

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // APRIL 10, 2018**

A MEETING OF THE ELLIS COUNTY COMMISSIONERS COURT WAS HELD ON TUESDAY, APRIL 10, 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, DECLARE 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 BEING ADDRESSED.

MINUTE ORDER 191.18 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

FINANCIAL:

F1 FROM 001-0360-50888 COMPUTER SERVICE \$2,500.00 TO 001-0360-50853 LEGAL RESEARCH 1,000.00; 001-0360-50807 GENERAL MISC \$1,500.00. - PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

F2 FROM 001-0030-50868 CONTRACT LABOR \$2,400.00; 001-0030-50819 COMPUTER \$235.00; 001-0030-50703 TELEPHONE \$815.00 TO 001-0030-50805 CONFERENCE/TRAINING \$1,500.00; 001-0030-50801 SUPPLIES \$1,950.00. – MIYKAEL REEVE, AUDITOR

F3 FROM 011-0704-50558 CONTINGENCY \$15,000.00 TO 011-0704-50912 BRIDGE REPAIR \$15,000.00. – PAUL PERRY, COMMISSIONER, PCT 3

F4 FROM 011-0704-50558 CONTINGENCY \$60,000.00; 011-0704-50807 GEN MISC. \$20,000.00 TO 011-0704-50802 EQUIPMENT \$30,000.00; 011-0704-50911 GRAVEL \$30,000.00; 011-0704-50909 REPAIRS/PARTS \$20,000.00. – PAUL PERRY, COMMISSIONER, PCT 3

- F5 FROM 001-0210-40964 CONTRACTING ELECTIONS \$48,750.00 To 001-0210-50848 HOLDING SALARY \$34,000.00; 001-0210-50942 ELECTION EXPENSES \$13,200.00; 001-0210-50823 LEGAL NOTICES \$150.00; 001-0210-50804 POSTAGE \$1,400.00. – JANA ONYON, ELECTIONS ADMINISTRATOR
- F6 FROM 001-0010-40659 INSURANCE REIMBURSEMENT \$8,395.56 To 001-0010-50809 AUTO REPAIRS \$8,395.56. – CHUCK EDGE, SHERIFF
- F7 FROM 001-0000-30302 FUND BALANCE \$56,752.52 To 001-0010-50820 LEOSE TRAINING \$56,752.52. – CHUCK EDGE, SHERIFF
- F8 FROM 042-0942-30302 FUND BALANCE \$34,419.96 To 042-0942-50802 EQUIPMENT \$34,419.96. – CHUCK EDGE, SHERIFF
- F9 FROM 001-0330-40096 STATE LEO \$13,489.99 To 001-0010-50820 LEOSE TRAINING \$13,489.99. – CHUCK EDGE, SHERIFF

SIMPLIFIED PLAT:

SP1 CONSIDER AND ACT ON A REQUEST FOR A SIMPLIFIED PLAT OF WOODARD FARMS, LOTS 1-4. THE PROPERTY CONTAINS ± 8.413 ACRES OF LAND IN THE AT MILLER SURVEY, ABSTRACT NO. 716 LOCATED SOUTH OF THE INTERSECTION OF MARION ROAD AND NORVELL ROAD, MIDLOTHIAN, ROAD & BRIDGE PRECINCT No. 4. MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

RECESS REGULAR SESSION TO CONVENE INTO PUBLIC HEARING 10:05 AM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

PUBLIC HEARING

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).

CONDUCT A PUBLIC HEARING ON A PROPOSED AMENDMENT TO ORDER No. 429.17, THE MASTER FEE SCHEDULE FOR THE DEPARTMENT OF DEVELOPMENT.

PARTICIPANTS: AMY HEDTKE-RE FEES

RANDALL CHELLETTE, BRIAN WAKEFIELD, PENNY STORY, TOMMY DULWORTH-RE RULES FOR ON-SITE SEWAGE FACILITIES

ADJOURNING PUBLIC HEARING TO RECONVENE TO REGULAR SESSION 10:25 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 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 AS OUTLINED IN CHAPTER 285 OF THE TEXAS ADMINISTRATIVE CODE (TAC).

PRESENTING FOR DEPARTMENT OF DEVELOPMENT ALBERTO MARES, DIRECTOR WITH STAFF MEMBERS, KEVIN CRANSON & DANNY HUSKINS

MINUTE ORDER 192.18 (1.2) AMENDING ORDER NO. 429.17, THE MASTER FEE SCHEDULE FOR THE DEPARTMENT OF DEVELOPMENT.

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

MINUTE ORDER 193.18 (1.3) GRANTING A ONE-TIME VARIANCE FROM SECTION 8-A (RESIDENTIAL LOTS) OF THE ADOPTED RULES & REGULATIONS TO ALLOW CONSTRUCTION OF ONE (1) SINGLE-FAMILY RESIDENCE ON EACH PROPERTY COMMONLY KNOWN AS 121 AND 131 ALTON LANE (A PRIVATE ROAD), ENNIS, ROAD & BRIDGE PRECINCT NO. 2 WITHOUT MEETING THE REQUIRED ROAD FRONTAGE REQUIREMENT.

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

MINUTE ORDER 194.18 (1.4) GRANTING A VARIANCE FROM SECTION VIII (B) (STREET LAYOUT) TO ALLOW THREE (3) DRIVE CUTS ONTO OLD BUENA VISTA ROAD TO SERVE THREE (3) LOTS. THE PROPERTY CONTAINS ± 73.69 ACRES OF LAND LOCATED NORTH OF OLD BUENA VISTA ROAD AND ± 2,125 FEET EAST OF FM 157, MAYPEARL, ROAD & BRIDGE PRECINCT NO. 3.

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

PURCHASING

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

MINUTE ORDER 195.18 (2.1) APPROVING RENEWAL AGREEMENT FOR RB-2017-003 HOT MIX ASPHALT TYPE B, C, D, AND OIL SAND FROM OLD CASTLE MATERIALS TEXAS. THERE WILL BE NO PRICE INCREASE FOR THE CONTRACT YEAR JUNE 1, 2018 TO MAY 31, 2019.

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

MINUTE ORDER 196.18 (2.2) REJECTING RB-2018-006, MISCELLANEOUS CONSTRUCTION, DUE TO NO BIDS BEING RECEIVED.

MOTION TO REJECT BY COMMISSIONER STINSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER 197.18 (2.3) PLACING IN EFFECT THE PURCHASING PROCEDURE SET OUT IN THE LOCAL GOVERNMENT CODE 262.0225 REGARDING PROPER PROCEDURE FOR WHEN NO BID SUBMISSIONS ARE RECEIVED IN ACCORDANCE WITH REGARD TO RB-2018-006, MISCELLANEOUS CONSTRUCTION.

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

MINUTE ORDER 198.18 (2.4) APPROVING PURCHASE FOR OF A 2017 FORD 750 5/6 YARD DUMP TRUCK, VIN 1FDNF7AY2HD807553, IN THE AMOUNT OF \$60,486 FROM RUSH TRUCK CENTERS. BUYBOARD CONTRACT NUMBER 521-16. Pct 3

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

MINUTE ORDER 199.18 (2.5) APPROVING PURCHASE OF AN RTAC COMPRESSOR FOR THE COURTHOUSE CHILLER UNIT FROM AMERICAN MECHANICAL FOR \$21,177 WITH A (5) FIVE YEAR MAINTENANCE CONTRACT FOR \$3,200.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER 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 200.18 (3.2) APPROVING WORK ORDER FOR THE CITY OF GARRETT INTERLOCAL MINUTE NO. 504.17; STREETS INCLUDE: BOYCE DRIVE CITY LIMIT NORTH TO SOUTH REACHING FM879, HART DRIVE INTERSECTION, 1ST BLOCK OF THE FOLLOWING ROADS: PATRICK, CONNER, MERRITT, WILLIAMS. – RANDY STINSON, COMMISSIONER, PCT 1

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

**MINUTE ORDER 201.18 (3.3) ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AS PRESCRIBED BY LOCAL GOVERNMENT CODE §114.025 SUBMITTED BY MIYKAEL REEVE, AUDITOR
MOTION TO RECEIVE REPORT BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY**

REPORT (3.5) INNOPRISE PROJECT ... UPDATE FROM AUDITOR, MIYKAEL REEVE REGARDING INNOPRISE SOFTWARE

NO ACTION (3.4) DISCUSSION OF NORMAL COMMISSIONER'S COURT MEETING TIMES AND POSSIBLE CHANGE FROM 10 AM TO 2 PM. – PAUL PERRY, COMMISSIONER, PCT 3

MINUTE ORDER 202.18 (3.6) AUTHORIZING SAGU STUDENTS TO FILM A SENTENCING SCENE IN THE COMMISSIONERS COURTROOM ON OR AROUND MAY 7, 2018 AS A REQUIREMENT OF A CINEMATIC PRE-PRODUCTION CLASS ... COUNTY USE FEE IS WAIVED

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

RECESS TO CONVENE TO EXECUTIVE SESSION 11:51 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A SETTLEMENT OFFER INVOLVING KIRK INGRAM FOR DAMAGES RESULTING FROM THE DEATH OF HIS DOG.

ADJOURNMENT OF EXECUTIVE SESSION 12:20 PM

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 203.18 (3.7) AUTHORIZING 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.

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

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT APRIL 10, 2018 ARE HEREBY APPROVED.

PRESIDING OFFICER:



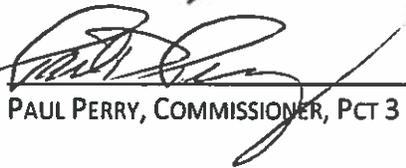
CAROL BUSH, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

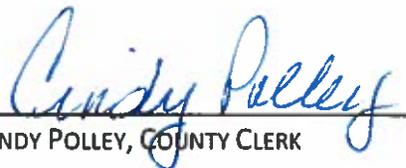


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MAY 22, 2018



CINDY POLLEY, COUNTY CLERK

