

**FILED**  
**FEB 11 2013**  
COUNTY CLERK  
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // DECEMBER 10, 2012**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, DECEMBER 10, 2012 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

HEATH SIMS, 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 BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—HEATH SIMS, COMMISSIONER PCT. 3

CONSENT AGENDA:

**MINUTE ORDER NO 343.12 APPROVING CONSENT AGENDA**

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 ACCEPT THE CERTIFIED COPY OF THE APPOINTMENT OF MICHAEL S. NAVARRO TO COUNTY AUDITOR OF ELLIS COUNTY FOR THE PERIOD OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2014
- A3 APPROVAL OF THE APPOINTMENT OF THE FOLLOWING MEMBERS TO THE ELLIS COUNTY CHILD PROTECTIVE SERVICES BOARD FOR A THREE YEAR TERM ENDING DECEMBER 31, 2015:  
CARLA ESTES, BILLIE MAXWELL, ANITA PREWITT, ELIZABETH TULL, DIANN WILSON
- A4 APPROVAL OF CITATION NUMBERING AND CLARIFICATION OF §IV,B OF THE AMENDED RULES OF PROCEDURE, CONDUCT AND DECORUM AT THE MEETINGS OF THE ELLIS COUNTY COMMISSIONERS' COURT
- A5 APPROVAL OF TEXAS WORKFORCE COMMISSION INFORMATION RELEASE CONTRACT 2913PEN039 BEGINNING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
- A6 APPROVAL TO ACCEPT THE FOLLOWING RESIGNATIONS FROM EMERGENCY SERVICE DISTRICT BOARDS EFFECTIVE DECEMBER 31, 2012:
  - ESD #3, JAMES STEELE
  - ESD #5, GERALD TYLER
  - ESD #6, GARY BEATY
  - ESD #6, JERRY CRAWFORD
  - ESD #7, DON WELDON
  - ESD #9, BILLY HILL

- A7 APPROVAL TO RE-APPOINT EMERGENCY SERVICE DISTRICT #3 BOARD MEMBER MURRY WAINSCOTT FOR A ONE YEAR TERM ENDING DECEMBER 31, 2013
- A8 APPROVAL TO RE-APPOINT THE FOLLOWING EMERGENCY SERVICE DISTRICT BOARD MEMBERS FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2013 THROUGH DECEMBER 31, 2014:

ESD #1 ANDY MULVANEY  
JAMES MORRISON

ESD #6 BILL GILLILAND

ESD #2 GARY RATLIFF

ESD #7 FRED BLEDSUE  
LARRY MENTZER  
JEFF PRESSLER

ESD #3 HOWARD MORGAN  
VINCENTE GUERRERO

ESD #8 EVERETT RUSSELL  
ALLEN LANE

ESD #4 JERRY SMITH

ESD #9 DOUGLASS YOUNG  
JOHN HANCOCK  
MIKE GREENLEE

ESD #5 BRUCE MOORE  
STEPHAN SALMON

- A9 APPROVAL OF THE APPOINTMENT OF THE FOLLOWING MEMBERS TO THE ELLIS COUNTY HISTORICAL COMMISSION FOR A TWO YEAR ENDING DECEMBER 31, 2014:  
*ELMERINE BELL, REX CAREY, NANA LOU DUDLEY, KAREN ESBERGER, NANCY FARRAR, LARRY FELTY, BRUCE FOWLER, SUGAR GLASPY, JUDY HOWARD, VIRGINIA KELLUM, NANCY POST, SHANNON SIMPSON, SYLVIA STANFORD-SMITH, SUSIE TOAL*
- A10 APPROVAL OF THE 2012 ELLIS COUNTY HISTORICAL COMMISSION ANNUAL REPORT.

**FINANCIAL:**

- F1 FROM 001-0000-30302, FUND BALANCE TO 001-0420-50845, DETENTION SERVICES; 001-0420-50898, INDIVIDUAL/FAMILY COUNSELING; 001-0420-50897, SUBSTANCE ABUSE SERVICES; 001-0420-50895, JUV VOCATIONAL/EDUCATION TRAINING; 001-0420-50894, SECURE RESIDENTIAL; 001-0420-50878, JUVENILE RESIDENTIAL (NON-SECURE); 001-0421-50502, PART TIME DETENTION PERSONNEL. – DARRIN RAY, JUVENILE SERVICES
- F2 FROM (FY 2011-12) 001-0140-50822, LEGAL FEES TO 001-0140-50866, COMMUNITY SUPPORT; 001-0140-50560, COMPENSATORY / FRINGE; 001-0140-50868, CONTRACT SERVICES; 001-0140-50804, POSTAGE; 001-0140-50837, POST MORTEM EXAMS; 001-0140-50887, RADIO TOWER; 001-0140-50556, UNEMPLOYMENT FEE. – CAROL BUSH, COUNTY JUDGE
- F3 FROM 006-0754-40008, INTERLOCAL TO 006-0754-50910, GAS & OIL. –RON BROWN, RB4
- F4 FROM 056-0956-40087, FORFEITURE INCOME "REVENUE;" 056-0956-30302, FUND BALANCE CARRYOVER TO 056-0956-50807, FORFEITURE EXPENSE. – TERRY NAY, CONSTABLE PCT. 2
- F5 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>
OCWEN LOAN SERVICING	152711	\$3097.54
CHASE MORTGAGE	164407	\$3123.95
CORELOGIC TAX SERVICE	180779	\$3200.41
CHASE MORTGAGE	203840	\$5012.45
CHASE MORTGAGE	218563	\$2529.17
CHASE MORTGAGE	233265	\$2649.37

F6 FROM 001-0370-50804, POSTAGE TO 001-0370-50806, OFFICIAL BOND/DUES. – JOHN BRIDGES, TAX OFFICE

MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER SIMS, 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 344.12** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT FOR A SIMPLIFIED PLAT, BRINDLEY ROAD, JASON RAMSEY, PCT. 3

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

**MINUTE ORDER NO 345.12** GRANTING A ONE-TIME VARIANCE FROM OUTDOOR BUSINESS ORDER NO. 215.06 AS IT RELATES TO THE FIFTY FOOT SCREENING SET-BACK FOR A GATE, 1541 SHAWNEE RD., HUGH GRANDSTAFF, PCT. 4

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

**MINUTE ORDER NO 346.12** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT RELATES TO THE TEN FOOT UTILITY EASEMENT LOCATED ON THE BACK OF THE PROPERTY @ 101 CARMEN DRIVE, ANDY AND ELIZABETH LANCASTER, PCT. 1

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

**MINUTE ORDER NO 347.12** APPROVING PRELIMINARY PLAT- SHILOH MANOR ESTATES, 49 LOTS, JOE WILSON/SHILOH ROAD, BOBBY GLASS, PCT. 4

*(Tony Boyd, homeowner...opposed)*

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

**PURCHASING:**

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

**MINUTE ORDER NO 348.12** AWARDED RFP-2013-001 FOR WHOLESALE GAS & DIESEL TO AVENUE FUEL DISTRIBUTORS. THE LENGTH CONTRACT IS JANUARY 1, 2013 THROUGH DECEMBER 31, 2013, WITH TWO (2) ONE YEAR RENEWAL OPTION (SUBJECT TO COUNTY ATTORNEY REVIEW).

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

**MINUTE ORDER NO 349.12** AWARDED RFP-2013-002 FOR CONVENIENCE STORE FUEL TO PEARMAN OIL & LP GAS, INC. THE LENGTH CONTRACT IS JANUARY 1, 2013 THROUGH DECEMBER 31, 2013, WITH TWO (2) ONE YEAR RENEWAL OPTION (SUBJECT TO COUNTY ATTORNEY REVIEW).

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

**MINUTE ORDER NO 350.12** AWARDING G-2013-003 FOR PRINTED FORMS TO CULEGO, INC. (GINGERBREAD PRESS) THE LENGTH CONTRACT IS JANUARY 1, 2013 THROUGH DECEMBER 31, 2013, WITH TWO (2) ONE YEAR RENEWAL OPTION (SUBJECT TO COUNTY ATTORNEY REVIEW). MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 351.12** APPROVING ONE (1) RENEWAL OPTION ON BID-2013-001 FOR HAULING ROAD MATERIALS. THE RENEWAL PERIOD IS JANUARY 1, 2013 THROUGH DECEMBER 31, 2013, WITH ONE (1) ONE YEAR RENEWAL OPTION REMAINING. MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 352.12** APPROVING THE DONATION OF THE FOLLOWING SURPLUS ITEMS, STORED IN THE TEJAS BUILDING, TO THE WAXAHACHIE POLICE DEPARTMENT EXPLORERS: (1) BROWN DESK (3 PIECES); 6 BLACK CHAIRS; (4) ROLLER CHAIRS; (1) BLUE TRASH CAN; (1) PAPER TRAY; (1) GRAY PAPER SORTING DESK; AND (5) OLD FILING CABINETS  
*{3} gun cases for carrying radios removed from consideration*  
MOTION BY COMMISSIONER DODSON TO APPROVE WITH EXCEPTION OF GUN CASES BELONGING TO THE SHERIFFS OFFICE, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 353.12** APPROVING THE ELLIS COUNTY STANDARDIZED BID PACKAGE MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**ADMINISTRATIVE:**

**MINUTE ORDER NO 354.12** ACCEPTING THE FOLLOWING APPLICATIONS TO EMERGENCY SERVICE DISTRICT BOARDS FOR TWO YEAR TERMS BEGINNING JANUARY 1, 2013 EXPIRING DECEMBER 31, 2014: (CAROL BUSH, COUNTY JUDGE)

*ESD #2, MONICA (BONNEY) ARROYO      ESD #3, STEPHEN SPRADLING      ESD #6, RICHARD ROZIER*  
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 355.12** PUTTING A GATE ACROSS SHORTY LANE IN ELLIS COUNTY PRECINCT 3 PURSUANT TO THE TEXAS TRANSPORTATION CODE §251.010 (HEATH SIMS, COMMISSIONER PCT. 3)  
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 356.12** ACCEPTING THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE UNITED STATES AND CANADA (GFOA) FOR ELLIS COUNTY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFRA) (CAROL BUSH, COUNTY JUDGE)  
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**MINUTE ORDER NO 357.12** ACCEPTING FY 2012 CHAPTER 59 ASSET FORFEITURE REPORT FOR THE OFFICE OF ELLIS COUNTY CONSTABLE, PCT. 1 (BEN FRY, CONSTABLE PCT. 1)  
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 358.12** APPROVING A RESOLUTION TO REQUEST A THIRD DISTRICT COURT BE CREATED DURING THE UPCOMING LEGISLATIVE SESSION TO BECOME OPERATIONAL IN 2014 OR LATER (CAROL BUSH, COUNTY JUDGE)

PARTICIPATION BY: PATRICK WILSON

MIKE NAVARRO

DAVE VANCE

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES 4/1 WITH JUDGE BUSH AND COMMISSIONERS ROBINSON, DODSON AND SIMS ALL IN FAVOR AND COMMISSIONER BROWN OPPOSING

**MINUTE ORDER NO 359.12** APPROVING CIVICPLUS TO REDESIGN THE COUNTY'S WEBSITE, ADD FUNCTIONALITY AND MODULES, FOR A TOTAL AMOUNT OF \$4,000

(TERAL CRAWFORD, IT DIRECTOR)

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

**MINUTE ORDER NO 360.12** RATIFYING AN AGREEMENT BETWEEN US TREASURY AND ELLIS COUNTY SHERIFF'S OFFICE WHICH WILL INCLUDE REIMBURSED OVERTIME INCURRED BY THE SHERIFF'S OFFICE WHILE PROVIDING RESOURCES IN JOINT OPERATIONS (DENNIS BREARLEY, SHERIFF'S OFFICE)

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

**MINUTE ORDER NO 361.12** APPROVING AND ADOPTING THE REVISED FAMILY & MEDICAL LEAVE ACT (FMLA) POLICY EFFECTIVE JANUARY 1, 2013 (ANNE PRICE, HUMAN RESOURCES DIRECTOR)

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

**MINUTE ORDER NO 362.10** ENACTING A BURN BAN ORDER FOR ELLIS COUNTY TO BE EFFECTIVE IMMEDIATELY (JOE STEWART, FIRE MARSHAL / EMERGENCY MANAGEMENT COORDINATOR)

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

**No Action:** 4.10 CONSIDERATION AND ACTION TO ENACT AN ORDER PROHIBITING CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF ELLIS COUNTY.  
- JOE STEWART, FIRE MARSHAL / EMERGENCY MANAGEMENT COORDINATOR

**MINUTE ORDER NO 363.12** APPROVING THE REVISED ANNEX U OF THE CURRENT ELLIS COUNTY EMERGENCY OPERATIONS PLAN

JOE STEWART, FIRE MARSHAL / EMERGENCY MANAGEMENT COORDINATOR

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

4.12 UPDATE ON STATUS OF PUBLIC COMMUNICATIONS SYSTEM AND NARROWBANDING.

- KATHY ERIKSEN, SPECIAL PROJECTS DIRECTOR

**MINUTE ORDER NO 364.10** APPROVING A TERMINATION AGREEMENT BETWEEN ELLIS COUNTY AND ELLIS COUNTY COALITION FOR HEALTH OPTIONS, D/B/A HOPE CLINIC, TERMINATING THE TERMS OF THE INDIGENT HEALTHCARE AGREEMENT BETWEEN THE TWO PARTIES, WHICH WAS ORIGINALLY EFFECTIVE ON OCTOBER 1, 2008...EFFECTIVE DATE OF TERMINATION SHALL BE DECEMBER 31, 2012 (CAROL BUSH, COUNTY JUDGE)

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

**MINUTE ORDER NO 365.10** APPROVING THE FIRST AMENDED INDIGENT CARE AFFILIATION AGREEMENT BETWEEN ELLIS COUNTY AND ENNIS REGIONAL MEDICAL CENTER AND BAYLOR MEDICAL CENTER AT WAXAHACHIE, WHICH WAS ORIGINALLY EFFECTIVE ON DECEMBER 31, 2011 *(NEW EFFECTIVE DATE DECEMBER 11, 2012 PURSUANT TO AMMENDED AGREEMENT)*

*CAROL BUSH, COUNTY JUDGE*

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

**MINUTE ORDER NO 366.10** APPROVING AND AUTHORIZING JUDGE BUSH TO SIGN THE 1115 DEMONSTRATION WAIVER PROGRAM – CERTIFICATION OF GOVERNMENTAL ENTITY PARTICIPATION FOR HOSPITAL AFFILIATES VERSION 2012-1 (09/05/2012)

*CAROL BUSH, COUNTY JUDGE*

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

**No Action:** 4.16 PRESENTATION CONCERNING HOUSING DETAINEES OF UNITED STATES IMMIGRATION AND CUSTOM ENFORCEMENT (“ICE”) IN THE WAYNE MCCOLLUM DETENTION CENTER. *CAROL BUSH, COUNTY JUDGE*

**RECESS TO CONVENE TO EXECUTIVE SESSION** (11:48 AM)

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN 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 551.072 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** (12:08 PM)

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

#### **ADJOURNMENT**

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

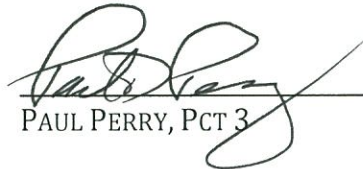
THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS’ COURT REGULAR MEETING OF DECEMBER 10, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:

CAROL BUSH, COUNTY JUDGE

  
Dennis Robinson, Commissioner PCT 1

  
Bill Dodson, Commissioner, PCT 2

  
Paul Perry, PCT 3

  
Ron Brown, Commissioner, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS FEBRUARY 11, 2013.

  
Cindy Polley, County Clerk