

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // APRIL 25, 2017**

A MEETING OF THE ELLIS COUNTY COMMISSIONERS COURT WAS HELD ON TUESDAY, APRIL 25, 2017, 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

OPENING COURT

COUNTY JUDGE WILL CALL MEETING TO ORDER, DECLARE QUORUM IF PRESENT, AND DECLARE NOTICES LEGALLY POSTED PURSUANT TO OPEN MEETINGS ACT.

MOTION TO OPEN COURT BY COMMISSIONER GRAYSON, 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.

MINUTE ORDER NO. 215.17 APPROVING CONSENT AGENDA – CONSIDERATION AND ACTION:

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT FOR MARCH 14, 2017 2:00 PM; MARCH 28, 2017 9:30 AM – *CINDY POLLEY, COUNTY CLERK.*
- A3 MARCH 2017 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE-MARK ARNOLD, AGRICULTURE
-RITA HODGES, FAMILY & CONSUMER SCIENCE
-MEGAN PARR, 4H
- A4 1ST QUARTER 2017 ELLIS COUNTY INVESTMENT REPORT. – *CHERYL CHAMBERS, TREASURER*

FINANCIAL: (TRANSFER OF FUNDS)

- F1 FROM 001-0540-50502 SALARIES \$1,600.00 To 001-0540-50803 FURNITURE \$1,600.00. – *STEVE EGAN, JUSTICE OF THE PEACE, PCT 4*
- F2 FROM 009-0602-50908 FM1 LUMBER \$15,000.00; 009-0602-50802 FM1 PURCHASE OF EQUIPMENT \$15,000.00 To 009-0602-50911 FM1 GRAVEL \$30,000.00. – *RANDY STINSON, COMMISSIONER, PCT 1*

F3 FROM 006-0754-30302 RB4/FUND BALANCE \$14,000.00 To 006-0754-50868 RB4/CONTRACT LABOR \$12,000.00; 006-0754-50805 RB4/CONF-DUES-BOND \$2,000.00. – KYLE BUTLER, COMMISSIONER, PCT 4

F4 FROM 012-0755-30302 FM/FUND BALANCE \$239,000.00; 012-0755-40008 FM4/INTERLOCAL \$15,000.00 To 012-0755-50915 FM4/ASPHALT \$239,000.00; 012-0755-50914 FM4/SIGNS \$15,000.00. – KYLE BUTLER, COMMISSIONER, PCT 4

SIMPLIFIED PLAT:

SP1 APPROVING REQUEST FOR SIMPLIFIED PLAT OF CROW ADDITION. PROPERTY CONTAINS ± 16.39 ACRES OF LAND IN THE THOMAS MCCRARY SURVEY, ABSTRACT NO. 1287, LOCATED ON THE NORTH SIDE OF FM 916 ± 360 FEET WEST OF BRINDLEY ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF MAYPEARL, ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY LEE CROW.

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

3.1 CHUCK EDGE SWORN IN AS ELLIS COUNTY SHERIFF

DEPARTMENT OF COUNTY DEVELOPMENT

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

CONTINUED: CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON A REPLAT OF LOT 5, MOHUNDRO FARM.

PROPERTY CONTAINS ± 5.4628 ACRES OF LAND LOCATED AT 220 & 226 MOHUNDRO ROAD, FERRIS, ROAD & BRIDGE PRECINCT NO. 1, AS REQUESTED BY ROY MATA. *DIANE JACKSON*

MINUTE ORDER NO. 216.1 1.2 APPROVING REQUEST FOR A PRELIMINARY PLAT OF FORRESTON FARMS 2. PROPERTY CONTAINS ± 52.626 ACRES OF LAND IN THE H. HARRIS SURVEY, ABSTRACT NO. 480, LOCATED AT THE NORTHWEST CORNER OF HOLDER ROAD AND BUD RUN ROAD, ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY KARS TAMMINGA.

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

MINUTE ORDER NO. 217.1 1.3 GRANTING REQUEST FOR 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 WAIVE THE FIRE HYDRANT CONNECTION REQUIREMENTS AND ALLOW THE RECONSTRUCTION OF A SINGLE FAMILY STRUCTURE. PROPERTY CONTAINS ± 0.6 ACRES OF LAND, LOCATED AT 7021 DANIEL ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4, AS REQUESTED BY ASHLEY ALVAREZ.

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

MINUTE ORDER NO. 218.17 1.4 GRANTING REQUEST FOR A ONE-TIME VARIANCE FROM SECTION III (E) (LOT AND STREET LAYOUT) OF THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES TO ALLOW TWO (2) STRUCTURES TO ENCROACH INTO THE BUILDING LINE/UTILITY EASEMENT. PROPERTY CONTAINS ± 21.969 ACRES OF LAND IN THE C. ATTEBERRY SURVEY, ABSTRACT NO. 10 AND A. FERGUSON SURVEY, ABSTRACT NO. 350 (3775 FM 66) AND

LOCATED ON THE SOUTH SIDE OF FM 66 ± 1,300 FEET EAST OF ARROWHEAD ROAD IN ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY CECILIA CRUZ.

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

MINUTE ORDER NO. 219.17 1.5 APPROVING REQUEST FOR A SIMPLIFIED PLAT OF CRUZ ESTATES. PROPERTY CONTAINS ± 21.969 ACRES OF LAND IN THE C. ATTEBERRY SURVEY, ABSTRACT NO. 10 AND A. FERGUSON SURVEY, ABSTRACT NO. 350 (3775 FM 66) AND LOCATED ON THE SOUTH SIDE OF FM 66 ± 1,300 FEET EAST OF ARROWHEAD ROAD IN ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY CECILIA CRUZ.

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

MINUTE ORDER NO. 220.17 1.6 APPROVING REQUEST FOR A PRELIMINARY PLAT OF NORTH FARM ESTATES. PROPERTY CONTAINS ± 60.169 ACRES OF LAND IN THE J. CHAPMAN SURVEY, ABSTRACT NO. 214, LOCATED ON THE NORTH SIDE OF EAST HIGHLAND ROAD ± 3,200 FEET SOUTH OF HUNTERS GLEN DRIVE, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4, AS REQUESTED BY LANCE RUST.

MOTION BY 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. 221.17 2.1 APPROVING PURCHASE FROM KIRBY SMITH A 2014 BROCE BROOM, MODEL RJT350, NOT TO EXCEED \$36,000.00 FOR ROAD AND BRIDGE PRECINCT 4. *BUYBOARD CONTRACT NUMBER IS 515-16*

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

ADMINISTRATIVE

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

NO ACTION 3.2 BURN BAN FOR ELLIS COUNTY. – *TIM BIRDWELL, FIRE MARSHAL*

NO ACTION 3.3 APPROVAL TO ENTER AN ORDER ALLOWING THE SALE OF FIREWORKS FOR MEMORIAL DAY 2017 BY LICENSED RETAILERS.

MINUTE ORDER NO. 222.17 3.4 APPROVING TAX INCREMENT REINVESTMENT ZONE (TIRZ) #2 FOR THE CITY OF ENNIS. *ANGELINE JUENEMANN, MAYOR, CITY OF ENNIS, TX*

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

MINUTE ORDER NO. 223.17 3.5 AUTHORIZING COUNTY JUDGE TO SIGN SOUTH ELLIS COUNTY WATER SUPPLY CORPORATION CUSTOMER SERVICE INSPECTION & CROSS-CONNECTION CONTROL SERVICE AGREEMENT.

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

MINUTE ORDER NO. 224.17 3.6 APPROVING THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS' AREA AGENCY ON AGING (NCTAAA) LOCAL ADMINISTRATIVE MATCH OF \$11,083.00.

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

MINUTE ORDER NO. 225.17 3.7 APPROVING REQUEST FROM THE CITY OF ITALY TO RESURFACE STAFFORD, E. TRAVIS ST. WACO ST., RICHARDS ST., AND SIMS ST. AT THE CUMULATIVE COST OF \$23,300.00, UNDER AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ITALY AND THE COUNTY OF ELLIS. – PAUL PERRY, COMMISSIONER, PCT 3

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER STINSON

MINUTE ORDER NO. 226.17 3.8 ACT TO ACCEPT AN INTERLOCAL PROJECT BETWEEN THE COUNTY OF ELLIS PRECINCT 3 ROAD AND BRIDGE WITH THE MAYPEARL ISD TO RESURFACE THE 4TH ST. PARKING AREA, AT A COST OF \$11,099.80, WITH MAYPEARL ISD RESPONSIBLE TO DETERMINE THE LOCATION OF ANY UNDERGROUND LINES OR FACILITIES. – PAUL PERRY, COMMISSIONER, PCT 3

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

MINUTE ORDER NO. 227.17 3.9 AUTHORIZING THE AUDIT OF JAIL COMMISSARY FUNDS.

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

RECESS TO CONVENE TO EXECUTIVE SESSION

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY 2:38 PM

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 SECTION 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A CLAIM INVOLVING MARK HOLTON 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 JUSTICE OF THE PEACE, PCT 1.

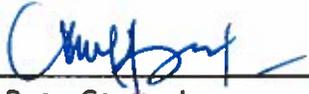
4.4 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.

ADJOURNMENT OF EXECUTIVE SESSION

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY 3:39 PM

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT APRIL 25, 2017 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

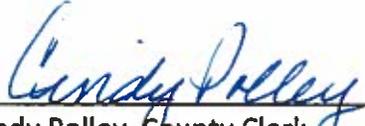


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JUNE 27, 2017.



Cindy Polley, County Clerk

