

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // MARCH 27, 2018**

A MEETING OF THE ELLIS COUNTY COMMISSIONERS COURT WAS HELD ON TUESDAY, MARCH 27, 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: 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 RANDY STINSON

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 180.18 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 FEBRUARY 2018 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - RITA HODGES, FAMILY & CONSUMER SCIENCE
 - MEGAN PARR, 4H
- A3 RECOGNITION OF COMMISSIONER PERRY'S COMPLETION OF REQUIRED CONTINUING EDUCATION HOURS FOR 2017.
– PAUL PERRY, COMMISSIONER, PCT3
- A4 PROCLAMATION REGARDING HISTORICAL MARKER DEDICATION RECOGNIZING SIMS FAMILY.
- A5 APPROVING THE OFFICIAL MINUTES FOR JANUARY 2, 2018; JANUARY 8, 2018; JANUARY 22, 2018; JANUARY 30, 2018. – CINDY POLLEY, COUNTY CLERK

FINANCIAL:

- F1 FROM 001-0614-40096 STATE LEO PAYMENT \$736.54 TO 001-0614-50820 LEASE TRAINING \$736.54.
– MARK HOWARD, CONSTABLE, PCT 1

- F2 FROM 001-0020-50808 AUTO GAS \$1,000.00; 001-0020-50807 GENERAL MISC \$400.00 To 001-0020-50809 AUTO REPAIR \$1,400.00. – *KEITH ROBERTS, MAINTENANCE*
- F3 FROM 001-0385-50802 EQUIPMENT \$300.00; 001-0385-50703 TELEPHONE \$500.00; 001-0385-50801 SUPPLIES \$150.00 To 001-0385-50819 COMPUTER \$923.48; 001-0385-50806 OFFICIAL BOND DUES \$26.52. – *JUDGE CALVERT, COUNTY COURT AT LAW#2*
- F4 FROM 001-0360-40677 WITNESS FEE REIMBURSEMENT \$1,926.39 To 001-0360-50846 WITNESS FEE \$1,926.39. – *ANN MONTGOMERY, FIRST ASSISTANT COUNTY & DISTRICT ATTORNEY*
- F5 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>
P2 MASTER TRUST A	218206	\$4,839.74
CORELOGIC	222154	\$3,426.61

SIMPLIFIED PLAT:

- SP1 APPROVING REQUEST FOR A SIMPLIFIED PLAT OF CUMMINS CREEK ESTATES, LOTS 1-3. THE PROPERTY CONTAINS ± 15.56 ACRES OF LAND IN THE A. GONZABA SURVEY, ABSTRACT No. 381 LOCATED ON THE SOUTH SIDE OF CUMMINS CREEK ROAD ± 2,852 FEET WEST OF OAK GROVE 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 GRAYSON CARRIES UNANIMOUSLY

RECESS REGULAR SESSION TO CONVENE INTO PUBLIC HEARING **10:09 AM**

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

PUBLIC HEARING

CONTINUE A PUBLIC HEARING REGARDING AMENDING SECTION 3-E (LOT AND STREET LAYOUT) AND ANY OTHER RELATED ARTICLES, SECTIONS AND PARAGRAPHS OF THE COUNTY OF ELLIS RULES, REGULATIONS, AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES, COURT ORDER NUMBER 192.02, TO MODIFY THE MINIMUM SETBACK REQUIREMENTS FOR IN-GROUND SWIMMING POOLS.

CONDUCT A PUBLIC HEARING ON A PROPOSED AMENDMENT TO ORDER 182.11, THE ORDER ADOPTING RULES OF ELLIS COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES ADOPTED APRIL 25, 2011, EXPLICITLY TO AMEND SECTION 10 (AMENDMENTS) ALONG WITH ANY OTHER RELATED ARTICLES, SECTIONS, AND PARAGRAPHS TO DISCONTINUE THE CONTINUOUS MAINTENANCE CONTRACT REQUIREMENTS FOR SEPTIC SYSTEMS AND MEET THE MINIMUM STATE REGULATIONS OUTLINED IN CHAPTER 285 OF THE TEXAS ADMINISTRATIVE CODE (TAC).

PUBLIC HEARING REGARDING PROPOSAL TO RENAME ANDERSON ROAD IN THE SOUTHERN PART OF THE COUNTY, NEAR FIVE POINTS AND FORRESTON, TO ANDERSON RANCH ROAD. THERE ARE TWO ROADS IN ELLIS COUNTY NAMED ANDERSON ROAD: ONE IS NEAR RED OAK IN THE NORTHERN PART OF THE COUNTY; AND THE OTHER IS NEAR FORRESTON AND FIVE POINTS IN THE SOUTHERN PART OF THE COUNTY. DUE TO SAFETY AND EMERGENCY RESPONSE CONCERNS, ELLIS COUNTY IS CONSIDERING CHANGING THE ROAD IN THE SOUTHERN PART OF THE COUNTY TO ANDERSON RANCH ROAD.

(PARTICIPANTS: RE: 1.2 (RULE CHANGE REGARDING ON-SITE SEWAGE FACILITIES) TOMMY DULWORTH AND BRIAN WAKEFIELD WILL WAIT UNTIL RE-ADDRESSED)

ADJOURNING PUBLIC HEARING TO RECONVENE IN REGULAR SESSION 10:12 AM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

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

NO ACTION (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 IN-GROUND SWIMMING POOLS.

NO ACTION (1.2) CONSIDER A PROPOSED AMENDMENT TO ORDER 182.11, THE ORDER ADOPTING RULES OF ELLIS COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES ADOPTED APRIL 25, 2011, EXPLICITLY TO AMEND SECTION 10 (AMENDMENTS) ALONG WITH ANY OTHER RELATED ARTICLES, SECTIONS, AND PARAGRAPHS TO DISCONTINUE THE CONTINUOUS MAINTENANCE CONTRACT REQUIREMENTS FOR SEPTIC SYSTEMS AND MEET THE MINIMUM STATE REGULATIONS OUTLINED IN CHAPTER 285 OF THE TEXAS ADMINISTRATIVE CODE (TAC).

MINUTE ORDER 181.18 (1.3) GRANTING A ONE-TIME VARIANCE FROM SECTION 8-A (RESIDENTIAL LOTS) OF THE ADOPTED RULES & REGULATIONS TO ALLOW CONSTRUCTION OF SINGLE-FAMILY RESIDENCE SUBJECT TO RECOMMENDATIONS OF DEPARTMENT OF DEVELOPMENT. THE PROPERTY CONTAINS ± 13.343 ACRES OF LAND, COMMONLY KNOWN AS 434 TIGHTWAD ROAD (A PRIVATE ROAD) AND LOCATED ± 3,000 FEET FROM FM 308, MAYPEARL, ROAD & BRIDGE PRECINCT NO. 3.

*PARTICIPANTS: ROBERT BRIGGS OWNER ... REQUESTING VARIANCE
CHRIS STOFFREGEN AGAINST (DID NOT SPEAK)*

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON TO MOVE FORWARD AS RECOMMENDED BY THE DEPARTMENT OF DEVELOPMENT CARRIES UNANIMOUSLY

MINUTE ORDER 182.18 (1.4) APPROVING A REPLAT OF LOT 2, MORGAN ROAD ACRES, INTO LOT 2A AND LOT 2B. THE PROPERTY CONTAINS ± 5.00 ACRES OF LAND AND LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 77 ± 650 FEET EAST OF MORGAN ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ITALY, ROAD & BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 183.18 (1.5) 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 AN IN-GROUND SWIMMING POOL TO ENCROACH INTO THE SIDE BUILDING LINE/UTILITY EASEMENT. THE PROPERTY CONTAINS ± 0.691 ACRES OF LAND IN LOT 17, BLOCK 2 OF ASHEMORE ADDITION, PHASE 2, COMMONLY KNOWN AS 1520 ASHEMORE COURT IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO. 4.

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

(COMMISSIONER STINSON EXPRESSED CONCERNS REGARDING A SUBDIVISION RULE CHANGE WITH REGARD TO STRUCTURES (AS SWIMMING POOLS) BUILT INSIDE UTILITY EASEMENT)

PURCHASING

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

MINUTE ORDER 184.18 (2.1) DECLARING THE LISTED VEHICLES AS SURPLUS AND TO BE DISPOSED IN ACCORDANCE OF THE LOCAL GOVERNMENT CODE 263.

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

1991	CHEVROLET EJECTO TRUCK	1GBL6H1P9MJ100270
1993	CHEVROLET 1500	1GCEC14W4T193061
1983	IHC ASPHALT SPRAYER TRUCK	2HTD10353DCA12413
2008	RHINO FL 10 NITRO CUTTER	10526
1988	CATERPILLAR EXCAVATOR 212	5DC00304
2009	NEW HOLLAND BACKHOE LOADER	31051450/T72284
1994	CATERPILLAR LOADER IT28F	3CL00734
	LAW LIBRARY BOOKS	

REPORT (2.2) UPDATE TO COMMISSIONERS COURT REGARDING REVENUES RECEIVED BY THE PURCHASING DEPARTMENT.

ADMINISTRATIVE

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

MINUTE ORDER 185.18 (3.1) RENAMING ANDERSON ROAD IN THE SOUTHERN PART OF THE COUNTY, NEAR FIVE POINTS AND FORRESTON, TO ANDERSON RANCH ROAD. THERE ARE TWO ROADS IN ELLIS COUNTY NAMED ANDERSON ROAD: ONE IS NEAR RED OAK IN THE NORTHERN PART OF THE COUNTY; AND THE OTHER IS NEAR FORRESTON AND FIVE POINTS IN THE SOUTHERN PART OF THE COUNTY. DUE TO SAFETY AND EMERGENCY RESPONSE CONCERNS, ELLIS COUNTY IS CONSIDERING CHANGING THE ROAD IN THE SOUTHERN PART OF THE COUNTY TO ANDERSON RANCH ROAD. – *Ted KANTOR, COUNTY ENGINEER*

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

MINUTE ORDER 186.18 (3.3) AUTHORIZING THE COUNTY JUDGE TO SIGN THE FINAL SUPPLEMENTAL WATERSHED PLAN No. VIII AND ENVIRONMENTAL EVALUATION FOR THE REHABILITATION OF FLOODWATER RETARDING STRUCTURES No. 10 AND 11 OF THE CHAMBERS CREEK WATERSHED. – *JOSEPH JACKSON, ASSISTANT ENGINEER*

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

REPORT (3.2) INFORMATION AND DISCUSSION ON THE 2017 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) ANNUAL REPORT PRIOR TO SUBMITTAL TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). – *JOSEPH JACKSON, ASSISTANT ENGINEER*

MINUTE ORDER 187.18 (3.4) APPROVING RESOLUTION TO CONVEY STRUCK OFF PROPERTY FOR PUBLIC USE TO THE CITY OF MILFORD. – *JAKE BATTENFIELD, LINEBARGER GOGGAN BLAIR & SAMPSON*
MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

NO ACTION (3.5) BURN BAN FOR ELLIS COUNTY. – *TIM BIRDWELL, FIRE MARSHAL*

MINUTE ORDER 188.18 (3.6) APPROVING INTERLOCAL PURCHASING AGREEMENT WITH NCTCOG NORTH TEXAS SHARE – *MIYKAEL REEVE, AUDITOR*
MOTION TO APPROVE INTERLOCAL AGREEMENT BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 189.18 (3.7) APPROVING CONTRACT WITH THE DEPARTMENT OF THE ARMY CORP OF ENGINEERS TO PROVIDE LAW ENFORCEMENT SERVICES TO THE LAKE BARDWELL PROJECT.
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON CARRIES UNANIMOUSLY

MINUTE ORDER 190.18 (3.8) APPROVING WORK ORDER FOR THE CITY OF PALMER UNDER INTERLOCAL AGREEMENT MINUTE NO. 111.18; WORK INCLUDES: LEVEL CITY HALL PARKING LOT; FILL POTHOLES ON WILSON ROAD. – *RANDY STINSON, COMMISSION, PCT 1*
MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

NO ACTION (3.9) DISCUSSION OF NORMAL COMMISSIONER'S COURT MEETING TIMES AND POSSIBLE ACTION. – *PAUL PERRY, COMMISSIONER, PCT 3*

COMMISSIONER PERRY MAKES MOTION TO CHANGE MEETING TIME TO 2PM *DISCUSSION ...*
(PARTICIPANT: AMY HEDTKE REGARDING MEETING TIME FOR COMMISSIONERS' COURT)

NO ACTION (3.10) AUTHORIZE THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY INVOLVING KIRK INGRAM FOR DAMAGES RESULTING FROM THE DEATH OF HIS DOG, INCLUDING OBTAINING A RELEASE OF ALL CLAIMS.

RECESS TO CONVENE TO EXECUTIVE SESSION **11:05 AM**

MOTION BY COMMISSIONER STINSON, 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A SETTLEMENT OFFER INVOLVING KIRK INGRAM FOR DAMAGES RESULTING FROM THE DEATH OF HIS DOG.

(4.2) PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 18-c3017, THE CITY OF ENNIS, TEXAS VS. DONNA MARIE HOCKER, ET.AL., IN THE COUNTY COURT AT LAW NO. 1, ELLIS COUNTY, TEXAS.

ADJOURNMENT OF EXECUTIVE SESSION

11:50 AM

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

RE: AGENDA ITEM 3.9 COMMISSIONER PERRY WITHDRAWS HIS EARLIER MOTION

ADJOURN

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT MARCH 27, 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 22, 2018



CINDY POLLEY, COUNTY CLERK

