

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // JULY 31, 2018**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY JULY 31, 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 PERRY CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER RANDY STINSON

MINUTE ORDER 321.18 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS.
- A2 JUNE 2018 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - RITA HODGES, FAMILY & CONSUMER SCIENCE
 - MEGAN PARR, 4H
- A3 ACCEPTING COUNTY AUDITOR COMPENSATION ORDERS.
- A4 ACCEPTING COMPENSATION ORDER FOR THE DEPUTY COURT REPORTERS.
- A5 ACCEPTING COMPENSATION ORDER FOR THE PREPARATION OF CERTAIN INDIGENT TRANSCRIPTS AND OTHER TRANSCRIPTS BY THE OFFICIAL COURT REPORTERS AND DEPUTY COURT REPORTERS OF ELLIS COUNTY.
- A6 ACCEPTING COMPENSATION ORDER FOR THE OFFICIAL DISTRICT COURT REPORTERS.
- A7 RATIFYING PAYMENT OF INVOICE IN THE AMOUNT OF \$69.00 FROM LINE ITEM 001-0060-50801 FOR EMPLOYEE RECOGNITION.

FINANCIAL:

- F1 FROM 001-0060-50808 AUTO GAS \$1,500.00; 001-0060-50809 AUTO REPAIRS \$500.00; 001-0060-50810 AUTO TIRES \$500.00 TO 001-0060-50805 CONFERENCE \$2,500.00. – ALBERTO MARES, DIRECTOR OF DEPARTMENT OF DEVELOPMENT

- F2 FROM 001-0320-50601 TRAVEL \$600.00 To 001-0320-50805 CONFERENCE \$600.00. – CINDY POLLEY, COUNTY CLERK
- F3 FROM 001-0613-50806 OFFICIAL BOND/DUES \$300.00; 001-0613-50808 AUTO GAS/OIL REIMB \$1,900.00; 001-0613-50805 CONFERENCE \$450.00 To 001-0613-50802 EQUIPMENT \$2,650.00. – MICHAEL McCORKLE, CONSTABLE, PCT. 3
- F4 FROM 005-0703-50807 GEN MISC \$2,000.00 To 005-0703-50918 HARDWARE/TOOLS \$2,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F5 FROM 005-0703-40010 SALE OF EQUIPMENT \$31,665.52 To 005-0703-50802 PURCHASE OF EQUIPMENT \$31,665.52. – PAUL PERRY, COMMISSIONER, PCT. 3
- F6 FROM 006-0754-30302 RB4/FUND BALANCE \$70,000.00 To 006-0754-50802 RB4/PURCHASE OF EQUIPMENT. – KYLE BUTLER, COMMISSIONER, PCT. 4
- F7 FROM 001-0390-50601 TRAVEL REIMBURSEMENT \$1,500.00 To 001-0390-50807 GEN MISC \$1,500.00. – CAROL BUSH, COUNTY JUDGE

SIMPLIFIED PLATS:

- SP1 APPROVING REQUEST FOR A SIMPLIFIED PLAT OF AMERICASE BUSINESS PARK, LOTS 1 - 4. THE PROPERTY CONTAINS ± 21.009 ACRES OF LAND IN JOHN ESTES SURVEY, ABSTRACT NO. 335, BOUNDED BY COX ROAD, HOYT ROAD, AND PERIMETER ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT No 3.
- SP2 APPROVING REQUEST FOR A SIMPLIFIED PLAT OF BAKER 1, LOT 1, BLOCK 1. THE PROPERTY CONTAINS ±4.00 ACRES OF LAND IN T.D. MASON SURVEY, ABSTRACT NO. 1227, LOCATED NEAR THE SOUTHWEST CORNER OF ANGUS ROAD AND HOYT ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT No 3.
- SP3 APPROVING REQUEST FOR A SIMPLIFIED PLAT OF SHILOH ADDITION, LOTS 1R-4R, BLOCK 1. THE PROPERTY CONTAINS ± 4.36 ACRES OF LAND IN JOHN CRANE SURVEY, ABSTRACT NO. 246, LOCATED AT THE SOUTHWEST CORNER OF SHILOH COURT AND WALNUT GROVE ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PCT No 4.
- SP4 APPROVING REQUEST FOR A SIMPLIFIED PLAT OF WILSON FAMILY FARM, LOT 1, BLOCK 1. THE PROPERTY CONTAINS ± 12.237 ACRES OF LAND IN THE T. MASON SURVEY, ABSTRACT NO. 1227, LOCATED NEAR THE SOUTHWEST CORNER OF ANGUS ROAD AND HOYT ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE AND THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT No 3.

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

RECESS REGULAR SESSION TO CONVENE INTO PUBLIC HEARING

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

PUBLIC HEARING

CONDUCT A PUBLIC HEARING REGARDING A REQUEST TO AMEND ORDER No. 192.02, AS AMENDED, THE RULES, REGULATIONS, AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES, SPECIFICALLY AMENDING

SECTION 1-W (DEFINITIONS) AND ANY OTHER RELATED ARTICLES, SECTIONS, AND PARAGRAPHS AND CREATING A NEW SECTION FOR DEFINITIONS AND ANY OTHER RELATED ARTICLES, SECTIONS AND PARAGRAPHS REGARDING TRAFFIC STUDIES, CONCRETE THICKNESS, AND DEVELOPMENT ALONG PRIVATE ROADS.

NO PUBLIC RESPONSE

ADJOURN PUBLIC HEARING AND RECONVENE TO REGULAR SESSION

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

MINUTE ORDER 322.18 (1.1) APPROVING REQUEST FOR A PRELIMINARY PLAT OF EYRIE MEADOWS. THE PROPERTY CONTAINS ± 73.69 ACRES OF LAND IN THE T.B. JACKSON SURVEY, ABSTRACT NO. 588 AND J.A. GAONA SURVEY, ABSTRACT NO. 386, LOCATED NORTH OF OLD BUENA VISTA ROAD AND ± 2,125 FEET EAST OF FM 157, MAYPEARL, ROAD & BRIDGE PCT NO 3

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

NO ACTION 1.2 CONSIDER AND ACT UPON AN AMENDMENT TO ORDER NO. 192.02, AS AMENDED, THE RULES, REGULATIONS, AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES, SPECIFICALLY AMENDING SECTION 1-W (DEFINITIONS) AND ANY OTHER RELATED ARTICLES, SECTIONS, AND PARAGRAPHS AND CREATING A NEW SECTION FOR DEFINITIONS AND ANY OTHER RELATED ARTICLES, SECTIONS AND PARAGRAPHS REGARDING TRAFFIC STUDIES, CONCRETE THICKNESS, AND DEVELOPMENT ALONG PRIVATE ROADS

MINUTE ORDER 323.18 (3.2) APPROVING COUNTY FUNDING OF \$32,000 FOR MEALS-ON-WHEELS

PRESENTATION BY REPRESENTATIVES OF MEALS ON WHEELS

MOTION BY JUDGE BUSH TO APPROVE FUNDING OF \$32,000 SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 324.18 (3.1) APPROVING TAX ABATEMENT AGREEMENT WITH SHARKA LLC, THE OWNER OF PROPERTY LOCATED WITHIN THE MIDLOTHIAN TECHNOLOGY COMMERCIAL-INDUSTRIAL TAX ABATEMENT REINVESTMENT ZONE NUMBER 14.

PRESENTATION BY *LARRY BARNETT PRESIDENT AND CEO OF MIDLOTHIAN ECONOMIC DEVELOPMENT*

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

PURCHASING

MINUTE ORDER 325.18 (2.1) APPROVING PURCHASE OF AN ETNYRE 7000 GALLON EMULSION TANK FROM RB EVERETT FOR ROAD AND BRIDGE PCT 4.

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

MINUTE ORDER 326.18 (2.2) APPROVING COUNTY JUDGE TO SIGN MAINTENANCE AGREEMENT FROM CUMMINS ALLISON FOR THE TAX OFFICE.

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

MINUTE ORDER 327.18 (2.3) APPROVING THE RENEWAL AGREEMENT ON RFP-2016-004, BRIDGE AND HEADWALL REPAIR WITH OUR CURRENT VENDOR NEYLAND BRIDGE CONSTRUCTION.

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

NO ACTION 3.4 BURN BAN FOR ELLIS COUNTY. – TIM BIRDWELL, FIRE MARSHAL

RECESS TO CONVENE TO EXECUTIVE SESSION 10:39 AM

MOTION BY COMMISSIONER GRAYSON, 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 §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.

4.2 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION, CONCERNING THE RETENTION OF FERRER POIROT & WANSBROUGH, FEARS NACHAWATI, MCNAMEE HOSEA, MOTLEY RICE AND ATTORNEY AARON WILEY, COLLECTIVELY, TO REPRESENT ELLIS COUNTY CONCERNING ANY CLAIMS IT MAY HAVE AGAINST PURDUE PHARMA, L.P., PURDUE PHARMA, INC., AND OTHER CORPORATIONS AND ENTITIES RESPONSIBLE FOR VIOLATIONS OF LAW IN THE FRAUDULENT MARKETING AND SALES OF CERTAIN HIGHLY ADDICTIVE, OPIATE-DERIVED PAINKILLERS.

ADJOURNMENT OF EXECUTIVE SESSION 11:28 AM

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 328.18 (3.11) APPROVING ELLIS COUNTY TO RETAIN THE PROFESSIONAL LEGAL SERVICES OF FERRER POIROT & WANSBROUGH, FEARS NACHAWATI, MCNAMEE HOSEA, MOTLEY RICE AND ATTORNEY AARON WILEY, COLLECTIVELY, TO REPRESENT ELLIS COUNTY CONCERNING ANY CLAIMS IT MAY HAVE AGAINST PURDUE PHARMA, L.P., PURDUE PHARMA, INC., AND OTHER CORPORATIONS AND ENTITIES RESPONSIBLE FOR VIOLATIONS OF LAW IN THE FRAUDULENT MARKETING AND SALES OF CERTAIN HIGHLY ADDICTIVE, OPIATE-DERIVED PAINKILLERS.

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

MINUTE ORDER 329.18 (3.5) APPROVING WORK ORDER FOR THE CITY OF PALMER INTERLOCAL MINUTE NO. 111.18. WORK INCLUDES – RECLAIM AND RESURFACE VARIOUS ROADS: HALIFAX, PALOMINO, HAMBLÉN, PALMER VIEW. – RANDY STINSON, COMMISSIONER, PCT. 1

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

MINUTE ORDER 330.18 (3.6) APPROVING COUNTY'S PARTICIPATION IN THE 2018 TAC RISK MANAGEMENT PROGRAM SAFETY EQUIPMENT PROGRAM. TAC HAS PROVIDED \$2,626.47 FOR PURCHASE OF SAFETY RELATED EQUIPMENT FOR ROAD & BRIDGE / MAINTENANCE & JANITOR NEEDS AND AN ADDITIONAL \$8,660.25 FOR SAFETY RELATED EQUIPMENT FOR THE SHERIFF'S OFFICE. ALL FUNDS MUST BE SPENT THROUGH THEIR DESIGNATED STORE WEBSITE. THERESA TAYLOR IS THE DESIGNATED PURCHASER FOR ROAD & BRIDGE AND MAINTENANCE, AND SHERIFF IS THE DESIGNATED PURCHASER FOR SHERIFF'S OFFICE (AS ASSIGNED BY TAC).

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

MINUTE ORDER 331.18 (3.7) AUTHORIZING RESURFACING OF THE FOLLOWING STREETS WITHIN THE CITY LIMITS OF MAYPEARL UNDER INTERLOCAL AGREEMENT:

1. WEST FIFTH FROM PHILLIPS TO TRICE.
2. EAST FIFTH FROM MAIN TO ITS END.
3. NOBLE FROM FIRST TO FIFTH.
4. REAGAN FROM EAST FIRST TO EAST SECOND. AND EAST THIRD TO EAST FOURTH.
5. BOWERS FROM EAST THIRD TO EAST FOURTH.
6. CLAUNCH FROM THIRD TO FOURTH. – PAUL PERRY, COMMISSIONER, PCT. 3

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

MINUTE ORDER 332.18 (3.8) APPROVING CONSULTATION FOR PROFESSIONAL SERVICES CONCERNING ACCOUNTING, NOT TO EXCEED \$1,000.00.

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

MINUTE ORDER 333.18 (3.10) APPROVING TO ACCEPT AND EXECUTE THE MASTER SERVICE ORDER FORM AND ON DEMAND SERVICE AGREEMENT FOR DATA MANAGEMENT INC, TO PROVIDE SUBSCRIPTION LICENSES FOR USE OF ITS CLOUD BASED COMPUTER SOFTWARE PROGRAM (TIMECLOCKS PLUS) TO THE ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE AT A COST OF APPROXIMATELY \$1,600 PER YEAR PAID FROM DA FUNDS

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

MINUTE ORDER 334.18 (3.9) AUTHORIZING PURCHASE OF COUNTY VEHICLES IN AN AMOUNT NOT TO EXCEED \$227,000.00. 5 – 2018 NISSAN ROGUE SPORT, 1 – 2018 DODGE CARAVAN, 2 – 2018 FORD PI UTILITY. ALLOCATION FOR JUVENILE SERVICES, DISTRICT ATTORNEY, AND SHERIFF'S OFFICE

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

MINUTE ORDER 335.18 (3.3) APPROVING TO DRAW ADDITIONAL PUBLIC MEMBERS TO THE SALARY GRIEVANCE COMMITTEE PURSUANT TO LOCAL GOVERNMENT CODE §152.014.

– CINDY POLLEY, COUNTY CLERK

William Robert Taylor
Richard Bryant Wray
Kevin David Swalberg
Ronald Buchanan

Anton Webber
Christopher Lynn Lemarr
Carolyn Holmes Benham
Daniel James Burgess, Sr

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

ADJOURN

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT JULY 31, 2018 ARE HEREBY APPROVED.

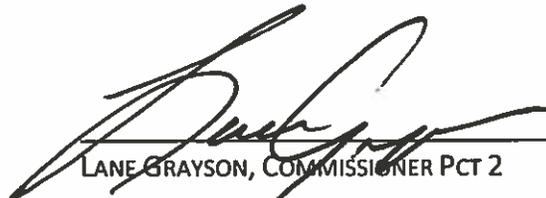
PRESIDING OFFICER:



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 NOVEMBER 20, 2018



CINDY POLLEY, COUNTY CLERK

