

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // OCTOBER 8, 2018**

A MEETING OF THE ELLIS COUNTY COMMISSIONERS COURT WAS HELD ON MONDAY, OCTOBER 8, 2018, 3:00 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:

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 GRAYSON 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 417.18 APPROVING CONSENT AGENDA EXCEPTING MINUTES FOR JULY 31, 2018 AND F1, F2 AND F6 WHICH ARE MOVED TO ADMINISTRATIVE AGENDA

ADMINISTRATIVE:

A1 APPROVING REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

A2 ACCEPTING THE CONTINUING EDUCATION HOURS OF RANDY STINSON, COMMISSIONER, PCT 1.

A3 APPROVING REIMBURSEMENT TO ALBERTO MARES, DIRECTOR OF DEPARTMENT OF DEVELOPMENT FOR CONFERENCE MEALS AND EMPLOYEE RECOGNITION IN THE AMOUNT OF \$163.18.

A4 APPROVING OFFICIAL MINUTES FOR JULY 17, 2018 – CINDY POLLEY, COUNTY CLERK

FINANCIAL:

F3 FROM 001-0520-50873 MAINTENANCE/REPAIRS \$2,000.00 TO 001-0520-50801 SUPPLIES \$1,000.00; 001-0520-50874 DOCKET BOOK/PRINTING \$1,000.00. – JACKIE MILLER, JR., JUSTICE OF THE PEACE, PCT 2

F4 FROM 001-0210-40964 CONTRACTING ELECTIONS \$13,710.00; 001-0210-50808 AUTO GAS \$1,000.00; 001-0210-50809 AUTO REPAIRS \$700.00; 001-0210-50802 EQUIPMENT \$1,000.00; 001-0210-50803 FURN/FIXTURES \$800.00 TO 001-0210-50855 VOTING EQUIPMENT \$910.00; 001-0210-50848 HOLDING SALARY \$3,050.00; 001-0210-50801 SUPPLIES \$7,200.00; 001-0210-50703 TELEPHONE \$200.00; 001-0210-50695 FICA \$5,800.00; 001-0210-50804 POSTAGE \$50.00. – JANA ONYON, ELECTIONS ADMINISTRATOR

F5 FROM 001-0210-40719 CHAPTER 19 FUNDING \$3,636.00 To 001-0210-50800 CHAPTER 19 EXPENSES \$3,636.00. – JANA ONYON, ELECTIONS ADMINISTRATOR

F7 FROM 001-0010-40659 INSURANCE REIMBURSEMENT \$75,212.52 To 001-0010-50888 COMPUTER SERVICE \$75,212.52. – CHUCK EDGE, SHERIFF

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

(To 3.1, 3.2 & 3.3)

ADMINISTRATIVE

MINUTE ORDER 418.18 (3.1) PROCLAIMING OCTOBER 7-13, 2018 NATIONAL 4-H WEEK. – MEGAN PARR, TEXAS A & M AGRILIFE EXTENSION SERVICE

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

PRESENTATION (3.2) ANNUAL VISIT WITH THE DISTRICT EXTENSION ADMINISTRATOR. – DR. DONALD KELM, DISTRICT EXTENSION ADMINISTRATOR, DISTRICT 8

PRESENTATION (3.3) INTRODUCTION OF LIZ ESPIE AS THE NEW FAMILY & COMMUNITY HEALTH EXTENSION AGENT, - DR. DONALD KELM, DISTRICT EXTENSION ADMINISTRATOR, DISTRICT 8

(TO 1.1)

DEPARTMENT OF COUNTY DEVELOPMENT

MINUTE ORDER 419.18 (1.1) RELEASING A CONSTRUCTION BOND AND ACCEPTING A MAINTENANCE BOND, SPECIFICALLY FOR PAVING IMPROVEMENTS, FOR BRYSON SPRINGS, PHASE 2. THE PROPERTY CONTAINS ± 88.609 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF BRYSON LANE AND SPRINGER ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PCT 4.

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

MINUTE ORDER 420.18 (1.2) ACCEPTING A MAINTENANCE BOND, SPECIFICALLY FOR STORM DRAIN IMPROVEMENTS FOR BRYSON SPRINGS, PHASE 2. THE PROPERTY CONTAINS ± 88.609 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF BRYSON LANE AND SPRINGER ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PCT 4.

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

MINUTE ORDER 421.18 (1.3) APPROVING A PRELIMINARY PLAT OF OXFORD RANCH 2, PHASE 2. THE PROPERTY CONTAINS ± 69.645 ACRES OF LAND IN THE T. CASSIDY SURVEY, ABSTRACT NO 255 AND THE H.G. HURST SURVEY, ABSTRACT NO 458 LOCATED AT THE NORTHEAST CORNER OF CARDIFF LANE AND SOUTH WESTMORELAND ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT 4.

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

MINUTE ORDER 422.18 (1.4) APPROVING PRELIMINARY PLAT OF THE RANCH AT HIDDEN CREEK. THE PROPERTY CONTAINS ± 12.391 ACRES OF LAND IN THE J. STARRETT SURVEY, ABSTRACT NO

1026 AND THE J. STROOP SURVEY, ABSTRACT NO 1043 LOCATED ON THE NORTH SIDE OF S. RING ROAD AND ± 300 FEET WEST OF BUCHANAN ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT 4.

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

MINUTE ORDER 423.18 (1.5) APPROVING FINAL PLAT OF THE RANCH AT HIDDEN CREEK. THE PROPERTY CONTAINS ± 12.391 ACRES OF LAND IN THE J. STARRETT SURVEY, ABSTRACT NO 1026 AND THE J. STROOP SURVEY, ABSTRACT NO 1043 LOCATED ON THE NORTH SIDE OF S. RING ROAD AND ± 300 FEET WEST OF BUCHANAN ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT 4.

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

NO ACTION (1.6) CONSIDER AND ACT UPON A REQUEST TO GRANT A ONE-TIME VARIANCES 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 PCT 4.

MINUTE ORDER 424.18 (1.7) ACCEPTING A PERFORMANCE BOND IN THE FORM OF A LETTER OF CREDIT FOR OXFORD RANCH 2, PHASE 2. THE PROPERTY CONTAINS ± 69.645 ACRES OF LAND IN THE T. CASSIDY SURVEY, ABSTRACT NO 255 AND THE H.G. HURST SURVEY, ABSTRACT NO 458 LOCATED AT THE NORTHEAST CORNER OF CARDIFF LANE AND SOUTH WESTMORELAND ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT 4.

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

MINUTE ORDER 425.18 (1.8) ACCEPTING A PERFORMANCE BOND, SPECIFICALLY FOR STORM DRAIN IMPROVEMENTS FOR SPRINGSIDE ESTATES, PHASE 1. THE PROPERTY CONTAINS ± 88.651 ACRES OF 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 PCT 4.

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

MINUTE ORDER 426.18 (1.9) ACCEPTING A PERFORMANCE BOND, SPECIFICALLY FOR PAVING IMPROVEMENTS FOR SPRINGSIDE ESTATES, PHASE 1. THE PROPERTY CONTAINS ± 88.651 ACRES OF 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 PCT 4 ... SUBJECT TO LEGAL REVIEW

MOTION BY COMMISSIONER BUTLER TO APPROVE SUBJECT TO LEGAL REVIEW, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

PURCHASING

MINUTE ORDER 427.18 (2.1) APPROVING THE SIGNING OF A LEASE AGREEMENT FOR AN UPGRADE OF TWO XEROX MULTIPURPOSE MACHINES AT THE SHERIFF'S OFFICE. NEW MONTHLY AMOUNT WILL BE \$208.02 FOR EACH MACHINE.

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

MINUTE ORDER 428.18 (2.2) REALLOCATING \$74,000 FOR PURCHASE OF A VEHICLE FOR THE SHERIFF'S DEPARTMENT ... PREVIOUSLY APPROVED FOR PURCHASE OF 2018 FORD POLICE INTERCEPTORS WHICH ARE NO LONGER AVAILABLE. SHERIFF TO COVER ADDITIONAL EXPENSE FROM HIS BUDGET

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

(TO 3.4)

ADMINISTRATIVE

MINUTE ORDER 429.18 (3.4) ALLOWING WAXAHACHIE DOWNTOWN MERCHANTS ASSOCIATION TO ILLUMINATE THE HISTORIC COURTHOUSE IN PINK DURING THE MONTH OF OCTOBER, 2018 IN SUPPORT OF BREAST CANCER AWARENESS MONTH.

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

NO ACTION 3.5 BURN BAN FOR ELLIS COUNTY. – TIM BIRDWELL, FIRE MARSHAL

MINUTE ORDER 430.18 (3.6) REAPPOINTING LISA HEINE AS A BOARD OF TRUSTEE MEMBER OF LAKES REGIONAL COMMUNITY CENTER FOR A 2 YEAR TERM.

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

(TO 3.11)

MINUTE ORDER 431.18 (3.11) ACCEPTING BULLETPROOF VEST PARTNERSHIP 2018 AWARD IN THE AMOUNT OF \$12,315.37.

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

(TO 3.13)

MINUTE ORDER 432.18 (3.13) APPROVING INITIAL PAYMENT OF \$75,000 FOR AGREEMENT WITH TXDOT TO CONTRIBUTE RIGHT OF WAY FUNDS FOR LOOP 9, ROW CSJ #2964-12-003 & ROW CSJ #2964-12-004 PENDING LEGAL REVIEW REGARDING FUTURE PAYMENTS . . . TO BE PAID FROM ROAD IMPROVEMENT FUND. (APPROXIMATE COST \$486,000) – TED KANTOR, COUNTY ENGINEER

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON TO APPROVE PAYMENT OF \$75,000 PENDING LEGAL REVIEW FOR ARRANGEMENT AT A LATER DATE, CARRIES UNANIMOUSLY

(TO 3.7)

MINUTE ORDER 433.18 (3.7) APPROVING ELLIS COUNTY RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF 2019 THE INDIGENT DEFENSE GRANT FOR 2019. – MIYKAEL REEVE, AUDITOR

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

***** (APPROVAL OF 3.8, 3.9 & 3.10)

MINUTE ORDER 434.18(A) (3.8) APPROVING TECHSHARE SOFTWARE AND TECHSHARE INDIGENT DEFENSE IMPLEMENTATION AGREEMENT IN CONNECTION WITH THE INDIGENT DEFENSE GRANT. – MIYKAEL REEVE, AUDITOR . . .

MINUTE ORDER 434.18(B) (3.9) APPROVING MASTER INTERLOCAL AGREEMENT FOR PARTICIPATION IN THE URBAN COUNTIES FOR THE TECHSHARE PROGRAM IN CONNECTION WITH THE INDIGENT DEFENSE GRANT. – MIYKAEL REEVE, AUDITOR . . .

MINUTE ORDER 434.18(C) (3.10) APPROVING TEXAS CONFERENCE OF URBAN COUNTIES TECHSHARE RESOURCE FY 2019 INDIGENT DEFENSE RESOURCE SHARING ADDENDUM IN CONNECTION WITH THE INDIGENT DEFENSE GRANT. – MIYKAEL REEVE, AUDITOR

MOTION BY COMMISSIONER GRAYSON TO APPROVE 3.8, 3.9 AND 3.10, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

***** (APPROVAL OF F1 AND F2) (F6 IN CONNECTION WITH 3.12)

MINUTE ORDER 435.18 APPROVING LINE ITEM ADJUSTMENTS AMEND 2018/2019 FISCAL YEAR BUDGET FOR CLARIFICATION AND VARIOUS CORRECTIONS

(A) (F1) FROM 003-0601-50701 UTILITIES \$7,000.00 TO 003-0601-50703 TELEPHONE \$7,000.00. – RANDY STINSON, COMMISSIONER, PCT 1

(B) (F2) FROM 001-0050-50502 SALARIES \$18,271.00; 001-0050-50648 AUTO ALLOWANCE \$18,094.00 TO 001-0050-50648 AUTO ALLOWANCE \$18,271.00; 001-0015-50503 CERTIFICATION PAY \$500.00; 001-0015-50815 DEPT UNIFORM \$960.00; 001-0140-50558 CONTINGENCIES/RESERVE \$14,333.00; 001-0320-50502 SALARIES \$354.00; 001-0320-50553 Soc SECURITY \$27.00; 001-0320-50554 RETIREMENT \$40.00; 001-0375-50502 SALARIES \$1,746.00; 001-0375-50553 Soc SECURITY \$134.00.

MINUTE ORDER 436.18

(3.12/ F6) REGARDING INMATE MEDICAL AND INMATE FEEDING CONTRACTS FROM 001-0000-30302 FUND BALANCE \$\$123,000.00 TO 001-0015-50814 FEEDING PRISONERS \$24,000.00; 001-0015-50813 INMATE MEDICAL \$99,000.00. – CHUCK EDGE, SHERIFF

MOTION BY COMMISSIONER PERRY TO APPROVE F1, F2 AND F6 SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION

3:42 PM

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 § 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.

ADJOURN EXECUTIVE SESSION

4:14 PM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

ADJOURN

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF OCTOBER 8, 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

