

**ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES // JUNE 27, 2017**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, JUNE 27, 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**

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 GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER LANE GRAYSON, PCT 2

**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 276.17 APPROVING CONSENT AGENDA

**ADMINISTRATIVE:**

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

A2 APPROVAL OF OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS COURT AS FOLLOWS: MARCH 29, 2017; APRIL 10, 11, 19, 20, 21, AND 25, 2017. – CINDY POLLEY, COUNTY CLERK

A3 RECOGNITION EXPENSES FROM LINE ITEM 001-0140-50694 NOT TO EXCEED \$250.00.

**FINANCIAL:**

F1 FROM 005-0703-50913 CHEMICAL \$1,000.00; 005-0703-50930 RIGHT OF WAY \$3,000.00 To 005-0703-50807 RB3 Misc \$4,000.00. – PAUL PERRY, COMMISSIONER, PCT 3

F2 FROM 001-0015-50807 GENERAL MISC \$5,400.00 To 001-0015-50812 RADIO \$5,400.00. – CHUCK EDGE, SHERIFF

F3 FROM 001-0200-50802 EQUIPMENT \$1,000.00 To 001-0200-50805 CONFERENCE \$1,000.00. – JUDGE CINDY ERMATINGER, 443<sup>RD</sup> DISTRICT COURT

- F4 FROM 001-0420-50801 SUPPLIES \$2,500.00 To 001-0420-50703 TELEPHONE \$2,500.00. – *CHATRINIA JOHNSON, CHIEF, JUVENILE SERVICES*
- F5 FROM 003-0601-40004 RB1 SALE SCRAP \$1,220.00 To 003-0601-50807 RB1 GENERAL MISC \$1,220.00. – *RANDY STINSON, COMMISSIONER, PCT 1*
- F6 FROM 003-0601-40010 SALE OF EQUIPMENT \$8,715.09 To 003-0601-50807 GENERAL MISC \$8,715.09. – *RANDY STINSON, COMMISSIONER, PCT 1*
- F7 FROM 001-0613-50808 GAS & OIL \$900.00 To 001-0613-50801 SUPPLIES \$900.00. – *CONSTABLE, PCT 3*
- F8 FROM 009-0602-50918 FM1 HARDWARE/TOOLS \$1,500.00; 009-0602-50802 FM1 EQUIPMENT \$40,000.00 To 009-0602-50962 FM1 LUBRICANTS \$1,500.00; 009-0602-50911 FM1 GRAVEL \$40,000.00. – *RANDY STINSON, COMMISSIONER, PCT 1*
- F9 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	200587	\$5,114.38

**SIMPLIFIED PLAT:**

- SP1 CONSIDER AND ACT UPON A REQUEST TO APPROVE A SIMPLIFIED PLAT OF MADISON-WILSON ROAD ADDITION, LOT 1, BLOCK A. THE PROPERTY CONTAINS ± 4.296 ACRES OF LAND IN THE L. KELSEY SURVEY, ABSTRACT NO. 594 LOCATED ON THE SOUTHWEST CORNER OF F.M. 157 AND MADISON-WILSON ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF VENUS, ROAD & BRIDGE PRECINCT NO. 3. MOTION TO APPROVE 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 277.17** 1.1 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 THE PLATTING OF TWO (2) LOTS WITHOUT MEETING THE MINIMUM ROAD FRONTAGE REQUIREMENT. THE PROPERTY IS LOCATED IN THE BROOKS ESTATES, LOT 5 AND CONTAINS ± 3.00 ACRES OF LAND, COMMONLY KNOWN AS 960 WICKCLIFF ROAD, FERRIS, IN ROAD & BRIDGE PRECINCT NO. 1. MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

- NO ACTION** 1.2 Consider and act upon a request to amend Section I-W (Definitions) of the County of Ellis Rules, Regulations, and Specifications for Subdivisions and Manufactured Homes, Court Order Number 192.02, dated May 13, 2002, specifically amending the definition of "dwelling".

**PURCHASING**

**Consideration and action as may be appropriate regarding the following matters:**

**MINUTE ORDER NO 278.17** 2.1 APPROVING WITH SIGNATURE OF THE COUNTY JUDGE A ONE YEAR AGREEMENT WITH BJ WAKEFIELD SERVICES FOR ELLIS COUNTY SHERIFF'S OFFICE LEC AEROBIC SEPTIC SYSTEM INSPECTIONS.

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

**MINUTE ORDER NO 279.17** 2.2 APPROVING WITH SIGNATURE OF THE COUNTY JUDGE AN AGREEMENT WITH SCOTT MERRIMAN FOR THE ELLIS COUNTY DISTRICT CLERK'S RECORDS PRESERVATION PROJECT. SCOTT MERRIMAN PARTICIPATES IN THE TIPS-USA COOPERATIVE PURCHASING PROGRAM.

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

**ADMINISTRATIVE**

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

**MINUTE ORDER NO 280.17** 3.1 APPROVING SUBSCRIPTION TO THE ROTARY CLUB'S ANNUAL FLAG SERVICE AGREEMENT FOR PLACEMENT OF 16 AMERICAN FLAGS AROUND THE COURTHOUSE SQUARE WITH EACH COMMISSIONER PRECINCT SPONSORING FOUR FLAGS WITH FUNDS FROM THEIR PRECINCT BUDGETS ... (PRESENTATION FROM MELISSA BALLARD REGARDING ELLIS COUNTY PARTICIPATION IN THE ROTARY CLUB FLAG PROGRAM)

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 281.17** 3.3 SELECTING PUBLIC MEMBERS AND ALTERNATES FOR THE SALARY GRIEVANCE COMMITTEE PURSUANT TO LOCAL GOVERNMENT CODE §152.014. – *Cindy Polley, County Clerk*

**MEMBERS**

CARLA HATHCOCK

CHARLES JONES

KIMBERLEY STEWART

TIM KENNEDY

MARK JAMES

JERRY D HORNBACK

KEVIN DEAN STEWART

NICHOLAS JAMES MIKULA, JR

ASHLEY JOHNSON

**ALTERNATES**

KERRAH TURNER

KEVIN CULPEPPER

BRANDY DELOUCH

TRACI SAMEK

MICHAEL ULMAN

JEANNETTE M MOORE

ERIC BISHOP

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

**MINUTE ORDER NO 282.17** 3.4 ACCEPTING THE 2017 ANNUAL ROAD REPORT FROM ROAD & BRIDGE, PCT 1. – *Randy Stinson, Commissioner, Pct 1*

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

**MINUTE ORDER NO 283.17** 3.5 ACCEPTING THE 2017 ANNUAL ROAD REPORT FROM ROAD & BRIDGE, PCT 2 – *Lane Grayson, Commissioner, Pct 2*

*COMMENTS: RON GILLESPIE, FORMER COMMISSIONER PCT 2*

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

**MINUTE ORDER NO 284.17** 3.6 ACCEPTING THE 2017 ANNUAL ROAD REPORT FROM ROAD & BRIDGE, PCT 3. – *Paul Perry, Commissioner, Pct 3*

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

**REPORT** 3.7 COMPENSATORY TIME REPORTING. – *THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES*

**MINUTE ORDER NO 285.17** 3.8 AUTHORIZING REFUND TO HOLCIM IN THE AMOUNT OF \$146,975.30 FOR 2012 TAX YEAR TO SATISFY FINAL JUDGMENT TO BE PAID IN LUMP SUM.

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

**MINUTE ORDER NO 286.17** 3.10 CANCELLING THE CONTRACT AUTHORIZED BY COMMISSIONERS COURT ON APRIL 11, 2017 UNDER MINUTE ORDER 210.17(2.5) CONCERNING THE LEXIS ADVANCE UPGRADE AMENDMENT FOR STATE/LOCAL GOVERNMENT WITH THE ELLIS COUNTY AND DISTRICT ATTORNEY AS “SUBSCRIBER”. THE CONTRACT SIGNED BY THE COUNTY JUDGE ON APRIL 11, 2017 REFLECTED TERMS NOT AGREED TO BY THE PARTIES AND CONSTITUTED AN EARLY DRAFT IN THE NEGOTIATION PROCESS. UPON CANCELLATION OF THIS CONTRACT AND APPROVAL OF THE NEW CONTRACT, THE INITIAL MONTHLY INSTALLMENTS WOULD DROP FROM \$810.00 TO \$577.00 AS NEGOTIATED AND AGREED TO BY THE PARTIES.

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

**MINUTE ORDER NO 287.17** 3.11 APPROVING WITH SIGNATURE OF THE COUNTY JUDGE A NEW LEXIS ADVANCE UPGRADE AMENDMENT FOR STATE/LOCAL GOVERNMENT WITH THE ELLIS COUNTY AND DISTRICT ATTORNEY AS “SUBSCRIBER” REFLECTING THE AGREED UPON TERMS BY THE PARTIES.

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

**MINUTE ORDER NO 288.17** 3.12 APPROVING REPLACEMENT AND UPGRADE OF MISSION CRITICAL IT SERVERS AND INFRASTRUCTURE IN AMOUNT NOT TO EXCEED \$85,700, APPROVING BUDGET LINE AMENDMENTS WITH TRANSFER OF FUNDS AS FOLLOWS: FROM 001-0140-50859 SYSTEM ADMINISTRATION FEES \$60,000.00 TO 001-0140-50802 EQUIPMENT \$60,000.00 AND FROM 001-0035-50808 AUTO GAS/OIL; 001-0035-50805 CONFERENCE \$2,500.00; 001-0035-50703 TELEPHONE \$2,200.00 TO 001-0140-50802 EQUIPMENT \$5,700.00 . . . AUTHORIZING THE COUNTY ATTORNEY TO NEGOTIATE TERMS OF THE CONTRACT.

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

**MINUTE ORDER NO 289.17 3.9 AUTHORIZING THE COUNTY JUDGE TO SIGN DOCUMENT GRANTING TXDOT PERMISSION FOR RIGHT OF ENTRY FOR TOPOGRAPHIC AND UTILITY SURVEYS AS PART OF THE LOOP 9 PROJECT.**

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

**RECESS TO CONVENE TO EXECUTIVE SESSION 2:46 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 §551.074 of the Government Code, consultation regarding personnel matters.

4.2 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 SESSION 3:17 PM**

**ADJOURNMENT**

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT JUNE 27, 2017 AT 2:00 PM ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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CAROL BUSH, COUNTY JUDGE

  
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RANDY STINSON, COMMISSIONER, PCT 1

  
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LANE GRAYSON, COMMISSIONER, PCT 2

  
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PAUL PERRY, COMMISSIONER, PCT 3

  
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KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS OCTOBER 10, 2017.

  
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Cindy Polley, County Clerk

