

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // JULY 27, 2015**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JULY 27, 2015 AT 3:00 P.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

LANE GRAYSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

KYLE BUTLER, COMMISSIONER, PCT. 4

COUNTY CLERK:

TINA CHAMBERS, ADMINISTRATIVE ASSISTANT

COUNTY & DISTRICT ATTORNEY'S OFFICE:

VANCE HINDS

RAY RIKE

OPENING COURT: (3:02 PM)

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 BUTLER CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER PAUL PERRY

**CONSENT AGENDA:**

**MINUTE ORDER NO 302.15 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 CHANGE INTERMEDIATE CLERK APPROVED POSITION TO CLERK II. CHANGE THE APPROVED POSITION OF INTERMEDIATE CLERK (RECEPTIONIST) TO A CLERK II POSITION AND INCREASE THE HOURLY WAGE TO \$14.3496 PER HOUR. THIS POSITION IS TO CONTINUE TO BE PAID FROM THE DRUG FORFEITURE FUND AS PREVIOUSLY APPROVED. THIS POSITION WILL NOT COST THE COUNTY ANY TAX FUNDS. — PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

**FINANCIAL:**

- F1 FROM 001-0015-50802 EQUIPMENT \$2,200.00 TO 001-0015-50702 REPAIRS \$2,200.00. — JOHNNY BROWN, SHERIFF
- F2 FROM 010-0653-30301 FM2 FUND BALANCE CARRY OVER \$10,000.00 TO 010-0653-50909 FM2 REPAIRS PARTS \$10,000.00. — LANE GRAYSON, COMMISSIONER, PCT. 2

- F3 FROM 001-0360-50703 DA-TELEPHONE \$500.00, 001-0360-50802 DA-EQUIPMENT \$500.00, 001-0360-50805 DA-CONFERENCE \$2,000.00, 001-0360-50833 DA- COURT REPORTING \$1,000.00 TO 001-0360-50846 DA-WITNESS FEE \$4,000.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F4 FROM 030-0930-30301 CK PROC-BUDGETED FUND BALANCE \$7,500.00, 030-0930-50802 CK PROC-EQUIPMENT \$298.11, 030-0930-50819 CK PROC-COMPUTER \$2,000.00 TO 030-0930-50807 CK PROC – GEN MISC \$9,798.11. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F5 FROM 009-0602-50908 FM1 LUMBER \$20,000.00, 009-0602-50868 FM1 CONTRACT LABOR \$33,000.00 TO 009-0602-50911 FM1 GRAVEL \$16,000.00, 009-0602-50962 FM1 LUBRICANTS \$2,000.00, 009-0602-50907 FM1 TIRES \$2,000.00, 009-0602-50911 FM1 GRAVEL \$33,000.00. – DENNIS ROBINSON, COMMISSIONER, PCT. 1
- F6 FROM 012-0755-30302 FUND BALANCE CARRYOVER \$112,000.00 TO 012-0755-50868 CONTRACT LABOR \$112,000.00. – KYLE BUTLER, COMMISSIONER, PCT.4
- F7 FROM 001-0530-50602 STAFF TRAVEL \$1,270.23, 001-0530-50801 SUPPLIES \$600.00 TO 001-0530-50601 TRAVEL REIMBURSEMENT \$1,076.42, 001-0530-50803 FURNITURE/FIXTURES \$205.46, 001-0530-50805 CONFERENCE \$193.54, 001-0530-50806 OFFICIAL BOND/DUES \$149.32, 001-0530-50874 DOCKET BOOKS/PRINTING \$245.59. – CURTIS POLK, JUSTICE OF THE PEACE, PCT. 3

**SIMPLIFIED PLAT:**

- SP1 FRENZEL ADDITION, 2 LOTS, CARL FRENZEL, SHILOH ROAD, CARL FRENZEL, ROAD AND BRIDGE PCT. 4.
- SP 2 FREDA’S HOUSE ADDITION, 1 LOT, 4316 F.M. 1446, FRED BLACKFORD, ROAD AND BRIDGE PCT. 3.

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

**DEPARTMENT OF COUNTY DEVELOPMENT**

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

**MINUTE ORDER NO 303.15** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MOBILE HOME PARKS AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT TO REPLAT, AT THE LOCATIONS OF 3210 AND 3220 WINDRIDGE, MIDLOTHIAN, TEXAS, REQUESTED BY JEFFERY VOIGTS AND JOHN POSEY, ROAD AND BRIDGE PCT. 3  
MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

**MINUTE ORDER NO 304.15** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MOBILE HOME PARKS AS IT RELATES TO THE 150’ ROAD FRONTAGE REQUIREMENT AT THE LOCATION OF 3220 WINDRIDGE COURT, MIDLOTHIAN, TEXAS, REQUESTED BY JOHN POSEY, ROAD AND BRIDGE PCT. 3  
MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

**MINUTE ORDER NO 305.15** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MOBILE HOME PARKS AS IT RELATES TO THE 150’ ROAD FRONTAGE REQUIREMENT AT THE LOCATION OF 4390 (INTO TWO LOTS) JOE WILSON ROAD, MIDLOTHIAN, TEXAS, REQUESTED BY ALLEN CALVERY, ROAD AND BRIDGE PCT. 4  
MOTION BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**ADMINISTRATIVE:**

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

- MINUTE ORDER NO 306.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT 1130 & 1142 LAKE SAWYER RD., ENNIS, TX
- MINUTE ORDER NO 307.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT 311 E. FREEMAN ST., ENNIS, TX
- MINUTE ORDER NO 308.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT 1300 DAFFAN AVE., ENNIS, TX
- MINUTE ORDER NO 309.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT 601 E. LOGGINS ST., ENNIS, TX
- MINUTE ORDER NO 310.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT FREEMAN ST., ENNIS, TX
- MINUTE ORDER NO 311.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT FALKNER AVE., ENNIS, TX
- MINUTE ORDER NO 312.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT FREEMAN ST., ENNIS, TX
- MINUTE ORDER NO 313.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT 75 OLD HWY 75, ENNIS, TX
- MINUTE ORDER NO 314.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT FM 879, ENNIS, TX
- MINUTE ORDER NO 315.15** THE TAX RESALE OFFER BY NEXTLOTS NOW, LLC FOR PROPERTY LOCATED AT 700 S. OWENS ST., ENNIS, TX.

MOTION BY COMMISSIONER PERRY APPROVING *AGENDA ITEMS 3.1-3.10, MINUTE ORDERS 306.15-315.15* SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

3.11 STATUS OF ROAD REPORT FOR PCT. 2. – CAROL BUSH, COUNTY JUDGE

- MINUTE ORDER NO 316.15** ACCEPTING ACKNOWLEDGEMENT BY JOE STEWART WITH REGARD TO SEPARATION AGREEMENT (EXHIBIT C)

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

- MINUTE ORDER NO 317.15** AUTHORIZING COUNTY JUDGE TO SIGN A TXDOT AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS FOR HIGHWAY IMPROVEMENTS ON FM66 AT THE WEST FORK OF WEAKLY BRANCH IN PRECINCT 3. THE COUNTY'S LOCAL PARTICIPATION SHARE FOR IMPROVEMENT IS \$11,960.

(JOE WHITE, COUNTY ENGINEER)

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

- MINUTE ORDER NO 318.15** AUTHORIZING COUNTY JUDGE TO SIGN RENEWAL OF 911 INTERLOCAL AGREEMENT WITH NCTCOG (CAROL BUSH, COUNTY JUDGE)

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

- MINUTE ORDER NO 319.15** CLOSING, VACATING, AND ABANDONING A PORTION OF VINEYARD VIEW LANE (DENNIS ROBINSON, COMMISSIONER, PCT. 1)

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

3.16 STATE FIRE MARSHAL'S OFFICE. – CAROL BUSH, COUNTY JUDGE (PRESENTATION BY BRIAN FINE, FIRE INVESTIGATOR – STATE FIRE MARSHALL'S OFFICE)

3.17 DISCUSSION OF THE DUTIES OF THE FIRE MARSHAL'S OFFICE AND POSSIBLE AMENDMENT TO THE COUNTY FIRE CODE. – CAROL BUSH, COUNTY JUDGE [RE: NUMBER OF EMPLOYEES AND FUTURE BUDGET]

3.18 **DISCUSSION** OF DOCUMENT FROM VARIOUS AREA FIRE CHIEFS AS TO THEIR PREFERRED DESCRIPTION OF ATTRIBUTES FOR THE PERSON WHO OCCUPIES THE POSITION OF THE ELLIS COUNTY FIRE MARSHAL. – PAUL PERRY, COMMISSIONER, PCT. 3  
PARTICIPANTS IN DISCUSSION 3.17, 3.18 & 3.19:

TRAY MOON, PRESIDENT, ELLIS COUNTY FIREFIGHTERS ASSOC (BY LETTER)  
JACK GRIFFIN, MICHAEL HOUSTON, KAMERON RABURN, JAMES TREADWAY

**MINUTE ORDER NO 320.15** DISCUSSION AND POSSIBLE ACTION, ON AN INTERLOCAL AGREEMENT REQUEST FROM THE CITY OF MAYPEARL, THAT RB3 ROAD CREWS MAKE SPECIFIED REPAIRS TO COMMERCE STREET (FROM FIRST STREET TO SECOND, AND FROM THIRD TO FOURTH), TO EAST 4<sup>TH</sup> STREET (FROM MAIN STREET TO END), TO PHILLIPS STREET (FROM SECOND TO FOURTH), AND CLAUNCH STREET (FROM FIRST TO SECOND AND FROM FOURTH TO HWY 157). THE ESTIMATED COST OF REPAIRS TO COMMERCE STREET AS DESCRIBED ABOVE IS \$7,532, TO EAST FOURTH STREET, AS DESCRIBED ABOVE IS \$6,786, TO PHILLIPS STREET, AS DESCRIBED ABOVE IS \$5,945 AND TO CLAUNCH STREET, AS DESCRIBED ABOVE IS \$8,115. (PAUL PERRY, COMMISSIONER, PCT. 3)

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

**MINUTE ORDER NO 321.15** REQUEST TO MOVE \$20,000.00 (TWENTY THOUSAND DOLLARS) FROM FM3 LINE ITEM 011-0704-50807, GENERAL MISCELLANEOUS TO FM3 LINE ITEM 011-0704-50911, GRAVEL, TO FACILITATE THE PURCHASE OF GRAVEL (PAUL PERRY, COMMISSIONER, PCT. 3)

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

**No ACTION:** 3.21 AUDIO VISUAL SYSTEM IN THE COMMISSIONERS COURTROOM. – CAROL BUSH, COUNTY JUDGE

**MINUTE ORDER NO 322.15** PROPOSAL FOR THE IMPLEMENTATION OF A FILTERING FOR THE SHERIFF'S OFFICE CHANNEL 3 (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

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

**RECESS TO CONVENE TO EXECUTIVE SESSION (4:21 PM)**

MOTION BY COMMISSIONER GRAYSON, SECOND BY JUDGE BUSH 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.

4.1 PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE CONSULTATION WITH COUNSEL CONCERNING PENDING CONTEMPLATED LITIGATION JOECKEL LAW OFFICE TORT CLAIM NOTICE.

4.2 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 91288 FILIPE PINEDA AND ISRAEL LOZANO V. ELLIS COUNTY, TEXAS.

**ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE (4:53 PM)**

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

**ADJOURNMENT**

**(4:54 PM)**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JULY 27, 2015 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

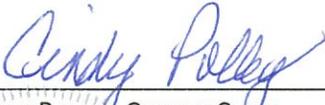


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS DECEMBER 8, 2015



CINDY POLLEY, COUNTY CLERK

