

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // APRIL 12, 2016**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON **TUESDAY, APRIL 12, 2016 AT 2:00 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:

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 GRAYSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER DENNIS ROBINSON

PUBLIC COMMENT*- MEMBERS OF THE PUBLIC WILL HAVE THE OPPORTUNITY TO MAKE THEIR COMMENTS AT THE TIME THE AGENDA ITEM IS BEING ADDRESSED.

CONSENT AGENDA:

MINUTE ORDER NO 175.16 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

FINANCIAL:

F1 FROM 001-0360-50805 DA – CONFERENCE \$1,700.00 TO 001-0360-50846 DA – WITNESS FEE \$1,700.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

F2 FROM 001-0360-50888 DA – COMPUTER SERVICE \$1,800.00 TO 001-0360-50846 DA – WITNESS FEE \$1,800.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

- F3 FROM 004-0652-50807 RB2 GENERAL EXPENSES \$70,000.00 To 004-0652-50911 RB2 GRAVEL \$70,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F4 FROM 010-0653-50912 FM2 BRIDGE REPAIR \$51,827.61, 010-0653-50914 FM2 SIGNS \$4,500.00, 010-0653-50913 FM2 CHEMICALS \$9,000.00, 010-0653-50868 FM2 CONTRACT LABOR \$7,000.00, 010-0653-50908 FM2 LUMBER \$4,000.00 To 010-0653-50911 FM2 GRAVEL \$76,327.61. -LANE GRAYSON, COMMISSIONER, PCT. 2
- F5 FROM 001-0035-50601 TRAVEL REIMBURSEMENT \$900.00 To 001-0035-50808 AUTO GAS/OIL \$900.00. – TERAL CRAWFORD, I.T.
- F6 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

REFUND ISSUED TO:	ACCOUNT	REFUND AMOUNT
CORELOGIC	141917	\$2,882.35
CORELOGIC	154946	\$3,350.37
JP MORGAN CHASE	162686	\$3,353.44
CORELOGIC	194107	\$2,714.17
CORELOGIC	225336	\$2,828.52
JP MORGAN CHASE	233295	\$2,705.72
CORELOGIC	233783	\$3,606.06
JP MORGAN CHASE	240915	\$5,602.11

SIMPLIFIED PLAT:

SP1 FULTON ESTATES, 1 LOT, 3444 FM 660, FERRIS, ROAD AND BRIDGE 1, REQUESTED BY BILLY TOM FULTON. MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT:

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

MINUTE ORDER NO 176.16 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE ROAD FRONTAGE REQUIREMENT, 8260 SLIPPERY CREEK CT., 8261 SLIPPERY CREEK CT., AND 8271 SLIPPERY CREEK CT., RED OAK, ROAD AND BRIDGE PCT. 4, REQUESTED BY HORACE REEDER.

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

MINUTE ORDER NO 177.16 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT, 8291 SLIPPERY CREEK CT, RED OAK, ROAD AND BRIDGE PCT. 4, REQUESTED BY HORACE REEDER.

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

NO ACTION 1.3 RE-PLAT CARRIAGE HILL ESTATES, LOT 21, 100 DIANE ROAD, FERRIS, ROAD AND BRIDGE PCT. 1, REQUESTED BY GUADALUPE FLORES.

MINUTE ORDER NO 178.16 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT, WEST CHAMBERS MEADOW DRIVE, ITALY, ROAD AND BRIDGE PCT. 3, REQUESTED BY JOHN ED JUSTICE.

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

MINUTE ORDER NO 179.16 APPROVING RE-PLAT CHAMBERS MEADOWS WEST, LOT 81, WEST CHAMBERS MEADOW DRIVE, ITALY, ROAD AND BRIDGE 3, REQUESTED BY JOHN ED JUSTICE.

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

PURCHASING:

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

MINUTE ORDER NO 180.16 APPROVAL FOR COUNTY JUDGE TO SIGN LEASE AGREEMENT WITH XEROX FOR A MULTIPURPOSE COPY MACHINES FOR CSCD (COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT).

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

MINUTE ORDER NO 181.16 APPROVAL FOR COUNTY JUDGE TO SIGN ONE-YEAR AGREEMENT FROM BJ WAKEFIELD SERVICES FOR ELLIS COUNTY SHERIFF'S OFFICE LEC AEROBIC SEPTIC SYSTEM INSPECTIONS, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE.

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

NO ACTION 2.3 APPROVE MONTHLY RENTAL AGREEMENT FOR A PNEUMATIC ROLLER FOR ROAD AND BRIDGE PRECINCT 3, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE.

MINUTE ORDER NO 182.16 APPROVING PURCHASE OF ADDITIONAL COURTROOM FURNISHINGS TO INCLUDE SIGNAGE FOR THE HISTORIC COURT BUILDING, 40TH DISTRICT COURT, AND ELECTIONS BUILDING.

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

NO ACTION 2.5 APPROVE THE LEASE PURCHASE AGREEMENT FROM BANCORP SOUTH FOR A 2017 MACK DUMP TRUCK FOR ROAD AND BRIDGE PRECINCT 3, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE, IF COMMISSIONERS COURT BY VOTING FOR THIS TRANSACTION DETERMINES THAT THE TRADE IN IS IN THE BEST INTERESTS OF ELLIS COUNTY.

NO ACTION 2.6 APPROVE THE LEASE PURCHASE AGREEMENT FROM CATERPILLAR FINANCIAL 2016 140M3 MOTOR GRADER FOR ROAD AND BRIDGE PRECINCT 4, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE, IF COMMISSIONERS COURT BY VOTING FOR THIS TRANSACTION DETERMINES THAT THE TRADE IN IS IN THE BEST INTERESTS OF ELLIS COUNTY.

DEPARTMENT OF COUNTY DEVELOPMENT:

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

MINUTE ORDER NO 183.16 APPROVING RE-PLAT BARAJAS ADDITION, LOT 1, 3950 CEMENT VALLEY ROAD, MIDLOTHIAN, ROAD AND BRIDGE PCT. 4, REQUESTED BY RUBEN KISER.

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 184.16 APPROVAL TO RECEIVE A DONATION OF ROAD SIGNS FROM ELLIS COUNTY SHARE THE ROAD COMMITTEE TO BRING AWARENESS TO THE PRESENCE OF MOTORCYCLE RIDERS IN ELLIS COUNTY. – KYLE BUTLER, COMMISSIONER, PCT. 4

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

3.2 INTRODUCTION OF KEITH BECK AS RADIO AMATEUR CIVIL EMERGENCY SERVICE (RACES) COORDINATOR. STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR

MINUTE ORDER NO 185.16 APPROVAL OF PUBLIC WORKS EMERGENCY RESPONSE TEAM (PWERT) EQUIPMENT CACHE - LANE GRAYSON, COMMISSIONER, PCT. 2 & STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR

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

MINUTE ORDER NO 186.16 APPROVING CONTRACT FOR THE REMOVAL OF WOOD AND ASH FROM THE COUNTY FARM, ACCUMULATED FROM BURNING COLLECTED DEBRIS FROM THE DECEMBER 26, 2015 TORNADO. – TIM BIRDWELL, FIRE MARSHAL

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

MINUTE ORDER NO 187.16 APPROVING CISCO LICENSE ANNUAL RENEWAL CONTRACT. – TERAL CRAWFORD, IT DIRECTOR

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

3.6 COMPENSATORY ANALYSIS REPORT. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES

MINUTE ORDER NO 188.16 APPROVING AGREEMENT TO LEASE COUNTY OWNED VOTING EQUIPMENT TO THE CITY OF MILFORD DURING THE MAY 7, 2016 ELECTIONS. THE AUTOMARK VOTING EQUIPMENT IS REQUIRED BY LAW FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). THE EQUIPMENT MUST BE AVAILABLE TO ALL VOTERS FOR ANY ELECTION. – JANA ONYON, ELECTIONS ADMINISTRATOR

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

3.8 DISCUSSION, REEXAMINATION AND POSSIBLE RECONSIDERATION ON THE RESPONSE OF THE TEXAS ATTORNEY GENERAL'S OFFICE TO MCLENNAN COUNTY AS REGARDS POSSIBLE CONCERNS FOR THE ELLIS COUNTY COURT BUILDINGS. – PAUL PERRY, COMMISSIONER, PCT. 3

RECESS TO CONVENE TO EXECUTIVE SESSION (2:54PM)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BUTLER 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 §551.076 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES.

ADJOURNMENT OF EXECUTIVE SESSION (3:32PM)

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 189.16 APPROVING PURCHASE OF SECURITY EQUIPMENT FROM ELECTRA LINK IN THE AMOUNT OF \$2,908.09 FOR THE PURPOSE OF COURTHOUSE AND FACILITIES SECURITY.

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

MINUTE ORDER NO 190.16 APPROVING LINE ITEM AMENDMENT FOR A DEPUTY I POSITION FOR SECURITY AT THE HISTORIC COURTHOUSE.

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

MINUTE ORDER NO 191.16 AUTHORIZING THE COUNTY JUDGE TO RETAIN OUTSIDE COUNSEL FOR THE ELLIS COUNTY COMMISSIONERS COURT IN ANTICIPATION OF LITIGATION AND COLLATERAL MATTERS RESULTING FROM THE PURCHASE OF PRODUCT BY ROAD & BRIDGE PRECINCT 3 AND ROAD & BRIDGE PRECINCT 4 COMMISSIONERS FROM PROFESSIONAL COATING TECHNOLOGIES.

BOYLE & LOWRY LAW FIRM ... BEN STOOL REPRESENTING COUNTY

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER ROBINSON CARRIES 4/1 WITH COMMISSIONER PERRY ABSTAINING

ADJOURNMENT

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF APRIL 12, 2016 ARE HEREBY APPROVED.

PRESIDING OFFICER:

Absent
CAROL BUSH, COUNTY JUDGE

DR

DENNIS ROBINSON, COMMISSIONER, PCT 1

Lane Grayson

LANE GRAYSON, COMMISSIONER, PCT 2

Paul Perry

PAUL PERRY, COMMISSIONER, PCT 3

Kyle Butler

KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JUNE 14, 2016.

Cindy Polley

CINDY POLLEY, COUNTY CLERK

