

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // OCTOBER 11, 2016**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, OCTOBER 11, 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

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 PAUL PERRY

**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 411.16      APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVE THE RENEWAL OF THE FY 17/18 STATE CASE REGISTRY/LOCAL CUSTOMER SERVICE (SCR/LCS) CONTRACT BETWEEN ELLIS COUNTY AND THE STATE ATTORNEY GENERAL'S OFFICE BEGINNING SEPTEMBER 1, 2016 THROUGH AUGUST 31, 2018. – *MELANIE REED, DISTRICT CLERK*
- A3 ACCEPT OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT FOR SEPTEMBER 13, 2016; SEPTEMBER 19, 2016; SEPTEMBER 27, 2016. – *CINDY POLLEY, COUNTY CLERK*
- A4 PROCLAMATION RECOGNIZING SHAWNEE CATTLE TRAIL.

**FINANCIAL:**

- F1 FROM 001-0360-50888 COMPUTER SERVICE \$321.00; 001-0360-50601 TRAVEL REIMBURSEMENT \$1,800.00; 001-0360-50805 DA-CONFERENCE \$2,230.00 To 001-0360-50803 DA-FURN/FIXTURES \$314.14; 001-0360-50802 DA- EQUIPMENT \$1,330.34; 001-0360-50801 DA-SUPPLIES 859.14; 001-0360-50819 DA-COMPUTER \$1,847.38. – *PATRICK WILSON, COUNTY & DISTRICT ATTORNEY*

- F2 FROM 001-0210-40719 CHAPTER 19 STATE FUNDING \$6,762.86 To 001-0210-50800 CHAPTER 19 STATE FUNDING EXPENDITURES \$6,762.86. – JANA ONYON, ELECTIONS ADMINISTRATOR
- F3 FROM 001-0330-40003 INMATE REIMBURSEMENTS \$2,000.00; 001-0015-50502 STAFF SALARY \$50,000.00 To 001-0015-50801 SUPPLIES \$3,000.00; 001-0015-50865 EMPLOYEE SCREENING \$1,000.00; 001-0015-50701 UTILITIES \$48,000.00. – JOHNNY BROWN, SHERIFF
- F4 FROM 001-0010-50884 AUTO INSURANCE \$17,186.00 To 001-0010-50812 RADIO \$186.00; 001-0010-50809 AUTO REPAIRS \$2,000.00; 001-0010-50810 AUTO TIRES \$15,000.00. – JOHNNY BROWN, SHERIFF
- F5 FROM 001-0420-50894 SECURE RESIDENTIAL \$3,000.00 To 001-0420-50899 OTHER PROGRAMS AND GROUPS \$3,000.00. – CHATRINIA JOHNSON, DIRECTOR OF JUVENILE SERVICES
- F6 FROM 001-0420-50897 SUBSTANCE ABUSE SERVICES \$1,000.00 To 001-0420-50898 INDIVIDUAL/FAMILY COUNSELING \$1,000.00. - CHATRINIA JOHNSON, DIRECTOR OF JUVENILE SERVICES
- F7 FROM 012-0755-30302 FM4/FUND BALANCE CARRYOVER \$17,000.00 To 012-0755-50911 FM4/GRAVEL \$17,000.00. – KYLE BUTLER, COMMISSIONER, PCT. 4
- F8 FROM 005-0703-50807 GENERAL MISC. \$5,000.00 To 005-0703-50502 WAGES \$5,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F9 FROM 010-0653-30302 FM2 FUND BALANCE CARRYOVER \$5,225.00 To 010-0653-50802 FM2 EQUIPMENT \$5,225.00. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F10 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNT FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
CALIBER HOME LOANS	208590	\$3,583.38
CARRINGTON MORTGAGE	225401	\$29,580.67

**SIMPLIFIED PLAT:**

- SP1 SIMPLIFIED PLAT – BREWER ESTATES, 1 LOT, HONEYSUCKLE ROAD, WAXAHACHIE, ROAD & BRIDGE PCT. 4, REQUESTED BY MARK BREWER.
- SP2 SIMPLIFIED PLAT – BINGHAM ESTATES, 3 LOTS, HONEYSUCKLE ROAD, WAXAHACHIE, ROAD & BRIDGE PCT. 4, REQUESTED BY JHH PROPERTY ACQUISITION SERVICES, LLC.
- SP3 SIMPLIFIED PLAT – FEASTER ESTATES, 2 LOTS, 2030 FEASTER ROAD, WAXAHACHIE, ROAD & BRIDGE PCT. 2, REQUESTED BY DAVID WILCHER.
- SP4 SIMPLIFIED PLAT – TRIPLE T RANCH, 1 LOT, PANORAMA LOOP, WAXAHACHIE, ROAD & BRIDGE PCT. 4 REQUESTED BY DAN GUS.

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

**DEPARTMENT OF COUNTY DEVELOPMENT:**

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

**MINUTE ORDER NO 412.16** ACCEPTING THE ROADS IN PLAINVIEW MANOR AS COUNTY MAINTAINED, INCLUDING PRIVET COURT WEST, DUVALL LANE, PERGOLA COURT WEST, PRIVET COURT EAST, PERGOLA COURT EAST, AND A PORTION OF LEDGESTONE LANE, ROAD & BRIDGE PCT. 4, REQUESTED BY RVG INVESTMENTS, LLC.

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

**MINUTE ORDER NO 413.16** APPROVING PRELIMINARY PLAT – HENRY ESTATES, 2 LOTS, HONEYSUCKLE ROAD, WAXAHACHIE, ROAD & BRIDGE PCT. 4, REQUESTED BY JHH PROPERTY ACQUISITION SERVICES, LLC.

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

**MINUTE ORDER NO 414.16** APPROVING PRELIMINARY PLAT – THE SANCTUARY, 6 LOTS, HONEYSUCKLE ROAD, WAXAHACHIE, ROAD & BRIDGE PCT. 4, REQUESTED BY JHH PROPERTY ACQUISITION SERVICES, LLC.

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

**1.4 FAILED** TO ACCEPT AN ALTERNATIVE SECURITY FOR THE CONSTRUCTION OF OAK VISTA ESTATES, PHASE II, REQUESTED BY JIM STRAWN, ROAD AND BRIDGE PCT. 3.

**PURCHASING:**

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

**MINUTE ORDER NO 415.16** APPROVING PURCHASE OF BOMAG JUMPING JACK TAMPER, MODEL BT65, FROM RENTAL ONE IN THE AMOUNT OF \$2,800.00. ROAD & BRIDGE 2

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

**MINUTE ORDER NO 416.16** APPROVING PURCHASE OF LIFT GATE FROM KNAPHEIDE IN THE AMOUNT OF \$2,425.00.

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

**MINUTE ORDER NO 417.16** DECLARING THE FOLLOWING AS SURPLUS TO BE DISPOSED OF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE 263: FROM ROAD AND BRIDGE 1 – 1990 CHEVROLET WATER TRUCK , VIN 1GBM7D1F6LV104706, 1999 FORD F-150, VIN 1FTRF17W6XKA71918, 1978 CASE RUBBER TIRE ROLLER, SERIAL NUMBER 9128764, 2002 GRADALL XL3100, SERIAL NUMBER G03169312328, RHINO MOWER, FROM ROAD AND BRIDGE 2 - BRUSH CLIPPER, 2 WEED EATERS, 11 GAS CANS, VERMEER WOOD CHIPPER, 2 WATER TANKS FOR A RUBBER TIRE LOADER, CHIP SPREADER FOR A DUMP TRUCK, LIGHTS, FALL RESTRAINT, 2 TRASH WATER PUMPS, DRY BOX, 1993 CHEVROLET C1500 PICKUP, VIN 1GCEC14W4TZ193061, FROM ENGINEERING, HP DESIGNJET 1055CM, S/N SG47Q1311X, HP DESIGN JET 430, S/N SG55J1101P, FROM COUNTY CLERK'S OFFICE, HP DESIGNJET 500, S/N SG1402103W, FROM SHERIFF'S OFFICE, 2008 FORD CROWN VICTORIA, VIN 2FAPF71V88X139028, 2010 DODGE CHARGER, VIN 2B3CA4CV3AH203519, 2010 DODGE CHARGER, VIN 2B3CA4CV6AH203546, 2008 FORD CROWN VICTORIA, VIN 2FAPF71V48X139043.

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

**MINUTE ORDER NO 418.16** AUTHORIZING COUNTY JUDGE TO SIGN CONTRACT WITH CORRECT CARE SOLUTIONS, LLC FOR COMPREHENSIVE INMATE MEDICAL. (RFP-2016-002)

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

**MINUTE ORDER NO 419.16** RENEWING CONTRACT #2013-011 WITH CORRECTIONAL FOOD SERVICES FOR THE ELLIS COUNTY DETENTION CENTER, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE.

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

**MINUTE ORDER NO 420.16** ADOPTING PROCEDURE WHEN NO BID SUBMISSIONS ARE RECEIVED AFTER A BID CLOSES IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 262.0225.

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

**MINUTE ORDER NO 421.16** APPROVE MOVING FORWARD WITH PUBLIC SURPLUS AS AN OPTION FOR ONLINE SURPLUS AUCTIONS IN COMPLIANCE WITH LOCAL GOVERNMENT CODE 263.152.

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

**MINUTE ORDER NO 422.16** AUTHORIZING COUNTY JUDGE TO SIGN ANNUAL RENEWAL AGREEMENT WITH KODAK ALARIS IN THE AMOUNT OF \$781.00 FOR THE DISTRICT ATTORNEY'S OFFICE.  
(MICROFILM READER/PRINTER)

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

**MINUTE ORDER NO 423.16** AUTHORIZING COUNTY JUDGE TO SIGN ANNUAL RENEWAL AGREEMENT WITH ESRI (ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.) IN THE AMOUNT OF \$4,750.00 FOR THE ENGINEERING DEPARTMENT.

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

**MINUTE ORDER NO 424.16** RESCINDING THE DEPARTMENT OF DEVELOPMENT XEROX AGREEMENT FROM AUGUST 23, 2016, MINUTE ORDER 345.16, AGENDA ITEM 2.3. (PRICING HAS CHANGED FROM \$280.42 PER MONTH TO \$295.30.)

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

**MINUTE ORDER NO 425.16** AUTHORIZING COUNTY JUDGE TO SIGN ANNUAL XEROX LEASE AGREEMENT WITH NEW PRICING FOR DEPARTMENT OF DEVELOPMENT IN THE AMOUNT OF \$295.30 PER MONTH.

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

**MINUTE ORDER NO 426.16** APPROVING PURCHASE UP TO \$7,000 FOR DESKS AND SEATING FOR THE COURTS AND ADMINISTRATION BUILDING AND THE HISTORIC COURTHOUSE.

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

**MINUTE ORDER NO 427.16** RENEWING A SERVICE CONTRACT WITH GARRATT CALLAHAN FOR WATER TREATMENT CHEMICAL PROGRAM AND SERVICE FOR SHERIFF'S OFFICE. TERM WILL BE OCTOBER 1, 2016 TO SEPTEMBER 30, 2017.

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

**ADMINISTRATIVE:**

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

- 3.1 NO ACTION EXTENSION INTERPRETATIVE EVENT FOR COMMISSIONERS COURT PRESENTED BY DONALD KELM, DISTRICT EXTENSION ADMINISTRATOR AND EXTENSION STAFF.
- 3.2 NO ACTION BURN BAN FOR ELLIS COUNTY – TIM BIRDWELL, FIRE MARSHAL

**MINUTE ORDER NO 428.16** APPROVING THE ITALY INDEPENDENT SCHOOL DISTRICT REQUEST TO DESIGNATE THE ALLOCATION OF QCEB (QUALIFIED ENERGY CONSERVATION BOND) VOLUME CAP FROM ELLIS COUNTY IN AN AMOUNT NOT TO EXCEED \$600,000.

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

**EMPLOYEE RECOGNITION:** ELLSWORTH HULING, VETERANS SERVICE OFFICER WAS RECOGNIZED IN A LETTER FROM RALPH HELM, JR FOR HIS SERVICE TO OUR COUNTRY AND OUR VETERANS. CAROL BUSH, COUNTY JUDGE

**MINUTE ORDER NO 429.16** APPROVING THE 2016-2017 LAW LIBRARY SERVICE FEES AS FOLLOWS:  
PRINTING AND COPYING FEES: BLACK & WHITE .25 CENTS PER PG; COLOR .50 CENTS PER PG;  
FAX FEES: INCOMING \$1.50 PER PG; OUTGOING \$2.00 FIRST PG, \$1.50 PER ADDITIONAL PG;  
NOTARY FEES: \$6.00 PER DOCUMENT AND \$1.00 PER ADDITIONAL SIGNATURE PER DOCUMENT.

BOARD ROOM RENTAL FEE: \$25.00 PER HOUR – CARLA CATES, LAW LIBRARIAN  
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

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

**RECESS TO CONVENE TO EXECUTIVE SESSION (2:47PM)**

MOTION BY COMMISSIONER BUTLER, 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 CONCERNING A CLAIM INVOLVING KEN RASH CONCERNING PROPERTY DAMAGE TO HIS MAILBOX LOCATED AT 144 HOWE CIRCLE, ITALY, TEXAS BY AN EMPLOYEE OF THE COUNTY.
- 4.2 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING AUTHORITY TO ASSERT TWO SEPARATE CLAIMS IN THE CLASS ACTION LAWSUIT INVOLVING AT&T REPAIR BILLING LITIGATION CAUSE NO. 3:13-CV-29-J-32JRK.
- 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION, WITH THE ATTORNEY GENERAL KEN PAXTON.

**ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION (3:33PM)**

MOTION BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**MINUTE ORDER NO 430.16** AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY CONCERNING PROPERTY DAMAGE TO KEN RASH'S MAILBOX LOCATED AT 144 HOWE CIRCLE, ITALY, TEXAS BY AN EMPLOYEE OF THE COUNTY.

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

**MINUTE ORDER NO 431.16** AUTHORIZING THE COUNTY ATTORNEY TO ASSERT TWO SEPARATE CLAIMS IN THE CLASS ACTION LAWSUIT INVOLVING AT&T REPAIR BILLING LITIGATION CAUSE NO. 3:13-CV-29-J-32JRK.

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

**MINUTE ORDER NO 432.16** AUTHORIZING AND RATIFYING THE COUNTY ATTORNEY TO FILE SUIT AGAINST ATTORNEY GENERAL KEN PAXTON TO SEEK DECLARATORY RELIEF FROM THE RULING OR2016-21572.

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

**ADJOURNMENT**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 11, 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 NOVEMBER 22, 2016.

  
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CINDY POLLEY, COUNTY CLERK

