

**ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES // NOVEMBER 20, 2018**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, NOVEMBER 20, 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 BUTLER CARRIES UNANIMOUSLY  
INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER KYLE BUTLER

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 470.18 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVING OFFICIAL MINUTES OF THE COMMISSIONERS' COURT:  
JUNE 19, 2018 JULY 3, 2018 JULY 31, 2018 AUGUST 14, 2018 AUGUST 28, 2018
- A3 SEPTEMBER 2018 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE.  
-MARK ARNOLD, AGRICULTURE  
-MEGAN PARR, 4H

**FINANCIAL:**

- F1 FROM 042-0942-30302 FUND BALANCE \$875.60 To 042-0942-50802 EQUIPMENT \$875.60. – *CHUCK EDGE, SHERIFF*
- F2 FROM 009-0602-50807 FM – GEN MISC. \$5,000.00 To 009-0602-50923 FM – BLDG. IMPROV. – *RANDY STINSON, COMMISSIONER, PCT. 1*

F3 FROM 001-0140-50558 CONTINGENCIES/RESERVE \$1,715.00 To 001-0110-50601 \$715.00; 001-0110-50801 SUPPLIES \$1,000.00.

F4 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>
TOWN SQUARE TITLE	180339	\$6,517.86

**SIMPLIFIED PLAT:**

- SP1 APPROVING A SIMPLIFIED PLAT OF N.B. RANCH ESTATES, LOTS 1 & 2. THE PROPERTY CONTAINS A TOTAL OF ± 10.51 ACRES OF LAND IN THE M.D. BULLION SURVEY, ABSTRACT NO. 166 LOCATED ON THE NORTH SIDE OF OLD MAYPEARL ROAD ± 700 FEET WEST OF ALYSSA LANE, WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3.
- SP2 APPROVING A SIMPLIFIED PLAT OF SOFIA ESTATES, LOTS 1-2. THE PROPERTY CONTAINS A TOTAL OF ± 2.222 ACRES OF LAND IN THE M. PHELPS SURVEY, ABSTRACT NO. 824 LOCATED ON THE EAST SIDE OF F.M. 983 ± 960 FEET SOUTH OF JIMMIE BIRDWELL BLVD, FERRIS, ROAD & BRIDGE PRECINCT NO. 1.
- SP3 APPROVING A SIMPLIFIED PLAT OF SNELDERS SUBDIVISION, LOTS 1-3. THE PROPERTY CONTAINS ± 10.101 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF CHMELAR ROAD AND SKRIVANEK ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD & BRIDGE PRECINCT NO. 1.
- SP4 APPROVING A SIMPLIFIED PLAT OF DEWEES SUBDIVISION, LOT 1. THE PROPERTY CONTAINS A TOTAL OF ± 4.00 ACRES OF LAND IN THE JAMES BLAIR SURVEY, ABSTRACT NO. 115 LOCATED ON THE EAST SIDE OF BRIGMAN ROAD ± 2,340 FEET SOUTH OF E.P. DAWSON ROAD, MAYPEARL, ROAD & BRIDGE PRECINCT NO. 3.

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

*(To ADMIN 3.1)*

**PRESENTATION** (3.1) RECOGNIZING DEBRA MURRAY WHO WAS SELECTED AND HONORED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) AS TELE-COMMUNICATOR OF THE YEAR.  
*(CHUCK EDGE, SHERIFF)*

*(To DOD 1.1)*

**DEPARTMENT OF COUNTY DEVELOPMENT**

**MINUTE ORDER 471.18** (1.1) APPROVING A REPLAT OF GRANDE CASA RANCHITOS, LOTS 6 & 12, BLOCK C. THE PROPERTY CONTAINS A TOTAL OF ± 5.933 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF OLD MAYPEARL ROAD AND VINYARD DRIVE, WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3.

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

**MINUTE ORDER 472.18** (1.2) RELEASING A MAINTENANCE BOND/LETTER OF CREDIT FOR DELANIE PARK, LOTS 1-15, BLOCK A, LOCATED EAST OF THE CORNER OF LYNN WAY AND SANGER CREEK PARKWAY IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ROAD & BRIDGE PRECINCT NO. 4.

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

**MINUTE ORDER 473.18 (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 (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 ± 1.37 ACRES OF LAND COMMONLY KNOWN AS 114 KIMBERLY HILL ROAD, PALMER, ROAD & BRIDGE PRECINCT NO. 1.**

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

**MINUTE ORDER 474.18 (1.4) 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 TO ALLOW ONE (1) SLOT WITHOUT MEETING THE MINIMUM ROAD FRONTAGE REQUIREMENT. THE PROPERTY CONTAINS ± 2.03 ACRES OF LAND IN THE A. GONZABA SURVEY, ABSTRACT NO. 381 LOCATED NEAR THE NORTHWEST CORNER OF CENTRAL HIGH ROAD AND FM 1183, 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**

#### **PURCHASING**

**CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:**

**MINUTE ORDER 475.18 (2.1) ACCEPTING INSURANCE PAYMENT IN THE AMOUNT OF \$23,143.10 FROM TRIDENT INSURANCE FOR TOTAL LOSS OF A 2010 CHEVROLET TAHOE, VIN 1GNMCAE00AR223344, FROM THE SHERIFF'S OFFICE THAT WAS INVOLVED IN THE SEPTEMBER 2018 FLOODING INCIDENT.**

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

**MINUTE ORDER 476.18 (2.2) APPROVING AS SURPLUS THE 2010 CHEVROLET TAHOE, VIN 1GNMCAE00AR223344, FROM THE SHERIFF'S OFFICE THAT WAS INVOLVED IN THE SEPTEMBER 2018 FLOODING INCIDENT TO BE DISPOSED IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE 263.**

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

#### **ADMINISTRATIVE**

**CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:**

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

**MINUTE ORDER 477.18 (3.3) AUTHORIZING THE COUNTY JUDGE TO SIGN THE CONTRACT AGREEMENT BETWEEN ELLIS COUNTY AND SOUTHWESTERN ASSEMBLIES OF GOD UNIVERSITY FOR THE USE OF THEIR TRAINING ROOM FACILITY FOR THE TIER II TRAINING TO BE CONDUCTED BY TCEQ ON DECEMBER 4, 2018. - *TIM BIRDWELL, FIRE MARSHAL/EMERGENCY MANAGEMENT COORDINATOR***

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

**MINUTE ORDER 478.18 (3.4) APPROVING THE APPLICATION OF CASEY PERRY TO SERVE ON EMERGENCY SERVICES DISTRICT (ESD) #8 BOARD.**

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

**MINUTE ORDER 479.18 (3.5 & 3.6) APPROVING AS SURPLUS AND RETIRING RIKO, DRUG INTERDICTION CANINE (K-9), DUE TO MEDICAL REASONS . . . RELEASING HIM TO MICHAEL MCCORKLE, RIKO'S SOLE TRAINER AND HANDLER DURING HIS SERVICE WITH ELLIS COUNTY, UPON THE SWORN OATH OF MICHAEL MCCORKLE THAT THE ANIMAL WILL NOT BE UTILIZED FOR LAW ENFORCEMENT SERVICE OR BRED.**

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

**MINUTE ORDER 480.18 (3.7) APPROVING INTERLOCAL COOPERATION CONTRACT AND AGREEMENT FOR DETENTION SERVICES BETWEEN THE COUNTY OF ELLIS AND THE CITY OF MILFORD FOR CLASS C MISDEMEANOR OFFENCES ONLY. – CHUCK EDGE, SHERIFF**

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

**MINUTE ORDER 481.18 (3.8) APPROVING INTERLOCAL AGREEMENT WITH THE CITY OF ITALY. – PAUL PERRY, COMMISSIONER, PCT. 3**

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

**REPORT (3.9) COMPENSATORY TIME REPORT. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES**

**MINUTE ORDER 482.18 (3.10) AUTHORIZING THE COUNTY JUDGE, OR THE PRESIDING OFFICER, TO SIGN THE FACILITIES USE AGREEMENT WITH THE SOUTHWESTERN ASSEMBLIES OF GOD UNIVERSITY FOR THE RENTAL OF A PORTION OF THEIR FACILITIES ON JUNE 26, 2019. THE ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE IS HOSTING A TRAINING EVENT FOR LOCAL LAW ENFORCEMENT OFFICERS. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE**

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

**MINUTE ORDER 483.18 (3.11) ACCEPTING REIMBURSEMENT OF \$260,000 FOR DAMAGES TO ROADS LOCATED IN PRECINCT 3, CAUSED BY CONSTRUCTION TRAFFIC FOR THE TARRANT REGIONAL WATER DISTRICT INTEGRATED PIPELINE PROJECT (IPL PL 14) AND RELEASING LIABILITY OF CLAIMS SPECIFIC TO THIS PORTION OF THE PIPELINE . – TED KANTOR, COUNTY ENGINEER**

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

**MINUTE ORDER 484.18 (3.12) MODIFYING PREVIOUSLY APPROVED, OCTOBER 8, 2018, AGREEMENT WITH TXDOT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE) FOR LOOP 9, ROW CSJ #2964-12-003, TO INCLUDE THE FOLLOWING PAYMENT SCHEDULE:**

- 1) DECEMBER 1, 2018 - \$49,223.06
- 2) NOVEMBER 16, 2019 - \$89,905.45
- 3) NOVEMBER 16, 2020 - \$89,905.45
- 4) NOVEMBER 16, 2021 - \$89,905.44

**TOTAL PAYMENTS EQUALING \$318,939.40**

*(PAYMENTS 2-4 CONTINGENT UPON THE FUNDS BEING AVAILABLE AND THE RESPECTIVE COMMISSIONERS COURT APPROVING THE DISBURSEMENTS. - TED KANTOR, COUNTY ENGINEER)*

*(AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS, PREVIOUSLY APPROVED ON OCTOBER 8, 2018 - AGENDA ITEM 3.13, PURSUANT TO MINUTE ORDER 432.18)*

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

**MINUTE ORDER 485.18 (3.13) MODIFYING PREVIOUSLY APPROVED, OCTOBER 8, 2018, AGREEMENT WITH TXDOT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE) FOR LOOP 9, ROW CSJ #2964-12-004, TO INCLUDE THE FOLLOWING PAYMENT SCHEDULE:**

- 5) DECEMBER 1, 2018 - \$25,776.94
- 6) NOVEMBER 16, 2019 - \$47,081.32
- 7) NOVEMBER 16, 2020 - \$47,081.32
- 8) NOVEMBER 16, 2021 - \$47,081.32

*TOTAL PAYMENTS EQUALING \$\$167,020.90*

*(PAYMENTS 6-8 CONTINGENT UPON THE FUNDS BEING AVAILABLE AND THE RESPECTIVE COMMISSIONERS COURT APPROVING THE DISBURSEMENTS. - TED KANTOR, COUNTY ENGINEER.)*

*(AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS, PREVIOUSLY APPROVED ON OCTOBER 8, 2018 - AGENDA ITEM 3.13, PURSUANT TO MINUTE ORDER 432.18)*

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

**3.14 COMMISSIONERS COURT DESIGNATIONS FOR NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) COMMITTEES AND OTHER COUNTY BOARD APPOINTMENTS**

*PARTICIPANT: TODD LITTLE, ELLIS COUNTY JUDGE, ELECT*

**MINUTE ORDER 486.18 RESCINDING PREVIOUSLY APPROVED RESOLUTION OF NOVEMBER 16, 2018 APPOINTING LANE GRAYSON, COMMISSIONER, PCT 2, TO INITIAL 9-1-1 DISTRICT BOARD AND APPOINTING COMMISSIONER STINSON IN LIEU OF COMMISSIONER GRAYSON**

MOTION BY JUDGE BUSH, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

**MINUTE ORDER 487.18 APPOINTING COMMISSIONER GRAYSON TO REPRESENT ELLIS COUNTY ON THE BOARD OF THE REGIONAL TRANSPORTATION DISTRICT**

MOTION BY JUDGE BUSH, SECOND BY COMMISSIONER BUTLER CARRIES 4/1 WITH COMMISSIONER PERRY OPPOSED AND VOTING NO

**RECESS TO CONVENE TO EXECUTIVE SESSION**

**10:53 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.

**ADJOURNMENT OF EXECUTIVE SESSION**

**11:16 AM**

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

**ADJOURNMENT**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT NOVEMBER 20, 2018 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
TODD LITTLE, 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 JANUARY 8, 2019

  
KRISTAL VALDEZ, COUNTY CLERK