

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JANUARY 10, 2017**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, JANUARY 10, 2017 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 GRAYSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE - COMMISSIONER KYLE BUTLER

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 101.17 APPROVING CONSENT AGENDA AS AMENDED MOVING SP1, SP2 AND SP3 TO ADMINISTRATIVE AGENDA

ADMINISTRATIVE:

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

A2 ACCEPTANCE OF THE 2016 RACIAL PROFILING REPORT FOR ELLIS COUNTY CONSTABLE, PCT. 2. – TERRY NAY, CONSTABLE, PCT. 2

FINANCIAL:

- F1 FROM 001-0210-40719 CHAPTER 19 STATE FUNDING \$2,017.53 To 001-0210-50800 CHAPTER 19 EXPENDITURES \$2,017.53. – JANA ONYON, ELECTIONS ADMINISTRATOR
- F2 FROM 009-0602-50807 FM1 GEN Misc. \$2,000.00 To 009-0602-50914 FM1 SIGNS. – RANDY STINSON, COMMISSIONER, PCT. 1
- F3 FROM 001-0370-50804 POSTAGE \$2576.00 To 001-0370-50806 OFFICIAL BONDS \$2576.00. – JOHN BRIDGES, TAX ASSESSOR/COLLECTOR
- F4 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNT FOR PAYMENT IN ERROR:

REFUND TO BE ISSUED TO:	ACCOUNT	AMOUNT DUE
PENNYMAC	203582	\$3,477.96
TVR MANAGEMENT, LLC	262428	\$7,857.78

MOTION TO APPROVE CONSENT AGENDA AS AMENDED BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

PURCHASING:

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

MINUTE ORDER NO 102.17 (2.1) AUTHORIZING COUNTY JUDGE TO SIGN NEW XEROX LEASE AGREEMENT FOR ROAD AND BRIDGE PRECINCT 3.

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

MINUTE ORDER NO 103.17 (2.2) AUTHORIZING COUNTY JUDGE TO SIGN NEW XEROX LEASE AGREEMENT FOR PURCHASING.

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

MINUTE ORDER NO 104.17 (2.3) APPROVING CONCRETE WORK BY CONCRETE SERVICES FOR ROAD AND BRIDGE PRECINCT 2 AT ENTRANCE TO BARN.

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

MINUTE ORDER NO 105.17 (2.4) APPROVAL TO TOTAL VEHICLE AND PROCEED WITH TRIDENT INSURANCE CLAIM NUMBER TNT-0137982 INVOLVING 2012 CHEVROLET TAHOE, VIN 1GNLC2E03CR185483 AND ACCEPTING PAYMENT OF \$13,307

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

MINUTE ORDER NO 106.17 (2.5) APPROVAL TO SURPLUS 2012 CHEVROLET TAHOE, VIN 1GNLC2E03CR185483, FROM THE SHERIFF'S OFFICE TO BE DISPOSED OF ACCORDING TO LOCAL GOVERNMENT CODE 263.

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

MINUTE ORDER NO 107.17 (2.6) APPROVAL TO TOTAL VEHICLE AND PROCEED WITH TRIDENT INSURANCE CLAIM NUMBER TNT-0136957, 2004 FORD E-350 VAN, VIN 1FBSS31L14HA21271. (EVALUATION \$5,536)

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

MINUTE ORDER NO 108.17 (2.7) APPROVAL TO SURPLUS 2004 FORD E-350 VAN, VIN 1FBSS31L14HA21271, FROM THE SHERIFF'S OFFICE TO BE DISPOSED OF ACCORDING TO LOCAL GOVERNMENT CODE 263.

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

MINUTE ORDER NO 109.17 (2.8) AUTHORIZING COUNTY JUDGE TO SIGN BOILER MAINTENANCE CONTRACT FOR THE BOILERS LOCATED IN THE WAYNE MCCOLLUM DETENTION CENTER TO AMERICAN MECHANICAL.

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

MINUTE ORDER NO 110.17 (2.9) APPROVING AWARD OF BID NUMBER 2017-001, CONTRACT FOR WHOLESALE GAS AND DIESEL TO AVENUE FUEL.

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

MINUTE ORDER NO 111.17 (2.10) APPROVING AWARD OF BID NUMBER 2017-002, CONTRACT FOR CONVENIENCE STORE GASOLINE TO PEARMAN OIL AND LP GAS INC

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

MINUTE ORDER NO 112.17 (2.11) ACCEPTING RENEWAL OPTION WITH NO PRICE INCREASE EFFECTIVE JANUARY 1, 2017 TO DECEMBER 31, 2017 FOR RB-2016-005, CONTRACT FOR LIMESTONE FLEX BASE, TYPE A, GRADE 1: PRIMARY, CJ&SONS TRUCKING, SECONDARY: ALVARADO SAN & GRAVEL AND GRADE 4: PRIMARY ARNOLD CRUSHED STONE, SECONDARY: CJ&SONS TRUCKING

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

MINUTE ORDER NO 113.17 (2.12) ACCEPTING RENEWAL OPTION WITH PRICE INCREASE FOR RB-2016-009, CONTRACT FOR WASHED PEA GRAVEL, TYPE A, GRADE 4 AND 5. EFFECTIVE JANUARY 1, 2017 TO DECEMBER 31, 2017.

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

MINUTE ORDER NO 114.17 (2.13) AUTHORIZING COUNTY JUDGE TO SIGN INMATE COMMUNICATIONS RENEWAL AGREEMENT WITH INFINITY NETWORKS, INC.

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

ADMINISTRATIVE:

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

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

MINUTE ORDER NO 115.17 (3.2) AUTHORIZING COUNTY JUDGE AND DIRECTOR OF CSCD TO SIGN INTERAGENCY AGREEMENT REGARDING CSCD (ELLIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT) PARTICIPATION IN TCDRS (TEXAS COUNTY & DISTRICT RETIREMENT SYSTEM). – DENNIS BREARLEY, DIRECTOR, CSCD

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

MINUTE ORDER NO 116.17 (3.3) AUTHORIZING PCT 2 COMMISSIONER TO REPURPOSE USED MATERIALS FROM A PREVIOUSLY DISASSEMBLED METAL BUILDING STORED AT ELLIS COUNTY PRECINCT 2 PROPERTY (FORMERLY SHERIFF'S "T WING") - LANE GRAYSON, COMMISSIONER, PCT. 2

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

MINUTE ORDER NO 117.17 (3.4) ACCEPTING DONATION OF A PRINT OF THE HISTORIC COURTHOUSE FROM VENTZI GUENTCHEV.

MOTION TO APPROVE BY JUDGE CAROL BUSH, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (2:28PM)

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

ADJOURNMENT OF EXECUTIVE SESSION (3:15PM)

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

SIMPLIFIED PLAT:

MINUTE ORDER NO 118.17 (SP1) ACCEPTING THE INFRASTRUCTURE OF BILLINGSLEY FARMS, 71 LOTS, INCLUDING, BILLINGSLEY DRIVE, ALMA COURT, REX COURT, GEORGE COURT AND ETTA COURT, ROAD & BRIDGE PCT. 4, REQUESTED BY HARLAN PROPERTIES, INC.

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

MINUTE ORDER NO 119.17 (SP3) RELEASING MAINTENANCE LETTER OF CREDIT NO. 187236 TO BANK OF THE WEST, IN THE AMOUNT OF FIVE HUNDRED AND SEVENTY THOUSAND DOLLARS AND NO CENTS (\$570,000.00) FOR BILLINGSLEY FARMS, ROAD & BRIDGE PCT. 4, REQUESTED BY HARLAN PROPERTIES, INC.

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

MINUTE ORDER NO 120.17 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE MINIMUM LOT SIZE REQUIREMENT OF ONE USEABLE ACRE, 1205 JACKSON ROAD, RED OAK, ROAD & BRIDGE PCT. 4, REQUESTED BY CARLOS LOPEZ.

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

3.5 NO ACTION REGARDING PENDING OR CONTEMPLATED LITIGATION WITH PROFESSIONAL COATING TECHNOLOGIES.

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JANUARY 10, 2017 ARE HEREBY APPROVED.

PRESIDING OFFICER:

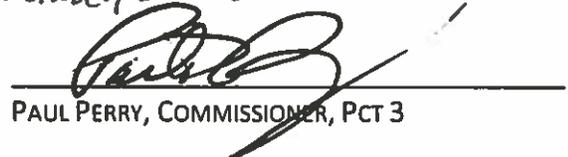


CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER, PCT 1

Paul Perry



PAUL PERRY, COMMISSIONER, PCT 3

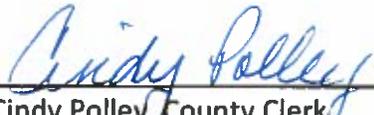


LANE GRAYSON, COMMISSIONER, PCT 2



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS FEBRUARY 28, 2017.



Cindy Polley, County Clerk

