

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // JUNE 13, 2017**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, JUNE 13, 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 WILL BE DISCUSSED AND CONSIDERED, TO-WIT:

MEMBERS PRESENT:

COUNTY JUDGE: CAROL BUSH

COUNTY CLERK: CINDY POLLEY

COMMISSIONERS:

ASSISTANT COUNTY ATTORNEY: VANCE HINDS

RANDY STINSON, COMMISSIONER, PCT 1

LANE GRAYSON, COMMISSIONER, PCT 2

PAUL PERRY, COMMISSIONER, PCT 3

KYLE BUTLER, COMMISSIONER, PCT 4

OPENING COURT

COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM IF PRESENT, AND DECLARES 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 RANDY STINSON, PCT 1

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 258.17 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 ACCEPT THE RESIGNATION OF CLAY SCHOOLFIELD FROM EMERGENCY SERVICES DISTRICT (ESD) #6.

A3 ORDER AUTHORIZING SALE OF FIREWORKS FOR MEMORIAL DAY 2017.

A4 MAY 2017 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-RITA HODGES, FAMILY & CONSUMER SCIENCE

-MEGAN PARR, 4H

A5 TO ACCEPT LEXIS NEXIS AGREEMENT ORIGINALLY APPROVED APRIL 11, 2017

FINANCIAL:

F1 FROM 001-0430-50801 SUPPLIES \$1,000.00 TO 001-0430-50815 UNIFORM EXPENSE \$1,000.00. – STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR

F2 FROM 010-0653-50807 FM2 GENERAL EXPENSES \$5,000.00 TO 010-0653-50868 FM2 CONTRACT LABOR \$5,000.00. – LANE GRAYSON, COMMISSIONER, PCT 2

- F3 FROM 012-0755-40008 FM4/INTERLOCAL \$55,000.00 To 012-0755-50802 FM4/PURCHASE OF EQUIPMENT \$55,000.00. – KYLE BUTLER, COMMISSIONER, PCT 4
- F4 FROM 001-0060-50801 SUPPLIES \$1,700.00 To 001-0060-50703 TELEPHONE \$1,700.00. – ALBERTO MARES, DIRECTOR OF DEPARTMENT OF DEVELOPMENT
- F5 FROM 001-0370-50804 POSTAGE \$614.22 To 001-0370-50805 CONFERENCE \$125.00; 001-0370-50802 EQUIPMENT \$239.22; 001-0370-50806 BONDS/DUES \$250.00. – JOHN BRIDGES, TAX ASSESSOR/COLLECTOR
- F6 FROM 001-0210-50942 ELECTION EXPENSES \$1,500.00; 001-0210-50873 MAIN/RPS RECOUNT \$1,000.00; 001-0210-50848 HOLDING SALARY \$600.00; 001-0210-50823 LEGAL NOTICES \$500.00; 001-0210-50804 POSTAGE \$1,000.00; 001-0210-40964 CONTRACTING ELECTIONS \$1,500.00 To 001-0210-50703 TELEPHONE \$2,400.00; 001-0210-50805 CONFERENCE \$350.00; 001-0210-50800 CHAPTER 19 \$850.00; 001-0210-50855 VOTING EQUIPMENT \$2,500.00. – JANA ONYON, ELECTIONS ADMINISTRATOR
- F7 FROM 001-0360-50802 DA-EQUIPMENT \$500.00; 001-0360-50819 DA-COMPUTER \$1,000.00; 001-0360-50888 DA-COMPUTER SERVICES \$3,000.00 To 001-0360-50801 DA-SUPPLIES \$2,000.00; 001-0360-50846 DA-WITNESS FEE \$2,500.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F8 FROM 001-0210-40719 CHAPTER 19 FUNDING \$3,034.00 To 001-0210-50800 CHAPTER 19 \$3,034.00. – JANA ONYON, ELECTIONS ADMINISTRATOR
- F9 FROM 001-0010-50819 COMPUTER \$2,500.00 To 001-0010-50865 PRE-EMPLOYMENT SCREENING \$2,500.00. – CHUCK EDGE, SHERIFF
- F10 FROM 001-0015-50807 GENERAL MISC. \$2,500.00 To 001-0015-50865 PRE-EMPLOYMENT SCREENING \$2,500.00. – CHUCK EDGE, SHERIFF
- F11 FROM 001-0320-50805 CONFERENCE \$1,500.00 To 001-0320-50601 TRAVEL \$1,500.00. – CINDY POLLEY, COUNTY CLERK

SIMPLIFIED PLAT:

- SP1 CONSIDER AND ACT UPON A REQUEST TO APPROVE A SIMPLIFIED PLAT OF PAYTON'S PLACE. THE PROPERTY CONTAINS ± 4.891 ACRES OF LAND IN THE EVAN R. BALCH SURVEY, ABSTRACT NO. 89 LOCATED ON THE SOUTHEAST CORNER OF BROADHEAD ROAD AND SPRING GROVE DRIVE, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 1.
- SP2 CONSIDER AND ACT UPON A REQUEST TO APPROVE A SIMPLIFIED PLAT OF TELICO PRAIRIE ESTATES. THE PROPERTY CONTAINS ± 4.7 ACRES OF LAND IN THE A. DE LA GARZA SURVEY, ABSTRACT NO. 2 LOCATED SOUTH OF STATE HIGHWAY 34 ON KIRKPATRICK ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD & BRIDGE PRECINCT NO. 2.

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 259.17 (1.1) APPROVING REPLAT OF LOTS 1-6 OF JANE'S ACRES. THE PROPERTY CONTAINS ± 10.543 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF OLD MAYPEARL ROAD AND ALYSA LANE, MAYPEARL, ROAD & BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER NO 260.17 1.2 APPROVING PRELIMINARY PLAT OF SNEED'S PLACE DEVELOPMENT. THE PROPERTY CONTAINS ± 54.35 ACRES OF LAND IN THE JOSEPH STEWART SURVEY, ABSTRACT NO. 961 LOCATED NORTH OF THE INTERSECTION OF ELK TRAIL AND SQUIRREL ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF GRAND PRAIRIE, ROAD & BRIDGE PRECINCT NO. 4.

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

MINUTE ORDER NO 261.17 1.3 RELEASING MAINTENANCE BOND NO. 0661659 ISSUED FROM INTERNATIONAL FIDELITY INSURANCE COMPANY, IN THE AMOUNT OF THREE HUNDRED FIVE THOUSAND FOUR HUNDRED EIGHTY-ONE DOLLARS & 60/100 (\$305,481.60) AND ACCEPTING THE ROADS, DRAINAGE, AND INFRASTRUCTURE FOR SPRINGER ESTATES, INCLUDING STILL WATERS DR., STILL WATERS CT., RIVER BEND CT., AND A PORTION OF BOIS D' ARC TRAIL. THE PROPERTY CONTAINS 32 LOTS ON ± 45.093 ACRES OF LAND LOCATED IN EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO. 4.

MOTION TO 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 262.17 2.1 ACCEPTING THE INTERLOCAL AGREEMENT FROM CITY OF ROCKWALL TO UTILIZE THE CONTRACT OF ELLIS COUNTY AS A COOPERATIVE AGENCY.

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

MINUTE ORDER NO 263.17 2.2 ACCEPTING THE INTERLOCAL AGREEMENT FROM CITY OF LUCAS TO UTILIZE THE CONTRACT OF ELLIS COUNTY AS A COOPERATIVE AGENCY.

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

MINUTE ORDER NO 264.17 2.3 AUTHORIZATION TO SURPLUS 2005 FORD EXPLORER, VIN 1FMZU72K15ZA52044, TO BE DISPOSED OF ACCORDING TO THE LOCAL GOVERNMENT CODE 263.

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

MINUTE ORDER NO 265.17 2.4 APPROVING PURCHASE OF 75 GALLONS OF EARTHLOK PRODUCT IN THE AMOUNT OF \$6,000.00 IN ORDER TO COMPLETE A ONE MILE TEST SAMPLE FOR ROAD AND BRIDGE PRECINCT 3. NO ADDITIONAL EARTHLOK PRODUCT WILL BE PURCHASED BY THE COUNTY UNTIL PRODUCT IS PROPERLY BID OR APPROVED AS A SOLE SOURCE PRODUCT AND APPROVED BY COMMISSIONERS COURT.

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

ADMINISTRATIVE

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

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

MINUTE ORDER NO 266.17 3.5 & 3.7 TERMINATING CONTRACTS WITH SCOTT KURTH AND BILL SCOTT ENTERED ON DECEMBER 1, 2013 AS APPROVED BY COMMISSIONERS COURT ON NOVEMBER 25, 2013 AND ENTERED INTO THE MINUTES OF THIS COURT PURSUANT TO MINUTE ORDERS 400.13 AND 401.13, CONCERNING THE REVIEW OF BLOOD WARRANT AFFIDAVITS AND POSSIBLE ISSUANCE OF SEARCH WARRANTS FOR THE COLLECTION OF BLOOD SPECIMEN FROM PERSONS ARRESTED FOR AN INTOXICATION OFFENSE AND REFUSING TO SUBMIT TO A BREATH OR BLOOD ALCOHOL TEST.

MOTION BY COMMISSIONER GRAYSON TO APPROVE 3.5 AND 3.7, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 267.17 3.6 & 3.8 ENTERING INTO A NEW CONTRACTS WITH SCOTT KURTH AND BILL SCOTT CONCERNING THE REVIEW OF BLOOD WARRANT AFFIDAVITS AND POSSIBLE ISSUANCE OF SEARCH WARRANTS FOR THE COLLECTION OF A BLOOD SPECIMEN FROM PERSONS ARRESTED FOR AN INTOXICATION OFFENSE AND REFUSING TO SUBMIT TO A BREATH OR BLOOD ALCOHOL TEST INVOLVING PEACE OFFICERS FROM THE ELLIS COUNTY SHERIFF'S OFFICE AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY.

MOTION BY COMMISSIONER GRAYSON TO APPROVE 3.6 AND 3.8, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 268.17 3.9 AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH PAINLESS TELEVISION FOR USE OF THE COURTROOM IN THE HISTORIC COURTHOUSE.

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

MINUTE ORDER NO 269.17 3.10 AUTHORIZING THE COUNTY JUDGE TO ENTER INTO FUTURE CONTRACTS FOR THE USE OF THE HISTORIC COURTHOUSE FOR TELEVISION/FILM PRODUCTION PURPOSES.

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

NO ACTION 3.11 SHERIFF'S COMMISSARY ACCOUNT AUDIT REPORT.

RECESS TO CONVENE TO EXECUTIVE SESSION 2:30 PM

MOTION BY COMMISSIONER STINSON, 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 PENDING OFFER FROM ONEOK PERMIAN NGL OPERATING COMPANY, LLC TO SETTLE ANY AND ALL CLAIMS OF ANY NATURE WHATSOEVER FOR DAMAGES CAUSED BY OR ARISING OUT OF THE INSTALL, CONSTRUCTION, OR MAINTENANCE OF ILI DIG WD-16-F6 ON AND ACROSS THE PREMISES DESCRIBED AS A-958 GW SEVIER SURVEY, ELLIS COUNTY, TEXAS.
- 4.2 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING LAWSUIT CAUSE
- 4.3 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A CLAIM INVOLVING MARLENA PENDLEY AND PROPERTY DAMAGE TO HER VEHICLE CAUSED BY RICK DAVIS, AN EMPLOYEE OPERATING A VEHICLE OWNED BY THE COUNTY IN THE COURSE AND SCOPE OF HIS EMPLOYMENT WITH THE COUNTY.
- 4.4 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.

ADJOURNMENT OF EXECUTIVE SESSION 3:04 PM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 270.17 3.3 CANCELLING AN INTERLOCAL AGREEMENT WITH THE CITY OF MAYPEARL FOR TLETS COMMUNICATION. THIS AGREEMENT WAS APPROVED IN COMMISSIONERS COURT ON APRIL 14, 2014, MINUTE ORDER 201.14. – CHUCK EDGE, SHERIFF

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

MINUTE ORDER NO 271.17 3.4 APPROVING UPGRADE TO DISPATCH CONSOLE POSITION #6 TO FULL FUNCTIONING CAPABILITY AT A COST OF \$14,454.22. – CHUCK EDGE, SHERIFF

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

MINUTE ORDER NO 272.17 3.2 APPROVING ADDITION OF ONE (1) FULL TIME CIVILIAN PROPERTY ROOM/EVIDENCE TECHNICIAN POSITION TO THE SHERIFF'S OFFICE STAFFING. ADDITIONALLY, ONE (1) TEMPORARY POSITION OF THE SAME TITLE TO ASSIST IN THE AUDIT AND BACKLOG OF THE PROPERTY ROOM. – CHUCK EDGE, SHERIFF

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

MINUTE ORDER NO 273.17 3.12 AUTHORIZING THE COUNTY ATTORNEY TO ACCEPT THE OFFER OF \$500.00 ON BEHALF OF ELLIS COUNTY AS SETTLEMENT OF ANY AND ALL CLAIMS OF ANY NATURE WHATSOEVER FOR DAMAGES CAUSED BY OR ARISING OUT OF THE INSTALL, CONSTRUCTION, OR MAINTENANCE OF ILI DIG WD-16-F6 ON AND ACROSS THE PREMISES DESCRIBED AS A-958 GW SEVIER SURVEY, ELLIS COUNTY, TEXAS BY ONEOK PERMIAN NGL OPERATING COMPANY, LLC AND ALLOWING VANCE HINDS, ASSISTANT COUNTY ATTORNEY TO SET OUT DETAILS OF RELEASE.

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

NO ACTION 3.13 AUTHORIZING THE COUNTY JUDGE TO EXECUTE DAMAGE SETTLEMENT RELEASE FORM FROM ONEOK PERMIAN NGL OPERATING COMPANY, LLC SETTLING ANY AND ALL CLAIMS OF ANY NATURE WHATSOEVER FOR DAMAGES CAUSED BY OR ARISING OUT OF THE INSTALL, CONSTRUCTION, OR MAINTENANCE OF ILI DIG WD-16-F6 ON AND ACROSS THE PREMISES DESCRIBED AS A-958 GW SEVIER SURVEY, ELLIS COUNTY, TEXAS BY ONEOK PERMIAN NGL OPERATING COMPANY, LLC.

MINUTE ORDER NO 274.17 3.14 APPROVING LITIGATION EXPENSES AUTHORIZED BY THE COURT CONCERNING THE LAWSUIT CAUSE NO. 93563, WEBSTER V. BATES, 40TH DISTRICT COURT OF ELLIS COUNTY UP TO \$2,000

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

MINUTE ORDER NO 275.17 3.15 AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY FOR PROPERTY DAMAGE TO THE PERSONAL VEHICLE OF EMPLOYEE MARLENA PENDLEY CAUSED BY RICK DAVIS, AN EMPLOYEE OPERATING A VEHICLE OWNED BY THE COUNTY IN THE COURSE AND SCOPE OF HIS EMPLOYMENT WITH THE COUNTY. APPROVING PAYMENT IN THE AMOUNT OF \$1,139.10 TO MS PENDLEY IN EXCHANGE OF A RELEASE OF ALL CLAIMS WITH REGARD TO INCIDENT.

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

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT JUNE 13, 2017 ARE HEREBY APPROVED.

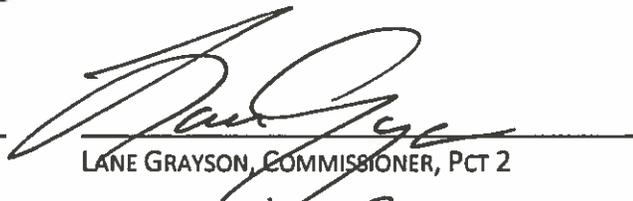
PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

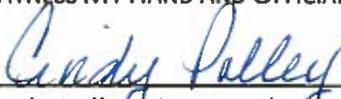


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS SEPTEMBER 26, 2017.



Cindy Polley, County Clerk

