

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

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, NOVEMBER 8, 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 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 454.16 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 APPOINT JUDY BORDERS TO THE ELLIS COUNTY WOMAN'S BUILDING BOARD OF TRUSTEES FOR A TERM BEGINNING JANUARY 1, 2017 THROUGH DECEMBER 31, 2020.

FINANCIAL:

F1 FROM 010-0653-30302 FM2 FUND BALANCE CARRY OVER \$100,000.00 TO 010-0653-50802 FM2 EQUIPMENT \$100,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2

SIMPLIFIED PLAT:

SP1 SIMPLIFIED PLAT – SCHMITZ RANCH ADDITION, 2 LOTS, GREATHOUSE ROAD, WAXAHACHIE, ROAD & BRIDGE PCT. 3, REQUESTED BY ANDREW GARRETT.

SP2 SIMPLIFIED PLAT – MALISKA ESTATES, 3 LOTS, DUNKERLY ROAD, ENNIS, ROAD & BRIDGE PCT. 2, REQUESTED BY DAVID MALISKA.

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 455.16 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, 1000 BLOCK HOLDER ROAD, FORRESTON, ROAD & BRIDGE PCT. 3, REQUESTED BY CLAYTON BAGGERLY.

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

MINUTE ORDER NO 456.16 APPROVING RE-PLAT – SPRINGER ESTATES, LOT 15, 16 & 21, BLOCK 1, STILL WATERS COURT & BOIS D' ARC, MIDLOTHIAN, 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 457.16 APPROVING PRELIMINARY PLAT – CHAUTAUQUA PHASE 1, 62 LOTS, BROADHEAD ROAD & GIBSON ROAD, ROAD & BRIDGE PCT. 4, REQUESTED BY TONY MARTIN.

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

PURCHASING:

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

MINUTE ORDER NO 458.16 APPROVAL FOR COUNTY JUDGE TO SIGN COOPERATIVE PURCHASING AGREEMENT WITH PURCHASING ASSOCIATION OF COOPERATIVE ENTITIES, PACE, IN ORDER TO PARTICIPATE IN THEIR ORGANIZATION.

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

MINUTE ORDER NO 459.16 APPROVING PURCHASE NECESSARY WAREHOUSE GRADE PALLET SHELVING AND STORAGE CONTAINERS FOR THE RECORDS STORAGE BUILDING FOR THE DISTRICT CLERK AT A COST NOT TO EXCEED \$20,000.

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

MINUTE ORDER NO 460.16 APPROVAL TO DECLARE SEIZED ITEMS FROM JUSTICE OF THE PEACE PRECINCT 2 COURT AS SURPLUS AND TO BE DISPOSED OF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE 263 – VARIOUS CLOTHING AND HOUSEHOLD ITEMS.

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

MINUTE ORDER NO 461.16 APPROVAL TO DONATE THE HOUSEHOLD ITEMS AND CLOTHING UNABLE TO SELL THROUGH AUCTION TO ELLIS COUNTY CHILD PROTECTIVE SERVICES BOARD, A 501(C)(3) AGENCY, ACCORDING TO LOCAL GOVERNMENT CODE SECTION 263.152(A)(4).

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

MINUTE ORDER NO 462.16 APPROVAL TO DECLARE OUTDATED LEGAL BOOKS FROM THE LAW LIBRARY AS SURPLUS AND APPROVE OF THEIR DISPOSAL USING AN ONLINE AUCTION IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE.

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

MINUTE ORDER NO 463.16 APPROVAL FOR COUNTY JUDGE TO SIGN NEW XEROX LEASE AGREEMENT FOR THE FOLLOWING LOCATION: JUSTICE OF THE PEACE 1 FOR \$196.55 PER MONTH.
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 464.16 APPROVAL TO RATIFY THE NEW XEROX LEASE AGREEMENT FOR INDIGENT HEALTH. NEW MACHINE IS \$168.94 PER MONTH.
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 465.16 APPROVAL TO PURCHASE VEHICLES FOR THE DEPARTMENT OF DEVELOPMENT, SHERIFF'S OFFICE ANIMAL CONTROL UNIT AND FIRE MARSHAL WITHIN THE PREDETERMINED APPROVED BUDGET ALLOWANCE NOT TO EXCEED \$190,000
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

ADMINISTRATIVE:

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

3.1 NO ACTION INTERLOCAL BETWEEN ELLIS COUNTY AND NTTA (NORTH TEXAS TOLLWAY AUTHORITY). *CARRIE ROBERTS AND GEO RODRIGUEZ*

MINUTE ORDER NO 466.16 APPROVING LEGGETT AND PLATT TAX ABATEMENT AT 45% FOR FIVE YEARS. *MARTY NELSON, DIRECTOR OF ECONOMIC DEVELOPMENT FOR CITY OF ENNIS*
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

3.3 NO ACTION BURN BAN FOR ELLIS COUNTY. – TIM BIRDWELL, FIRE MARSHAL

MINUTE ORDER NO 467.16 APPROVING ELLIS COUNTY EMERGENCY PLANS (ANNEX C - EMERGENCY MANAGEMENT SHELTER AND MASS CARE FOR ELLIS COUNTY & ANNEX H - EMERGENCY MANAGEMENT HUMAN SERVICES FOR ELLIS COUNTY). – STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 468.16 APPROVING ELLIS COUNTY, TEXAS EXTREME WEATHER PLAN. – STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 469.16 APPROVAL FOR THE JUDGE TO SIGN THE PAPERWORK FOR THE ELLIS COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) OFFICERS FOR A TERM OF 2 YEARS BEGINNING OCTOBER 18, 2016 VOTED ON BY THE LEPC MEMBERSHIP. TOMMY JACKSON – PRESIDENT; WILLIAM STETSON AND HUGH GRANDSTAFF - VICE PRESIDENTS; HERMAN CRYER - SECRETARY/TREASURER. – STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (3:00PM)

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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING LAWSUIT CAUSE NO. 93563, WEBSTER V. BATES, 40TH DISTRICT COURT OF ELLIS COUNTY.
- 4.2 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 (3:26PM)

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 NOVEMBER 8, 2016 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



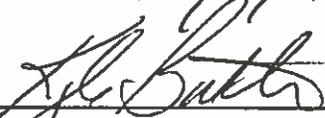
DENNIS ROBINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2



PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS DECEMBER 20, 2016.



CINDY POLLEY, COUNTY CLERK

