

FILED

AUG 10 2015

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JUNE 8, 2015**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JUNE 8, 2015 AT 10:00 A.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:

VANCE HINDS

RAY RIKE

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 BUTLER, SECOND BY COMMISSIONER PERRY, MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER KYLE BUTLER

CONSENT AGENDA:

MINUTE ORDER NO 256.15 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 ACCEPT THE BONDS FOR THE FOLLOWING ESD #1 BOARD MEMBERS COVERING THE PERIOD FROM JUNE 24, 2015 THROUGH JUNE 23, 2016:
 - NEIL SIMS —\$10,000
 - ANDY MULVANEY —\$10,000
 - JAMES MORRISON —\$10,000
 - WADE NORQUIST —\$10,000
 - GARRY HARRIS —\$10,000

FINANCIAL:

- F1 FROM 001-0070-50502 SALARIES \$5,000.00 TO 001-0070-50802 EQUIPMENT \$800.00, 001-0070-50819 COMPUTER \$2,700.00, 001-0070-50873 MAINTENANCE/REPAIRS \$500.00, 001-0070-50801 SUPPLIES \$500.00, 001-0070-50805 CONFERENCE \$500.00. — ELLSWORTH HULING IV, VETERANS SERVICE OFFICER

- F2 FROM 001-0612-50805 CONFERENCE \$1,200.00, 001-0612-50808 GAS/OIL \$600.00 To 001-0612-50819 \$1,200.00, 001-0612-50802 EQUIPMENT \$600.00. – TERRY NAY, CONSTABLE, PCT. 2
- F3 FROM 001-0360-40677 REVENUE – WITNESS FEE REIMBURSEMENT \$2,781.73 To 001-0360-50846 Co ATTY- WITNESS FEE \$2,781.73. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F4 FROM 001-0010-40659 INSURANCE REIMBURSEMENT \$9,000.00, 001-0330-40065 TRANSPORT REIMBURSEMENT \$16,000.00 To 001-0010-50802 EQUIPMENT \$25,000.00. – JOHNNY BROWN, SHERIFF
- F5 FROM 042-0942-30302 FEDERAL FORFEITURE FUND BALANCE \$ 63,348.94 To 042-0942-50802 \$52,383.01, 042-0942-50811 AUTO PURCHASE \$10,965.93. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF’S OFFICE
- F6 FROM 001-0010-50889 TRANSPORT EXPENSES \$3,000.00 To 001-0010-50803 FURNITURE/FIXTURES \$3,000.00. – BRAD NORMAN, ELLIS COUNTY SHERIFF’S OFFICE
- F7 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>
FREEDOM MORTGAGE	140663	\$4,707.07
LOANCARE SERVICING CENTER, INC.	210908	\$3,272.87
FREEDOM MORTGAGE	219337	\$4,984.36
LOANCARE SERVICING CENTER, INC.	219484	\$3,155.35
OCWEN LOAN SERVICING, LLC	167648	\$3,113.35
FREEDOM MORTGAGE	233792	\$3,113.35

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 257.15 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE MINIMUM LOT SIZE OF 1 ACRE, 3947 SOUTH HWY 287, WAXAHACHIE, ROAD AND BRIDGE PCT 2 REQUESTED BY BONNIE BAKER

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

MINUTE ORDER NO 258.15 APPROVING RE-PLAT FOR TANGLEWOOD HOLLOW PHASE 2, LOTS 18A – 18F, EAST HIGHLAND ROAD, ROAD & BRIDGE 4, REQUESTED BY ROBERT HILL

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

PURCHASING

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

MINUTE ORDER NO 259.15 DECLARING 2003 CHEVROLET SILVERADO 1500 TRUCK, VIN GCEK14V73Z244627, FROM THE FIRE MARSHAL’S OFFICE AS SURPLUS AND APPROVING DISPOSAL IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE

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

MINUTE ORDER NO 260.15 APPROVING AND AUTHORIZING COUNTY JUDGE TO SIGN THE PROPOSAL FOR ANNUAL INSPECTION ALPINE POWER SYSTEMS FOR GENERATORS LOCATED AT 300 S. JACKSON ST., IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE

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

MINUTE ORDER NO 261.15 DECLARING EXCESS OFFICE FURNITURE FROM JUSTICE OF THE PEACE, PRECINCT AND ROAD AND BRIDGE PRECINCT 2 AS SURPLUS AND DISPOSING OF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE

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

MINUTE ORDER NO 262.15 (2.4) RESCINDING APPROVAL OF AWARD RB-2015 011, HOT MIX ASPHALT LAY DOWN DATED MAY 11, 2015; AND (2.5) REVISING THE AWARD OF RB-2015-011, HOT MIX ASPHALT LAY DOWN

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

MINUTE ORDER NO 263.15 DECLARING 2003 FORD CROWN VICTORIA, VIN 2FAFP71W03X156276, FROM THE CONSTABLE PRECINCT 3 AS SURPLUS AND DISPOSING OF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE

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

MINUTE ORDER NO 264.15 RENEWING BID RB-2014-005, LIMESTONE FLEX BASE, TYPE A, GRADE 1 FOR A ONE (1) YEAR RENEWAL PERIOD, FROM MARCH 15, 2015 TO MARCH 31, 2016

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

MINUTE ORDER NO 265.15 RENEWING CONTRACTS WITH ENERGY CONTROL SYSTEMS. THE CONTRACTS ARE FOR A THREE YEAR MAINTENANCE TERM FOR BATTERY BACKUP SYSTEMS THAT COVER THE JAIL FUNCTIONS DURING POWER OUTAGES. CONTRACT TERM WILL BE FROM JUNE, 2015 TO JUNE, 2018

MOTION BY COMMISSIONER PERRY *TO RENEW PENDING LEGAL APPROVAL*, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

ADMINISTRATIVE:

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

3.1 UPDATE REGARDING FLOODING ISSUES. — CAROL BUSH, COUNTY JUDGE
*JUDGE BUSH RECOGNIZED OFFICERS AND ELECTED OFFICIALS WHO HELPED WITH FLOOD;
STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR PRESENTED UPDATE*

3.2 STATUS REPORT ON USE OF COMPENSATORY TIME. — ANNE PRICE, DIRECTOR OF HUMAN RESOURCES

MINUTE ORDER NO 266.15 APPOINTING PERSONS TO THE SALARY GRIEVANCE COMMITTEE FOR FY 2015-2016 (CINDY POLLEY, COUNTY CLERK)

NAMES DRAWN FROM CITIZENS WHO SERVED PRECEDING YEAR ON GRAND JURY:

TILA JANES- WAXAHACHIE, JAMES M. PARKS —WAXAHACHIE, SHAW A PATIN-MIDLOTHIAN

ALTERNATES: GARY COCHRAN-ENNIS, JULIE BROWN- MIDLOTHIAN, KEELA NARRAMORE — RED OAK

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

MINUTE ORDER NO 267.15 GRANTING EXEMPTION FROM COMPETITIVE BIDDING AS A SOLE SOURCE ITEM UNDER § 262.024 (A) (7) OF TEXAS LOCAL GOVERNMENT CODE: THE PURCHASE OF 30 TAZERS (X2 MODEL), HOLSTERS, CAMERAS, EXTENDED WARRANTY AND SOFTWARE. THE PURCHASE PRICE OF \$99,991.21 INCLUDES AN UPGRADE/REPLACEMENT FOR ALL 30 UNITS IN FIVE YEARS AT NO ADDITIONAL COST TO BE FUNDED FROM FORFEITURE FUNDS AND EQUIPMENT LINE ITEMS.

(CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

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

MINUTE ORDER NO 268.15 AUTHORIZING COUNTY JUDGE TO SEND NOTICE WITHDRAWING NTTA CONTRACT (PAUL PERRY, COMMISSIONER, PCT. 3)

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

RECESS TO CONVENE TO EXECUTIVE SESSION

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

EXECUTIVE SESSION (10:38 AM)

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.

- 4.1 PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE CONSULTATION WITH COUNSEL CONCERNING RCC CONSULTANTS, INC. CHAPTER 11 – CASE NO. 15-18274 (MBK)
- 4.2 PURSUANT TO SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE ON THE FOLLOWING MATTER WHERE 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 -- LETTER FROM STACY COLE LAW, P. C. – JOE STEWART
- 4.3 PURSUANT TO SECTIONS 551.072 AND 551.071(2) OF THE TEXAS GOVERNMENT CODE ON THE FOLLOWING REAL ESTATE WHERE 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 -- 507 LITTLE CREEK TRAIL, OAK LEAF, ELLIS COUNTY, TEXAS.
- 4.4 PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE CONSULTATION WITH COUNSEL CONCERNING JASON SCOTT CRAWFORD VS. ELLIS COUNTY, CAUSE NO: 15-C-3271.

ADJOURNMENT OF EXECUTIVE SESSION (11:45 AM)

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 JUNE 8, 2015 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



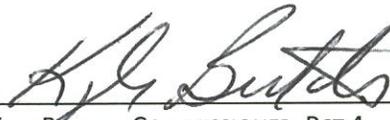
DENNIS ROBINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2



PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS AUGUST 10, 2015



CINDY POLLEY, COUNTY CLERK