

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // APRIL 11, 2017**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, APRIL 11, 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

THE COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARE 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.

CONSENT AGENDA – CONSIDERATION AND ACTION:

MINUTE ORDER NO 202.17 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 ACCEPTANCE OF THE 2016 RACIAL PROFILING REPORT FOR ELLIS COUNTY CONSTABLE, PCT. 1. – *ROY CALLENDER, CONSTABLE, PCT. 1*

A3 APPROVE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT FEBRUARY 14, 2017 AND FEBRUARY 28, 2017

A4 ACT TO ACCEPT THE REPORT OF COUNTY JUDGES AND COMMISSIONERS ASSOCIATION OF TEXAS ACKNOWLEDGING PCT. 3 COMMISSIONER PAUL PERRY'S COMPLETION OF CONTINUING EDUCATION PROVISION OF ARTICLE 81.0025 OF THE TEXAS LOCAL GOVERNMENT CODE. – *PAUL PERRY, COMMISSIONER, PCT. 3*

A5 CATHERINE GANNON AND MAURICE OSBORN AS ELLIS COUNTY REPRESENTATIVES TO THE REGIONAL AGING ADVISORY COMMITTEE.

FINANCIAL:

F1 FROM 001-0210-40964 CONTRACTING ELECTIONS \$28,500 To 001-0210-50942 ELECTION EXPENSES \$11,250.00; 001-0210-50848 HOLDING SALARY \$17,000.00; 001-0210-50823 LEGAL NOTICES \$250.00. – JANA ONYON, ELECTIONS ADMINISTRATOR

F2 FROM 003-0601-50915 RB1 ASPHALT \$30,000.00 To 003-0601-50911 RB1 GRAVEL \$30,000.00. – RANDY STINSON, COMMISSIONER, PCT. 1

F3 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNT FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
CORELOGIC	139771	\$5,958.87
CALIBER HOME LOANS	149310	\$5,433.93
RUEBEN GARCIA	166052	\$3,484.94
CARI BOWLING	189008	\$3,136.75
OLD REPUBLIC TITLE	192280	\$6,000.00
CORELOGIC	230228	\$3,173.09
NATIONSTAR MORTGAGE	258537	\$5,446.54
ORIGIN BANK	258569	\$8,296.52
TEXAS TACO CABANA	259276	\$8,191.09

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 203.17 (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 FOUR (4) RESIDENTIAL LOTS FROM MEETING THE MINIMUM FIRE HYDRANT REQUIREMENTS. PROPERTY CONTAINS ± 16.387 ACRES OF LAND IN THE T.F. McCRARY SURVEY, ABSTRACT No. 1287, LOCATED ON THE NORTH SIDE OF FM 916 AND ± 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

MINUTE ORDER NO 204.17 (1.2) 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 AN ADDITIONAL RESIDENTIAL STRUCTURE WITHOUT MEETING THE MINIMUM ROAD FRONTAGE REQUIREMENT. PROPERTY CONTAINS ± 4.128 ACRES OF LAND IN THE J C PAXTON SURVEY, ABSTRACT NOS. 854 & 855, LOCATED AT 226 LEISURE ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF WAXAHACHIE IN ROAD & BRIDGE PRECINCT No. 3, AS REQUESTED BY SCOTT SETTLEMYER.

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

MINUTE ORDER NO 205.17 (1.3) APPROVING REPLAT OF LOT 94 & 97, SPANISH GRANT ADDITION, PHASE IV. PROPERTY CONTAINS ± 2.512 ACRES OF LAND LOCATED AT 4030 & 4040 OLVIDO ROAD, WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY JASON WILLIAMS.

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

MINUTE ORDER NO 206.17 (1.4) APPROVING REPLAT OF LOT 4, WICKCLIFFE FARM. PROPERTY CONTAINS ± 3.408 ACRES OF LAND LOCATED AT ON THE NORTH SIDE OF FM 780 AND ± 1,260 FEET SOUTH OF MOHUNDRO DRIVE, FERRIS, ROAD & BRIDGE PRECINCT NO. 1, AS REQUESTED BY ANTHONY NAGLE, SR.

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

MINUTE ORDER NO 207.17 (1.5) APPROVING REPLAT OF LOTS 41-47, MAYPEARL HIDDEN HILLS AND A ± 0.6150-ACRE PORTION OF DUBOSE WAY. PROPERTY CONTAINS ± 19.084 ACRES OF LAND LOCATED AT ON THE NORTH SIDE OF DUBOSE WAY AND ± 1,260 FEET WEST OF SOUTH OAK BRANCH ROAD, MAYPEARL, ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY MARK CHAPMAN.

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 NO 208.17 (2.1) APPROVING PURCHASE OF BUSH HOG - MODEL 3810 MOWER DECK IN THE AMOUNT OF \$15,661.0 FROM LANDMARK EQUIPMENT FOR ROAD AND BRIDGE PRECINCT 3. FUNDS FOR PURCHASE FROM FM GENERAL MISCELLANEOUS 011-0704-50807. LANDMARK EQUIPMENT IS A BUYBOARD VENDOR UTILIZING CONTRACT NUMBER 447-14.

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

NO ACTION (2.2) APPROVAL TO PURCHASE FROM TASER INTERNATIONAL AS A SOLE SOURCE VENDOR TO ELLIS COUNTY.

NO ACTION (2.3) APPROVAL TO SURPLUS THE FOLLOWING VEHICLES: 2006 CHEVROLET IMPALA, VIN 2G1WS551269356363, AND 2008 FORD CROWN VICTORIA, VIN 2FAFP71V08X139063 ACCORDING TO LOCAL GOVERNMENT CODE 263.

MINUTE ORDER NO 209.17 (2.4) APPROVING FOR COUNTY JUDGE'S SIGNATURE, LEXIS NEXIS RISK SOLUTIONS SCHEDULE A FOR THE DISTRICT ATTORNEY'S OFFICE.

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

MINUTE ORDER NO 210.17 (2.5) APPROVING FOR COUNTY JUDGE'S SIGNATURE, LEXIS NEXIS UPGRADE AMENDMENT FOR THE DISTRICT ATTORNEY'S OFFICE.

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

ADMINISTRATIVE

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

MINUTE ORDER NO 211.17 (3.5) APPROVING RESOLUTION SUPPORTING KAUFMAN COUNTY IN THE DEDICATION OF THE TRINITY RIVER BRIDGE ON HWY 34 AS "SSG ROBERT E. COCHRAN MEMORIAL BRIDGE".

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

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

MINUTE ORDER NO 212.17 (3.2) APPROVING THE APPLICATION OF DANIEL BALLARD FOR EMERGENCY SERVICES DISTRICT (ESD) #3 FOR A TERM THROUGH 12/31/2017.

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

MINUTE ORDER NO 213.17 (3.3) APPROVING 2 OPTION YEARS OF THE EVERBRIDGE SERVICE AGREEMENT (ORIGINALLY APPROVED ON APRIL 24, 2014) FOR A PERIOD FROM MAY 21, 2017 TO MAY 20, 2019, BILLED ANNUALLY IN THE AMOUNT OF \$11,962.50. –*STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR*

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

RECESS TO CONVENE TO EXECUTIVE SESSION 2:20 PM

MOTION BY COMMISSIONER GRAYSON, 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 TO DELIBERATE THE APPOINTMENT AND EMPLOYMENT OF THE SHERIFF.

4.2 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT AND EMPLOYMENT OF THE JUSTICE OF THE PEACE, PCT. 1.

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

ADJOURNMENT OF EXECUTIVE SESSION 2:53 pm

MINUTE ORDER NO 214.17 (3.4) APPROVING RESOLUTION TO ALLOW THE SALE OF FIREWORKS BY LICENSED RETAILERS OVER THE MEMORIAL DAY HOLIDAY, SUBJECT TO ALL NORMAL AND NECESSARY SAFETY AND SECURITY MEASURES, INCLUDING, BUT NOT LIMITED TO ANY COUNTY BURN BAN. – *PAUL PERRY, COMMISSIONER, PCT. 3*

MOTION BY COMMISSIONER PERRY TO ADOPT RESOLUTION FOR MEMORIAL DAY SUBJECT TO THE NORMAL RESTRICTIONS OF THE COUNTY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY . . . *JUDGE BUSH REGISTERS SAFETY CONCERNS . . .*

NO ACTION (3.6) APPOINTMENT OF ELLIS COUNTY SHERIFF.
STATEMENT BY COUNTY JUDGE: INTERVIEWS ARE IN PROCESS

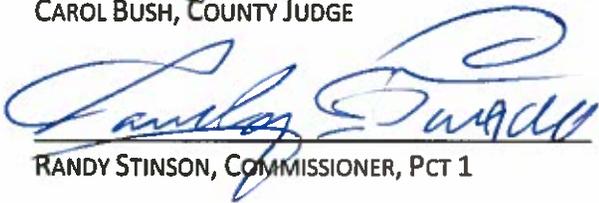
NO ACTION 3.7) APPOINTMENT OF THE JUSTICE OF THE PEACE, PCT. 1.

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT APRIL 11, 2017 ARE HEREBY APPROVED.

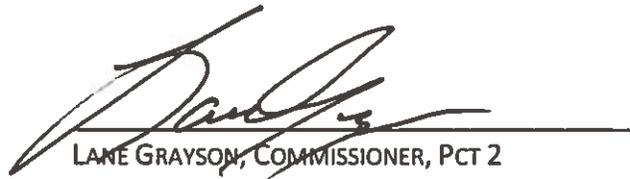
PRESIDING OFFICER:



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

