

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // AUGUST 9, 2016**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, AUGUST 9, 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 BUTLER, SECOND BY COMMISSIONER PERRY 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 304.16 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

FINANCIAL:

F1 FROM 001-0020-50705 ELEVATOR \$1,500.00; 001-0020-50807 GEN. Misc. \$2,400.00 To 001-0020-50703 TELEPHONE \$200.00; 001-0020-50704 PEST CONTROL \$300.00; 001-0020-50702 REPAIRS \$3,400.00. – KEITH ROBERTS, MAINTENANCE

F2 FROM 001-0015-50807 GENERAL Misc. \$3,000.00 To 001-0015-50803 FURNITURE/FIXTURES \$3,000.00. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE

F3 FROM 001-0420-50894 SECURE RESIDENTIAL \$10,000.00 To 001-0420-50896 SEX OFFENDER SERVICES \$10,000.00. – CHATRINIA JOHNSON, JUVENILE SERVICES

- F4 FROM 001-0210-50801 SUPPLIES \$6,000.00 To 001-0210-50802 EQUIPMENT \$6,000.00. – JANA ONYON, ELECTIONS
- F5 FROM 001-0210-40719 CHAPTER 19 STATE FUNDING \$200.00 To 001-0210-50800 CHAPTER 19 EXPENDITURES \$200.00. – JANA ONYON, ELECTIONS
- F6 FROM 005-0703-40950 FEMA \$20,000.00 To 005-0703-50915 ASPHALT \$20,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F7 FROM 005-0703-40950 FEMA \$20,000.00 To 005-0703-50911 GRAVEL \$20,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F8 FROM 001-0010-40950 FEMA \$8,569.98 To 001-0430-50802 EQUIPMENT (EMERGENCY MANAGEMENT) \$7,454.76; 001-0010-50802 EQUIPMENT (SHERIFF'S OFFICE) \$1,115.22. – STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR
- F9 FROM 001-0430-50819 COMPUTER \$9.00 To 001-0430-50809 AUTO REPAIRS \$9.00 – STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR
- F10 FROM 001-0450-50689 GSA SOFTWARE CONTRACT \$450.00 To 001-0450-50802 EQUIPMENT \$450.00. – TIM BIRDWELL, FIRE MARSHAL
- F11 FROM 001-0450-50819 COMPUTER \$300.00 To 001-0450-50809 AUTO REPAIR \$300.00. – TIM BIRDWELL, FIRE MARSHAL
- F12 FROM 001-0450-50819 COMPUTER \$600.00 To 001-0450-50801 SUPPLIES \$600.00. – TIM BIRDWELL, FIRE MARSHAL
- F13 FROM 003-0601-50807 RB1 GEN. Misc. \$17,900.00; 009-0602-50807 FM1 GEN. Misc. \$20,000.00; 009-0602-50868 FM1 CONTRACT LABOR \$33,500.00 To 003-0601-50911 RB1 GRAVEL \$17,900.00; 009-0602-50911 FM1 GRAVEL \$50,000.00; 009-0602-50907 FM1 TIRES \$3,500.00. – DENNIS ROBINSON, COMMISSIONER, PCT. 1
- F14 FROM 010-0653-30302 FM2 FUND BALANCE CARRY OVER \$2,000.00 To 010-0653-50918 FM2 HARDWARE/TOOLS \$2,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F15 FROM 001-0450-50689 GSA SOFTWARE CONTRACT \$400.00 To 001-0450-50805 CONFERENCE \$400.00. – TIM BIRDWELL, FIRE MARSHAL
- F16 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNT FOR PAYMENT IN ERROR:

REFUND TO BE ISSUED TO:	ACCOUNT	AMOUNT DUE
WAXAHACHIE FORD, LLC	244886	\$2,903.39

SIMPLIFIED PLAT:

SP1 PRACHYL'S BOYCE ROAD ADDITION, 1 LOT, ROAD & BRIDGE PCT. 1, REQUESTED BY AL PRACHYL.
 MOTION TO APPROVE 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 305.16 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, CURTIS RAY ROAD, MIDLOTHIAN, ROAD AND BRIDGE PCT. 3, REQUESTED BY GEORGE KENT.

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

MINUTE ORDER NO 306.16 APPROVING PRELIMINARY PLAT FOR OWENS RANCH, 1 LOT, CURTIS RAY ROAD, MIDLOTHIAN, ROAD & BRIDGE PCT. 3, REQUESTED BY GEORGE KENT.
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 307.16 APPROVING PRELIMINARY PLAT FOR THE OAK VISTA ESTATES, PHASE 2, 30 LOTS, OAK VISTA RD., WAXAHACHIE, ROAD & BRIDGE PCT. 3, REQUESTED BY JIM STRAWN.
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 308.16 AWARDING OF RFP-2016-004 FOR BRIDGE AND HEADWALL REPAIR TO NEYLAND BRIDGE REPAIR
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 309.16 REJECTING ALL BIDS FOR RB-2016-004, MISCELLANEOUS CONCRETE REPAIR.
MOTION TO REJECT ALL BIDS BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 310.16 APPROVAL TO PROCEED INTO NEGOTIATIONS WITH CORRECT CARE SOLUTIONS FOR COMPREHENSIVE INMATE MEDICAL SERVICES. RFP-2016-007
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 311.16 APPROVING MONTHLY RENTAL AGREEMENT FOR A NINE WHEEL ROLLER FOR ROAD AND BRIDGE PRECINCT 4 PENDING LEGAL REVIEW.
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

ADMINISTRATIVE:

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

MINUTE ORDER NO 312.16 SETTING THE DATE, TIME AND LOCATION OF THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR BUDGET FY 2016-17, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.007, AS FOLLOWS: TUESDAY, AUGUST 23, 2016 AT 2:00 P.M.
ELLIS COUNTY COMMISSIONERS' COURTROOM
101 W. MAIN ST., WAXAHACHIE, TX 75165
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 313.16 APPROVAL TO MAINTAIN THE CURRENT TAX RATE OF .413599 FOR BUDGET FY 2016-17 BY RECORD VOTE AND TO DISCUSS A TAX RATE CEILING FOR BUDGET YEAR 2016-17 AND PLACE THE PROPOSAL TO ADOPT THE RATE OF .413599 AT A FUTURE MEETING, PURSUANT TO TEXAS TAX CODE §26.05(D) TO BE HELD ON THE FOLLOWING:

TUESDAY, SEPTEMBER 27, 2016 AT 2:00 P.M.
ELLIS COUNTY COMMISSIONERS' COURTROOM
101 W. MAIN ST., WAXAHACHIE, TX 75165

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER TO APPROVE CARRIES UNANIMOUSLY BY RECORD VOTE:

JUDGE CAROL BUSH	<u>YES</u>
COMMISSIONER DENNIS ROBINSON, PCT 1	<u>YES</u>
COMMISSIONER LANE GRAYSON, PCT 2	<u>YES</u>
COMMISSIONER PAUL PERRY, PCT 3	<u>YES</u>
COMMISSIONER KYLE BUTLER, PCT 4	<u>YES</u>

MINUTE ORDER NO 314.16 APPROVING SCHEDULE OF TWO (2) PUBLIC HEARINGS TO DISCUSS THE PROPOSED TAX RATE FOR THE BUDGET FY 2016-2017, AND SETTING TIME AND LOCATION OF SUCH PUBLIC HEARINGS, PURSUANT TO §26.06 TEXAS TAX CODE, AS FOLLOWS:

TUESDAY, AUGUST 23, 2016, 2:00 P.M.
ELLIS COUNTY COMMISSIONERS COURTROOM
101 W. MAIN ST., WAXAHACHIE, TX 75165
AND
TUESDAY, SEPTEMBER 13, 2016, 2:00 P.M.
ELLIS COUNTY COMMISSIONERS COURTROOM
101 W. MAIN ST.
WAXAHACHIE, TX 75165

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

3.4 **REPORT ON TAC** (TEXAS ASSOCIATION OF COUNTIES) 2016 RISK CONTROL REIMBURSEMENT PROGRAM APPLICATION UPDATE. – CAROL BUSH, COUNTY JUDGE (TAC GRANTING \$24,237 TO ELLIS COUNTY)

3.5 **NO ACTION ON APPROVAL OF WORK ORDER UNDER INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF ELLIS AND CITY OF ALMA TO RECLAIM 9/10 OF A MILE ON SECTION HOUSE RD. IN CITY OF ALMA, FOR AN ESTIMATED COST OF \$2,800.00.** – LANE GRAYSON, COMMISSIONER, PCT. 2

MINUTE ORDER NO 315.16 ACCEPTING PETITION TO ABANDON A PORTION OF BARKER RD, AUTHORIZING COMMISSIONER GRAYSON, PCT. 2 TO POST PUBLIC NOTICE OF THE PROPOSED ABANDONMENT AND SCHEDULE A PUBLIC HEARING ON PROPOSED ABANDONMENT FOR SEPTEMBER 13, 2016. – LANE GRAYSON, COMMISSIONER, PCT. 2

MOTION BY COMMISSIONER GRAYSON TO ACCEPT PETITION AND MOVE FORWARD TO ABANDON AND SCHEDULE HEARING FOR FIRST MEETING IN SEPTEMBER APPROVE, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

3.7 **DISCUSSION** REGARDING FY 2016-2017 BUDGET DISCUSSION. JUDGE BUSH OPENS DISCUSSION WITH COMMENTS REGARDING CONTINUED WORK ON THE BUDGET AND EXPRESSING APPRECIATION TO PARTICIPANTS WITH REGARD TO PRIORITIES COMMISSIONER PERRY EXPRESSES SUPPORT OF NEW VEHICLES FOR DEPARTMENT OF DEVELOPMENT COMMISSIONER GRAYSON EXPRESSES APPRECIATION TO ALL WHO CONTRIBUTED TO BUDGET PROCESS

MINUTE ORDER NO 316.16 AUTHORIZING THE COUNTY JUDGE TO ORDER THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 FOR THE PURPOSE OF ELECTING COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, §65 OF THE TEXAS CONSTITUTION; FOR APPROVAL OF THE EARLY VOTING SCHEDULE. – JANA ONYON, ELECTIONS ADMINISTRATOR

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

MINUTE ORDER NO 317.16 APPROVING RENEWING OF THE APPLICATION FOR THE TEXAS 1033 SURPLUS PROPERTY PROGRAM. THIS IS A YEARLY REQUIREMENT OF THE PROGRAM. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF’S OFFICE

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

MINUTE ORDER NO 318.16 RENEWING THE DESIGNATION OF CAROL BUSH AS PRIMARY REPRESENTATIVE TO THE REGIONAL TRANSPORTATION COUNCIL WITH KAUFMAN COUNTY AS ALTERNATE

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

MINUTE ORDER NO 319.16 RELEASING PERFORMANCE BOND NO. 462793P WITH DEVELOPERS SURETY BY APPROVING REQUEST OF RVG INVESTMENTS, LLC REQUEST TO REPLACE PERFORMANCE BOND NO. 462793P WITH PERFORMANCE BOND NO. 305928 FOR THE COMPLETION OF THE ROADS, STREETS AND DRAINAGE REQUIREMENTS FOR BOB WHITE ESTATES IN THE AMOUNT OF \$959,884.00. RVG INVESTMENTS, LLC ORIGINALLY SUBMITTED PERFORMANCE BOND 462793P WITH DEVELOPERS SURETY AND INVESTMENT COMPANY AS SURETY IN THE AMOUNT OF \$959,884.00 DATED MARCH 28, 2016. RVG INVESTMENTS, LLC NOW WISHES TO REPLACE PERFORMANCE BOND NO. 462793P WITH PERFORMANCE BOND NO. 305928 WITH NGM INSURANCE COMPANY AS SURETY IN THE AMOUNT OF \$959,884.00 DATED JULY 12, 2016.

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

MINUTE ORDER NO 320.16 ENACTING BURN BAN ORDER FOR ELLIS COUNTY. – TIM BIRDWELL, FIRE MARSHAL

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

MINUTE ORDER NO 321.16 APPROVING THE FEE STRUCTURE FOR TEXAS DEPARTMENT OF MOTOR VEHICLES FOR CALENDAR YEAR 2017.

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

MINUTE ORDER NO 322.16 APPROVING WEST ORDER FORM – SUPPLEMENT TO PRIOR APPROVED DOCUMENTS. – CARLA KNEPPER, LAW LIBRARY

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

RECESS TO CONVENE TO EXECUTIVE SESSION (2:39PM)

MOTION TO APPROVE BY COMMISSIONER PERRY, 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 §551.072 OF THE TEXAS GOVERNMENT CODE DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY.
- 4.2 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 3:24-CV-04397-M, TREVINO V. ELLIS COUNTY, ET AL.
- 4.3 PURSUANT TO §551.076 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES.
- 4.4 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PERSONNEL MATTERS.

MINUTE ORDER NO 323.16 AUTHORIZATION FOR RANDY MONTGOMERY TO FILE SUIT, IF NECESSARY AGAINST CHM AND EVANSTON INSURANCE COMPANY ON BEHALF OF ELLIS COUNTY AND TRIDENT INSURANCE.

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

ADJOURNMENT OF EXECUTIVE SESSION

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

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF AUGUST 9, 2016 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 SEPTEMBER 13, 2016.



 CINDY POLLEY, COUNTY CLERK

