

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // MARCH 13, 2018**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MARCH 13, 2018, 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: ANN MONTGOMERY

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 PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE LED BY 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.

MINUTE ORDER NO 171.18 APPROVING CONSENT AGENDA

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

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 PROCLAMATION DESIGNATING MARCH 2018 MARCH FOR MEALS AWARENESS MONTH.
- A3 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM CONSTABLE, PCT. 2. – TERRY NAY, CONSTABLE, PCT. 2
- A4 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM CONSTABLE, PCT. 1 – ROY CALLENDAR, CONSTABLE, PCT. 1

FINANCIAL:

- F1 FROM 001-0100-50819 COMPUTER \$1,400.00 TO 001-0100-50873 MAINTENANCE/REPAIRS \$1,400.00. - BETH ALLEN, ACCOUNTS PAYABLE
- F2 FROM 011-0704-50558 FM3 – CONTINGENCY \$35,000.00 TO 011-0704-50912 FM3 – BRIDGE REPAIRS \$20,000.00; 011-0704-50909 FM3 – REPAIR/PARTS \$15,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3

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	229605	\$4,389.27
CORELOGIC	224860	\$4,951.14
CORELOGIC	226772	\$3,314.97
CORELOGIC	241203	\$6,863.98
CORELOGIC	240010	\$4,763.66
CORELOGIC	237137	\$11,341.79
CORELOGIC	236849	\$3,563.91
CORELOGIC	235206	\$7,699.42
CORELOGIC	248044	\$4,496.52
CORELOGIC	258704	\$6,775.65
CORELOGIC	209651	\$4,076.04
CORELOGIC	180408	\$3,734.45
CORELOGIC	227175	\$5,559.00
CORELOGIC	173136	\$3,747.85
CORELOGIC	171429	\$2,921.36
CORELOGIC	149349	\$4,349.97
CORELOGIC	141565	\$2,578.38
CORELOGIC	175491	\$4,381.25
CORELOGIC	265998	\$5,964.46
CORELOGIC	195759	\$2,928.79
CORELOGIC	166005	\$3,967.30
CORELOGIC	165937	\$2,597.10
CORELOGIC	165571	\$3,048.43
CORELOGIC	202856	\$4,019.72
CLIFF HESS	216346	\$8,336.39
CORELOGIC	215984	\$6,366.45
CORELOGIC	215861	\$3,279.71
CORELOGIC	218409	\$4,876.08
CORELOGIC	221253	\$2,631.33
CORELOGIC	156120	\$3,183.78
CORELOGIC	152777	\$2,631.25
CORELOGIC	151776	\$3,175.57
CORELOGIC	160019	\$5,979.76
CORELOGIC	232367	\$3,786.90
CORELOGIC	230324	\$3,895.93
TONY FOLKERS	222490	\$4,158.84
DEATRA/MICHAEL BRADSHAW	219003	\$21,075.58
SETERUS C/O LERETA LLC	141677	\$3,467.20
CARRINGTON MTG SRVS C/O LERETA LLC	243689	\$5,004.06
CARRINGTON MTG SRVS C/O LERETA LLC	160117	\$4,833.69
CARRINGTON MTG SRVS C/O LERETA LLC	227573	\$2,830.03

SPS C/O LERETA LLC	151534	\$3,434.93
FIESTA MART, LLC	170754	\$18,748.19
CARRINGTON	209659	\$3,297.17

TOTAL: \$227,027.25

SIMPLIFIED PLAT:

- SP1 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF SHILOH ADDITION, LOT 1, BLOCK 1. THE PROPERTY CONTAINS ± 5.455 ACRES OF LAND IN THE JOHN CRANE SURVEY, ABSTRACT No. 246 LOCATED ON THE SOUTHWEST CORNER OF WALNUT GROVE ROAD AND SHILOH ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT No. 4.
- SP2 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF JMB ESTATES. THE PROPERTY CONTAINS ± 3.199 ACRES OF LAND IN THE T.R. HARRIS SURVEY, ABSTRACT No. 490 LOCATED ON THE NORTH SIDE OF MOSELEY ROAD ± 4,440 FEET EAST OF OLD BOYCE ROAD NORTH IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD & BRIDGE PRECINCT No. 2.
- SP3 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF RAVENWOOD ESTATES. THE PROPERTY CONTAINS ± 13.275 ACRES OF LAND IN THE M.D. BULLION SURVEY, ABSTRACT No. 166 AND LEWIS GODDARD SURVEY, ABSTRACT No. 398 LOCATED ON THE WEST SIDE OF ALYSA LANE, ± 700 FEET NORTH OF OLD MAYPEARL ROAD, MAYPEARL, ROAD & BRIDGE PRECINCT No. 3.
- SP4 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF PINNAKA PLAC LOT 1, BLOCK A. THE PROPERTY CONTAINS ± 3.1132 ACRES OF LAND IN THE T.L MILLER SURVEY, ABSTRACT No. 704 AND THE JOHN SHAY SURVEY, ABSTRACT No. 974 LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 77 AND KINFOLK ROAD, ITALY, ROAD & BRIDGE PRECINCT No. 3.

DEPARTMENT OF COUNTY DEVELOPMENT

TABLED 1.1 CONSIDER AND ACT UPON A REQUEST TO AMEND THE COUNTY OF ELLIS RULES, REGULATIONS, AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES, COURT ORDER NUMBER 192.02, DATED MAY 13, 2002, SECTION 3-E (LOT AND STREET LAYOUT) AND ANY OTHER RELATED ARTICLES, SECTIONS AND PARAGRAPHS TO MODIFY THE MINIMUM SETBACK REQUIREMENTS FOR UNDERGROUND SWIMMING POOLS.

MOTION TO CONTINUE TO NEXT MEETING BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 172.18 SKIPPED

MINUTE ORDER NO 173.18 (1.2) RELEASING MAINTENANCE BOND NO. 462644M ISSUED BY DEVELOPERS SURETY AND INDEMNITY COMPANY, IN THE AMOUNT OF EIGHTY NINE THOUSAND FOUR HUNDRED SIXTY-THREE DOLLARS & 28/100 (\$89,463.28) FOR TAYLOR RIDGE ADDITION PHASE 3, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT No. 3.

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

PURCHASING

MINUTE ORDER NO 174.18 (2.1) APPROVING NOTARIZED SOLE-SOURCE PURCHASE AFFIDAVIT OF MICHAEL J DONELSON FOR DONELSON CONSTRUCTION AS THE SOLE SOURCE FOR MAQS-CHIPLOCK

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

MINUTE ORDER NO 175.18 (2.2) APPROVING UPDATED PRICING OF STORAGE UNIT RENTAL AGREEMENTS FOR THE ELLIS COUNTY TAX ASSESSOR/COLLECTOR'S OFFICE AND RATIFYING SIGNATURE OF PURCHASING AGENT

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

ADMINISTRATIVE

PRESENTATION (3.1) RECOGNITION OF STUDENTS WHO HAVE EARNED THE GOLD MEDAL OF ACHIEVEMENT FROM THE ROYAL RANGERS.

MR STAN LEWIS, OUTPOST COORDINATOR FOR ROYAL RANGERS PROGRAM INTRODUCED YOUNG MEN WHO HAVE EARNED THEIR GOLD MEDAL OF ACHIEVEMENTS AWARD

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

**MINUTE ORDER NO 176.18 (3.3) APPROVING UPDATED MASS GATHERING APPLICATION
TIM BIRDWELL, FIRE MARSHAL**

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

MINUTE ORDER NO 177.18 (3.4) APPROVING LEASE AGREEMENT FOR ADA VOTING EQUIPMENT FOR CITY OF VENUS WHICH WILL BE CONDUCTING ELECTIONS ON MAY 5, 2018. – JANA ONYON, ELECTIONS ADMINISTRATOR

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

NO ACTION (3.5) ADDRESS AND ACT ON CITIZEN COMPLAINTS OF GENERAL CLEANLINESS IN THE NEW COURT HOUSE. – PAUL PERRY, COMMISSIONER, PCT.3 (GENERAL DISCUSSION REGARDING BENCHES & CARPET)

NO ACTION (3.6) CONTRACT WITH GRS TO PERFORM GASB 75 REPORT, MASTER AGREEMENT WITH NCTCOG, INTERLOCAL AGREEMENT WITH NCTCOG NORTH TEXAS SHARE; BUSINESS AGREEMENT UNDER HIPPA PENDING LEGAL REVIEW. – MIYKAEL REEVE, AUDITOR

SHORT PRESENTATION REGARDING MARCH FOR MEALS ON WHEELS (RESOLUTION APPROVED IN CONSENT AGENDA A2)

MINUTE ORDER NO 178.18 (3.7) APPROVING PAYMENT OF MEDIATION FEE IN THE AMOUNT OF \$375.00 MADE PAYABLE TO LISA A. WYATT, PLLC CONCERNING THE LAWSUIT CAUSE NO. 93563, WEBSTER V. BATES ET AL, IN THE 40TH DISTRICT COURT OF ELLIS COUNTY ON MARCH 7, 2018

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

MINUTE ORDER NO 179.18 (3.8) ACCEPTING AND RATIFYING THE MEDIATED SETTLEMENT AGREEMENT ON BEHALF OF ELLIS COUNTY, TEXAS CONCERNING LAWSUIT CAUSE NO. 93563, WEBSTER V. BATES ET AL WITH ELLIS COUNTY AS THIRD PARTY DEFENDANT, IN THE 40TH DISTRICT COURT OF ELLIS COUNTY THAT RESULTED FROM THE COURT ORDERED MEDIATION IN THIS CASE ON MARCH 7, 2018.

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

RECESS TO CONVENE TO EXECUTIVE SESSION **10:43 AM**

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER STINSON 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 LAWSUIT CAUSE No. 93563, WEBSTER V. BATES, 40TH DISTRICT COURT OF ELLIS COUNTY.

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

ADJOURNMENT OF EXECUTIVE SESSION **11:21 AM**

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

ADJOURN

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT MARCH 13, 2018 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 MAY 8, 2018



CINDY POLLEY, COUNTY CLERK

