

FILED
JAN 26 2014
COUNTY CLERK
ELLIS COUNTY, TEXAS

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // DECEMBER 18, 2014

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON THURSDAY, DECEMBER 18, 2014 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:

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

VANCE HINDS, 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 DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER RON BROWN

CONSENT AGENDA:

MINUTE ORDER NO 464.14 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 NOVEMBER 2014 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - RITA HODGES, FAMILY & CONSUMER SCIENCE
- A3 APPROVAL TO REAPPOINT THE FOLLOWING EMERGENCY SERVICE DISTRICT BOARD MEMBERS FOR 2 YEAR TERMS BEGINNING JANUARY 1, 2015 THROUGH DECEMBER 31, 2016:
 - ESD#1: ANDY MULVANEY, GARY HARRIS, JAMES MORRISON.
 - ESD#2: MONICA (BONNEY) ARROYO, GARY RATLIFF.
 - ESD#3: VINCENTE GUERRERO.
 - ESD#5: STEPHEN SOLOMON, SAMUEL DUANE LANEY, BRUCE MOORE.
 - ESD#6: BILL GILLIAND, TOMMY HAMILTON.
 - ESD#8: ALLEN LANE, EVERETT RUSSELL.
 - ESD#9: JOHN GRIFFIN HANCOCK, DOUGLAS YOUNG.

- A4 APPROVAL TO ACCEPT THE RESIGNATION OF THE FOLLOWING ELLIS COUNTY SERVICE DISTRICT BOARD MEMBERS EFFECTIVE DECEMBER 31, 2014:
 ESD#3: JAMES STEELE, HOWARD MORGAN.
 ESD#4: JERRY SMITH.
 ESD#7: FRED BLEDSUE, JEFF PRESSLER, LARRY MENTZER.
- A5 ACCEPT THE RESIGNATION OF THE PURCHASING AGENT EFFECTIVE DECEMBER 19, 2014.

FINANCIAL:

- F1 FROM 001-0230-50802 EQUIPMENT \$403.00 TO 001-0230-50803 FURNITURE/FIXTURES \$403.00 – KIM GOULD, PURCHASING
- F2 FROM 042-0942-30302 FEDERAL FORFEITURE FUND BALANCE \$3,000.00 TO 042-0942-50802 EQUIPMENT \$3,000.00 – CHUCK LAUBACH, ELLIS COUNTY SHERIFF’S OFFICE
- F3 FROM 001-0140-50560 COMPENSATION/FRINGE LIABILITY/STAFFING \$723.00 TO 001-0385-50502 DEPUTIES SALARY \$671.00, 001-0385-50553 FICA/SOCIAL SECURITY \$52.00, TO FUND THE EMPLOYMENT OF A TEMPORARY COURT COORDINATOR FROM NOVEMBER 17, 2014 THROUGH NOVEMBER 21, 2014 FOR COUNTY COURT AT LAW #2
- F4 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNT FOR PAYMENT IN ERROR:
- | <u>REFUND TO BE ISSUED TO:</u> | <u>ACCOUNT</u> | <u>AMOUNT DUE</u> |
|--------------------------------|----------------|-------------------|
| GREEN TREE OUTSOURCING | 232851 | \$4,109.49 |

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

DEPARTMENT OF COUNTY DEVELOPMENT:

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 465.14 APPROVING A ONE-TIME VARIANCE FROM COUNTY OF RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE 20’ PLATTED UTILITY EASEMENT AND SIDE SET-BACK LOCATED IN CHAPMAN RANCH, PHASE TWO, LOT 16, 1368 EAST HIGHLAND ROAD, WAXAHACHIE, TX; ROAD AND BRIDGE PCT. 4, REQUESTED BY PROPERTY OWNER CHRIS YORK ... ENCORE AND ROCKETT WATER RELEASE THEIR UTILITY EASMENT

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

MINUTE ORDER NO 466.14 ACCEPTING THE INFRASTRUCTURE OF BILLINGSLEY FARMS SUBDIVISION, INCLUDING BILLINGSLEY DRIVE; ALMA COURT; GEORGE COURT; ETTA COURT, AND REX COURT AS COUNTY OWNED, REQUESTED BY TONY MARTIN, LOCATED IN ROAD AND BRIDGE PCT. 4

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

MINUTE ORDER NO 467.14 RELEASING THE IRREVOCABLE LETTER OF CREDIT #187229 TO BANK OF THE WEST (IRVING, TX) IN THE AMOUNT OF \$1,425,000.00 FOR THE COMPLETED INFRASTRUCTURE OF BILLINGSLEY FARMS AND ACCEPTING THE 2 YEAR MAINTENANCE IRREVOCABLE LETTER OF CREDIT #187236 FROM BANK OF THE WEST (IRVING, TX) IN THE AMOUNT OF \$575,000.00 FOR FINANCIAL SECURITY OF SAID SUBDIVISION, REQUESTED BY TONY MARTIN, LOCATED IN ROAD AND BRIDGE PCT. 4

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

PURCHASING

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 468.14 DECLARING THE FOLLOWING ITEMS AS SURPLUS AND TO BE DISPOSED OF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE 263 – WAYNE VERSA PRESSURE WASHER, QUANTITY 2 - 25FT FLAG POLES, AND QUANTITY 8 - 20FT PARKING LIGHTS FROM ROAD AND BRIDGE PRECINCT 3

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 469.14 DECLARING THE FOLLOWING ITEM AS SURPLUS AND TO BE DISPOSED OF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE 263 – 1992 CHEVROLET 3500, VIN 1GBHC34K6PE113007, FROM ROAD AND BRIDGE PRECINCT 2

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 470.14 AWARDING CONTRACT TO *DENCO* FOR RFP-2014-010 CONSTRUCTION SERVICE FOR ELLIS COUNTY ELECTION BUILDING

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

3.1 TAC (TEXAS ASSOCIATION OF COUNTIES) SAFETY AWARD **PRESENTATION**.

3.2 NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) 9-1-1 PROGRAM TO HONOR THE ELLIS COUNTY 9-1-1 COMMUNICATIONS DEPARTMENT ON SEVERAL NOMINATIONS AND AWARDS THEY RECEIVED AT THE NOVEMBER PSAP SUPERVISOR'S MEETING. HONORED: BECKY RODGERS, JENNIFER PITTS, JEFF SHEPHERD AND GLORIA MYERS

BYRON GENTRY ADDRESSED THE COURT RE: 3.4

RECESS TO CONVENE TO EXECUTIVE SESSION (3:30 PM)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

No ACTION: 3.3 FOR SECURITY PURPOSES, RELOCATION OF THE TREASURER'S OFFICE TO THE COURTS & ADMINISTRATION BUILDING EFFECTIVE IMMEDIATELY UPON THE COMPLETION OF THE TREASURER'S OFFICE SUITE ON OR BEFORE DECEMBER 28, 2014.

No ACTION: 3.4 OPPORTUNITY FOR FURTHER UPDATES/DETAILS REGARDING COUNTY DEPOSITS AND THE ARMORED CAR CONTRACT. – PAUL PERRY, COMMISSIONER, PCT. 3

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.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION 5:00

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

- 4.1 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A CLAIM INVOLVING JANE WILEMON CONCERNING PROPERTY DAMAGE TO HER BARN BY AN EMPLOYEE OF THE COUNTY.
- 4.2 CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES WITHIN THE ELLIS COUNTY COURTS AND ADMINISTRATION BUILDING AND THE HISTORIC COURTHOUSE UNDER SEC. 551.076.

MINUTE ORDER NO 471.14 APPROVING SALE OF CRS-2 EMULSION TO THE CITY OF ITALY PER WORK ORDER UNDER INTERLOCAL AGREEMENT (PAUL PERRY, COMMISSIONER, PCT.3)
 MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 472.14 APPROVING THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT S. SMITH ST., ENNIS, TX

MINUTE ORDER NO 473.14 APPROVING THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT 1207 N. BRECKENRIDGE ST., ENNIS, TX

MINUTE ORDER NO 474.14 APPROVING THE TAX RESALE OFFER BY LEE GABOR FOR PROPERTY LOCATED AT BLUEBONNET DR., BARDWELL, TX

MOTION BY COMMISSIONER PERRY TO APPROVE AGENDA ITEMS 3.6, 3.7 & 3.8, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY (MINUTE ORDER NO 472.14- 473.14-474.14)

MARTY HYLES ADDRESSED THE COURT RE: 3.9

MINUTE ORDER NO 475.14 APPROVING RESOLUTION OPPOSING THE PROPOSED HIGH SPEED RAIL (DENNIS ROBINSON, COMMISSIONER, PCT. 1)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

No ACTION: 3.10 BURN BAN ORDER FOR ELLIS COUNTY. – JOE STEWART, FIRE MARSHAL

MINUTE ORDER NO 476.14 APPROVING THE NECESSARY BONDS FOR THE FOLLOWING ELECTED AND/OR APPOINTED ELLIS COUNTY OFFICIALS, IMMEDIATELY EFFECTIVE UPON THE SIGNING OF THE BRIBERY STATEMENT AND THE OATH OF OFFICE, AND BEING SWORN IN ON OR AFTER JANUARY 1, 2015:

CAROL BUSH, COUNTY JUDGE	\$10,000
LANE GRAYSON, COMMISSIONER, PCT.2	\$3,000
KYLE BUTLER, COMMISSIONER, PCT. 4	\$3,000
JIM CHAPMAN, COUNTY COURT AT LAW #1	\$10,000
GENE CALVERT, COUNTY COURT AT LAW #2	\$10,000
CINDY POLLEY, COUNTY CLERK	\$500,000
MELANIE REED, DISTRICT CLERK	\$100,000
CHERYL CHAMBERS, TREASURER	\$238,000
MIKE NAVARRO, AUDITOR	\$5,000
BILL WOODY, JUSTICE OF THE PEACE, PCT.1	\$5,000
JACKIE MILLER, JR., JUSTICE OF THE PEACE, PCT.2	\$5,000
CURTIS POLK, JUSTICE OF THE PEACE, PCT. 3	\$5,000
STEVE EGAN, JUSTICE OF THE PEACE, PCT.4	\$5,000

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 477.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN COUNTY OF ELLIS AND PALMER ISD, BEGINNING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015
MINUTE ORDER NO 478.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN COUNTY OF ELLIS AND CITY OF PALMER BEGINNING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015
MINUTE ORDER NO 479.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN COUNTY OF ELLIS AND CITY OF FERRIS BEGINNING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015
MINUTE ORDER NO 480.14 APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN COUNTY OF ELLIS AND PECAN HILL, BEGINNING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

(DENNIS ROBINSON, COMMISSIONER, PCT 1.)

MOTION BY COMMISSIONER ROBINSON *TO APPROVE AGENDA ITEMS 3.12, 3.13, 3.14 & 3.15*), SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY *MINUTE ORDER NO 477.14, 478.14, 479.14, & 480.14*

MINUTE ORDER NO 481.14 APPROVAL TO INSTALL A SMALL MONUMENT INCORPORATING THE 1929 PLAQUE & HEADSTONE FROM THE OLD JAIL (JOE WHITE, ENGINEER)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 482.14 AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS CONCERNING PROPERTY DAMAGE TO JANE WILEMON'S BARN BY AN EMPLOYEE OF THE COUNTY (VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY)

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

MINUTE ORDER NO 483.14 RECOGNIZING BILL DODSON FOR HIS SERVICE AS COMMISSER AND APPROVING RESOLUTION HONORING COMMISSIONER RON BROWN ON HIS RETIREMENT AFTER 24 YEARS OF SERVICE (CAROL BUSH, COUNTY JUDGE)

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

ADJOURNMENT

MOTION TO ADJOURN BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER PERRY CARRIES 4/1 *WITH COMMISSIONER RON BROWN VOTING NO*

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF DECEMBER 18, 2014 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2


PAUL PERRY, COMMISSIONER, PCT 3


KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JANUARY 26, 2015


CINDY POLLEY, COUNTY CLERK

