

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // MARCH 28, 2017**

THE ELLIS COUNTY COMMISSIONERS COURT MET IN REGULAR SESSION ON TUESDAY, MARCH 28, 2017 AT 2:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2ND FLR), 101 W. MAIN STREET, WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

COUNTY JUDGE: CAROL BUSH

COUNTY CLERK: CINDY POLLEY

COMMISSIONERS:

RANDY STINSON, COMMISSIONER, PCT. 1
LANE GRAYSON, COMMISSIONER, PCT. 2
PAUL PERRY, COMMISSIONER, PCT. 3
KYLE BUTLER, COMMISSIONER, PCT. 4

ASSISTANT COUNTY ATTORNEYS:

VANCE HINDS
RAY RIKE

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 GRAYSON, SECOND BY COMMISSIONER BUTLER 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.

MINUTE ORDER 190.17 APPROVING CONSENT AGENDA

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

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 RECOGNITION OF EXPENSES FROM LINE ITEM 001-0140-50694 NOT TO EXCEED \$100.

FINANCIAL:

- F1 FROM 004-0652-50807 RB2 GENERAL EXPENSES \$1,000.00 To 004-0652-50805 RB2 CONFERENCE DUES \$1,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F2 FROM 024-0924-50802 EQUIPMENT \$500.00 To 024-0924-50831 UNIFORM \$500.00. – TIM BIRDWELL, FIRE MARSHAL
- F3 FROM 003-0601-30302 BUDGETED FUND BALANCE CARRYOVER \$115,919.00 To 003-0601-50802 PURCHASE OF EQUIPMENT \$115,919.00. – RANDY STINSON, COMMISSIONER, PCT. 1

SIMPLIFIED PLAT:

SP1 APPROVING A SIMPLIFIED PLAT OF COYOTE RANCH. PROPERTY CONTAINS ± 5.00 ACRES OF LAND IN THE A. DE LA GARZA SURVEY, ABSTRACT NO. 2, LOCATED AT THE EAST SIDE OF ALLARD ROAD AND ± 1,025 FEET NORTH OF FM 1181, ENNIS, ROAD & BRIDGE PRECINCT NO. 2, AS REQUESTED BY ARTURO GOMEZ.

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER 191.17 (1.1) 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 TWO (2) ADDITIONAL RESIDENTIAL STRUCTURES WITHOUT MEETING THE MINIMUM FIRE HYDRANT REQUIREMENTS. PROPERTY CONTAINS ± 5.4628 ACRES OF LAND IN THE PROPOSED MOHUNDRO FARMS ADDITION, LOTS 5A & 5B, LOCATED AT 220 MOHUNDRO ROAD, FERRIS, ROAD & BRIDGE PRECINCT NO. 1, AS REQUESTED BY ROY MATA.

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

MINUTE ORDER 192.17 (1.2) 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 THE CONSTRUCTION OF ONE (1) RESIDENTIAL STRUCTURE WITHOUT MEETING THE MINIMUM FIRE HYDRANT REQUIREMENTS. PROPERTY CONTAINS ± 3.00 ACRES OF LAND IN THE PROPOSED STEWART'S PROPERTY ADDITION, LOT 1, LOCATED SOUTH OF THE INTERSECTION OF BAUCUM ROAD AND CURTIS RAY ROAD, WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY JERRY STEWART.

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

PURCHASING

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

MINUTE ORDER 193.17 (2.1) APPROVING MONTHLY RENTAL WITH HOLT CAT OF PNEUMATIC ROLLER FOR ROAD AND BRIDGE PRECINCT 3 (\$2,422.50)

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

(NO ACTION) 2.2 APPROVAL FOR COUNTY JUDGE TO SIGN EXTENSION AGREEMENT WITH GDF SUEZ.

MINUTE ORDER 194.17 (2.3) APPROVING XEROX LEASE AGREEMENT FOR JUSTICE OF THE PEACE PRECINCT 2 ... COUNTY JUDGE TO SIGN. (\$162.42)

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

MINUTE ORDER 195.17 (2.4) APPROVING PURCHASE OF A NEW HOLT CATERPILLAR VIBRATORY COMPACTOR ROLLER MODEL CS54B, SERIAL# CS500341 FOR THE AMOUNT OF \$115,919.00 FOR ROAD & BRIDGE, PCT. 1.

MINUTE ORDER 196.17 (2.5) RESCINDING ITEM 2.7 (MINUTE ORDER NO 172.17) FROM FEBRUARY 28TH, 2017 COMMISSIONERS COURT WITH APPROVAL TO PROCEED WITH THE PROPOSAL FROM TELEPACIFIC FOR THE INTERNET CONNECTIVITY AT THE MIDLOTHIAN TAX OFFICE. (UNABLE TO OBTAIN AN AGREEMENT FOR LEGAL)

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

ADMINISTRATIVE

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

(REFERENCE 3.11) HONORING BILL WOODY, JUSTICE OF THE PEACE PRECINCT 1 UPON RETIREMENT AFTER 22 YEARS OF SERVICE TO ELLIS COUNTY FIRST AS CONSTABLE AND LATER AS JUSTICE OF THE PEACE FOR PRECINCT ONE. JUDGE WOODY WAS PRESENTED A PLAQUE BY THE ELLIS COUNTY COMMISSIONERS' COURT COMMEMORATING HIS SERVICE

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

MINUTE ORDER 197.17 (3.2) APPROVING AMENDMENT TO CONTRACT NO. 537-16-0057-00001 BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND ELLIS COUNTY WHICH WAS EFFECTIVE ON SEPTEMBER 1, 2015. THE AMENDMENT WILL BE DENOMINATED AS CONTRACT NO. 537-16-00001A AND IS EFFECTIVE MARCH 28, 2017 THROUGH AUGUST 31, 2018. CONTRACT: DSHS PROVIDES THE ELLIS COUNTY CLERK ACCESS TO THE TEXAS ELECTRONIC REGISTRATION REMOTE SYSTEM (TER) FOR THE PURPOSE OF ISSUING INDIVIDUAL BIRTH CERTIFICATES. – *CINDY POLLEY, COUNTY CLERK*

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

MINUTE ORDER 198.17 (3.3) APPOINTING ENNIS MAYOR ANGIE JUENEMANN AS ELLIS COUNTY REPRESENTATIVE TO THE NORTH CENTRAL TEXAS ECONOMIC DEVELOPMENT DISTRICT.

MOTION TO APPROVE BY JUDGE BUSH, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

3.4 DWI SEARCH WARRANT AFFIDAVITS. *REGARDING THE FUNDING OF PROGRAM FOR PROVISION OF SERVICES TO REVIEW AFFIDAVITS FOR PURPOSE OF ISSUANCE OF SEARCH WARRANTS.*

MINUTE ORDER 199.17 (3.5) APPROVING INDIGENT HEALTH CARE REFERRAL PROCEDURE. – *TERRI KLEIN, INDIGENT CARE COORDINATOR*

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

NO ACTION 3.6 COMPENSATORY TIME REPORTING. – *THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES.*

MINUTE ORDER 200.17 (3.7) INTERLOCAL COOPERATION AGREEMENT CONTRACT BETWEEN COUNTY OF ELLIS AND MIDLOTHIAN ISD. – *KYLE BUTLER, COMMISSIONER, PCT. 4*

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

3.8 DISCUSS INFORMATION RECEIVED FROM LAND OWNERS WITH PROPERTY ABUTTING MARBLE LANE, NEAR ITALY. – *PAUL PERRY, COMMISSIONER, PCT. 3 ... CONCERNING INQUIRIES FROM PROPERTY OWNERS REGARDING TO MAINTENANCE OF MARBLE LANE*

RECESS TO CONVENE TO EXECUTIVE SESSION 2:51 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A CLAIM INVOLVING MARK HOLTON CONCERNING PROPERTY DAMAGE TO HIS VEHICLE.
- 4.2 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A CLAIM INVOLVING JUSTIN MORRIS CONCERNING PROPERTY DAMAGE TO HIS VEHICLE.
- 4.3 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT AND EMPLOYMENT OF THE SHERIFF.
- 4.4 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT AND EMPLOYMENT OF THE JUSTICE OF THE PEACE, PCT. 1.
- 4.5 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 AND RECONVENE IN REGULAR SESSION 3:38 PM

MOTION BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

NO ACTION 3.9 AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY INVOLVING MARK HOLTON CONCERNING PROPERTY DAMAGE TO HIS VEHICLE.

MINUTE ORDER 201.17 (3.10) AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY INVOLVING JUSTIN MORRIS CONCERNING PROPERTY DAMAGE TO HIS VEHICLE. (\$1,000)

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

(RE: 3.11 ... JUSTICE OF THE PEACE POSITION WILL BE POSTED ... RESUMES' DIRECTED TO THERESA TAYLOR, HUMAN RESOURCE DIRECTOR ... COMMISSIONERS' COURT WILL MAKE APPOINTMENT

3.12 APPOINTMENT OF SHERIFF .. HAVE BEGUN INTERVIEW PROCESS OF CANDIDATES FOR SHERIFF AND EXPECT TO CONTINUE FOR AT LEAST A COUPLE OF WEEKS ... AGENDA ITEM WILL REMAIN POSTED FOR ACTION AT APPROPRIATE TIME.

JUDGE BUSH EXPRESSED THANKS TO ASSISTANT CO & DISTRICT ATTORNEY RAY RIKE FOR SERVING AS LEGAL COUNSEL TO THE COMMISSIONERS' COURT ... (RETIRING)

ADJOURN

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

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

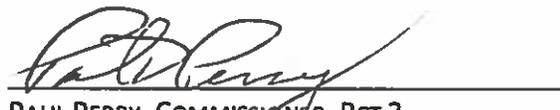
PRESIDING OFFICER:



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 MAY 23, 2017.



Cindy Polley, County Clerk