

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // APRIL 26, 2016**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, APRIL 26, 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 LANE GRAYSON

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 192.16 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 MARCH 2016 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - RITA HODGES, FAMILY & CONSUMER SCIENCE
 - MEGAN PARR, 4H
- A3 APPOINT MISTY GARDNER TO THE ELLIS COUNTY CHILDREN'S WELFARE BOARD.
- A4 APPOINT SHARAN FARMER TO THE ELLIS COUNTY HISTORICAL COMMISSION.

A5 ELLIS COUNTY 1ST QTR. 2016 INVESTMENT REPORT. – CHERYL CHAMBERS, TREASURER

FINANCIAL:

- F1 FROM 001-0360-40096 STATE LEOSE PAYMENTS \$1,032.70 To 001-0360-50820 DA – LEOSE TRAINING \$1,032.70. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F2 FROM 010-0653-30302 FM2 FUND BALANCE CARRY OVER \$15,000.00 To 010-0653-50802 FM2 EQUIPMENT \$15,000.00. – LANE GRAYSON, COMMISSIONER, PCT.2
- F3 FROM 001-0375-50888 ENGINEERING-GIS SERVICE \$1,950.00 To 001-0375-50801 ENGINEERING – SUPPLIES \$1,950.00. – JOE WHITE, ENGINEER
- F4 FROM 012-0755-30302 FM4/FUND BAL. CARRYOVER \$430,000.00 To 012-0755-50802 FM4/PURCHASE OF EQUIPMENT \$400,000.00, 012-0755-50868 FM4/CONTRACT LABOR \$30,000.00. – KYLE BUTLER, COMMISSIONER, PCT. 4
- F5 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

REFUND ISSUED TO:	ACCOUNT	REFUND AMOUNT
CORELOGIC	154923	\$2,937.62
CORELOGIC	162826	\$2,696.90

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

ADMINISTRATIVE:

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

MINUTE ORDER NO 193.16 APPROVING A PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS SEXUAL ASSAULT AWARENESS MONTH.

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

MINUTE ORDER NO 194.16 APPROVING MOTORCYCLE SAFETY & AWARENESS PROCLAMATION

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

3.3 **UPDATE** ON VEHICLE PURSUIT POLICY: TERRY NAY, CONSTABLE PCT 2 PRESENTED UPDATE STATING THAT ELLIS COUNTY CONSTABLE ACCEPT THE SHERIFF’S EXISTING “EMERGENCY VEHICLE AND PURSUIT POLICY” WITH MODIFICATION TO INCLUDE CONSTABLES.

MINUTE ORDER NO 195.16 APPROVAL TO ENTER INTO A CONTRACT WITH THE DEPARTMENT OF THE ARMY CORP OF ENGINEERS TO PROVIDE LAW ENFORCEMENT SERVICES TO THE LAKE BARDWELL PROJECT. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF’S OFFICE

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

MINUTE ORDER NO 196.16 APPROVING THE FERRIS INDEPENDENT SCHOOL DISTRICT REQUEST TO DESIGNATE THE ALLOCATION OF QCEB (QUALIFIED ENERGY CONSERVATION BOND) VOLUME CAP FROM ELLIS COUNTY IN THE AMOUNT OF \$900,000.

MOTION TO APPROVE 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 197.16 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE BUILDING SET-BACK LINE REQUIREMENT, 138 HURST CIRCLE, FERRIS, ROAD AND BRIDGE PCT. 1, REQUESTED BY SAUL REYES.

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

MINUTE ORDER NO 198.16 APPROVING RE-PLAT, TANGLEWOOD HOLLOW, LOTS 8 – 13, SLIPPERY CREEK CT., RED OAK, ROAD AND BRIDGE PCT. 4, REQUESTED BY HORACE REEDER.

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

MINUTE ORDER NO 199.16 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME AS IT RELATES TO THE SEPARATION DISTANCE BETWEEN ROADS, 1800 BLOCK OF FM 66, ROAD AND BRIDGE PCT. 3, REQUESTED BY LANCE RUST.

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

MINUTE ORDER NO 200.16 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME AS IT RELATES TO THE SEPARATION DISTANCE BETWEEN ROADS, 700 BLOCK OF OLD MAYPEARL ROAD, ROAD AND BRIDGE PCT. 3, REQUESTED BY LANCE RUST.

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

MINUTE ORDER NO 201.16 APPROVING FINAL PLAT, SUMMIT ESTATES PHASE 2, BLACKCHAMP AND MARSHALL ROAD, WAXAHACHIE, ROAD AND BRIDGE PCT. 3, REQUESTED BY JOHN HOUSTON HOMES.

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

MINUTE ORDER NO 202.16 ACCEPTING THE INFRASTRUCTURE OF SUMMIT ESTATES PHASE 2, INCLUDING EVEREST LANE, VAIL LN., RAINIER ST., AND PORTIONS OF DENALI WAY, ROAD AND BRIDGE PCT. 3, REQUESTED BY JOHN HOUSTON.

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

MINUTE ORDER NO 203.16 APPROVING FINAL PLAT, ADAY ESTATES, FM 66, WAXAHACHIE, ROAD AND BRIDGE PCT. 3, REQUESTED BY STEVE DONOSKY.

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

MINUTE ORDER NO 204.16 ACCEPTING THE INFRASTRUCTURE FOR ADAY ESTATES, INCLUDING YUKON BLVD., SELINE LANE AND PORTIONS OF COLORADO DRIVE, WAXAHACHIE, ROAD AND BRIDGE PCT. 3, REQUESTED BY STEVE DONOSKY.

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

MINUTE ORDER NO 205.16 RELEASING SUBDIVISION CONSTRUCTION BOND #1117991 TO LEXON SURETY GROUP IN THE AMOUNT OF SEVEN HUNDRED TWENTY-TWO THOUSAND EIGHT HUNDRED TWENTY-EIGHT DOLLARS FOR THE COMPLETED CONSTRUCTION OF THE INFRASTRUCTURE OF ADAY ESTATES, ROAD AND BRIDGE PCT. 3.

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

MINUTE ORDER NO 206.16 ACCEPTING MAINTENANCE BOND #1117994 FROM LEXON INSURANCE COMPANY IN THE AMOUNT OF ONE HUNDRED EIGHTY-TWO THOUSAND DOLLARS THAT WILL EXPIRE ON APRIL 26, 2018 FOR THE MAINTENANCE OF ADAY ESTATES, ROAD AND BRIDGE PCT. 3.

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

MINUTE ORDER NO 207.16 APPROVING PRELIMINARY PLAT, TAYLOR RIDGE ESTATES PHASE 4, OAK VISTA RD, WAXAHACHIE, ROAD AND BRIDGE PCT. 3, REQUESTED BY IVAN BRIGMAN.

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

PURCHASING:

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

MINUTE ORDER NO 208.16 APPROVING 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.

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

MINUTE ORDER NO 209.16 APPROVING 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.

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

MINUTE ORDER NO 210.16 APPROVAL TO PURCHASE 911 RECORDING SOFTWARE FOR THE SHERIFF'S OFFICE DISPATCH IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE.

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

MINUTE ORDER NO 211.16 AWARDING OF BID NUMBER RB-2016-010, CONTRACT FOR PIT RUN GRAVEL.

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

MINUTE ORDER NO 212.16 AWARDING OF BID NUMBER RB-2016-009, CONTRACT FOR CONTRACT FOR WASHED PEA GRAVEL, TYPE A, GRADE 1 AND 2.

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

MINUTE ORDER NO 213.16 AWARDING OF BID NUMBER RB-2016-008, CONTRACT FOR RECYCLED CONCRETE FLEX BASE, TYPE D, GRADE 1 AND 2.

(PRIMARY: ALVARADO SAND & GRAVEL) (SECONDARY: CJ & SONS TRUCKING)

(THIRD: Q ROBERTS TRUCKING, INC.)

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

MINUTE ORDER NO 214.16 AWARDING OF BID NUMBER RB-2016-006, CONTRACT FOR LIGHT WEIGHT SURFACE AGGREGATE, TYPE L, GRADE 3, 4, 5. (TRINITY MATERIALS)

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

MINUTE ORDER NO 215.16 AWARDING OF BID NUMBER RB-2016-005, CONTRACT FOR LIMESTONE FLEX BASE, TYPE A, GRADE 1 AND GRADE 4.

(CJ & SONS TRUCKING) (ALVARADO SAND & GRAVEL) (ARNOLD CRUSHED STONE)

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

NO ACTION 2.9 AWARD OF BID NUMBER RB-2016-003, CONTRACT FOR HAULING ROAD MATERIALS.

MINUTE ORDER NO 216.16 REJECTING AWARD OF BID NUMBER RB-2016-002, CONTRACT FOR EMULSIFIED ASPHALT AND REBID AS RFP

MOTION BY COMMISSIONER ROBINSON TO REJECT BID AND REBID AS RFP, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 217.16 APPROVAL FOR THE AWARD OF BID NUMBER RB-2016-007, CONTRACT FOR CRUSHED LIMESTONE CHIP SEAL, TYPE D, GRADE 3&4, AND FINE D. (VULCAN MATERIALS)

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

MINUTE ORDER NO 218.16 RATIFYING COOPERATIVE AGREEMENT WITH ERGON ASPHALT AND EMULSION AND HEARTLAND ASPHALT MATERIALS TO PURCHASE CRS-2 IN COOPERATION WITH TARRANT COUNTY BID NUMBER 2014-134 UNTIL ELLIS COUNTY BID IS AWARDED.

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

MINUTE ORDER NO 219.16 APPROVING MONTHLY RENTAL AGREEMENT OF A PNEUMATIC ROLLER FOR ROAD & BRIDGE 3, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE.

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

RECESS TO CONVENE TO EXECUTIVE SESSION (2:30PM)

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER ROBINSON 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 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.
- 4.2 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.
- 4.3 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION WITH PROFESSIONAL COATING TECHNOLOGIES.

ADJOURNMENT OF EXECUTIVE SESSION (3:58PM)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

ADJOURNMENT

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF APRIL 26, 2016 ARE HEREBY APPROVED.

PRESIDING OFFICER:

Absent
CAROL BUSH, COUNTY JUDGE

D.R.
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

