

**NOTICE OF MEETING
ELLIS COUNTY COMMISSIONERS COURT**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MAY 8, 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:

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 PAUL PERRY

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 214.18 APPROVING CONSENT AGENDA

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

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 ACCEPT THE ANNUAL RACIAL PROFILING REPORT FROM FIRE MARSHAL'S OFFICE. – TIM BIRDWELL, FIRE MARSHAL
- A3 APPROVING OFFICIAL MINUTES FOR FEBRUARY 27, 2018 AND MARCH 13 2018 – CINDY POLLEY, COUNTY CLERK

FINANCIAL:

- F1 FROM 001-0015-50888 COMP SVD HARDWARE-SOFTWARE \$7,473.70 TO 001-0015-50803 FURNITURE-FIXTURES \$462.05; 001-0015-50812 RADIOS \$2,537.00; 001-0015-50807 GEN MISC \$3,432.12; 001-0015-50807 PERIPHERAL EXPEND \$1,042.53. – CHUCK EDGE, SHERIFF
- F2 FROM 012-0755-30302 FM4/FUND BAL CARRYOVER \$10,000.00 TO 012-0755-50802 FM4/PURCHASE OF EQUIPMENT \$10,000.00. – KYLE BUTLER, COMMISSIONER, PCT 4
- F3 FROM 001-0140-50807 OTHER EXPENSES \$5,000.00 TO 001-0140-50903 LAWSUIT SETTLEMENT \$5,000.00.

- F4 FROM 001-0000-30302 FUND BALANCE \$297,661.00 To 001-0140-50888 COMPUTER SOFTWARE \$297,661.00.
- F5 FROM 010-0653-30302 FM2 FUND BALANCE CARRYOVER \$40,000.00 To 010-0653-50802 FM2 PURCHASE OF EQUIPMENT \$40,000.00. – LANE GRAYSON, COMMISSIONER, PCT 2
- F6 FROM 042-0942-30302 FUND BALANCE \$838.00 To 042-0942-50802 EQUIPMENT \$838.00. – CHUCK EDGE, SHERIFF
- F7 FROM 024-0924-30302 FUND BALANCE \$15,000.00 To 024-0924-50802 EQUIPMENT \$15,000.00. – TIM BIRDWELL, FIRE MARSHAL
- F8 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>
CORELOGIC	205770	\$2,699.46
COLONIAL SAVINGS	222490	\$4,158.84
JOHN HOUSTON CUSTOM HOMES	263907	\$2,902.18
CORELOGIC	186932	\$2,820.54
LYNDA HULGAN	191994	\$4,076.11

SIMPLIFIED PLAT:

- SP1 APPROVING A SIMPLIFIED PLAT OF TRINITY ADDITION, LOT 1. THE PROPERTY CONTAINS ± 4.369 ACRES OF LAND IN THE HENRY BLAND SURVEY, ABSTRACT NO 136 LOCATED SOUTH OF INTERSTATE HIGHWAY 45 ± 1,500 FEET EAST OF LINDEL ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF ALMA, ROAD & BRIDGE PCT NO 2.
- SP2 APPROVING SIMPLIFIED PLAT OF GUERRERO ADDITION, LOT 1. THE PROPERTY CONTAINS ± 8.016 ACRES OF LAND IN THE J.F. THOMAS SURVEY, ABSTRACT NO 1092 LOCATED ON THE SOUTHWEST CORNER OF PIERCE ROAD AND OGLEBY ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF RED OAK, ROAD & BRIDGE PCT NO 1.

DEPARTMENT OF COUNTY DEVELOPMENT

MINUTE ORDER 215.18 (1.1(A)) GRANTING A ONE-TIME VARIANCE FROM SECTION VIII-A (RESIDENTIAL LOTS) OF THE ADOPTED RULES & REGULATIONS TO ALLOW ONE (1) ADDITIONAL LOT ON ± 45.336 ACRES OF LAND ALONG JACOBS BRIDGE LANE (A PRIVATE ROAD) LOCATED ± 570 FEET EAST FROM THE CORNER OF BROADHEAD ROAD AND JACOBS BRIDGE LANE IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT 1
 MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER 216.18 (1.1(b)) APPROVING REPLAT OF LOTS 2R, 3 AND 4, DAWN ESTATES, INTO LOTS 2R-A, 3R-A, 3R-B, AND 4R. THE PROPERTY CONTAINS ± 45.336 ACRES OF LAND LOCATED ± 570 FEET EAST FROM THE CORNER OF BROADHEAD ROAD AND JACOBS BRIDGE LANE (A PRIVATE ROAD) IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT NO 1

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

MINUTE ORDER 217.18 (1.2) RELEASING MAINTENANCE BOND NO 462785P ISSUED BY DEVELOPERS SURETY AND INDEMNITY COMPANY, IN THE AMOUNT OF TWO HUNDRED FORTY-SIX THOUSAND DOLLARS (\$246,000.00) FOR SPRINGFIELD LAKES PHASE 2, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ROAD & BRIDGE PCT NO 4.

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

MINUTE ORDER 218.18 (1.3) GRANTING A ONE-TIME VARIANCE FROM SECTION II-H (UTILITY SERVICE) OF THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES TO ALLOW DEVELOPMENT OF PROPERTY WITHOUT MEETING THE MINIMUM FIRE HYDRANT REQUIREMENTS. THE PROPERTY CONTAINS ± 20.03 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF EB LANE AND STATE HIGHWAY 34, ENNIS, ROAD & BRIDGE PCT NO 2.

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

PURCHASING

MINUTE ORDER 219.18 (2.1) APPROVING PURCHASE OF A KUBOTA V SERIES, MODEL NUMBER RTV-X9000G-A FROM CENTRAL KUBOTA IN THE AMOUNT OF \$11,698.32 FOR THE FIRE MARSHAL'S OFFICE. THIS ITEM WILL BE PURCHASED FROM 024-0924-50802-00000-000.

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

MINUTE ORDER 220.18 (2.2) APPROVING PURCHASE OF A 5.5FT BY 10 FT TRAILER FROM ATWOODS TO HAUL THE KUBOTA ATV IN THE AMOUNT OF \$1,299.00 FOR THE FIRE MARSHAL'S OFFICE. THIS ITEM WILL BE PURCHASED FROM 024-0924-50802-00000-000.

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

MINUTE ORDER 221.18 (2.3) APPROVING RENEWAL AGREEMENT ON RFP-2013-009, INMATE PHONE SERVICE FROM NCIC, OUR CURRENT VENDOR.

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

MINUTE ORDER 222.18 (2.4) APPROVING NEW LEASE AGREEMENT FROM PITNEY BOWES FOR THE SENDPRO 3000 POSTAGE MACHINE FOR THE MAILROOM.

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

MINUTE ORDER 223.18 (2.5) APPROVING PREVENTATIVE MAINTENANCE QUOTE FROM VERTIV FOR THE BATTERY BACKUP UNITS IN THE DATA CENTER. THE AMOUNT OF THE QUOTE IS \$10,569.36.

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

ADMINISTRATIVE

MINUTE ORDER 224.18 (3.1) PROCLAIMING MAY 2018 AS MOTORCYCLE SAFETY AND AWARENESS MONTH IN ELLIS COUNTY.

MOTION BY JUDGE BUSH TO PROCLAIM MAY AS MOTORCYCLE SAFETY MONTH IN ELLIS COUNTY IN MEMORY OF FRANK BARTOLIC, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

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

MINUTE ORDER 225.18 (3.3) DESIGNATING CAROL BUSH, ELLIS COUNTY JUDGE AS PRIMARY WITH KAUFMAN COUNTY ALTERNATE REPRESENTATIVES TO THE REGIONAL TRANSPORTATION COUNCIL.

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON TO CONTINUE WITH CAROL BUSH, COUNTY JUDGE AS PRIMARY WITH KAUFMAN COUNTY AS ALTERNATE CARRIES UNANIMOUSLY

**REPORT (3.4) COMPENSATORY TIME REPORTING. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES
(SHERIFF EDGE GAVE EXPLANATION OF COMP TIME FOR COUNTY JAIL)**

MINUTE ORDER 226.18 (3.5) APPROVING APPLICATION FOR THE BALLISTIC VEST GRANT FROM THE DEPARTMENT OF JUSTICE. THIS GRANT PAYS UP TO 50% OF THE COST FOR VESTS FOR THE SHERIFF'S OFFICE. – ELLIS COUNTY SHERIFF'S OFFICE

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

(To 3.10)

MINUTE ORDER 227.18 (3.10) RESCINDING CONTRACT EXECUTED ON SEPTEMBER 12, 2017 PURSUANT TO MINUTE ORDER NUMBER 371.17, TO WIT: THE LEASE-PURCHASE AGREEMENT FROM HOLT CAT FOR ROAD AND BRIDGE PCT 2 ... LEASE EXTENSION FOR A 140M CAT MOTOR GRATER, SERIAL NUMBER M9D01698. THE LEASE EXTENSION WAS APPROVED ON FEBRUARY 14, 2017. THIS RESCINDMENT DOES NOT AFFECT THE APPROVAL OF THE LEASE EXTENSION BY THE COMMISSIONERS COURT ON FEBRUARY 14, 2017 BUT ONLY THE WRITTEN CONTRACT MEMORIALIZING THE AGREEMENT SIGNED BY THIS COURT ON SEPTEMBER 12, 2017 IS RESCINDED, AND REPLACED WITH THE UPDATED WRITTEN CONTRACT TO BE ADDRESSED IN THE NEXT AGENDA ITEM. – VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY

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

**MINUTE ORDER 228.18 (3.11) APPROVING UPDATED LEASE-PURCHASE AGREEMENT FROM HOLT CAT FOR ROAD AND BRIDGE PCT 2 LEASE EXTENSION FOR A 140M CAT MOTOR GRATER, SERIAL NUMBER M9D01698 APPROVED FEBRUARY 14, 2017. THIS UPDATED CONTRACT REPLACES THE CONTRACT EXECUTED ON SEPTEMBER 12, 2017 PURSUANT TO MINUTE ORDER NUMBER 371.17
– VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY**

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

RECESS TO CONVENE TO EXECUTIVE SESSION

10:38 AM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER 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 §551.076 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES.

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

4.3 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A SETTLEMENT OFFER TO BOBBY REESE FOR DAMAGE TO THE WINDSHIELD OF HIS 2011 FORD EXPLORER, WITH VIN NUMBER ENDING IN 892.

4.4 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A SETTLEMENT OFFER TO ELIZABETH MUNOZ FOR DAMAGE TO THE WINDSHIELD OF HER 2016 JEEP WRANGLER.

4.5 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION.

ADJOURN EXECUTIVE SESSION

11:51 AM

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

(TO 3.6)

MINUTE ORDER 229.18 (3.6) APPROVING ADDITIONAL POSITION FOR INFORMATION TECHNOLOGY (IT) DEPARTMENT WITH SALARY UP TO \$60,000 FUNDED FROM SALARY LINE ITEM.

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

MINUTE ORDER 230.18 (3.7) AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY TO BOBBY REESE FOR DAMAGE TO THE WINDSHIELD OF HIS 2011 FORD EXPLORER, IN THE AMOUNT OF \$371.91 IN EXCHANGE FOR FULL RELEASE OF ALL CLAIMS.

– VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY

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

MINUTE ORDER 231.18 (3.8) AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY TO ELIZABETH MUNOZ FOR DAMAGE TO THE WINDSHIELD OF HER 2016 JEEP WRANGLER IN THE AMOUNT OF \$389 IN EXCHANGE FOR A FULL RELEASE OF ALL CLAIMS. – VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY

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

MINUTE ORDER 232.18 (3.9) APPROVING AND EXECUTING THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE ON BEHALF OF ELLIS COUNTY, TEXAS CONCERNING LAWSUIT CAUSE NO 93563, WEBSTER V. BATES, 40TH DISTRICT COURT OF ELLIS COUNTY. -VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY

MOTION TO APPROVE BY COMMISSIONER GRAYSON, 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 MAY 8, 2018 ARE HEREBY APPROVED.

PRESIDING OFFICER:

Absent

CAROL BUSH, COUNTY JUDGE

Randy Stinson
RANDY STINSON, COMMISSIONER, PCT 1

Lane Grayson Presiding
LANE GRAYSON, COMMISSIONER, PCT 2

Paul Perry
PAUL PERRY, COMMISSIONER, PCT 3

Kyle Butler
KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JUNE 5, 2018

Cindy Polley
CINDY POLLEY, COUNTY CLERK

