

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // SEPTEMBER 26, 2017**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, SEPTEMBER 26, 2017, 2:00 PM, 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:

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 PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER PAUL PERRY

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

CONSENT AGENDA – CONSIDERATION AND ACTION:

MINUTE ORDER NO 397.17 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT:
JUNE 13, 2017 2:00 PM
- A3 APPROVAL OF SHERIFF'S AND CONSTABLE'S FEES – FY 2018. NO PROPOSED CHANGES FROM FY2017.
- A4 APPROVE SHERIFF'S REQUEST FOR PERSONNEL RECLASSIFICATION OF COURTHOUSE SECURITY AND BAILIFF POSITIONS TO "DEPUTY" BEGINNING FY 2017/2018, WITH A MINIMUM OF 7 DEPUTIES DEDICATED TO COURTHOUSE SECURITY. NO ADDITIONAL FUNDING REQUIRED.

FINANCIAL:

- F1 FROM 001-0360-50833 DA – COURT REPORTING \$1,000.00 To 001-0360-50801 DA- SUPPLIES \$1,000.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

- F2 FROM 001-0360-50833 DA – COURT REPORTING \$500.00 To 001-0360-50853 DA-LEGAL RESEARCH \$500.00. – CINDY HELLSTERN, ASSISTANT COUNTY & DISTRICT ATTORNEY
- F3 FROM 001-0360-50805 DA- CONFERENCE \$1,000.00 To 001-0360-50801 DA – SUPPLIES \$1,000.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F4 FROM 001-0360-50807 DA- GEN Misc \$1,000.00 To 001-0360-50801 DA – SUPPLIES \$1,000.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F5 FROM 010-0653-50807 FM2 GENERAL EXPENSES \$20,000.00 To 010-0653-50911 FM2 GRAVEL \$20,000.00. – LANE GRAYSON, COMMISSIONER, PCT 2
- F6 FROM 001-0110-50852 PRESCRIPTIONS \$50,000.00 To 001-0110-50851 HOSPITAL \$50,000.00. – TERRI KLEIN, INDIGENT HEALTH CARE
- F7 FROM 001-0035-50802 EQUIPMENT \$257.00 To 001-0035-50884 AUTO INSURANCE \$257.00. – TERAL CRAWFORD, DIRECTOR, IT
- F8 FROM 001-0360-50888 DA – COMPUTER SERVICES \$1,100.00; 001-0360-50601 TRAVEL REIMBURSEMENT \$400.00; 001-0360-50819 DA – COMPUTER \$100.00 To 001-0360-50853 DA – LEGAL RESEARCH \$1,600.00. - PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F9 FROM 012-0755-40008 FM4/INTERLOCAL \$10,000.00 To 012-0755-50911 FM4/GRAVEL \$10,000.00. – KYLE BUTLER, COMMISSIONER, PCT 4
- F10 FROM 006-0754-30302 RB4/FUND BALANCE \$11,100.00 To 006-0754-50868 RB4/CONTRACT LABOR \$11,100.00. – KYLE BUTLER, COMMISSIONER, PCT 4
- F11 FROM 001-0360-50805 DA – CONFERENCE \$900.00 To 001-0360-50801 DA – SUPPLIES \$900.00. – CINDY HELLSTERN, ASSISTANT COUNTY & DISTRICT ATTORNEY
- F12 FROM 001-0060-50703 TELEPHONE \$20.00; 001-0060-50802 EQUIPMENT \$10.00, 001-0060-50808 AUTO GAS \$120.00; 001-0060-50810 AUTO TIRES \$120.00; 001-0060-50873 OFFICE MAINTENANCE \$15.00 To 001-0060-50819 COMPUTER \$285.00. – ALBERTO MARES, DIRECTOR, DEPARTMENT OF DEVELOPMENT
- F13 FROM 001-0015-50873 BUILDING MECHANICAL – PREV MAINT \$29,560.50 To 001-0015-50702 REPAIRS \$3,573.98; 001-0015-50801 SUPPLIES \$6,414.93; 001-0015-50802 EQUIPMENT \$2,409.77; 001-0015-50814 FEEDING INMATES \$12,928.00; 001-0015-50815 JAILER UNIFORMS \$250.82; 001-0015-50835 EMPLOYEE TRAINING \$1,610.00; 001-0015-05865 PRE-EMPLOYEE SCREENING \$2,373.00. – CHUCK EDGE, SHERIFF
- F14 FROM 001-0010-50812 RADIO \$2,569.44 To 001-0010-50807 GENERAL MISC \$1,028.42; 001-0010-50810 AUTO TIRES \$1,159.47; 001-0010-50868 CONTRACT SERVICES SPCA & OTHERS \$381.55. – CHUCK EDGE, SHERIFF
- F15 FROM 001-0210-40719 CHAPTER 19 FUNDING \$209.88 To 001-0210-50800 CHAPTER 19 EXPENSES \$209.88. – JANA ONYON, ELECTIONS ADMINISTRATOR
- F16 FROM 001-0450-50834 CRIME SCENE \$1,000.00; 001-0450-50802 EQUIPMENT \$900.00; 001-0450-50808 AUTO GAS \$130.00 To 001-0450-50805 \$2030.00. – TIM BIRDWELL, FIRE MARSHAL
- F17 FROM 001-0000-30302 FUND BALANCE \$38,000.00 To 001-0010-50802 EQUIPMENT \$38,000.00.

F18 FROM 010-0653-30302 FM2 FUND BALANCE CARRYOVER \$50,000.00 TO 010-0653-50915 FM2 ASPHALT \$50,000.00. – LANE GRAYSON, COMMISSIONER, PCT 2

F19 FROM 001-0035-50819 COMPUTER \$1,800.00 TO 001-0035-50703 TELEPHONE \$1,800.00. – TERAL CRAWFORD, DIRECTOR, IT

SIMPLIFIED PLAT:

SP1 CONSIDER AND ACT ON A REQUEST TO APPROVE A SIMPLIFIED PLAT OF ISAAC ACRES. THE PROPERTY CONTAINS ± 23.684 ACRES OF LAND IN THE R. DE LA PENA SURVEY, ABSTRACT NO 3 LOCATED ON THE EAST SIDE OF NEWTON ROAD 3,000 FEET SOUTH OF CHAPARALL ROAD, FERRIS, ROAD & BRIDGE PCT NO1.

SP2 CONSIDER AND ACT ON A REQUEST TO APPROVE A SIMPLIFIED PLAT OF CRYER ADDITION. THE PROPERTY CONTAINS ± 3.902 ACRES OF LAND IN THE WILLIAM H. MORRIS SURVEY, ABSTRACT NO 725 AND THE JOSEPH BELL SURVEY, ABSTRACT NO 62 LOCATED ON THE NORTHWEST SIDE OF FM 983, RED OAK, ROAD & BRIDGE PCT NO1.

SP3 CONSIDER AND ACT ON A REQUEST TO APPROVE A SIMPLIFIED PLAT OF DUENAS ADDITION. THE PROPERTY CONTAINS ± 11.020 ACRES OF LAND IN THE JOHN COLLETT SURVEY, ABSTRACT 221 LOCATED ON NORTHWEST CORNER OF BROADHEAD ROAD AND GIBSON ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT No 4.

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 398.17 (1.1) APPROVING A PRELIMINARY PLAT OF BLUESTEM HILLS. THE PROPERTY CONTAINS ± 81.10 ACRES OF LAND IN THE LEEMAN KELSEY SURVEY, ABSTRACT NO 594 LOCATED NORTH OF MARION ROAD AND EAST OF FM 157, VENUS, ROAD & BRIDGE PCT NO 4.

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

MINUTE ORDER NO 399.17 (1.2) APPROVING THE FINAL PLAT OF TAYLOR RIDGE, PHASE 4. THE PROPERTY CONTAINS ± 56.766 ACRES OF LAND IN THE S.B. ORTON SURVEY, ABSTRACT NO 813 LOCATED ON OAK VISTA ROAD EAST OF OAK BRANCH ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT NO 3.

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

MINUTE ORDER NO 400.17 (1.3) APPROVING A REQUEST TO RELEASE PERFORMANCE BOND NO 305929 ISSUED BY NGM INSURANCE COMPANY, IN THE AMOUNT OF TWO HUNDRED THIRTY-SEVEN THOUSAND SIX HUNDRED EIGHTY-SIX DOLLARS & 20/100 (\$237,686.20) AND ACCEPTING MAINTENANCE BOND NO 305929 ISSUED BY THE MAIN STREET AMERICA GROUP IN THE AMOUNT OF NINETY-FIVE THOUSAND SEVENTY-FOUR DOLLARS AND 48/100 (\$95,074.48) FOR TAYLOR RIDGE, PHASE 4, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT NO 3.

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

MINUTE ORDER NO 401.17 (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) WATER WELL WITHOUT MEETING THE MINIMUM LOT SIZE OR FRONTAGE REQUIREMENTS. THE PROPERTY CONTAINS ± 1.713 ACRES OF LAND LOCATED AT 200 STONE RIDGE DR. IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT NO 3

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 402.17 (1.5) ABANDONING LOT 7 OF FOUR-MILE CREEK ESTATES. THE PROPERTY CONTAINS ± 2.191 ACRES OF LAND LOCATED ON THE EAST SIDE OF NOVY ROAD ± 3,500 FEET NORTH OF HIGHWAY 34, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ENNIS, ROAD & BRIDGE PCT NO 1.

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

PURCHASING

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

MINUTE ORDER NO 403.17 (2.1) APPROVING COUNTY JUDGE TO SIGN XEROX LEASE AGREEMENTS FOR COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT. OFFICE MACHINE PREVIOUS MONTHLY PAYMENT \$94.95, NEW MONTHLY PAYMENT \$94.50.

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

MINUTE ORDER NO 404.17 (2.2) APPROVING THE 2017-2018 COMPREHENSIVE LIABILITY INSURANCE RENEWAL WITH HIBBS-HALLMARK

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

MINUTE ORDER NO 405.17 (2.3) APPROVING TO SURPLUS OBSOLETE BOOKS FROM THE LAW LIBRARY IN ACCORDANCE WITH LOCAL GOVERNMENT 263.

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

NO ACTION (2.4) APPROVAL ON THE UPDATES TO THE STANDARDIZED BID PACKAGE THAT WERE APPROVED ON DECEMBER 10, 2012, MINUTE ORDER 353.12.

DISCUSSION (2.5) VEHICLE ALLOCATIONS. *ALL NEW VEHICLES HAVE BEEN ORDERED ... CLARIFICATION OF THE ALLOCATION OF VEHICLES FOR CONSTABLES*

ADMINISTRATIVE

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

MINUTE ORDER NO 406.17 (3.1) APPROVING RESOLUTION TO CONVEY "STRUCK OFF" PROPERTIES TO ELLIS COUNTY HABITAT FOR HUMANITY. LOT 2, BLOCK 16, FAIRVIEW ADDITION, ELLIS COUNTY
CHARLES BRADY – LINEBARGER GOGGAN BLAIR & SAMPSON

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

MINUTE ORDER NO 407.17 (3.2) APPROVING THE COUNTY JUDGE TO SIGN THE TWC DATA EXCHANGE REQUEST AND SAFEGUARD PLAN FOR THE ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE TO INITIATE THE PROCESS OF RENEWING THE CONTRACT WITH THE TEXAS WORKFORCE COMMISSION FOR ONLINE ACCESS TO CONFIDENTIAL INFORMATION CONTAINED IN UNEMPLOYMENT INSURANCE RECORDS. THE CURRENT CONTRACT EXPIRES DECEMBER 31, 2017. IF THE SAFEGUARD PLAN IS APPROVED BY THE TWC, THEN A RENEWAL CONTRACT WILL BE PRESENTED TO THE COURT FOR CONSIDERATION AND ACTION PRIOR TO EXPIRATION OF THE CURRENT CONTRACT. – VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY

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

MINUTE ORDER NO 408.17 (3.5) APPROVING SHERIFF'S OFFICE TO APPLY FOR PARTICIPATION IN THE TEXAS LESO (LAW ENFORCEMENT SUPPORT OFFICE) PROGRAM. THIS PROGRAM ALLOWS LAW ENFORCEMENT AGENCIES TO RECEIVE DEPARTMENT OF DEFENSE (DOD) EXCESS PROPERTY. – CHUCK EDGE, SHERIFF

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

MINUTE ORDER NO 409.17 (3.8) APPROVING OFFSITE BACK-UP DATA STORAGE FOR THE JAIL IN AN AMOUNT NOT TO EXCEED \$62,200.00, AND TO APPROVE ANY NECESSARY BUDGET LINE ITEM TRANSFERS

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

3.6) DISCUSSION AND POSSIBLE ACTION REGARDING CONTRACT CHANGES BY ELLIS COUNTY SPCA, INCLUDING ANY NECESSARY AMENDMENT TO ELLIS COUNTY 2018 BUDGET. – PAUL PERRY, COMMISSIONER, PCT 3
MARTHA WEEDON *DR NANCY CARTER, DVM*

RECESS TO CONVENE TO EXECUTIVE SESSION

3:06 PM

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 §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.

4.2 PURSUANT TO §551.076 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES.

4.3 PURSUANT TO SECTION 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.

ADJOURNING EXECUTIVE SESSION TO RECONVENE REGULAR SESSION

3:57 PM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 410.17 (3.7) AUTHORIZING THE COUNTY JUDGE TO NEGOTIATE THE SALE OR LEASE OF REAL PROPERTY.

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

MINUTE ORDER NO 411.17 (3.4) APPROVING THE AMENDED FY 2017-2018 COMMISSIONERS COURT SCHEDULE ADDING ADDITIONAL MEETING DATES AND CHANGING MEETING TIME TO 10:00 AM

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

MINUTE ORDER NO 412.17 (3.3) APPROVING THE FY 2017-2018 PAYROLL SCHEDULE.

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

ADJOURN

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER STINSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT SEPTEMBER 26, 2017 ARE HEREBY APPROVED.

PRESIDING OFFICER:



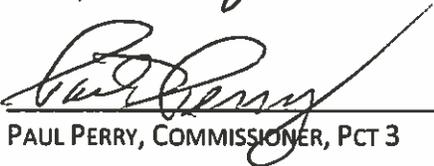
CAROL BUSH, COUNTY JUDGE



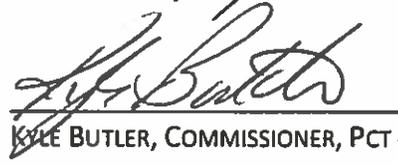
RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2



PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS DECEMBER 5, 2017.



CINDY POLLEY, COUNTY CLERK

