

**ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES // MAY 9, 2017, 2:00 PM**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MAY 9, 2017 AT 2:00 PM IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM (2<sup>ND</sup> FLOOR), 101 W MAIN STREET, WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

**MEMBERS PRESENT:**

CAROL BUSH, COUNTY JUDGE

CINDY POLLEY, COUNTY CLERK

RANDY STINSON, COMMISSIONER, PCT 1

VANCE HINDS, ASSISTANT COUNTY ATTORNEY

LANE GRAYSON, COMMISSIONER, PCT 2

PAUL PERRY, COMMISSIONER, PCT 3

KYLE BUTLER, COMMISSIONER, PCT 4

**OPENING COURT**

THE 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 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. *NO COMMENT*

**CONSENT AGENDA** – CONSIDERATION AND ACTION:

**MINUTE ORDER NO 229.17 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

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

A2 ACCEPTING THE RESIGNATION OF TIMBERLIE PERDUE FROM EMERGENCY SERVICES DISTRICT (ESD) BOARD #7, EFFECTIVE APRIL 18, 2017. – TIM BIRDWELL, FIRE MARSHAL

A3 ACCEPTING OF THE EXECUTED RELEASE OF CLAIMS FROM JUSTIN MORRIS CONCERNING PROPERTY DAMAGE TO HIS VEHICLE INTO THE OFFICIAL RECORDS OF THE ELLIS COUNTY COMMISSIONERS COURT.

**FINANCIAL:**

F1 FROM 001-0050-50803 FURNITURE/FIXTURES \$300.00 TO 001-0050-50809 AUTO REPAIR \$300.00. – MARK ARNOLD, EXTENSION OFFICE

F2 FROM 024-0924-50802 EQUIPMENT \$1,000.00 TO 024-0924-50831 UNIFORM \$1,000.00. – TIM BIRDWELL, FIRE MARSHAL

F3 FROM 001-0000-30302 BUDGETED FUND BALANCE CARRYOVER \$37,457.00 TO 001-0015-50702 REPAIRS \$37,457.00. – CHUCK EDGE, SHERIFF

**F3 APPROVING 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>
POINT BANK	185101, 185022	\$5,721.36
CORELOGIC	170255	\$3,018.44
HPA TEXAS SUB LLC	256492	\$5,732.53
IMO US ALABAMA	217421	\$3,033.59
WELLS FARGO	204482	\$3,500.36
CORELOGIC	195722	\$2,989.79
CORELOGIC	169253	\$3,297.86
CORELOGIC	152977	\$4,017.80
CORELOGIC	150879	\$6,154.26
CORELOGIC	150347	\$3,659.70
CORELOGIC	149310	\$5,433.93
CORELOGIC	140504	\$3,520.29
CORELOGIC	139771	\$5,958.87
CORELOGIC	139730	\$3,419.89
CORELOGIC	139714	\$7,258.54
HEALTHCARE PROPERTY MANAGERS	261917	\$20,021.98
CORELOGIC	170255	\$3,018.44
MIDWEST	206070	\$4,362.37
CORELOGIC	261818	\$6,300.00
LOANCARE LLC	250676	\$4,680.27

**SIMPLIFIED PLAT:**

- SP1 APPROVING A SIMPLIFIED PLAT OF WATSON ADDITION. PROPERTY CONTAINS ± 5.275 ACRES OF LAND IN THE ROBERT BELL SURVEY, ABSTRACT NO. 60 AND THE SAMUEL BILLINGSLEY SURVEY, ABSTRACT NO. 77 LOCATED ON THE WEST SIDE OF FM 2377 ± 1,600 FEET SOUTH OF SOUTH CENTRAL AVENUE, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ROAD & BRIDGE PRECINCT NO. 4, AS REQUESTED BY DAVID & LYNN WATSON.
- SP2 APPROVING A SIMPLIFIED PLAT OF VINCELL'S OTHER ACRES. PROPERTY CONTAINS ± 2.203 ACRES OF LAND IN THE J.B. AND ANN ADAMS SURVEY, ABSTRACT NO. 5 LOCATED AT THE NORTHWEST CORNER OF F.M. 879 AND IKE ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 1, AS REQUESTED BY ROGER VINCELL.

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

**DEPARTMENT OF COUNTY DEVELOPMENT**

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

**MINUTE ORDER NO 230.17 (1.1)** APPROVING 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.

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

**MINUTE ORDER NO 231.17 (1.2)** APPROVING A REPLAT OF LOTS 11R & 12R HIDDEN LAKE ESTATES. PROPERTY CONTAINS ± 6.247 ACRES OF LAND LOCATED AT 5250 AND 5280 HIDDEN LAKE TRAIL IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO. 4, AS REQUESTED BY MARY PATTERSON.

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

**MINUTE ORDER NO 232.17 (1.3)** APPROVING A REPLAT OF LOTS 8C & 9A, BLOCK 2 OF THE HUGH MCDANIEL SUBDIVISION. PROPERTY CONTAINS ± 2.35 ACRES OF LAND LOCATED AT 7011 & 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 233.17 (1.4)** ABANDONING AND VACATING AN ALLEYWAY LOCATED BETWEEN LOTS 7 AND 24, BLOCK 6, SKYLINE ACRES. PROPERTY CONTAINS ± 0.03 ACRES OF LAND LOCATED BETWEEN ELIZABETH AVENUE AND GRIFFING AVENUE ± 435 FEET NORTH OF TAYMAN DRIVE, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO. 4, AS REQUESTED BY LYNDON PETTIJOHN.

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

**MINUTE ORDER NO 234.17 (1.5)** APPROVING A PRELIMINARY PLAT OF STEWART'S PROPERTY. PROPERTY CONTAINS ± 3.207 ACRES OF LAND IN THE J. HIGGINS SURVEY, ABSTRACT NO. 530 LOCATED SOUTH OF THE INTERSECTION OF BAUCUM ROAD AND CURTIS RAY ROAD, WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3, AS REQUESTED BY GEORGE KENT

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

### **PURCHASING**

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

**MINUTE ORDER NO 235.17 (2.1)** APPROVING A FLEET TRANSFER REQUEST: BARCODE 10057, 2017 FORD F-250, VIN 1FT7X2B63HEB30117, FROM ROAD AND BRIDGE PRECINCT 4 TO FIRE MARSHAL.

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

**MINUTE ORDER NO 236.17 (2.2) APPROVING A FLEET TRANSFER REQUEST: 2017 FORD F-250, VIN 1FT7W2B69HEC34100, FROM FIRE MARSHAL TO ROAD AND BRIDGE PRECINCT 4. MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY**

**MINUTE ORDER NO 237.17 (2.3) AUTHORIZING THE COUNTY JUDGE TO SIGN A LEASE AGREEMENT WITH BANCORPSOUTH FOR TWO (2) 2018 MACK DUMP TRUCKS TO BE ADDED TO FLEET FOR ROAD AND BRIDGE PRECINCT 2. MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY**

**MINUTE ORDER NO 238.17 (2.4) DECLARING THE FOLLOWING FORD TRUCKS AS SURPLUS AND APPROVING THEIR DISPOSAL USING AN ONLINE AUCTION IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE: 2011 FORD F-150, VIN 1FTVX1CF4BDK13065 AND 2011 FORD F-150, VIN 1FTVX1CF2BDK13064 MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY**

**ADMINISTRATIVE**

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

**MINUTE ORDER NO 239.17 (3.1) APPROVING A PROCLAMATION DESIGNATING MAY 2017 AS MOTORCYCLE SAFETY AND AWARENESS MONTH IN ELLIS COUNTY MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY**

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

**MINUTE ORDER NO 240.17 (3.3) AUTHORIZING COUNTY JUDGE TO SIGN THE AFFORDABLE CARE ACT REPORTING TRACKING SERVICE (ARTS) RENEWAL AGREEMENT WITH TAC FOR PURPOSES OF 1095C REPORTING. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER STINSON CARRIES UNANIMOUSLY**

**REPORT 3.4 COMPENSATORY TIME REPORTING THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES**

**MINUTE ORDER NO 241.17 (3.5) APPROVING A REQUEST FROM THE CITY OF MAYPEARL, TEXAS TO RESURFACE .2 MILES OF 1ST STREET WITH CROSS CULVERT; .2 MILES OF COMMERCE STREET; .1 MILE OF TRICE; AND .1 MILE OF PHILLIPS STREET WITH A CUMULATIVE COST OF \$7,500.00 UNDER THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MAYPEARL, TEXAS AND THE COUNTY OF ELLIS, TEXAS. – PAUL PERRY, COMMISSIONER, PCT 3 MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY**

**3.6 MIDLOTHIAN TAX OFFICE UPDATE REGARDING RELOCATION**

**MINUTE ORDER NO 242.17 (3.7) AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY INVOLVING MARK HOLTON CONCERNING PROPERTY DAMAGE TO HIS VEHICLE IN THE AMOUNT OF \$551.34 IN EXCHANGE FOR FULL RELEASE OF ALL CLAIMS**

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

**NO ACTION 3.8 APPOINTMENT OF JUSTICE OF THE PEACE, PCT 1.**

**RECESS TO CONVENE TO EXECUTIVE SESSION 2:26 PM**

**MOTION BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON 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 SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING HOLCIM VS. ECAD (ELLIS CENTRAL APPRAISAL DISTRICT).

4.2 PURSUANT TO SECTION 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 JUSTICE OF THE PEACE, PCT 1.

**ADJOURNMENT OF EXECUTIVE SESSION 3:42 PM**

**Motion by Commissioner Perry, second by Commissioner Butler carries unanimously**

**ADJOURNMENT**

**MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY**

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT MAY 9, 2017 AT 2:00 PM 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 AUGUST 22, 2017.



CINDY POLLEY, COUNTY CLERK

