

FILED
MAY 13 2013
COUNTY CLERK
ELLIS COUNTY, TEXAS

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // APRIL 22, 2013

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, APRIL 22, 2013 AT 3:00 P.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

COUNTY CLERK:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

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 RON BROWN, PCT. 4

PUBLIC COMMENT*

COY SEVIER SUPPORTING TOM MANNING APPOINTMENT

CONSENT AGENDA:

MINUTE ORDER NO 161.13 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 THE NECESSARY BOND RENEWALS FOR THE FOLLOWING ESD BOARD OF DIRECTORS:
ESD #7, FRED BLEDSUE, LAWRENCE MENTZER, JEFF PRESSLER, GARY SPORTSMAN, JANIS COLEMAN
- A3 APPROVAL OF INVOICE #0030071-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$5469.33 (RADIO TOWER PROJECT) FOR JANUARY 1 – FEBRUARY 28, 2013 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A4 MARCH, 2013 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

- A5 CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS COURT AGENDA DATED: APRIL 8, 2013
- A6 AUTHORIZING THE COUNTY JUDGE TO SIGN THE TEXAS DEPARTMENT OF PUBLIC SAFETY 2010 GRANT ADJUSTMENT NOTICE FOR THE CODERED TELEPHONE WARNING SYSTEM
- A7 CONSIDERATION AND ACTION TO REIMBURSE AT&T IN THE AMOUNT OF \$1,240.33 FOR ALLEGED DAMAGES TO A TELEPHONE PEDESTAL ALONGSIDE WEATHERFORD ROAD IN EXCHANGE FOR A FULL AND FINAL RELEASE OF ALL CLAIMS

FINANCIAL:

- F1 FROM 001-0015-50865, EMPLOYEE SCREENING; 001-0015-50807, GENERAL MISC. To 001-0015-50835, EMPLOYEE TRAINING; 001-0015-50802, EQUIPMENT – JOHNNY BROWN, SHERIFF
- F2 FROM 001-0360-50846, DA-WITNESS FEE; 001-0360-50805, DA-CONFERENCE To 001-0360-50801, DA-SUPPLIES; 001-0360-50853, DA-LEGAL RESEARCH; 001-0360-50601, DA-TRAVEL REIMBURSEMENT – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F3 FROM 001-0530-50812, RADIO; 001-0530-50873, MAINT/Rps; 001-0530-50602, STAFF TRAVEL To 001-0530-50819, COMPUTER – JUDGE POLK, JP3
- F4 FROM 006-0754-30302, BUDGETED FUND BALANCE To 006-0754-50915, ASPHALT; 006-0754-50909, REPAIRS/PARTS – RON BROWN, RB4
- F5 FROM 012-0755-30302, BUDGETED FUND BALANCE To 012-0755-50807, GENERAL MISC. – RON BROWN FM4

SIMPLIFIED PLAT:

SP1 COLBURN & OGLESBY'S ACRES, 2 LOTS, COLIN DAVID, JENNIFER GAYE COLBURN, AND EDDIE OGLESBY, HORNIK ROAD, PCT. 2

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 162.13 GRANTING A ONE-TIME VARIANCE FROM COUNTY OR ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT RELATES TO 150' ROAD FRONTAGE, FRONT TO BACK REQUIREMENT, TO PROPERTY LOCATED AT 4856 FM 879, PALMER, TEXAS, AT THE REQUEST OF EVAN JOHNSON AND CYNTHIA VASQUEZ. THE PROPERTY IS LOCATED WITHIN THE UNINCORPORATED AREA OF ELLIS COUNTY, SPECIFICALLY WITHIN ELLIS COUNTY ROAD AND BRIDGE PCT. 2

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

PURCHASING

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

MINUTE ORDER NO 163.13 APPROVING LEASE OF XEROX MULTIFUNCTIONAL COPY MACHINE FOR JP-4 FOR THE PERIOD OF 36 MONTHS AT \$203.59 PER MONTH
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 164.13 AWARDING RB-2013-006 EMULSIFIED ASPHALT BID EQUALLY TO *ERGON ASPHALT* AND *HEARTLAND ASPHALT*
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 165.13 DECLARING COMPUTERS, MONITORS, PHONES AND RELATED ITEMS AS WASTE FOR DISPOSAL
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 166.13 AUTHORIZING THE COUNTY JUDGE TO NEGOTIATE AND ENTER INTO A CONTRACT FOR ELECTRICAL ENERGY THROUGH LICENSED AGGREGATOR NOT TO EXCEED CURRENT PRICING
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 167.13 APPROVING A PROCLAMATION SUPPORTING THE COMMUNITY'S EFFORTS TO IMPLEMENT PROGRAMS AND SERVICES TO ASSIST THE INNOCENT VICTIMS OF VIOLENT CRIME (CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 168.13 APPOINTING TOM MANNING AS THE ELLIS COUNTY HEARING EXAMINER AS PRESCRIBED BY THE *ELLIS COUNTY FIRE CODE, PART 6 – APPEALS AND HEARING PROCEDURES §6.1-6.4* (JOE STEWART, FIRE MARSHAL / EMERGENCY MANAGEMENT COORDINATOR)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 169.13 APPROVAL FOR FIRE MARSHAL TO HIRE TEMPORARY FIRE INSPECTION PERSONNEL TO WORK ON AN AS-NEEDED BASIS
(JOE STEWART, FIRE MARSHAL / EMERGENCY MANAGEMENT COORDINATOR)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 170.13 AUTHORIZING THE ELLIS COUNTY PURCHASING AGENT TO PREPARE A REQUEST FOR PROPOSAL FOR MOSQUITO SURVEILLANCE & CONTROL PROGRAM
(JOE STEWART, FIRE MARSHAL / EMERGENCY MANAGEMENT COORDINATOR)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 171.13 APPOINTING SAMUEL DUANE LANEY TO ESD #5 BOARD FOR A TERM BEGINNING IMMEDIATELY THROUGH DECEMBER 31, 2014 (DENNIS ROBINSON, COMMISSIONER PCT 1)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 172.13 ENTERING INTO A CONTRACT WITH THE DEPARTMENT OF THE ARMY
CORP OF ENGINEERS TO PROVIDE LAW ENFORCEMENT SERVICES TO THE LAKE BARDWELL
PROJECT (CHUCK LAUBACH, SHERIFF'S OFFICE)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON 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 THE ESTABLISHMENT OF RESTRICTED TRAFFIC ZONES TO AUTHORIZE THE INSTALLATION AND MAINTENANCE OF STOP SIGNS AND OTHER POTENTIAL TRAFFIC CONTROL SIGNS AND SIGNALS THAT THE COURT CONSIDERS NECESSARY FOR PUBLIC SAFETY WITHIN SAID ZONES WITHIN THE UNINCORPORATED AREAS OF ELLIS COUNTY, TEXAS PURSUANT TO §251.155 OF THE TRANSPORTATION CODE.

PUBLIC PARTICIPATION

OPPOSED:

KE NEAL

JEFF COX

JILL HALL

JACK TUNNELL

STEPHANIE W PEROEYEA AND JOHN L PEROEYEA SUBMITTED WRITTEN OPPOSITION

IN FAVOR:

CHERYL WEADON

STEPHEN HIDLGBAUGH

ADJOURNMENT OF PUBLIC HEARING AND RECONVENE TO REGULAR SESSION

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

MINUTE ORDER NO 173.13 ESTABLISHING RESTRICTED TRAFFIC ZONES AND AUTHORIZING THE
INSTALLATION AND MAINTENANCE OF STOP SIGNS AND OTHER POTENTIAL TRAFFIC CONTROL
SIGNS AND SIGNALS THAT THE COURT CONSIDERS NECESSARY FOR PUBLIC SAFETY WITHIN
SAID ZONES PURSUANT TO §251.155 OF THE TRANSPORTATION CODE, APPLICABLE TO THE
FOLLOWING ELLIS COUNTY ROADS WITHIN THE UNINCORPORATED AREA OF ELLIS COUNTY: JOE
WILSON ROAD, JUDY DRIVE, MONTGOMERY ROAD, SWAN LAKE

(RON BROWN, COMMISSIONER, PCT. 4)

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

MINUTE ORDER NO 174.13 APPROVING THE LOCATION OF STOP SIGNS AT THE INTERSECTIONS OF JOE WILSON ROAD AND MONTGOMERY ROAD, AND JUDY DRIVE AND SWAN LAKE WITHIN RESTRICTED TRAFFIC ZONES PURSUANT TO §251.155 OF THE TRANSPORTATION CODE
(RON BROWN, COMMISSIONER, PCT. 4)

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY 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 22, 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 13, 2013.



CINDY POLLEY, COUNTY CLERK

