

FILED FOR RECORD
CINDY POLLEY
ELLIS COUNTY CLERK
ELLIS COUNTY COMMISSIONERS COURT

Notice is hereby given that a meeting of the Ellis County Commissioners Court will be held on **Tuesday, February 14, 2017, 2:00 P.M., in the Historic Ellis County Courthouse, Commissioners Courtroom (2nd flr), 101 W. Main Street, Waxahachie, Texas** at which time the following will be discussed and considered, to-wit:

County Judge: Carol Bush

County Clerk: Cindy Polley

Commissioners:

- Randy Stinson, Commissioner, Pct. 1
- Lane Grayson, Commissioner, Pct. 2
- Paul Perry, Commissioner, Pct. 3
- Kyle Butler, Commissioner, Pct. 4

Assistant County Attorneys:

- Vance Hinds
- Ray Rike

OPENING COURT

County Judge will call meeting to order, declare quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

Motion to Open Court.

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:

Administrative:

- A1 Approval of Regular Bills, Payroll, and Officers' Reports
- A2 Review and Acceptance of the 2016 Racial Profiling Report for the Ellis County Sheriff's Office.
– *Chuck Laubach, Ellis County Sheriff's Office*
- A3 January 2017 Travel Reports of the Texas AgriLife Extension Office
 - Mark Arnold, Agriculture
 - Rita Hodges, Family & Consumer Science
 - Megan Parr, 4H

Financial:

- F1 **From** 001-0140-50558 Contingencies/Reserve \$2,000.00 **To** 001-0060-50805 Conference \$2,000.00. – *Alberto Mares, Director, Department of Development*
- F2 **From** 011-0704-30302 Budgeted Fund Balance Carry Over \$125,377.00 **To** 011-0704-50802 Purchase of Equipment \$125,377.00. – *Paul Perry, Commissioner, Pct. 3*

- F3 **From** 001-0210-50801 Supplies \$1,200.00 **To** 001-0210-50800 Chapter 19 \$1,200.00. – *Jana Onyon, Elections Administrator*
- F4 **From** 042-0942-30302 Sheriff's Federal Drug Fund \$30,000.00 **To** 042-0942-50802 Equipment \$30,000.00. – *Chuck Laubach, Ellis County Sheriff's Office*
- F5 **From** 010-0653-30302 FM2 Fund Balance Carry Over \$65,000.00 **To** 010-0653-50802 FM2 Equipment \$65,000.00. – *Lane Grayson, Commissioner, Pct. 2*
- F6 **From** 012-0755-40008 FM4/Interlocal \$15,000.00 **To** 012-0755-50914 FM4/Signs \$15,000.00. – *Kyle Butler, Commissioner, Pct. 4*
- F7 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>
John A. Fratamico	139460	\$8,437.52
August REI, LLC	140525	\$3,541.75
Wells Fargo Home Mortgage	201397	\$3,500.20
Wells Fargo Home Mortgage	204551	\$3,193.42
Gateway Mortgage Group LLC	220848	\$3,802.55
August REI, LLC	225040	\$4,854.00
Wells Fargo Home Mortgage	227091	\$3,871.77
August REI, LLC	227558	\$3,781.07
August REI, LLC	227564	\$3,346.43
August REI, LLC	227594	\$2,750.81
August REI, LLC	227599	\$3,270.66
August REI, LLC	227601	\$2,866.03
August REI, LLC	227608	\$3,748.60
August REI, LLC	227609	\$3,373.61
Wells Fargo Home Mortgage	241628	\$5,219.28
August REI, LLC	228694	\$3,731.94
August REI, LLC	228712	\$4,033.54
August REI, LLC	243611	\$4,224.35
August REI, LLC	243618	\$4,224.35
August REI, LLC	243619	\$4,116.85
August REI, LLC	243620	\$4,224.35
August REI, LLC	243621	\$3,732.18
August REI, LLC	243622	\$4,188.61
August REI, LLC	243626	\$3,875.67
August REI, LLC	243627	\$3,542.89
August REI, LLC	243628	\$3,777.71
August REI, LLC	243629	\$3,754.15
August REI, LLC	243631	\$3,706.70
August REI, LLC	243633	\$3,839.41
August REI, LLC	243634	\$4,188.61
Corelogic	256953	\$4,969.41
August REI, LLC	257398	\$3,814.19
Moritz Interests, Ltd	262135	\$6,314.20

DEPARTMENT OF COUNTY DEVELOPMENT

Consideration and action as may be appropriate regarding the following matters:

- 1.1 Conduct a public hearing to consider and act upon a replat of Lot 1, Carroll's Lake Addition. Property contains \pm 12.508 acres of land located at 223 Miller Road, Midlothian, Road & Bridge Precinct No. 4, as requested by Robert Rogers.
- 1.2 Conduct a public hearing to consider and act upon a request to abandon Lots 104-108 of Newton Farms Phase 2. Property contains \pm 52.37 acres of land located along the east side of Newton Road \pm 2,750 feet south of Chapparral Road, Ferris, in Road & Bridge Precinct No. 1, as requested by Shanti Investments.
- 1.3 Consider and act upon a request to grant a one-time variance from Section 3-E (Lot and Street Layout) and Section 5-D (Utility Easements) of the County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Homes to allow two (2) structures to encroach into the building line/utility easement. Property contains \pm 1.41 acres of land in the Huntington Estates, Lot 2, Block A, located at 661 Black Champ Road, Red Oak, in Road & Bridge Precinct No. 4, as requested by Kenneth Hall.
- 1.4 Consider and act upon a request to grant a one-time variance from Section 3-E (Lot and Street Layout) of the County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Homes to allow one (1) structure to encroach into the building line/utility easement. Property contains \pm 0.576 acres of land in the Eastridge Estates, Lot 2, Block 6, located at 1031 Eastridge Circle, Red Oak, in Road & Bridge Precinct No. 1, as requested by Aaron Chovanetz.
- 1.5 Consider and act upon a request to grant a one-time variance from Section 8-A (Residential Lots) of the County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Homes to allow one (1) new structure without meeting the minimum road frontage requirement. Property contains \pm 3.899 acres of land in the William McGill Survey, Abstract No. 740, located at 757 Becky Lane, Waxahachie, in Road & Bridge Precinct No. 4, as requested by Kevin Kluck.
- 1.6 Consider and act upon a request to grant a one-time variance from Section 2-H (Utility Service) of the County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Homes to allow construction of a new single family structure without meeting the minimum fire hydrant requirements. Property contains \pm 4.932 acres of land in the Martin Addition, Lot 1, located at 159 Cody Road, Ennis, in Road & Bridge Precinct No. 1, as requested by Kay White.

PURCHASING

Consideration and action as may be appropriate regarding the following matters:

- 2.1 Approval for County Judge to sign Environmental Systems Research Institute, Inc. (ESRI) ArcGIS single use software agreement to include the 1st 12 month of maintenance for Elections.
- 2.2 Approval to lease two 2018 Mack GU713 dump trucks for Road and Bridge Precinct 2.
- 2.3 Approval to purchase two Warren Pup trailers from East Texas Mack for Road and Bridge Precinct 2.

- 2.4 Approval to extend lease agreement for 140M3 Holt Cat Motorgrader, Stock Number HLK017183 – Serial Number 0M9D01332 – for an additional 3 years.
- 2.5 Approval for County Judge to sign agreement with Scott Merriman for the Ellis County District Clerk records preservation project.

ADMINISTRATIVE

Consideration and action as may be appropriate regarding the following matters:

- 3.1 Burn Ban for Ellis County. – *Tim Birdwell, Fire Marshal*
- 3.2 Consideration of applications and action to appoint or reappoint the following Emergency Service District Board members/applicants for 2 year terms beginning January 1, 2017 through December 31, 2018:
 - ESD #1: Andy Mulvany, James Morrison, Gary Harris (reappointments)
 - ESD #2: Gary Ratliff, Monica Arroyo (reappointments)
 - ESD #3: Larry Norcross, Vincente Guerrero (reappointments)
 - ESD #4: Chuck Edwards, Steve Tanner, Joe Bond (reappointments)

 - ESD #5: Steve Salmon, Bruce Moore (reappointments)*
 - ESD #5: Dallas Dial, Mike Heckathorn, Alfred Lemon (appointments)*
 - *All ESD #5 candidates are being considered for a total of 3 open positions

 - ESD #6: Charles McCormack, Tommy Hamilton (reappointments)*
 - ESD #6: Clay Schoolfield, Anthony P. Gilbert (appointments)*
 - *All ESD #6 candidates are being considered for a total of 3 open positions

 - ESD #7: James Parr, Timberlie Perdue, David Futral (reappointments)
 - ESD #8: Kevin Mason, Mark Donoho, Lynn Caldwell (reappointments)
 - ESD #9: Mike Greenlee, Douglas Young, John Hancock (reappointments)
- 3.3 Interlocal Agreement between the Milford Independent School District and the County of Ellis from February 15, 2017 through September 30, 2019. – *Paul Perry, Commissioner, Pct. 3*
- 3.4 Interlocal Agreement between the Maypearl Independent School District and the County of Ellis. – *Paul Perry, Commissioner, Pct. 3*
- 3.5 Interlocal Agreement between Midlothian Independent School District and the County of Ellis. – *Paul Perry, Commissioner, Pct. 3*
- 3.6 Interlocal Agreement between Italy Independent School District and County of Ellis. – *Paul Perry, Commissioner, Pct. 3*
- 3.7 Approval of road repair for the City of Pecan Hill. – *Randy Stinson, Commissioner, Pct. 1*
- 3.8 Approval of certification for two petitions with 5,062 signatures for each petition by Jana Onyon, Elections administrator; to order a “Special Local Option Election to Legalize” to be conducted on

May 6, 2017 in Ellis County Justice of the Peace Precinct Number 4 for the qualified voters to vote on (Proposition 1) "The legal sale of beer and wine" and (Proposition 2) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only. – *Jana Onyon, Elections Administrator*

- 3.9 Approval and transfer of funds to cover the election expenses for the May 6, 2017 Local Option Election held in Justice of the Peace Precinct 4: **From** 001-0140-50560 Compensatory/Fringe Liability \$27,500.00 **To** 001-0210-50942 Election Expenses \$14,000.00; 001-0210-50848 Holding Salary \$12,000.00; 001-0210-50823 Legal Notices \$1,500.00. – *Jana Onyon, Elections Administrator*
- 3.10 Approve lease agreements for ADA voting equipment for Ellis County Cities and School Districts that will be conducting elections on May 6, 2017. City of Garrett, City of Mansfield, City of Maypearl, City of Milford, City of Oakleaf, City of Ovilla, City of Palmer, City of Pecan Hill, Maypearl ISD, Palmer ISD, Red Oak ISD and Rockett Special Utility District. – *Jana Onyon, Elections Administrator*
- 3.11 Approve supplies to cater lunch for North East Texas Association of Election Administrators (NETAEA) on March 9, 2017 at the Elections Office, not to exceed \$400.00. Planning for 35-40 in attendance and the majority of the cost will be reimbursed by each attendee. – *Jana Onyon, Elections Administrator*
- 3.12 Resolution in opposition to Senate Bill 2 and revenue caps.
- 3.13 Resolution in opposition to unfunded mandates.
- 3.14 Resolution in support of state funds for indigent defense.
- 3.15 Action regarding pending or contemplated litigation with Professional Coating Technologies.
- 3.16 Consideration and action authorizing the County Attorney to offer and settle a claim on behalf of Ellis County involving Justin Morris concerning property damage to his 2007 Volkswagen Beetle allegedly caused while crossing a bridge in Ellis County.

RECESS TO CONVENE TO EXECUTIVE SESSION

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 551.071 of the Government Code, consultation with counsel concerning a claim involving Justin Morris and property damage to his 2007 Volkswagen Beetle allegedly caused while crossing a bridge in Ellis County.

- 4.2 Pursuant to §551.074 of the Government Code, consultation regarding personnel matters.
- 4.3 Pursuant to §551.076 of the Government Code, consultation to deliberate the deployment, or specific occasions for implementation, of security personnel or devices.
- 4.4 Pursuant to §551.071 of the Government Code, consultation with counsel regarding pending or contemplated litigation with Professional Coating Technologies.

ADJOURNMENT OF EXECUTIVE SESSION

ADJOURNMENT

Signed this the 10th day of February 2017.



 Carol Bush
 Ellis County Judge

I, the undersigned, County Clerk of the Ellis County Commissioners Court do hereby certify that the above Notice of Meeting of the Ellis County Commissioners Court is a true and correct copy of said Notice, that I received said Notice, and it was posted at the doors of the Ellis County Courthouse, a place readily accessible to the general public at all times on the 10th day of February, 2017 at 2:47 a.m./p.m.

Cindy Polley, County Clerk

By Jina Chambers, Deputy



- ***Public Comment – This section provides the public the opportunity to address the Commissioners Court on any items on the Agenda. Members of the public wishing to participate must present a completed public participation form to the County Clerk at least 10 minutes prior to the beginning of the meeting.**
- **The Commissioners Court reserves the right to consider and take action on the above agenda items in any particular order.**
- **If you or your representative, have a disability that requires special arrangements and you plan to attend this public meeting, please contact the County Judge’s Office at (972) 825-5011 within 72 hours of the meeting. Reasonable accommodations will be made to meet your needs at the meeting.**