

**FILED**

**MAR 23 2014**

**COUNTY CLERK  
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // FEBRUARY 9, 2015**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, FEBRUARY 9, 2015 AT 10:00 A.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2<sup>ND</sup> FLOOR), WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED TO WIT:

**PRESENT WERE:**

**COUNTY JUDGE:**

JUDGE CAROL BUSH

**COMMISSIONERS:**

DENNIS ROBINSON, COMMISSIONER, PCT. 1

LANE GRAYSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

KYLE BUTLER, COMMISSIONER, PCT. 4

**COUNTY CLERK:**

TINA CHAMBERS, ADMINISTRATIVE ASSISTANT

**COUNTY & DISTRICT ATTORNEY'S OFFICE:**

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

VANCE HINDS, ASSISTANT COUNTY ATTORNEY

**OPENING COURT:**

THE COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO THE OPEN MEETINGS ACT

MOTION TO OPEN COURT BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON

**CONSENT AGENDA:**

**MINUTE ORDER NO 124.15 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 REVIEW AND ACCEPTANCE OF THE 2014 RACIAL PROFILING REPORT FOR THE ELLIS COUNTY SHERIFF'S OFFICE — CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE
- A3 REVIEW AND ACCEPTANCE OF THE 2014 RACIAL PROFILING REPORT FOR ELLIS COUNTY CONSTABLE, PRECINCT 2 — TERRY NAY, CONSTABLE, PCT. 2
- A4 4<sup>TH</sup> QUARTER 2014 ELLIS COUNTY INVESTMENT REPORT — CHERYL CHAMBERS, TREASURER
- A5 JANUARY 2015 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
  - MARK ARNOLD, AGRICULTURE
  - RITA HODGES, FAMILY & CONSUMER SCIENCE
  - MEGAN PARR, 4H

**FINANCIAL:**

- F1 FROM 001-0010-40659 INSURANCE REIMBURSEMENT \$6,999.40 To 001-0015-50702 REPAIRS \$6,999.40 – JOHNNY BROWN, SHERIFF
- F2 FROM 010-0653-50915 FM2 ASPHALT \$13,000.00 To 010-0653-50802 FM2 EQUIPMENT \$13,000.00 – LANE GRAYSON, COMMISSIONER, PCT. 2
- F3 FROM 001-0140-50868 CONTRACT SERVICES \$2,300.00 To 001-0140-50807 OTHER EXPENSES \$2,300.00. FOR EXPENSES RELATED TO THE RELOCATION OF THE TREASURER’S OFFICE TO THE COURTS AND ADMINISTRATION BUILDING.
- F4 FROM 047-0947-30302 SHERIFF FORFEITURE \$17,000.00 To 047-0947-50807 GENERAL MISC. \$5,000.00, 047-0947-50802 EQUIPMENT \$12,000.00 – CHUCK LAUBACH, ELLIS COUNTY SHERIFF’S OFFICE
- F5 APPROVE 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/PENNYMAC             | 162211         | \$2,925.64        |
| PHH MORTGAGE CORP.             | 208185         | \$4,272.87        |
| BANK OF OKLAHOMA               | 228157         | \$3,424.56        |
- F6 FROM 005-0703-30302 FUND BALANCE \$55,000.00 To 005-0703-50911 GRAVEL \$55,000.00 – PAUL PERRY, COMMISSIONER, PCT. 3
- F7 FROM 012-0755-40008 FM4/INTERLOCAL \$6,000.00 To 012-0755-50906 FM4/CULVERTS \$6,000.00 – KYLE BUTLER, COMMISSIONER, PCT. 4
- F8 FROM 001-0385-50801 SUPPLIES \$1,000.00, 001-0385-50601 TRAVEL REIMB. \$450.00, 001-0385-50802 EQUIPMENT \$300.00, 001-0385-50805 CONFERENCE \$631.00 To 001-0385-50819 COMPUTER \$2,381.00 – JUDGE CALVERT, CCL#2

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

**DEPARTMENT OF COUNTY DEVELOPMENT**

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

**MINUTE ORDER NO 125.15** APPROVING REPLAT – DUVALL PLACE ADDITION, LOTS 1R AND 4R, BLOCK 1; 3811 PLAINVIEW ROAD AND 3841 LEDGESTONE LANE, MIDLOTHIAN, TEXAS; ROAD AND BRIDGE PCT. 4; REQUESTED BY PAUL PROCTOR

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

**MINUTE ORDER NO 126.15** APPROVING FINAL PLAT – CARTER ESTATES, 13 LOTS; HWY 77 AND CARTER ROAD, ITALY, TEXAS; ROAD AND BRIDGE PCT. 3; REQUESTED BY JOSH TREES

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

**MINUTE ORDER NO 127.15** APPROVING PRELIMINARY PLAT – BRYSON SPRINGS, 86 LOTS, AT THE LOCATION OF BRYSON ROAD AND BROOKE BLVD., MIDLOTHIAN, TEXAS; ROAD AND BRIDGE PCT. 4; REQUESTED BY JHDMC DEVELOPMENT, LLC

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

**PURCHASING**

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

**MINUTE ORDER NO 128.15** APPROVING A RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT GRANT PROGRAM APPLICATION FOR A GRANT TO ASSIST THE SOUTH ELLIS COUNTY WATER SUPPLY CORPORATION WITH WATER IMPROVEMENTS IN THE AMOUNT OF

\$265,000.00; AND DESIGNATE THE COUNTY JUDGE AS THE COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT GRANT PROGRAM (UPGRADES TO WATER LINE AND ADD HYDRANTS)

*JOY RICE SPOKE TO THE COMMISSIONERS*

*RAY LOVELESS STATED SOUTH ELLIS COUNTY WATER SUPPLY CORP WILL PROVIDE \$14,500 FUNDING FOR THE PROJECT (LETTER IN FILE)*

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

**ADMINISTRATIVE:**

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

**No ACTION:**     3.1     BURN BAN ORDER FOR ELLIS COUNTY. – JOE STEWART, FIRE MARSHAL/EMC

**MINUTE ORDER NO 129.15**     APPROVAL TO ADD ON AN ADDITIONAL 20' X 40' METAL BUILDING TO THE PRE-EXISTING BUILDING (SHOP) FOR OFFICE SPACE AT PRECINCT 4 (KYLE BUTLER, COMMISSIONER, PCT. 4)

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

3.3     **STATUS REPORT ON USE OF COMPENSATORY TIME.** – ANNE PRICE, DIRECTOR OF HUMAN RESOURCES

**MINUTE ORDER NO 130.15**     **APPROVING AGENDA ITEMS 3.4 THRU 3.16**

**(3.4)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF BARDWELL (BRUCE SHERBET, ELECTIONS ADMINISTRATOR)

**MINUTE ORDER NO 131.15 (3.5)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF FERRIS

**MINUTE ORDER NO 132.15 (3.6)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF ITALY

**MINUTE ORDER NO 133.15 (3.7)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF MANSFIELD

**MINUTE ORDER NO 134.15 (3.8)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF MAYPEARL

**MINUTE ORDER NO 135.15 (3.9)**     INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF MILFORD

**MINUTE ORDER NO 136.15 (3.10)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF OAK LEAF

**MINUTE ORDER NO 137.15 (3.11)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF OVILLA

**MINUTE ORDER NO 138.15 (3.12)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND CITY OF PALMER

**MINUTE ORDER NO 139.15 (3.13)**     APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND FERRIS ISD

**MINUTE ORDER NO 140.15 (3.14)**     INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND MAYPEARL ISD

**MINUTE ORDER NO 141.15 (3.15)** APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND PALMER ISD

**MINUTE ORDER NO 142.15 (3.16)** APPROVING INTERLOCAL COOPERATION CONTRACT FOR THE LEASE OF VOTING MACHINES BETWEEN ELLIS COUNTY AND RED OAK ISD

MOTION BY COMMISSIONER PERRY TO APPROVE *AGENDA ITEMS NO 3.4-3.16*, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**RECESS TO CONVENE TO EXECUTIVE SESSION (10:30AM)**

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER ROBINSON 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 SECTION 551.072 OF THE GOVERNMENT CODE, AN EXECUTIVE SESSION IS NECESSARY TO RECEIVE LEGAL ADVICE ON THE FINAL DOCUMENTS AND UPDATE ON THE NEGOTIATION OF THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF PERSONAL AND REAL PROPERTY LOCATED IN ENNIS, TEXAS CONSISTING OF A RADIO TOWER OWNED BY REGION 10 EDUCATIONAL SERVICE CENTER LOCATED ON LAND OWNED BY ENNIS, TEXAS.
- 4.2 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING NOTICE OF A POTENTIAL LAWSUIT INVOLVING CAROL GILLESPIE AND LAND THAT SHE OWNS ON W.W. ROAD IN ELLIS COUNTY, TEXAS AND THE INSTALLATION OF A WATER LINE IN THE COUNTY RIGHT OF WAY.
- 4.3 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 90610, WILLIAM M. WINDSOR V. ELLIS COUNTY, TEXAS; STATE OF MONTANA, ET AL.
- 4.4 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CONTEMPLATED LITIGATION BETWEEN ELLIS COUNTY AND EAST TEXAS MEDICAL CENTER D/B/A EAST TEXAS MEDICAL CENTER EMERGENCY MEDICAL SERVICE.
- 4.5 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE PURCHASING AGENT.

**ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION (11:55AM)**

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**NO ACTION:** 3.17 DISCUSSION REGARDING EAST TEXAS MEDICAL CENTER D/B/A EAST TEXAS MEDICAL CENTER EMERGENCY MEDICAL SERVICE WITHDRAWAL OF SERVICES FROM ELLIS COUNTY, EFFECTIVE MARCH 1, 2015 AND DISCUSSION REGARDING ASSIGNMENT OF CONTRACTUAL OBLIGATION. -CAROL BUSH, COUNTY JUDGE

**MINUTE ORDER NO 143.15** APPROVING CONTRACTS AND AUTHORIZING THE COUNTY ATTORNEY TO FINALIZE THE NEGOTIATION OF THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF PERSONAL AND REAL PROPERTY LOCATED IN ENNIS, TEXAS CONSISTING OF A RADIO TOWER OWNED BY REGION 10 EDUCATIONAL SERVICE CENTER LOCATED ON LAND OWNED BY ENNIS, TEXAS

(VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY)

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

**No Action:** 3.19 CONSIDERATION AND ACTION AS NECESSARY INVOLVING CAROL GILLESPIE AND LAND THAT SHE OWNS ON W.W. ROAD IN ELLIS COUNTY, TEXAS AND THE INSTALLATION OF A WATER LINE IN THE COUNTY RIGHT OF WAY. -- VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY

**ADJOURNMENT (11:58AM)**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF FEBRUARY 9, 2015 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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CAROL BUSH, COUNTY JUDGE

  
\_\_\_\_\_  
DENNIS ROBINSON, 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 MARCH 23, 2015:

  
\_\_\_\_\_  
CINDY POLLEY, COUNTY CLERK