

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // NOVEMBER 7, 2017

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, NOVEMBER 7, 2017, 10:00 A.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:

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, 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

*PUBLIC COMMENT: MEMBERS OF THE PUBLIC WILL HAVE THE OPPORTUNITY TO MAKE THEIR COMMENTS AT THE TIME THE AGENDA ITEM IS ADDRESSED.

CONSENT AGENDA – CONSIDERATION AND ACTION:

MINUTE ORDER NO 442.17 APPROVING CONSENT AGENDA

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

ADMINISTRATIVE:

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

A2 APPROVAL OF OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT:
AUGUST 4, 2017; AUGUST 8, 2017; AUGUST 22, 2017 – CINDY POLLEY, COUNTY CLERK

FINANCIAL:

F1 FROM 001-0060-50802 EQUIPMENT \$98.19 TO 001-0060-50801 SUPPLIES \$98.19. – ALBERTO MARES, DIRECTOR, DEPARTMENT OF DEVELOPMENT

F2 FROM 024-0924-50802 EQUIPMENT \$2,000.00 TO 024-0924-50831 UNIFORM \$2,000.00. – TIM BIRDWELL, FIRE MARSHAL

F3 FROM 001-0210-40964 CONTRACTING ELECTIONS \$31,300.00 TO 001-0210-50942 ELECTION

EXPENSE \$27,000.00; 001-0210-50848 HOLDING SALARY \$4,300.00. – JANA ONYON, ELECTIONS ADMINISTRATOR

F4 FROM 001-0000-30302 FUND BALANCE \$104,000.00 TO 001-0140-50802 EQUIPMENT/MAINT/REPAIRS \$104,000.00. – CAROL BUSH, COUNTY JUDGE

SIMPLIFIED PLAT:

- SP1 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF WEST ROAD SUBDIVISION. THE PROPERTY CONTAINS ± 5.0072 ACRES OF LAND IN THE ELLIS COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 328 LOCATED ON THE NORTH SIDE OF WEST ROAD ± 500 FEET EAST OF FM 55 IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 2.
- SP2 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF TUCKER ESTATES. THE PROPERTY CONTAINS ± 6.440 ACRES OF LAND IN THE ISAAC HURST SURVEY, ABSTRACT NO. 457 LOCATED ON EAST SIDE OF WESTMORELAND ROAD ± 850 FEET SOUTH OF SOUTHRIDGE DR., IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF OVILLA, ROAD & BRIDGE PRECINCT NO. 4.
- SP3 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF COLIN KISER ADDITION. THE PROPERTY CONTAINS ± 7.013 ACRES OF LAND IN THE DAVID MITCHELL SURVEY, ABSTRACT NO. 703, LOCATED ON THE SOUTH SIDE OF BECKY LANE ± 860 FEET EAST OF CARLTON PARKWAY, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4.
- SP4 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF COTTONGAME ADDITION. THE PROPERTY CONTAINS ± 7.168 ACRES OF LAND IN THE R DE LA PENNA ELEVEN LEAGUE GRANT SURVEY, ABSTRACT NO. 3 LOCATED ON THE NORTH SIDE OF CRISP ROAD ± 1,535 FEET EAST OF EASON ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD & BRIDGE PRECINCT NO. 1.

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 443.17 (1.1) APPROVING A REPLAT OF LOT 6, OF MORGAN CREEK INTO LOT 6A & 6B. THE PROPERTY CONTAINS ± 4.1818 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF NORRELL ROAD AND MARION ROAD, VENUS, ROAD & BRIDGE PRECINCT NO. 4.

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

MINUTE ORDER NO 444.17 (1.2) GRANTING 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 ONE (1) STRUCTURE TO ENCROACH INTO THE BUILDING LINE/UTILITY EASEMENT. THE PROPERTY CONTAINS ± 1.033 ACRES OF LAND IN LOT 11, BLOCK B OF OXFORD RANCH TWO, COMMONLY KNOWN AS 137 CARDIFF LANE, AND LOCATED AT THE NORTH OF CARDIFF LANE ± 985 FEET EAST OF WESTMORELAND ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4.

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

MINUTE ORDER NO 445.17 (1.3) GRANTING 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, SUBJECT TO THE RECOMMENDED CONDITIONS OF THE DEPARTMENT OF DEVELOPMENT, ALLOWING A CARPORT STRUCTURE TO ENCROACH INTO THE FRONT BUILDING LINE/UTILITY EASEMENT. THE PROPERTY CONTAINS ± 0.771 ACRES OF LAND IN LOT 8A, BLOCK 2 OF HILLVIEW REVISED, COMMONLY KNOWN AS 128 TRACY DRIVE, AND LOCATED SOUTH OF TRACY LANE AND ± 1,575 FEET EAST OF U.S. HIGHWAY 77 IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A PERMIT SHALL BE SUBMITTED FOR REVIEW TO THE DEPARTMENT OF DEVELOPMENT TO LEGITIMIZE THIS ONE (1) STRUCTURE;
- 2) IF APPROVED, THE PERMIT SHALL BE ISSUED WITH THE FOLLOWING CAVEAT: "PLACEMENT OF THIS STRUCTURE IS AT THE SOLE DISCRETION OF THE PROPERTY OWNER. THE COUNTY NOR THE UTILITY COMPANIES SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THESE STRUCTURES WHEN OPERATING WITHIN THE EASEMENT."
- 3) THESE STRUCTURES SHALL NOT INCREASE IN ANY MANNER. THESE STRUCTURES SHALL NOT BE REBUILT WITH THE EASEMENTS SHOULD THEY BE DESTROYED IN ANY WAY;
- 4) THESE STRUCTURES SHALL NOT BE CONVERTED INTO ANY LIVING SPACE.

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON WITH RECOMMENDED CONDITIONS OF THE DEPARTMENT OF DEVELOPMENT CARRIES UNANIMOUSLY., ,

MINUTE ORDER NO 446.17 (1.4) APPROVING A PRELIMINARY PLAT OF BLUESTEM HILLS. THE PROPERTY CONTAINS ± 81.10 ACRES OF LAND IN THE LEEMAN KELSEY SURVEY, ABSTRACT NO. 594 LOCATED NEAR THE NORTHEAST CORNER OF FM 157 AND MARION ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF VENUS, 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 447.17 (2.1) APPROVING PURCHASE OF TWO SHIPPING CONTAINERS FOR STORAGE PURPOSES FROM SEMI-TRAILER BIG BOX FOR ROAD AND BRIDGE PRECINCT 2.

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

NO ACTION (2.2) APPROVAL TO PURCHASE FORK LIFT FOR ROAD AND BRIDGE PRECINCT 4

MINUTE ORDER NO 448.17 (2.3) RESCINDING COMMISSIONERS' COURT MINUTE ORDER 403.17 OF SEPTEMBER 26, 2017 APPROVING XEROX AGREEMENT FOR ELLIS COUNTY CSCD.

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

Rescinded: MINUTE ORDER 449.17 (2.4) APPROVING RETURN OF CONSTABLE VEHICLE AND APPROVING TRANSFER OF PREVIOUSLY APPROVED VEHICLE FROM THE SHERIFF'S OFFICE TO THE CONSTABLE PCT 2

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON TO APPROVE RETURN TO PURCHASING OF CONSTABLE (PCT 2) VEHICLE (DODGE CHARGER) AND APPROVE TRANSFER OF

PREVIOUSLY APPROVED VEHICLE FROM SHERIFF'S OFFICE TO CONSTABLE PCT 2 CARRIES UNANIMOUSLY
...2.4 CONTINUED AT CONCLUSION OF 3.9

RESCINDING APPROVAL OF 2.4

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER RESCINDING EARLIER MOTION TO APPROVE TRANSFER OF VEHICLE FROM SHERIFF'S OFFICE TO CONSTABLE BACK TO PURCHASING SURPLUS AND APPROVING TRANSFER FROM SHERIFF'S OFFICE OF 2008 FORD F150 TO CONSTABLE 2 CARRIES 4/1 WITH COMMISSIONER PERRY VOTING NO

MINUTE ORDER NO 449.17 (2.4) APPROVING VEHICLE TRANSFERS FROM THE SHERIFF'S OFFICE TO PURCHASING INVENTORY

2007 FORD 500 SEDAN	VIN # ENDING IN 150337
2008 FORD F150	00879
2008 FORD EXPEDITION	03857
2008 FORD EXPEDITION	07782

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES 4/1 WITH COMMISSIONER PERRY VOTING NO

MINUTE ORDER NO 450.17 (2.5) APPROVING ROAD WORK PROJECT ON ENSIGN RD FOR ROAD AND BRIDGE PRECINCT 2 IN COMPLIANCE WITH ELLIS COUNTY BID NUMBER RB-2016-013 - PAVEMENT REHABILITATION AND RESURFACING SERVICES. (AWARDED TO TEXAS BIT)

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 451.17 (2.6) DECLARING THE FOLLOWING VEHICLES AS SURPLUS AND TO BE DISPOSED IN ACCORDANCE OF THE LOCAL GOVERNMENT CODE 263.

2005 FORD F150	1FTRW12W35FA37464
2010 DODGE CHARGER	2B3CA4CV7AH203541
2010 DODGE CHARGER	2B3CA4CV7AH203524
2003 CHEVROLET IMPALA	2G1WF55K339244986
2011 FORD	F150 1FTVX1CF4BKD13065
2011 FORD	F150 1FTVX1CF2BKD13064

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

ADMINISTRATIVE

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

PRESENTATION (3.1) EXTENSION INTERPRETATIVE EVENT FOR COMMISSIONERS COURT PRESENTED

BY DONALD KELM, DISTRICT EXTENSION ADMINISTRATOR AND EXTENSION STAFF.

(CONSIDER 3.6)

3.6 APPROVE NECESSARY INSURANCE COVERAGE & ACCEPT THE BONDS OF THE COUNTY COURT AT LAW JUDGES (RELATIVE TO SB 40 REGARDING INCREASED BOND AMOUNT FOR JUDGES THAT HEAR GUARDIANSHIP CASES.

***JUDGE CALVERT ADDRESSED THE COURT**

RECESS TO CONVENE TO EXECUTIVE SESSION 10:33 AM

MOTION BY COMMISSIONER PERRY 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 §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.

RECESS EXECUTIVE SESSION AND RECONVENE REGULAR SESSION 10:53 AM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 452.17 (3.6) SETTING BOND AMOUNT FOR ELLIS COUNTY COURT AT LAW NO 1 AND NO 2 JUDGES AT \$250,000

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON TO SET BOND AT \$250,000 CARRIES UNANIMOUSLY

MINUTE ORDER NO 453.17 (3.6) ACCEPTING NECESSARY INSURANCE COVERAGE & ACCEPTING BONDS OF \$250,000 THE COUNTY COURT AT LAW JUDGES.

MOTION TO ACCEPT BONDS BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY
(TO 3.2)

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

MINUTE ORDER NO 454.17 (3.3) REAPPOINTING MAURICE OSBORN AS ELLIS COUNTY REPRESENTATIVE TO NCTCOG'S REGIONAL AGING ADVISORY COMMITTEE.

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

REPORT (3.4) COMPENSATORY TIME REPORTING. – SHARON MANCILLA, HUMAN RESOURCES COORDINATOR

MINUTE ORDER NO 455.17 (3.5) APPROVING TWO WORK ORDERS (*INTERLOCAL MINUTE ORDER NO. 375.17*) FOR THE CITY OF GARRETT AS FOLLOWS: SLEEPY HOLLOW ROAD, AND VARIOUS ROADS FOR POT HOLE REPAIR, NOT TO EXCEED 8 HOURS OF WORK. – RANDY STINSON, COMMISSIONER PCT 1

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

MINUTE ORDER NO 456.17 (3.7) APPROVING 2018 ELLIS COUNTY RESOLUTION FOR THE INDIGENT DEFENSE GRANT PROGRAM. MIYKAEL REEVE, AUDITOR
MOTION TO APPROVE BY JUDGE BUSH, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 457.17 (3.8) APPROVING AN ADDITIONAL POSITION FOR ELLIS COUNTY PRECINCT 2. THERE ARE CURRENTLY 15 SLOTS AVAILABLE. REQUESTING THE 16TH POSITION TO BE FILLED FROM CURRENT R&B BUDGET. – LANE GRAYSON, COMMISSIONER, PCT. 2
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION 11:06 AM
MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY 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 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.
- 4.3 PURSUANT TO SECTION 551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING THE POSSIBLE SALE OR LEASE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.
- 4.4 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 96842, STATE OF TEXAS, EX REL JEFF WARD VS. MICHAEL WADE JONES – CONSTABLE OF PRECINCT 4 ELLIS

ADJOURNMENT OF EXECUTIVE SESSION 11:54 AM
MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 458.17 (3.9) APPROVING LEGAL FEES FOR THE COUNTY AND DISTRICT ATTORNEY’S OFFICE UP TO \$5,000 AS NECESSARY CONCERNING CAUSE NO. 96842, STATE OF TEXAS, EX REL JEFF WARD VS. MICHAEL WADE JONES – CONSTABLE OF PRECINCT 4 ELLIS COUNTY, TEXAS IN THE 443RD JUDICIAL DISTRICT COURT OF ELLIS COUNTY.
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

[(2.4) CONTINUED ... SEE MINUTE ORDER NO 449.17]

ADJOURNMENT

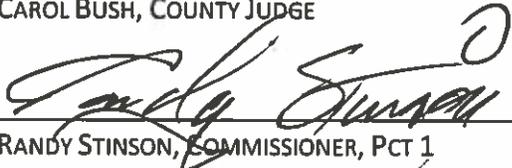
MOTION TO ADJOURN BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT NOVEMBER 7, 2017 ARE HEREBY APPROVED.

PRESIDING OFFICER:



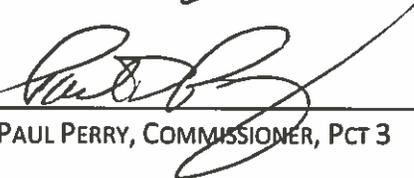
CAROL BUSH, COUNTY JUDGE



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 FEBRUARY 27, 2017.



Cindy Polley, County Clerk

