

FILED

MAR 23 2014

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JANUARY 26, 2015**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JANUARY 26, 2015 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

LANE GRAYSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

KYLE BUTLER, 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 PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER KYLE BUTLER

CONSENT AGENDA:

MINUTE ORDER NO 114.15 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF SALARY SUPPLEMENT FOR THE COUNTY ATTORNEY'S OFFICE TO BE PAID WITH FUNDS RECEIVED AND TRANSFERRED FROM THE COUNTY & DISTRICT ATTORNEY ASSET FORFEITURE FUNDS TO THE COUNTY ATTORNEY SALARY LINE ITEM FOR HABON MOHAMED FOR THE REMAINDER FOR THIS BUDGET YEAR IN THE AMOUNT OF \$840.63 PER MONTH. NO ELLIS COUNTY REVENUE IS USED TO PAY THIS SUPPLEMENT. — PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- A3 REVIEW AND ACCEPTANCE OF THE 2014 RACIAL PROFILING REPORT FOR ELLIS COUNTY CONSTABLE, PCT. 3. - JIMMY RAY, CONSTABLE, PCT. 3
- A4 APPROVAL OF THE OFFICIAL MINUTES FOR NOVEMBER 17, 2014, NOVEMBER 24, 2014, DECEMBER 8, 2014, AND DECEMBER 28, 2014 — CINDY POLLEY, COUNTY CLERK

FINANCIAL:

- F1 FROM 001-0050-50819 COMPUTER \$205.00 To 001-0050-50802 EQUIPMENT \$205.00 — MARK ARNOLD, EXTENSION OFFICE

- F2 FROM 001-0210-50888 COMPUTER SERVICES \$4,000.00, 001-0210-50848 HOLDING SALARIES \$4,000.00 To 001-0210-50801 SUPPLIES \$8,000.00 – BRUCE SHERBET, ELECTIONS
- F3 FROM 001-0612-40096 STATE LEOSE REVENUES \$778.94 To 001-0612-50820 LEOSE TRAINING \$778.94 – TERRY NAY, CONSTABLE, PCT. 2
- F4 FROM 001-0015-50807 GENERAL MISC. \$16,800.00 To 001-0015-50873 BUILDING MECHANICAL CONTRACTS \$16,800.00 – JOHNNY BROWN, SHERIFF
- F5 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> |
|--------------------------------|----------------|-------------------|
| J.P. MORGAN CHASE BANK, NA | 149407 | \$4,085.21 |
| FBM CONSTRUCTION | 158581 | \$3,594.94 |
| FBM CONSTRUCTION | 177066 | \$2,753.20 |
| CHASE HOME FINANCE, LLC | 180791 | \$3,679.13 |
| FBM CONSTRUCTION | 184336 | \$4,563.01 |
| GREEN TREE OUTSOURCING | 192445 | \$3,073.62 |
| WELLS FARGO HOME MORTGAGE | 193695 | \$3,245.12 |
| CHASE HOME FINANCE, LLC | 205570 | \$4,132.44 |
| CHASE HOME FINANCE, LLC | 205593 | \$2,626.84 |
| CHASE HOME FINANCE, LLC | 209658 | \$3,117.61 |
| BB&T MORTGAGE | 222952 | \$3,360.74 |
| WELLS FARGO HOME MORTGAGE | 228683 | \$2,688.58 |
| CHASE HOME FINANCE | 229401 | \$4,871.97 |
| CHASE HOME FINANCE | 232652 | \$4,413.48 |
| CHASE HOME FINANCE | 233753 | \$3,902.31 |
| CIMARRON MORTGAGE | 259366 | \$2,962.93 |
- F6 FROM 001-0430-50502 EMERGENCY MANAGEMENT SALARY \$5,056.67 To 001-0430-50802 EMERGENCY MANAGEMENT EQUIPMENT \$5,056.67 – JOE STEWART, FIRE MARSHAL/EMC
- F7 FROM 024-0924-50502 SALARIES \$2,600.00, 001-0430-50805 CONFERENCE \$300.00, 001-0430-50808 GAS \$3,300.00, 001-0430-50810 TIRES \$500.00, 001-0430-50806 OFFICIAL BONDS/DUES \$800.00 To 024-0924-50802 EQUIPMENT \$2,600.00, 001-0430-50819 COMPUTER \$300.00, 001-0430-50802 EQUIPMENT \$4,600.00 – JOE STEWART, FIRE MARSHAL/EMC

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

PURCHASING

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

MINUTE ORDER NO 115.15 AUTHORIZING THE COUNTY JUDGE TO SIGN LEASE AGREEMENT WITH XEROX FOR UPGRADED COPIER FOR COUNTY COURT AT LAW #1, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE... *SUBJECT TO LEGAL REVIEW*

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER TO APPROVE, SUBJECT TO LEGAL REVIEW, CARRIES UNANIMOUSLY

MINUTE ORDER NO 116.15 AUTHORIZING COUNTY JUDGE TO SIGN LEASE AGREEMENT WITH XEROX FOR COPIER FOR AUDITOR'S DEPARTMENT, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE... *SUBJECT TO LEGAL REVIEW*

MOTION BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON TO APPROVE, SUBJECT TO LEGAL REVIEW, CARRIES UNANIMOUSLY

MINUTE ORDER NO 117.15 AUTHORIZING THE COUNTY JUDGE TO EXECUTE ALL NECESSARY DOCUMENTS WITH TEXZON UTILITIES TO SET ELLIS COUNTY'S ELECTRICITY RATES AT AN AMOUNT OF NO MORE THAN 5.4 CENTS PER KWH FOR 11 MONTHS BEGINNING MAY 1, 2019

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

ADMINISTRATIVE:

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

MINUTE ORDER NO 118.15 ADOPTING A RESOLUTION DESIGNATING THE NORTH TEXAS BEHAVIORAL HEALTH AUTHORITY (NTBHA) AS THE COMMUNITY MENTAL HEALTH CARE CENTER FOR ELLIS COUNTY

MOTION TO APPROVE BY JUDGE BUSH, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 119.15 ACCEPTING APPLICANTS, RICHARD DABNEY AND LARRY NORCROSS TO SERVE ON THE BOARD OF EMERGENCY SERVICES DISTRICT #3 FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2016...*REPLACING HOWARD MORGAN AND JAMES STEELE*

(PAUL PERRY, COMMISSIONER, PCT. 3)

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

MINUTE ORDER NO 120.15 APPROVING AN INTERLOCAL AGREEMENT FOR ASSESSMENT AND COLLECTION OF TAXES FOR ELLIS COUNTY FRESH WATER SUPPLY DISTRICT #1 (JOHN BRIDGES, TAX ASSESSOR/COLLECTOR)

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

No ACTION: 2.5 BURN BAN ORDER FOR ELLIS COUNTY. – JOE STEWART, FIRE MARSHAL/EMC

No ACTION: 2.6 DISCUSSION REGARDING THE REPLACEMENT OR REPAIR OF THE FIRE ALARM SYSTEM AT THE ELLIS COUNTY DETENTION CENTER. THE COST TO REPLACE THE SYSTEM IS \$24,439.00. AN INSURANCE PAYMENT OF \$6,999.40 HAS BEEN RECEIVED FOR WATER DAMAGE TO THIS UNIT MAKING THE FINAL COST \$17,439.60. THE ESTIMATE TO REPAIR THE FIRE ALARM SYSTEM IS \$10,740.50. WITH APPLICATION OF THE \$6,999.40 INSURANCE PAYMENT, THE FINAL COST OF REPAIRING THE UNIT IS \$3,741.10. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE

MINUTE ORDER NO 121.15 AUTHORIZING THE COUNTY JUDGE TO EXECUTE TXDOT ON-SYSTEM ROW (RIGHT OF WAY) CONTRIBUTION AGREEMENTS FOR CONSTRUCTION OF SEVEN BRIDGES. TWO BRIDGES ARE LOCATED ON FM 55 AT A COST OF \$45,308, THREE ON FM 875 AT A COST OF \$45,000, ONE ON FM 66 AT AN ESTIMATED COST OF \$10,000 AND ONE ON FM 55 ON A SEPARATE AGREEMENT AT AN ESTIMATED COST OF \$10,000. *COST TO BE SPLIT BETWEEN COMMISSIONER PRECINCTS...PAID FROM FUND BALANCE* (JOE WHITE, ENGINEER)

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER TO APPROVE, SPLITTING COST AMONG APPROPRIATE PRECINCTS TO PAY FROM FUND BALANCE... MOTION CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (3:32PM)

MOTION BY JUDGE BUSH, SECOND BY COMMISSIONER ROBINSON TO RECESS AND CONVENE IN EXECUTIVE SESSION TO CONSULT WITH ATTORNEY... MOTION 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.

- 3.1 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE PURCHASING AGENT.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION (3:55PM)

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 122.15 APPROVAL FOR DWF COMMUNICATIONS TO REPAIR THE MAST AND STRAIGHTEN THE ANTENNA LOCATED ON THE WATER TOWER AT BRISTOL FOR A COST OF \$2475 AND *POSTPONE TO A LATER DATE RE-TENSION THE GUY WIRES ON THE COMMUNICATION TOWER IN ENNIS AT A COST OF \$6475* (JOE WHITE, ENGINEER)

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

MINUTE ORDER NO 123.15 AUTHORIZING PURCHASE OF TWO FULLY EQUIPPED PATROL VEHICLES ALLOCATED TO THE SHERIFF’S OFFICE AT THE COST OF \$104,666.34

MOTION BY JUDGE BUS TO PURCHASE TWO VEHICLES FOR THE SHERIFF’S OFFICE...RESCINDED

MOTION BY COMMISSIONER PERRY TO PURCHASE 2 FULLY EQUIPPED VEHICLES FOR THE SHERIFF’S OFFICE AT A COST OF \$104,666.34, SECOND BY COMMISSIONER GRAYSON MOTION CARRIES 4/1 WITH COMMISSIONER ROBINSON OPPOSING

No ACTION: 2.9 REVIEW OF THE ELLIS COUNTY CONSTABLE VEHICLE INVENTORIES, DEPARTMENT NEEDS AND COURT ACTION ON ANY REQUESTED TRANSFERS OR REALLOCATIONS; TO INCLUDE BUT NOT LIMITED TO ELLIS COUNTY OWNED VEHICLE YEAR MODELS, MAKES, VIN#’s, MILEAGES AND OVERALL CONDITION – PAUL PERRY, COMMISSIONER, PCT. 3

ADJOURNMENT

MOTION TO ADJOURN BY COMMISSIONER PERRY SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS’ COURT REGULAR MEETING OF JANUARY 26, 2015 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE

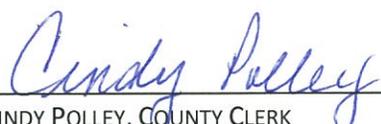

Dennis Robinson, Commissioner, PCT 1


Lane Grayson, Commissioner, PCT 2


Paul Perry, Commissioner, PCT 3


Kyle Butler, Commissioner, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MARCH 23, 2015.


Cindy Polley, County Clerk