

**ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES // JUNE 19, 2018**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, JUNE 19, 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**

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 PERRY 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 269.18 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

A2 APPROVING OFFICIAL MINUTES FOR MAY 22, 2018. – CINDY POLLEY, COUNTY CLERK

A3 MAY 2018 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-RITA HODGES, FAMILY & CONSUMER SCIENCE

-MEGAN PARR, 4H

**FINANCIAL:**

F1 FROM 011-0704-50807 GEN/MISC \$40,000.00 TO 011-0704-50802 PURCHASE EQUIPMENT \$40,000.00. – PAUL PERRY, COMMISSIONER, PCT3

F2 FROM 001-0310-50601 TRAVEL REIMBURSEMENT \$1,000.00 TO 001-0310-50605 CONFERENCE \$1,000.00. – MELANIE REED, DISTRICT CLERK

- F3 FROM 042-0942-30302 FUND BALANCE \$414.95 To 042-0942-50802 EQUIPMENT \$414.95. – MITCH BARTLEY, ELLIS COUNTY SHERIFF'S OFFICE
- F4 FROM 010-0653-50807 FM2 GENERAL EXPENSES \$10,000.00 To 010-0653-50913 FM2 CHEMICALS \$10,000.00. – LANE GRAYSON, COMMISSIONER, PCT 2
- F5 FROM 001-0060-50873 OFFICE EQUIPMENT/REPAIR \$500.00; 001-0060-50801 SUPPLIES \$500.00 To 001-0060-50805 CONFERENCE \$1,000.00. – ALBERTO MARES, DIRECTOR, DEPARTMENT OF DEVELOPMENT
- F6 FROM 001-0230-50805 CONFERENCE \$2,000.00 To 001-0230-50801 SUPPLIES \$2,000.00. – JODI PLATT, PURCHASING AGENT
- F7 FROM 001-0450-50801 SUPPLY \$750.00; 001-0450-50835 TRAINING \$934.00; 001-0450-50689 GIS SOFTWARE CONTRACT \$600.00 To 001-0450-50808 AUTO GAS \$750.00; 001-0450-50805 CONFERENCE \$1,534.00. – TIM BIRDWELL, FIRE MARSHAL
- F8 FROM 001-0430-50808 AUTO GAS \$1,300.00 To 001-0430-50868 EMERGENCY MANAGEMENT CONTRACT SERVICES \$300.00; 001-0430-50976 PREPAREDNESS FAIR \$1,000.00. – TIM BIRDWELL, FIRE MARSHAL
- F9 FROM 010-0653-50807 FM2 GENERAL EXPENSES \$5,000.00 To 010-0653-50909 FM2 REPAIRS PARTS \$5,000.00. – LANE GRAYSON, COMMISSIONER, PCT 2
- F10 FROM 004-0652-30301 RB2 FUND BALANCE CARRY OVER \$190,000.00 To 004-0652-50807 RB GENERAL MISC. – LANE GRAYSON, COMMISSIONER, PCT 2

**SIMPLIFIED PLAT:**

- SP1 APPROVING A REQUEST FOR A SIMPLIFIED PLAT OF LIVINGSTON'S ESTATE, LOTS 1. THE PROPERTY CONTAINS ± 1.5401 ACRES OF LAND IN CLAIBORNE GARRETT SURVEY, ABSTRACT No. 383 AND THE C.B. BOREN SURVEY, ABSTRACT No. 124 LOCATED SOUTH OF FM 879 ± 620 FEET SOUTH OF FM 1722, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD & BRIDGE PCT No. 2.
- SP2 APPROVING A REQUEST FOR A SIMPLIFIED PLAT OF PALMYRA MEADOWS, LOTS 1-4. THE PROPERTY CONTAINS ± 18.591 ACRES OF LAND IN THE J.W. BAKER SURVEY, ABSTRACT No. 35 LOCATED AT THE SOUTHEAST INTERSECTION OF PALMYRA ROAD AND HUNSUCKER ROAD, FERRIS, ROAD & BRIDGE PCT No. 1.

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

**DEPARTMENT OF COUNTY DEVELOPMENT**

**MINUTE ORDER 270.18** (1.1) APPROVING PRELIMINARY PLAT OF PRAIRIE RIDGE, PHASE 1. THE PROPERTY CONTAINS ± 52.358 ACRES OF LAND IN THE JOHN STEWART SURVEY, ABSTRACT NO. 961 LOCATED AT THE INTERSECTION OF U.S. HIGHWAY 287 AND PRAIRIE RIDGE BOULEVARD IN THE CITY LIMITS OF GRAND PRAIRIE AND THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF GRAND PRAIRIE, ROAD & BRIDGE PCT NO. 4.

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

**MINUTE ORDER 271.18** (1.2) APPROVING PRELIMINARY PLAT OF PRAIRIE RIDGE, PHASE 2. THE PROPERTY CONTAINS ± 68.8 ACRES OF LAND IN THE JOHN STEWART SURVEY, ABSTRACT NO. 961 LOCATED AT THE INTERSECTION OF U.S. HIGHWAY 287 AND PRAIRIE RIDGE BOULEVARD THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF GRAND PRAIRIE, ROAD & BRIDGE PCT NO. 4.

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

**MINUTE ORDER 272.18** 1.3 APPROVING RELEASE OF MAINTENANCE BOND NO. PB248450007 ISSUED BY PHILADELPHIA INDEMNITY INSURANCE COMPANY, IN THE AMOUNT OF THREE HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED SIXTY DOLLARS (\$332,360.00) FOR SUMMIT ESTATES, PHASE 2 LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT NO. 3.

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

**MINUTE ORDER 273.18** 1.4 GRANTING A ONE-TIME VARIANCE FROM SECTION VIII-A (RESIDENTIAL LOTS) OF THE ADOPTED RULES & REGULATIONS TO ALLOW CONSTRUCTION OF UP TO TWO (2) SINGLE-FAMILY RESIDENCE ON EACH PROPERTY ALONG ALTON LANE (A PRIVATE ROAD) WITH PROPERTY ID 177423 & 177431 WITHOUT MEETING THE REQUIRED ROAD FRONTAGE REQUIREMENT, LOCATED IN ENNIS, ROAD & BRIDGE PCT NO. 2

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

**MINUTE ORDER 274.18** 1.5 GRANTING A ONE-TIME VARIANCE FROM SECTION VIII (A) (RESIDENTIAL LOTS) OF THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AND SECTION 10 (AMENDMENTS) OF ELLIS COUNTY ORDER 182.11 (SEPTIC ORDER) TO ALLOW A SECOND RESIDENTIAL DWELLING STRUCTURE ON PROPERTY THAT HAS LESS THAN TWO (2) ACRES AND CONNECT TO AN ON-SITE SEWAGE FACILITY. THE PROPERTY CONTAINS ± 0.51 ACRES OF LAND LOCATED IN LOT 19 OF THE TWIN TREE ADDITION (MORE COMMONLY KNOWN AS 138 ANDERSON ROAD), RED OAK, IN ROAD & BRIDGE PCT NO. 4.

MOTION BY COMMISSIONER BUTLER TO APPROVE WITH STIPULATIONS SPECIFIED BY DOD, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

## **PURCHASING**

**MINUTE ORDER 275.18** 2.1 APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS, INC. FOR THE ELLIS COUNTY LONG RANGE THOROUGHFARE PLAN REVIEW AND UPDATE, SUBJECT TO LEGAL REVIEW,.

MOTION TO APPROVE BY JUDGE BUSH, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

**MINUTE ORDER 276.18** 2.2 APPROVING XEROX LEASE AGREEMENT FOR COUNTY COURT AT LAW 1. PREVIOUS LEASE AMOUNT WAS \$179.11. NEW LEASE AMOUNT IS \$189.25 PER MONTH.

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

**MINUTE ORDER 277.18** 2.3 APPROVING COUNTY JUDGE TO SIGN ANNUAL RENEWAL AGREEMENT WITH KODAK ALARIS IN THE AMOUNT OF \$781.00 FOR THE DISTRICT ATTORNEY'S OFFICE.

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

**MINUTE ORDER 278.18** 2.4 APPROVING THE COUNTY JUDGE TO SIGN THE LEASE AGREEMENT FROM BANCORP SOUTH EQUIPMENT FINANCE FOR QUANTITY TWO (2) 2019 MACK TRUCKS FOR ROAD & BRIDGE PCT 2.

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

**MINUTE ORDER 279.18** 2.5 APPROVING PURCHASE OF A ROAD BROOM FROM KIRBY SMITH IN THE AMOUNT OF \$37,000 FOR ROAD AND BRIDGE PCT 1.

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

**MINUTE ORDER 280.18** 2.6 APPROVING ENSIGN ROAD OVERLAY PROJECT FOR ROAD AND BRIDGE PCT 2 ACCORDING TO THE TERMS OF RB-2016-003.

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

## **ADMINISTRATIVE**

**NO ACTION** 3.1 BURN BAN FOR ELLIS COUNTY. – TIM BIRDWELL, FIRE MARSHAL

**MINUTE ORDER 281.18** 3.2 RESCINDING ANY ACTION TAKEN BY THE COMMISSIONERS COURT ON JUNE 5, 2018 CONCERNING THE ANNUAL ROAD REPORT FOR ROAD AND BRIDGE PCT 3 IN REGARDS TO AGENDA ITEMS 3.3, 3.4, AND 3.5. THIS RESCISSION ONLY INVOLVES THE ANNUAL ROAD REPORT FOR ROAD AND BRIDGE PCT 3. THE ACCEPTANCE OF THE ANNUAL ROAD REPORTS FOR ROAD AND BRIDGE PCTS 1, 2, AND 4 ARE NOT AFFECTED BY THIS RESCISSION.

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

**MINUTE ORDER 282.18** 3.3 ACCEPTING THE ANNUAL ROAD REPORT FOR ROAD AND BRIDGE PCT 3. – PAUL PERRY, COMMISSIONER, PCT 3.

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

**MINUTE ORDER 2018.001** 3.4 REMOVING COMMISSIONER PERRY FROM SPCA BOARD, ON HIS OWN MOTION, BASED ON HIS CONCERNS AND THE CONCERNS OF HIS PUBLIC COUNCIL REGARDING COMMISSIONER ATTENDANCE AT ELLIS COUNTY SPCA QUARTERLY BOARD MEETINGS. *PUBLIC: LOUIS PONDER*

MOTION BY COMMISSIONER PERRY REMOVE HIMSELF FROM SPCA BOARD BOARD BASED ON HIS CONCERNS AND THE CONCERNS OF HIS PUBLIC COUNCIL REGARDING COMMISSIONER ATTENDANCE AT ELLIS COUNTY SPA QUARTERLY BOARD MEETINGS, SECOND BY COMMISSIONER STINSON CARRIES UNANIMOUSLY

**MINUTE ORDER 283.18** 3.5 APPROVING THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS' AREA AGENCY ON AGING (NCTAAA) LOCAL ADMINISTRATIVE MATCH OF \$11,578.00.

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

**MINUTE ORDER 284.18** 3.6 AUTHORIZING ELLIS COUNTY TO REQUEST UNCLAIMED PROPERTY CAPITAL CREDIT FOR COUNTIES FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS PURSUANT TO LOCAL GOVERNMENT CODE §74.602.

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

**MINUTE ORDER 285.183** 3.7 RENEWING ELLIS COUNTY TAX ABATEMENT GUIDELINES.

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

**REPORT** 3.8 COMPENSATORY TIME REPORTING. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES

**MINUTE ORDER 286.18** 3.9 AUTHORIZING FUNDING FOR STRUCTURAL REPAIRS TO CHAMBERS CREEK FR. NO. 56, 100, 101C, AND 109 PURSUANT TO THE EXISTING AGREEMENT BETWEEN ELLIS COUNTY AND THE ELLIS-PRAIRIE SOIL AND WATER CONSERVATION DISTRICT (EPSWCD). IN EXCHANGE FOR PROJECT ADMINISTRATION, THE EPSWCD AGREES TO TRANSFER THE TECHNICAL ADMINISTRATION FUNDS FOR THE PROJECT AT THE COMPLETION OF CONSTRUCTION TO ELLIS COUNTY. ELLIS COUNTY MATCH ... \$38,905.36 – Ted KANTOR, COUNTY ENGINEER

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

**NO ACTION** 3.10 DISCUSSION REGARDING MOUNTAIN CREEK DAMS 9 &10. – Ted KANTOR, COUNTY ENGINEER

**RECESS TO CONVENE TO EXECUTIVE SESSION 10:51. AM**

MOTION BY COMMISSIONER BUTLER 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 SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION.
- 4.2 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.

**ADJOURNMENT OF EXECUTIVE SESSION 11:42 AM**

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

**NO ACTION** 3.11 CONSIDERATION AND ACTION AS MAY BE APPROPRIATE CONCERNING THE NEED TO EMPLOY OUTSIDE LEGAL COUNSEL TO ADVISE ELLIS COUNTY CONCERNING CONSTABLE MIKE JONES. – VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY

**MINUTE ORDER 2018.002** 3.12 SELECTION OF NINE PUBLIC MEMBERS TO THE SALARY GRIEVANCE COMMITTEE PURSUANT TO LOCAL GOVERNMENT CODE §152.014. – CINDY POLLEY, COUNTY CLERK

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

**ADJOURNMENT**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT JUNE 19, 2018 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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CAROL BUSH, COUNTY JUDGE

  
\_\_\_\_\_  
RANDY STINSON, COMMISSIONER, PCT 1

  
\_\_\_\_\_  
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 NOVEMBER 20, 2018

*Cindy Polley*

CINDY POLLEY, COUNTY CLERK

