

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // SEPTEMBER 11, 2018**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, SEPTEMBER 11, 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 KYLE BUTLER

PUBLIC COMMENTS* MEMBERS OF THE PUBLIC WILL HAVE THE OPPORTUNITY TO MAKE THEIR COMMENTS AT THE TIME THE AGENDA ITEM IS BEING ADDRESSED.

MINUTE ORDER 375.18 – APPROVING CONSENT AGENDA

ADMINISTRATIVE:

A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

FINANCIAL:

F1 FROM 001-0380-50805 CONFERENCE \$833.47 To 001-0380-50819 COMPUTER \$683.47; 001-0380-50806 OFFICIAL BONDS/DUES \$150.00. – JUDGE JIM CHAPMAN, COUNTY COURT AT LAW #2

F2 FROM 5-001-0385-0601 TRAVEL \$450.00; 5-001-0385-0805 CONFERENCE \$550.00; 5-001-0385-0801 SUPPLIES \$1,530.00 To 5-001-0385-0842 JUDGE CONFERENCE \$1,000.00; 5-001-0385-0806 BONDS/DUES \$630.00; 5-001-0385-0819 COMPUTER \$900.00. – JUDGE GENE CALVERT, COUNTY COURT AT LAW #2

F3 FROM 001-0614-50801 SUPPLIES \$100.00 To 001-0614-50812 RADIO \$100.00. – MIKE JONES, CONSTABLE, PCT. 4

F4 FROM 001-0210-40719 CHAPTER 19 FUNDING \$23,111.96 To 001-0210-50800 CHAPTER 19 EXPENSES \$23,111.96. – JANA ONYON, ELECTIONS ADMINISTRATOR

F5 FROM 005-0703-50701 UTILITIES \$1,000.00 To 005-0703-50805 CONFERENCE/DUES \$1,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3

- F6 FROM 001-0380-50805 CONFERENCE \$1,000.00 To 001-0380-50832 VISITING JUDGE \$1,000.00. – JUDGE JIM CHAPMAN, COUNTY COURT AT LAW #1
- F7 FROM 010-0653-50906 FM2 CULVERTS \$2,000.00; 010-0653-50802 FM2 EQUIPMENT \$7,000.00; 010-0653-50913 FM2 CHEMICALS \$4,000.00; 010-0653-50912 FM2 BRIDGE REPAIRS \$2,000.00; 010-0653-50907 FM2 TIRES \$2,000.00; 010-0653-50868 FM2 CONTRACT LABOR \$4,800.00; 010-0653-50914 FM2 SIGNS \$1,500.00; 010-0653-50909 FM2 REPAIRS/PARTS \$3,000.00 To 010-0653-50915 FM2 ASPHALT \$26,300.00. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F8 FROM 001-0613-50801 SUPPLIES \$500.00 To 001-0613-50808 AUTO GAS/OIL REIMB \$500.00. – MIKE McCORKLE, CONSTABLE, PCT. 3
- F9 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	227216	\$9,863.35

SIMPLIFIED PLAT:

- SP1 APPROVING A SIMPLIFIED PLAT OF RODRIGUEZ ESTATES, LOTS 1 & 2. THE PROPERTY CONTAINS ± 4.821 ACRES OF THE ISAAC JONES SURVEY, ABSTRACT NO. 568 LOCATED ON THE SOUTH SIDE OF HIGHT ROAD ± 420 FEET EAST OF BETHEL ROAD/ANDERSON RANCH ROAD, MAYPEARL, ROAD & BRIDGE PRECINCT NO. 3.
- SP2 APPROVING A SIMPLIFIED PLAT OF ABELE-WHITAKER ESTATES, LOT 1. THE PROPERTY CONTAINS ± 4.999 ACRES OF THE C. WHITE SURVEY, ABSTRACT NO. 1109 LOCATED ON THE WEST SIDE OF FM 877 ± 3,800 FEET NORTH OF JENKINS ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 2.

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

RECESS REGULAR SESSION TO CONVENE INTO PUBLIC HEARING REGARDING P1

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

PUBLIC HEARING

- P1 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON 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 TO REVISE CURRENT DEFINITIONS AND CREATE A NEW SECTION FOR DEFINITIONS.

NO PUBLIC RESPONSE

ADJOURN PUBLIC HEARING TO RECONVENE TO REGULAR SESSION

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

- MINUTE ORDER 376.18** (1.1) AMENDING 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 TO REVISE CURRENT DEFINITIONS AND CREATE A NEW SECTION FOR DEFINITIONS.

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

MINUTE ORDER 377.18 (1.2) APPROVING A REPLAT OF CIARDO'S ESTATES, LOT 1R & 2. THE PROPERTY CONTAINS ± 4.5 ACRES OF LAND IN THE JUAN ARMENDARIS SURVEY, ABSTRACT NO. 29 LOCATED AT THE WEST SIDE OF LONE OAK ROAD ± 3,550 FEET SOUTH OF OLD TELICO ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD & BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 378.18 (1.3) APPROVING A REPLAT OF HARPER DRIVE SUBDIVISION, LOT 3 & 4. THE PROPERTY CONTAINS A TOTAL OF ± 7.541 ACRES LOCATED ON THE EAST SIDE OF HARPER DRIVE ± 1,000 FEET SOUTH OF FM 660, FERRIS, ROAD & BRIDGE PRECINCT NO. 1.

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

MINUTE ORDER 379.18 (1.4) APPROVING FINAL PLAT OF SPRINGSIDE ESTATES, PHASE 1. THE PROPERTY CONTAINS ± 88.651 ACRES OF LAND IN THE JOHN COLLETT SURVEY, ABSTRACT NO. 221 LOCATED ON THE NORTH SIDE OF BROADHEAD ROAD ± 650 FEET WEST OF GIBSON ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4.

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

PURCHASING

MINUTE ORDER 380.18 (2.1) APPROVING PURCHASE OF A 2019 FORD F-250 FOR ROAD AND BRIDGE PRECINCT 3.

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

MINUTE ORDER 381.18 (2.2) RESCINDING MINUTE ORDER 345.18 TO PURCHASE FORD F-250 FROM AUTONATION FORT WORTH FROM AUGUST 14, 2018 COMMISSIONERS COURT, ITEM 2.9 FOR ROAD AND BRIDGE PCT 3

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

ADMINISTRATIVE

NO ACTION (3.1) APPROVAL TO UPGRADE THE SECURITY AND NOTIFICATION SYSTEM AT THE HISTORIC COURTHOUSE. PROPOSAL IS PRESENTED BY SECURETECH SYSTEMS, INC. – CHUCK EDGE, SHERIFF

MINUTE ORDER 382.18 (3.2) APPROVING AGREEMENT BETWEEN ELLIS COUNTY AND ITALY ISD ALLOWING ECSO TO UTILIZE A ROOM AT THE ITALY HIGH SCHOOL. – CHUCK EDGE, SHERIFF

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

MINUTE ORDER 383.18 (3.5) APPROVING THE FY 2018-2019 HOLIDAY SCHEDULE.

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

MINUTE ORDER 384.18(A) (3.6) APPROVING THE FY 2018-2019 PAYROLL SCHEDULE.

MINUTE ORDER 384.18(B) (3.7) APPROVING THE FY 2018-2019 COMMISSIONERS COURT SCHEDULE.

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

NO ACTION (3.8) BURN BAN FOR ELLIS COUNTY. – TIM BIRDWELL, FIRE MARSHAL

MINUTE ORDER 385.18 (3.9) ACCEPTING APPLICATION OF CECIL HAMMONDS FOR EMERGENCY SERVICES DISTRICT #7.

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

NO ACTION (3.10) COMPENSATORY TIME UPDATE. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES

MINUTE ORDER 386.18 (3.11) APPROVING CERTIFICATION OF A PETITION WITH 9,940 SIGNATURES OF QUALIFIED ELLIS COUNTY VOTERS, AS CERTIFIED BY JANA ONYON AND ORDERING AN ELECTION TO BE HELD ON MAY 4, 2019, IN ELLIS COUNTY, TEXAS FOR THE PURPOSE OF VOTING ON "CHANGING ELLIS COUNTY FROM TIER 1 COUNTY STATUS TO TIER 2 COUNTY STATUS FOR PURPOSES OF MUNICIPAL ANNEXATION AS DESCRIBED BY CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE (PROPOSITION A)

LOUISE PONDER ADDRESSED THE COURT IN SUPPORT OF PETITION

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

MINUTE ORDER 387.18 (3.12) APPROVING TRANSFER OF ADMINISTRATION DUTIES FROM THE ELLIS-PRAIRIE SOIL AND WATER CONSERVATION DISTRICT TO THE ELLIS COUNTY ENGINEERING DEPARTMENT FOR FEDERALLY FUNDED STRUCTURAL REPAIRS ON CHAMBERS CREEK FRS NO. 24 AND CHAMBERS CREEK FRS NO. 106. – TED KANTOR, COUNTY ENGINEER

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

MINUTE ORDER 388.18 (3.13) APPROVING SHERIFF'S AND CONSTABLE'S FEES – FY 2019.

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

MINUTE ORDER 389.18 (3.14) APPROVING A YEARLY AGREEMENT WITH KOLOGIK FOR CONSTABLE PCT.3. THE SOFTWARE WILL PROVIDE THE CONSTABLE AND HIS STAFF ACCESS TO JUDICIAL INQUIRES, ASSORTED CIVIL DOCUMENTS, RECORD KEEPING PLATFORMS, AND OFFENSE REPORTING. – MICHAEL MCCORKLE, CONSTABLE, PCT. 3 ANNUAL COST OF \$1,700

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

MINUTE ORDER 390.18 (3.15) APPROVING RENEWAL OF THE JUDICIAL FUNDING SUPPLEMENTS FOR THE JUSTICES ON THE TENTH COURT OF APPEALS IN THE AMOUNT OF \$1,940.00 FOR FY 2018-2019.

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

RECESS TO CONVENE TO EXECUTIVE SESSION **10:40 AM**

MOTION BY COMMISSIONER STINSON, 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 §551.074 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.

4.3 PURSUANT TO § 551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING THE POSSIBLE SALE OR LEASE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

ADJOURNMENT OF EXECUTIVE SESSION 1:10 PM

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 391.18 (3.16) AUTHORIZING PAYMENT FOR PROFESSIONAL LEGAL SERVICES TO LYNN, ROSS & GANNAWAY, LLP.

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

NO ACTION (3.17) MASS GATHERING.

RECESS REGULAR SESSION TO CONVENE IN PUBLIC HEARING 1:13 PM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

PUBLIC HEARING

NO PUBLIC RESPONSE

ADJOURNING PUBLIC HEARING TO RECONVENE TO REGULAR SESSION 1:14 PM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER 392.18 (3.3) ADOPTING THE ELLIS COUNTY BUDGET FY 2018-2019 PURSUANT TO LOCAL GOVERNMENT CODE 111.008.

MOTION TO ACCEPT AS PROPOSED BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER 393.18 (3.4) ADOPTING A COUNTY TAX RATE OF 0.338984 (CONSISTING OF AN INTEREST AND SINKING RATE OF 0.028112 AND AN MAINTENANCE AND OPERATIONS RATE OF 0.310872), AND TO ADOPT A FARM TO MARKET TAX RATE OF 0.031549 FOR ELLIS COUNTY FY 2018-2019, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §81.006 AND TEXAS TAX CODE §26.05. THIS WILL MAKE THE TOTAL TAX RATE 0.370533 PER \$100 OF TAXABLE VALUE. OVERALL EFFECTIVE RATE OF 0.370533

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY WITH COMMISSIONERS STINSON, PERRY, JUDGE BUSH & COMMISSIONERS GRAYSON & BUTLER VOTING AYE

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT SEPTEMBER 11, 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 4TH DAY OF DECEMBER, 2018.



CINDY POLLEY, COUNTY CLERK

