION PURPOSES INCLUDING EMISSIONS ENFORCEMENT:  
1999 FORD F-150, TXLP AK8-6200, VIN # 1FTRX17W3XNB62396  
1998 FORD EXPEDITION, TXLP BF8-T267, VIN #1FMRU18W6WLC36679~~

A3 ACCEPTANCE OF THE STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS FOR THE YEAR ENDED 12/31/10 FOR ELLIS COUNTY EMERGENCY SERVICE DISTRICTS #3, 4, AND 9; PURSUANT TO SEC. 775.082 (B) OF THE TEXAS HEALTH AND SAFETY CODE

A4 APPROVAL AND CERTIFICATION OF THE MINUTES OF THE COMMISSIONERS COURT:  
APRIL 1, 2011                      MAY 9, 2011                      MAY 23, 2011

**FINANCIAL:**

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0330-40064, STATE REIMBURSEMENT To 001-0010-50502, STAFF SALARY. – JOHNNY BROWN, SHERIFF
- F2 FROM 004-0652-30302, RB2, FUND BALANCE CARRYOVER; 004-0652-30302, RB2, FUND BALANCE CARRYOVER To 004-0652-50911, RB2, GRAVEL; 004-0652-50915, RB2, ASPHALT. – BILL DODSON, RB2
- F3 FROM 010-0653-40008, FM2 INTERLOCAL AGREEMENT REVENUE (2010-11 INTERLOCAL AGREEMENT-WORKORDER FROM THE ENNIS GARDEN CLUB FOR THE 2011 BLUEBONNET TRAIL EVENT) To 010-0653-50914, FM2 SIGNS. – BILL DODSON, FM2
- F4 FROM 031-0931-50807, DA DRUG FORF. – GEN MISC. To 031-0931-50802, DA DRUG FORF. – EQUIPMENT. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F5 FROM 001-0010-50807, SHERIFF - GENERAL MISC. To 001-0010-50840 IMPREST FUNDS. – SHERIFF JONNY BROWN
- F6 FROM 001-0390-50801 MIS – SUPPLIES To 001-0390-50805 – CONFERENCE. – TERAL CRAWFORD
- MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN TO TAKE NO ACTION ON AGENDA ITEM A2 AND PLACE ON NEXT REGULAR COMMISSIONERS' COURT AGENDA CARRIES UNANIMOUSLY
- MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS TO APPROVE CONSENT AGENDA CARRIES UNANIMOUSLY

**DEPARTMENT OF COUNTY DEVELOPMENT**

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY DELTON AKE, DIRECTOR DEPARTMENT OF DEVELOPMENT:

**MINUTE ORDER NO 220.11** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT- ONE FIRE HYDRANT EVERY 450' ON A MINIMUM SIX INCH LINE, 3 PROPOSED LOTS, CAMPBELL ROAD, STEPHEN ALLISON, PCT. 3

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

**MINUTE ORDER NO 221.11** APPROVING PRELIMINARY PLAT – ALLISON ADDITION / 3 LOTS, CAMPBELL ROAD, STEPHEN ALLISON, PCT.3

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

**MINUTE ORDER NO 222.11** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATION AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT - ONE FIRE HYDRANT EVERY 450' ON A MINIMUM SIX INCH LINE, SHANKLE ESTATES, LOT 5, 40 ACRES, JOHN JETT, PCT. 2

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

**MINUTE ORDER NO 223.11** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE 150' ROAD FRONTAGE REQUIREMENT – 150' PER TRACT, VINYARD ROAD, DAVID WILEMON, PCT. 3

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

**MINUTE ORDER NO 224.11** APPROVAL TO FILE FOR RECORD AN EASEMENT AGREEMENT FOR MORGAN CREEK ESTATES, PHASE 5 & 6, LOTS 7R, 8, AND 9, MORGAN CREEK, DENNIS GLADE, PCT. 3  
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**ADMINISTRATIVE:**

**MINUTE ORDER NO 225.11** ENACTING THE ELLIS COUNTY BURN BAN AND JULY 4 FIREWORKS AND ORDER PROHIBITING SKY ROCKETS WITH STICKS AND MISSILES WITH FINES

(JIM PHARR, FIRE INVESTIGATOR)

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

**No ACTION:** 3.2 CONSIDERATION AND ACTION TO APPROVE A PRICE QUOTE FOR CONTINUED INMATE MEDICAL SERVICES PROVIDED BY CORRECTIONAL HEALTHCARE MANAGEMENT FOR THE TERM OCTOBER 1, 2011 TO SEPTEMBER 30, 2012. THE PRICE QUOTE REFLECTS A 3.31% CPI INCREASE.

- TERRY OGDEN, SHERIFF'S OFFICE

**No ACTION:** 3.3 CONSIDERATION AND ACTION AS NEEDED TO APPROVE THE FOLLOWING SHERIFF'S OFFICE PERSONNEL ADJUSTMENTS:

1. DELETE CHIEF DEPUTY OVER DETENTION SERVICES (DEPT 15);
2. PROVIDE ONE SHERIFF'S CLERK FOR NARCOTICS UNIT (NEW SPOT);
3. ADJUST DISPATCHER II TO A DISPATCHER III (THIS EMPLOYEE CURRENTLY SERVES AS NIGHT SUPERVISOR BUT WITHOUT THE PAY)
4. ADJUST ONE SHERIFF'S CLERK TO SR. SHERIFF'S CLERK;
5. ADJUST ELEVEN DEPUTY I'S TO DEPUTY II'S SALARIES;

ALL ADJUSTMENTS AND/OR ADDITIONS WILL BE PAID FROM THE REMAINING 2010-11 SALARY OF RETIRED CHIEF DEPUTY SULLINS.

- DENNIS BREARLEY, SHERIFF'S OFFICE

**MINUTE ORDER NO 226.11** APPOINTING ALISHA WICKENS AS THE ELLIS COUNTY PURCHASING AGENT, EFFECTIVE JULY 5, 2011

(CAROL BUSH, COUNTY JUDGE)

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

**MINUTE ORDER NO 227.11** ACCEPTING THE DONATION OF LABOR AND MATERIALS NECESSARY TO CONCRETE PAVE A 550 FEET SECTION OF OZRO ROAD BEGINNING AT THE INTERSECTION OF SMITH ROAD AND OZRO ROAD AND HEADING WEST ON OZRO ROAD FOR 550 FEET. OZRO ROAD IS LOCATED WEST OF MAYPEARL OFF OF FM 157 IN PRECINCT 3. THIS SECTION WILL BE CONCRETE PAVED WITH A MINIMUM THICKNESS OF 6 INCHES, 550 FT LONG AND 18 FEET WIDE. PLANS WILL BE REVIEWED AND THE PROJECT OVERSEEN BY THE ELLIS COUNTY ENGINEERS OFFICE. THE DONATION IS BEING MADE BY BYRUM RANCH, LLC, AT A VALUE OF \$51,900.00 WITH WORK TO BE PERFORMED BY TEN HAGEN EXCAVATING AND EAGLE CONTRACTOR. PURSUANT TO SECTION 252.214 OF THE TEXAS TRANSPORTATION CODE.

(HEATH SIMS, COMMISSIONER, PRECINCT 3)

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

**PURCHASING**

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY HANNA MCCLEARY, INTERIM PURCHASING AGENT:

**MINUTE ORDER NO 228.11** APPROVING ELECTRICITY PURCHASE FROM TEXZON FOR THE PERIOD OF 06/20/11 THROUGH 12/31/13 WITH THE OPTION TO ADD ADDITIONAL NEW METERS

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

**MINUTE ORDER NO 229.11** APPROVING CONTRACT FOR PURCHASE OF LIMESTONE FLEX BASE MATERIAL TYPE A GRADE 2 FOR THE PERIOD OF 06/13/11 THROUGH 12/31/11 WITH TWO (2) ONE YEAR RENEWAL OPTIONS: FOR PCTS 1,2,4 & 3 (ITALY ONLY) I35 SAND PIT IS THE PRIMARY VENDOR AND J&K EXCAVATION SECONDARY VENDOR; FOR PCT 3 (MAYPEARL ONLY) J&K EXCAVATION IS PRIMARY VENDOR AND I35 SAND PIT IS SECONDARY VENDOR

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

**MINUTE ORDER NO 230.11** AWARDING BID FOR PURCHASE OF LIMESTONE FLEX BASE MATERIAL TYPE A GRADE 4 TO "LONE STAR AGGREGATES" FOR THE PERIOD OF 06/13/11 THROUGH 12/31/11 WITH TWO (2) ONE YEAR RENEWAL OPTIONS

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

**MINUTE ORDER NO 231.11** AWARDING BID FOR PURCHASE OF CRUSHED LIMESTONE CHIP SEAL AGGREGATE TO "I35 SAND PIT" FOR THE PERIOD OF 06/13/11 THROUGH 12/31/11 WITH TWO (2) ONE YEAR RENEWAL OPTIONS

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

**MINUTE ORDER NO 232.11** APPROVING THE PITNEY BOWES CLAIM SETTLEMENT AGREEMENT FOR ELLIS COUNTY MAIL THAT WAS DESTROYED IN THE PITNEY BOWES FIRE AT ONE OF THEIR MAIN LOCATIONS. THE AMOUNT IS \$330.00 AND COVERS POSTAGE AND REPRODUCTION COSTS.

MOTION TO APPROVE SETTLEMENT BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 233.11** DECLARING AS SURPLUS ONE (1) 1999 FORD F150 PICKUP, VIN 1FTEF15N2SLA86427011 FOR SALE

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

**MINUTE ORDER NO 234.11** DECLARING AS SURPLUS ONE (1) 1995 JEEP CHEROKEE 2-DOOR; VIN 1J4FT27515L547732 AND ONE (1) 1993 FORD F350 DUALY REGULAR CAB; VIN 2FDKF37M6PCA76516 FOR SALE (PRECINCT 4)

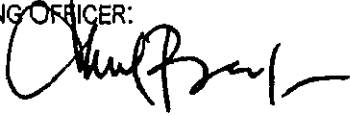
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**ADJOURNMENT** (11:00 AM)

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JUNE 13, 2011 ARE HEREBY APPROVED.

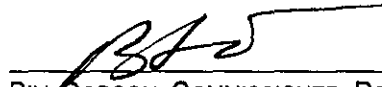
PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER PCT 1



BILL DODSON, COMMISSIONER, PCT 2

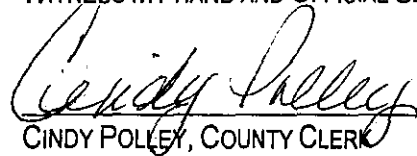


HEATH SIMS, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JULY 11, 2011



CINDY POLLEY, COUNTY CLERK