

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // FEBRUARY 28, 2017**

AT REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS COURT ON TUESDAY, FEBRUARY 28, 2017 AT 2:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2ND FLOOR), 101 W MAIN STREET, WAXAHACHIE, TEXAS THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

PRESENT WERE:

COUNTY JUDGE: CAROL BUSH

COUNTY CLERK: CINDY POLLEY

COMMISSIONERS:

RANDY STINSON, COMMISSIONER, PCT. 1

ASSISTANT COUNTY ATTORNEYS:

LANE GRAYSON, COMMISSIONER, PCT. 2

VANCE HINDS

PAUL PERRY, COMMISSIONER, PCT. 3

RAY RIKE

KYLE BUTLER, COMMISSIONER, PCT. 4

OPENING COURT

COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO OPEN MEETINGS ACT.

MOTION TO OPEN COURT BY COMMISSIONER PERRY, SECOND BY COMMISSIONER STINSON 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.

MINUTE ORDER 162.17 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 ACCEPTANCE OF 16 CONTINUING EDUCATION TRAINING HOURS RECEIVED DURING THE SEMINAR FOR NEWLY ELECTED COUNTY JUDGES AND COMMISSIONERS. – RANDY STINSON, COMMISSIONER, PCT. 1
- A3 APPROVAL OF THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS COURT: DECEMBER 20, 2016, JANUARY 10, 2017, AND JANUARY 31, 2017. – CINDY POLLEY, COUNTY CLERK
- A4 SUBMITTED FOR RECORD: OPEN MEETINGS ACT CERTIFICATE OF TRAINING FOR RANDY STINSON COMMISSIONER PCT.1.
- A5 ACCEPT THE RESIGNATION OF SAM LANEY FROM EMERGENCY SERVICES DISTRICT (ESD) #5, EFFECTIVE JANUARY 18, 2017.

FINANCIAL:

- F1 FROM 001-0110-40659 INSURANCE REIMBURSEMENT \$3,750.00 TO 001-0140-50807 OTHER EXPENSES \$3,750.00. – CAROL BUSH, COUNTY JUDGE
- F2 FROM 010-0653-50807 FM2 GENERAL EXPENSES \$5,000.00 TO 010-0653-50962 FM2 LUBRICANTS \$5,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2

- F3 FROM 001-0050-50819 COMPUTER \$340.00 To 001-0050-50809 AUTO REPAIR \$340.00. – MARK ARNOLD, EXTENSION OFFICE
- F4 FROM 001-0400-50801 SUPPLIES \$600.00 To 001-0400-50802 EQUIPMENT \$600.00. – CHERYL CHAMBERS, TREASURER
- F5 FROM 003-0601-50807 RB1 GEN. Misc \$500.00; 009-0602-50807 FM1 GEN. Misc. \$1,500.00 To 0030601-50805 RB1 CONFERENCE/DUES \$500.00; 009-0602-50914 FM1 SIGNS \$1,500.00. – RANDY STINSON, COMMISSIONER, PCT. 1

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER 163.17 (1.1) ACCEPTING THE ROADS, DRAINAGE, AND INFRASTRUCTURE FOR SUMMIT ESTATES PHASE ONE, INCLUDING MCKINLEY CIRCLE, DENALI WAY, CRESTONE STREET, SHASTA STREET, AND A PORTION OF VAIL LANE. PROPERTY CONTAINS 57 LOTS ON ± 111.082 ACRES OF LAND LOCATED IN WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY JHDMC, INC

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

MINUTE ORDER 164.17 (1.2) RELEASING MAINTENANCE BOND NO. 657818 ISSUED FROM INTERNATIONAL FIDELITY INSURANCE COMPANY, IN THE AMOUNT OF FOUR HUNDRED SEVENTY-TWO THOUSAND THREE HUNDRED TEN DOLLARS & 80/100 (\$472,310.80) FOR SUMMIT ESTATES PHASE ONE, LOCATED IN WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY JHDMC, INC.

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

MINUTE ORDER 165.17 (1.3) APPROVING PRELIMINARY PLAT OF LONG BRANCH ESTATES. PROPERTY CONTAINS ± 59.816 ACRES OF LAND IN THE A.R. NEWTON SURVEY, ABSTRACT NO. 810, LOCATED ON THE EAST SIDE OF LONG BRANCH ROAD AND SOUTH OF HAYES ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF MIDLOTHIAN AND WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4, AS REQUESTED BY LANCE RUST.

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

MINUTE ORDER 166.17 (1.4) GRANTING A ONE-TIME VARIANCE FROM SECTION II (H) (UTILITY SERVICE) OF THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES TO ALLOW CONSTRUCTION OF TWO (2) SINGLE-FAMILY STRUCTURES WITHOUT MEETING THE MINIMUM FIRE HYDRANT REQUIREMENTS. PROPERTIES CONTAINS ± 2.512 ACRES OF LAND IN THE SPANISH GRANT ADDITION, PHASE IV, LOTS 94R & 97R, LOCATED AT 4040 OLVIDO ROAD, WAXAHACHIE, IN ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY ANGELIKA WILLIAMS.

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

MINUTE ORDER 167.17 (1.5) GRANTING A ONE-TIME VARIANCE FROM SECTION VIII (A) (RESIDENTIAL LOTS) OF THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES TO ALLOW CONSTRUCTION OF TWO (2) NEW SINGLE-FAMILY STRUCTURES WITHOUT MEETING THE MINIMUM ROAD FRONTAGE REQUIREMENT. PROPERTY CONTAINS ± 4.00 ACRES OF LAND IN THE JOSEPH BELL SURVEY, ABSTRACT NO. 62 AND WILLIAM H. MORRIS SURVEY, ABSTRACT NO. 725, LOCATED AT 2800 BLOCK OF FM 983, RED OAK, IN ROAD & BRIDGE PRECINCT NO. 1, AS REQUESTED BY CHARLES CRYER.

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

MINUTE ORDER 168.17 (1.6) GRANTING A ONE-TIME VARIANCE FROM SECTION VIII (A) (RESIDENTIAL LOTS) OF THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES TO ALLOW CONSTRUCTION OF A STRUCTURE WITHOUT MEETING THE MINIMUM ROAD FRONTAGE REQUIREMENT. PROPERTY CONTAINS ±12.521 ACRES OF LAND IN THE S MAYFIELD SURVEY, ABSTRACT NO. 670, LOCATED AT 1138 PECAN MEADOWS, WAXAHACHIE/ENNIS IN ROAD & BRIDGE PRECINCT NO. 2, AS REQUESTED BY REX FRANK

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

PURCHASING

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

MINUTE ORDER 169.17 (2.1) APPROVING PURCHASE OF 220 VOLT EMULSION PUMP AND 7,000 GALLON TANK FROM RB EVERETT AND COMPANY FOR ROAD AND BRIDGE PRECINCT 4

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

MINUTE ORDER 170.17 (2.3) APPROVAL TO MOVE FORWARD WITH D & G QUALITY ROOFING ON THE JAIL ROOFING PROJECT

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

MINUTE ORDER 171.17 2.2) APPROVAL TO UTILIZE \$16,994.00 OF THE CURRENT BUDGETED ROOFING REPLACEMENT FUNDS TO REPLACE TWO ROOF TOP AIR CONDITIONER UNITS AT THE JAIL (AMS) AMERICAN MECHANICAL SERVICES

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

NO ACTION (2.4) APPROVAL TO RESCIND THE ITEM 2.5 FROM COMMISSIONERS COURT DATED JANUARY 10, 2017 – APPROVAL TO SURPLUS 2012 CHEVROLET TAHOE, VIN 1GNLC2E03CR185483, FROM THE SHERIFF'S OFFICE TO BE DISPOSED OF ACCORDING TO THE LOCAL GOVERNMENT CODE 263.

NO ACTION (2.5) APPROVAL TO RESCIND THE ITEM 2.4 FROM COMMISSIONERS COURT DATED JANUARY 10, 2017 – DISCUSSION AND APPROVAL TO PROCEED WITH TOTAL LOSS PAPERWORK REGARDING TRIDENT INSURANCE CLAIM NUMBER TNT-0137982 INVOLVING 2012 CHEVROLET TAHOE, VIN 1GNLC2E03CR185483.

NO ACTION (2.6) APPROVAL FOR COUNTY JUDGE TO SIGN AFFIDAVIT OF MOTOR VEHICLE SALVAGE RETENTION FORM FROM TRIDENT INSURANCE FOR CLAIM NUMBER TNT-0137982 INVOLVING 2012 CHEVROLET TAHOE, VIN 1GNLC2E03CR185483.

MINUTE ORDER 172.17 (2.7) APPROVING PROPOSAL FROM TELEPACIFIC FOR INTERNET CONNECTIVITY AT THE MIDLOTHIAN TAX OFFICE.

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

MINUTE ORDER 173.17 (2.8) APPROVING REPAIR TO A CATERPILLAR MOTOR GRADER 12G FOR ROAD & BRIDGE PCT. 1, ASSET NO. 10030, WITH A QUOTE OF \$29,770.00 FROM S & L SERVICES FOR REPLACEMENT OF TRANSMISSION AND FINAL DRIVE.

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

ADMINISTRATIVE

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

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

MINUTE ORDER 174.17 (3.2) APPROVING INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND NTTA (NORTH TEXAS TOLLWAY AUTHORITY)

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES 4/1 WITH COMMISSIONER PERRY VOTING NAY

MINUTE ORDER 175.17 (3.3) APPROVING ANNUAL RENEWAL OF CISCO SMARTNET AT A COST OF \$44,059.17 WITH FLAIR DATA. – TERAL CRAWFORD, DIRECTOR OF IT

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

3.4 COMPENSATORY TIME REPORTS – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES

3.5 MS4 REPORT: INFORMATION REGARDING THE 2016 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) ANNUAL REPORT PRIOR TO SUBMITTAL TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). – JOSEPH JACKSON, ASSISTANT COUNTY ENGINEER

RECESS TO CONVENE TO EXECUTIVE SESSION 2:54 PM

MOTION 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 §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.
- 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.
- 4.3 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A CLAIM INVOLVING JUSTIN MORRIS AND PROPERTY DAMAGE TO HIS 2007 VOLKSWAGEN BEETLE ALLEGEDLY CAUSED WHILE CROSSING A BRIDGE IN ELLIS COUNTY.
- 4.4 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING LAWSUIT CAUSE No. 93563, WEBSTER V. BATES, 40TH DISTRICT COURT OF ELLIS COUNTY.

ADJOURNMENT OF EXECUTIVE SESSION/RECONVENE IN REGULAR SESSION

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

NO ACTION 3.6 CONSIDERATION AND ACTION AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY INVOLVING JUSTIN MORRIS CONCERNING PROPERTY DAMAGE TO HIS 2007 VOLKSWAGEN BEETLE ALLEGEDLY CAUSED WHILE CROSSING A BRIDGE IN ELLIS COUNTY.

NO ACTION 3.7 ACTION PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING LAWSUIT CAUSE No. 93563, WEBSTER V. BATES, 40TH DISTRICT COURT OF ELLIS

COUNTY. CONCERNING LAWSUIT CAUSE NO. 93563, WEBSTER V. BATES, 40TH DISTRICT COURT OF ELLIS COUNTY.

ADJOURN

MOTION BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF FEBRUARY 28, 2017 ARE HEREBY APPROVED.

PRESIDING OFFICER:



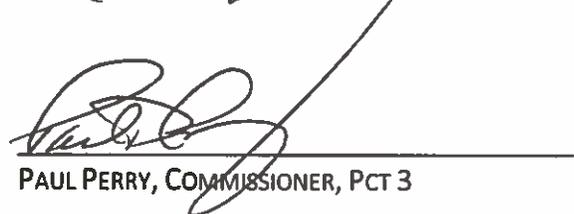
CAROL BUSH, COUNTY JUDGE



RANDY STINSON, 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 APRIL 11, 2017.



Cindy Polley, County Clerk

