

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES / OCTOBER 23, 2018**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON WEDNESDAY, OCTOBER 23, 2018, 10:00 AM, IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2ND FLOOR) 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:

LANE GRAYSON, COMMISSIONER, PCT 2

PAUL PERRY, COMMISSIONER, PCT 3

KYLE BUTLER, COMMISSIONER, PCT 4

RANDY STINSON, COMMISSIONER, PCT 1 JOINED MEETING AT 10:52 AM

ASSISTANT COUNTY ATTORNEY: VANCE HINDS

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 PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER GRAYSON

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 437.18 APPROVING CONSENT AGENDA – CONSIDERATION AND ACTION:

ADMINISTRATIVE:

A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

A2 3RD QUARTER 2018 ELLIS COUNTY INVESTMENT REPORT. – CHERYL CHAMBERS, TREASURER

A3 APPROVING ELLIS COUNTY CHILD WELFARE BOARD AKA ELLIS COUNTY CHILD PROTECTIVE SERVICES BOARD FUNDING REQUEST.

A4 APPROVING ELLIS COUNTY HISTORICAL COMMISSION FUNDING REQUEST.

FINANCIAL:

F1 FROM 010-0653-50911 FM2 GRAVEL \$3,000.00 TO 010-0653-50802 FM2 EQUIPMENT \$3,000.00. – LANE GRAYSON, COMMISSIONER, PCT 2

F2 FROM 001-0450-50802 EQUIPMENT \$400.00 TO 001-0450-50808 AUTO GAS \$400.00. – TIM BIRDWELL, FIRE MARSHAL

F3 FROM 005-0703-30302 FUND BALANCE \$75,000.00 TO 005-0703-50802 PURCHASE EQUIPMENT \$75,000.00. – PAUL PERRY, COMMISSIONER, PCT 3

F4 FROM 011-0704-30302 FUND BALANCE \$ 150,000.00 TO 011-0704-50558 CONTINGENCIES RESERVE \$150,000.00. – PAUL PERRY, COMMISSIONER, PCT 3

F5 FROM 001-0430-50689 GIS SOFTWARE \$2,470.00 To 001-0430-50868 CONTRACT SERVICES \$2,470.00. – EMERGENCY SERVICES

F6 FROM 011-0704-50807 GENERAL EXPENSE \$4,000.00 To 011-0704-50908 LUMBER \$4,000.00. – PAUL PERRY, COMMISSIONER, PCT 3

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

(To 2.1)

PURCHASING

MINUTE ORDER 438.158 2.1 APPROVING THE SIGNING OF A LEASE AGREEMENT FOR XEROX UPGRADE FOR THE 40TH DISTRICT COURT. NEW LEASE PRICE WILL BE \$179.59.

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

MINUTE ORDER 439.18 2.2 DECLARING THE LISTED VEHICLES AS SURPLUS, TO BE DISPOSED OF IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 263

- 2004 EZ GO GOLF CART TEX400094E
- 2003 FORD E-350 VAN 1FBNE31L83HB86088
- 2007 DODGE 1500 TRUCK 1D7HA18K77J519522
- 2008 FORD CROWN VICTORIA 2FAFP71V08X103849
- 2002 FORD CROWN VICTORIA 2FAFP71W92X154668
- 2002 FORD CROWN VICTORIA 2FAFP71W02X154669
- 2003 CHEVROLET SILVERADO 1500 1GCEC19V23Z281445
- 2008 FORD CROWN VICTORIA 2FAFP71V98X103851
- MARLOW WATER PUMP D22705
- DUMP TRUCK SPREADER

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

(TO 2.4)

MINUTE ORDER 440.18 2.4 AUTHORIZING THE RENTAL OF A LEEBOY 785 FOR ROAD AND BRIDGE PRECINCT 3.

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

MINUTE ORDER 441.18 2.5 AUTHORIZING INSURANCE PROCEEDS OF \$4,940.12 TO BE DEPOSITED INTO THE SHERIFF'S FORFEITURE ACCOUNT ... SHERIFF WILL CONTINUE TO OPERATE VEHICLE AND THE COUNTY WILL CONTINUE COVERAGE AND PAYMENT OF LIABILITY INSURANCE IN THE AMOUNT OF \$197 PER YEAR.

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

MINUTE ORDER 442.18 2.6 AUTHORIZING COMMISSIONER BUTLER TO MOVE FORWARD WITH PROPERTY SURVEY REGARDING THE REALIGNMENT OF BRYSON LANE IN ROAD AND BRIDGE PRECINCT 4. TO BE PAID FROM ROAD AND BRIDGE PCT 4 BUDGET.

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

(To 2.3)

2.3 DISCUSSION AND DIRECTION FROM THE COURT REGARDING VEHICLE PURCHASES FOR THE 2018-2019 BUDGET YEAR.

JUDGE BUSH STATES HER INTENT TO ABSTAIN FROM VOTE AND PARTICIPATE IN DISCUSSION ONLY AND REQUESTS THAT THE COURT CONSIDER \$30,000 FOR A VEHICLE FOR MAINTENANCE DEPARTMENT.

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER TO ALLOW \$30,000 FOR MAINTENANCE, \$320,000 FOR SHERIFF'S DEPARTMENT AND \$150,000 FOR CONSTABLES TO BE SPLIT 4 WAYS WITH CAVEAT THAT IF THEY ACCEPT FUNDS NONE WILL HAVE MORE THAN TWO VEHICLES,
... MOTION FAILS 2/1 WITH COMMISSIONERS PERRY AND BUTLER IN FAVOR AND COMMISSIONER GRAYSON OPPOSED AND JUDGE BUSH ABSTAINS

MOTION BY COMMISSIONER GRAYSON APPROVING \$420,000 FOR SHERIFF'S DEPARTMENT AND AFTER HIS NEEDS ARE MET IF THERE ARE 2 VEHICLES AVAILABLE TO SURPLUS, ASKING THAT HE RETURN THEM TO PURCHASING FOR REALLOCATION TO THE CONSTABLES AND ALLOCATING \$30,000 FOR MAINTENANCE VEHICLE LEAVING A BALANCE OF \$50,000
NO ACTION TAKEN ON MOTION

CONSTABLE McCORKLE ANSWERS QUESTIONS

- JUDGE BUSH RECONSIDERS ABSTENTION MOVING TO APPROVE MAINTENANCE VEHICLE

MINUTE ORDER 443.18 APPROVING PURCHASE OF MAINTENANCE VEHICLE AT \$30,000

MOTION BY JUDGE BUSH, SECOND BY COMMISSIONER GRAYSON CARRIES 4/1 WITH COMMISSIONER BUTLER VOTING NO

- WITH \$470,000 REMAINING FOR LAW ENFORCEMENT VEHICLES DISCUSSION WILL BE CONTINUED LATER IN MEETING

(To 3.7) ADMINISTRATIVE

PRESENTATION 3.7 JAMES GAERTENER, CITY ENGINEER PROVIDING INFORMATION REGARDING A SANITARY SEWER EASEMENT AT THE ELLIS COUNTY FARM FOR THE CITY OF WAXAHACHIE. – TED KANTOR, COUNTY ENGINEER

(To 3.1) ADMINISTRATIVE

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

MINUTE ORDER 444.18 3.2 TERMINATING THE INTERLOCAL AGREEMENT WITH THE CITY OF ALMA FOR ENFORCEMENT OF ELLIS COUNTY FIRE CODE. – TIM BIRDWELL, FIRE MARSHAL

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

MINUTE ORDER 445.18 3.3 ACCEPTING DONATION IN THE AMOUNT OF \$250.00 FROM WAXAHACHIE JUNIOR SERVICE LEAGUE TO VETERANS SERVICES DEPARTMENT AND AUTHORIZING ELLSWORTH HULING, VETERANS SERVICE OFFICER TO DEPOSIT FUNDS INTO HIS SUPPLY BUDGET FOR THE THREE VETERANS SERVICE OFFICES

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

RECESS TO CONVENE TO EXECUTIVE SESSION 11:39 AM

MOTION BY COMMISSIONER BUTLER, 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.

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 1:04 PM

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

(TO 3.4) **ADMINISTRATIVE**

MINUTE ORDER 446.18 3.4 APPROVING AMENDED RULES OF PROCEDURE AND DECORUM FOR COMMISSIONERS COURT MEETINGS AND UPDATING THE COUNTY ORGANIZATIONAL CHART AND COMMISSIONERS COURT DUTIES TO INCLUDE DEPARTMENTS WHICH HAVE BEEN CREATED SINCE CHART WAS LAST UPDATED IN 2003

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

MINUTE ORDER 447.18 3.5 AUTHORIZING PAYMENT UP TO \$11,025 FOR WORK ON THE MILFORD WATER TOWER TO SUPPORT THE MOUNTING OF THE MICROWAVE DISH FOR THE RADIO REPAIR. – CHUCK EDGE, SHERIFF

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

MINUTE ORDER 448.18 3.6 APPROVING INTERLOCAL COOPERATION CONTRACT AND AGREEMENT FOR DETENTION SERVICES BETWEEN THE COUNTY OF ELLIS AND THE CITY OF ITALY FOR CLASS C MISDEMEANOR OFFENSES ONLY. – CHUCK EDGE, SHERIFF

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

DEPARTMENT OF COUNTY DEVELOPMENT

MINUTE ORDER 449.18 1.1 APPROVING REPLAT OF SPANISH GRANT, PHASE 2, LOT 16, BLOCK 5. THE PROPERTY CONTAINS A TOTAL OF ± 3.292 ACRES OF LAND IN THE WILLIAM FERRELL SURVEY, ABSTRACT NO 349 LOCATED AT THE NORTHEAST CORNER OF HIDALGO ROAD AND NORTH OAK BRANCH ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO 3.

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

MINUTE ORDER 450.18 1.2 ABANDONING AND VACATING A PORTION OF AN ALLEYWAY LOCATED BETWEEN LOTS 6-9 AND 23-27, BLOCK 17, SKYLINE ACRES. THE AREA CONTAINS ± 0.15 ACRES (± 6,300 SQUARE FEET) OF LAND LOCATED BETWEEN CECILIA AVENUE AND BREEZY HILLS STREET ± 400 FEET NORTH OF SKYLINE DRIVE, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO 4.

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

MINUTE ORDER 451.18 1.3 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-F (AMENDMENTS) OF ELLIS COUNTY ORDER 182.11 (SEPTIC ORDER) TO ALLOW THREE (3) PROPOSED LOTS FROM MEETING THE ROAD FRONTAGE REQUIREMENTS FOR PLATTING AND LOT SIZE REQUIREMENTS TO CONNECT TO AN ON-SITE SEWAGE FACILITY. THE PROPERTY CONTAINS ± 2.233 ACRES OF LAND LOCATED BETWEEN CECILIA AVENUE AND BREEZY HILLS STREET ± 400 FEET NORTH OF SKYLINE DRIVE, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO 4.

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

MINUTE ORDER 452.18 1.4 APPROVING FINAL PLAT OF GREYSTONE ESTATES, LOT 14. THE PROPERTY CONTAINS ± 10.997 ACRES OF LAND IN THE ABRAHAM SNIDER SURVEY, ABSTRACT NO 981 LOCATED ON THE EAST SIDE OF SINGLETON ROAD ± 1,200 FEET NORTH OF CAMPBELL ROAD, MAYPEARL, ROAD & BRIDGE PRECINCT NO 3.

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

(CONTINUE 2.3)

2.3 DISCUSSION AND DIRECTION FROM THE COURT REGARDING VEHICLE PURCHASES FOR THE 2018-2019 BUDGET YEAR.

- HAVING APPROVED PURCHASE OF A VEHICLE IN THE AMOUNT OF \$30,000 FOR MAINTENANCE THERE NOW \$470,000 IN THE 2018-2019 BUDGET ALLOCATED FOR PURCHASE OF VEHICLES

MOTION BY COMMISSIONER PERRY TO ALLOCATE \$320,000 TO THE SHERIFF'S DEPARTMENT VEHICLES AND \$150,000 FOR CONSTABLES TO BE DIVIDED FOUR WAYS AMONG THE CONSTABLES IF THEY AGREE TO MAINTAIN NO MORE THAN TWO VEHICLES AT ANY ONE TIME IN THEIR FLEET . . . MOTION FAILS FOR LACK OF SECOND

MINUTE ORDER 452.18 ALLOCATING \$320,000 FOR PURCHASE OF VEHICLES FOR THE SHERIFF'S DEPARTMENT

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY TO ALLOCATE \$320,000 FOR THE SHERIFF'S DEPARTMENT . . . COMMISSIONERS GRAYSON, PERRY AND BUTLER IN FAVOR AND VOTING YES ... COMMISSIONER STINSON OPPOSED AND VOTING NAY. . . JUDGE BUSH ABSTAINS ... MOTION CARRIES 3/1

REMAINING FUNDS ALLOCATED FOR VEHICLE PURCHASE \$150,000

MINUTE ORDER 453.18 APPROVING PURCHASE OF VEHICLES FOR CONSTABLES PCT 1, PCT 2 AND PCT 3, ALLOCATING \$150,000 DIVIDED BETWEEN THREE CONSTABLES WITH STIPULATION THAT THEY AGREE TO MAINTAIN ONLY 2 VEHICLES IN THEIR FLEET AT ANY TIME

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER PERRY TO PURCHASE VEHICLES FOR CONSTABLES PCT 1, PCT 2 AND PCT 3 WHO REQUESTED WITH \$150,000 DIVIDED BETWEEN THREE CONSTABLES WITH STIPULATION THAT THEY AGREE TO MAINTAIN NO MORE THAN 2 VEHICLES IN THEIR FLEET AT ANY TIME . . .

COMMISSIONERS STINSON, GRAYSON, PERRY AND BUTLER VOTE IN FAVOR . . . JUDGE BUSH ABSTAINS MOTION CARRIES

ADJOURN

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF OCTOBER 23, 2018 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

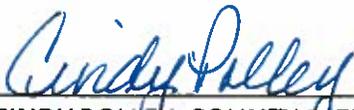


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 18TH DAY OF DECEMBER, 2018.



CINDY POLLEY, COUNTY CLERK

