

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // MARCH 8, 2016**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, MARCH 8, 2016 AT 2:00 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 - *ABSENT*

KYLE BUTLER, COMMISSIONER, PCT. 4

**COUNTY CLERK:**

CINDY POLLEY, COUNTY CLERK

**COUNTY & DISTRICT ATTORNEY'S OFFICE:**

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 GRAYSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER PAUL PERRY

**CONSENT AGENDA:**

**MINUTE ORDER NO 147.16 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS  
.....APPROVE WITH EXCEPTION OF \$34,050 TO PROFESSIONAL COATING TECHNOLOGIES, INC.
- A2 ACCEPT THE RESIGNATION OF EVERETT RUSSELL FROM EMERGENCY SERVICES DISTRICT #8
- A3 ACCEPTANCE OF THE 2015 RACIAL PROFILING REPORT FOR ELLIS COUNTY CONSTABLE, PCT. 1 — ROY CALLENDER, CONSTABLE, PCT. 1
- A4 ACCEPT OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT FOR JANUARY 26, 2016 — CINDY POLLEY, COUNTY CLERK

**FINANCIAL:**

- F1 FROM 001-0420-50894 SECURE RESIDENTIAL \$10,000.00 TO 001-0420-50896 SEX OFFENDER SERVICES \$10,000.00. — CHATRINIA JOHNSON, JUVENILE SERVICES
- F2 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>
CORELOGIC	149407	\$4,085.21
CORELOGIC	162826	\$2,696.90

NORTH AMERICAN SAVINGS BANK	183408	\$6,170.26
287 WAXAHACHIE LP	189842	\$6,432.37
J.P. MORGAN CHASE BANK NA	209191	\$2,562.34
CORELOGIC	210409	\$2,818.90
ROUNDPOINT MORTGAGE	222811	\$3,298.92
FREEDOM MORTGAGE	250670	\$4,683.71
FIESTA RESTAURANT GROUP, INC.	259276 (2014)	\$9,185.43
FIESTA RESTAURANT GROUP, INC.	259276 (2015)	\$8,717.16

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BUTLER TO APPROVE CONSENT AGENDA WITH NOTED EXCLUSION CARRIES UNANIMOUSLY

**DEPARTMENT OF COUNTY DEVELOPMENT:**

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

**MINUTE ORDER NO 148.16** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS AS IT RELATES TO FIRE HYDRANT REQUIREMENT @ 121 CRESCENT VIEW, ENNIS, REQUESTED BY STEVE MEDINA, LOCATED IN ROAD AND BRIDGE PCT. 1

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

**MINUTE ORDER NO 149.16** APPROVING RE-PLAT EAGLES VIEW ESTATES, PHASE 1, LOTS 11 & 23A, 121 CRESCENT VIEW, ENNIS AND EAGLES ROOST CIRCLE, ENNIS, REQUESTED BY STEVE MEDINA, LOCATED IN ROAD AND BRIDGE PCT. 1

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

**MINUTE ORDER NO 150.16** ACCEPTING THE INFRASTRUCTURE OF SPRINGFIELD LAKES, PHASE TWO, 51 LOTS, INCLUDING SHORESIDE TRAIL; HIGH END COURT; BROOKVIEW COURT; WATERS EDGE COURT; A PORTION OF SHEPHERDS HILL ROAD AND A PORTION OF SPRINGFIELD LAKES DRIVE LOCATED OFF OF SHAWNEE ROAD, WAXAHACHIE, REQUESTED BY CLYDE HARGROVE, ROAD AND BRIDGE PCT. 4

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

**MINUTE ORDER NO 151.16** RELEASING IRREVOCABLE LETTER OF CREDIT #120005425 IN THE AMOUNT OF \$615,000.00 TO CITIZEN'S NATIONAL BANK OF TEXAS FOR THE COMPLETED INFRASTRUCTURE OF SPRINGFIELD LAKES, PHASE TWO, REQUESTED BY CLYDE HARGROVE, ROAD AND BRIDGE PCT. 4

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

**PURCHASING:**

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

**MINUTE ORDER NO 152.16** APPROVAL FOR COUNTY JUDGE TO SIGN LEASE AGREEMENT WITH XEROX FOR MULTIPURPOSE COPY MACHINES FOR DISTRICT ATTORNEY'S OFFICE

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

**ADMINISTRATIVE:**

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

**MINUTE ORDER NO 153.16** ENTERING INTO A COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA) TACTICAL DIVERSION GROUP AND THE ELLIS COUNTY SHERIFF'S OFFICE CONCERNING THE USE AND ABUSE OF CONTROLLED SUBSTANCES \*\* (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

**MINUTE ORDER NO 154.16** ENTERING INTO A COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA) TACTICAL DIVERSION GROUP AND THE ELLIS COUNTY SHERIFF'S OFFICE CONCERNING ASSET FORFEITURE SHARING (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

\*\*MOTION TO APPROVE BY COMMISSIONER GRAYSON TO APPROVE 3.1 & 3.2 SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY (MINUTE ORDER NOS 153.16 & 154.16)

**RECESS TO CONVENE TO EXECUTIVE SESSION (2:15 PM)**

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION WITH PATRICIA HUTCHINGS.
- 4.2 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 91288 FELIPE PINEDA AND ISRAEL LOZANO V. ELLIS COUNTY, TEXAS, A SUIT INVOLVING PRECINCT 2 CONSTABLE, TERRY NAY.

**ADJOURNMENT OF EXECUTIVE SESSION (2:51 PM)**

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

**MINUTE ORDER NO 155.16** RATIFYING AND AUTHORIZING REMOVAL TO FEDERAL COURT CAUSE NO. 91288 FELIPE PINEDA AND ISRAEL LOZANO V. ELLIS COUNTY, TEXAS, A SUIT INVOLVING PRECINCT 2 CONSTABLE, TERRY NAY

(RAY RIKE, ASSISTANT COUNTY AND DISTRICT ATTORNEY RECOMMENDED REMOVAL OF ABOVE CAUSE TO FEDERAL COURT)

MOTION TO APPROVE BY COMMISSIONER BUTLER TO RATIFY AND AUTHORIZE REMOVAL TO FEDERAL COURT, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

**ADJOURNMENT**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF MARCH 8, 2016 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
CAROL BUSH, COUNTY JUDGE

  
DENNIS ROBINSON, COMMISSIONER, PCT 1

  
PAUL PERRY, COMMISSIONER, PCT 3

  
LANE GRAYSON, COMMISSIONER, PCT 2

  
KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MAY 10, 2016.

  
CINDY POLLEY, COUNTY CLERK

