

FILED FOR RECORD
CINDY POLLEY
ELLIS COUNTY CLERK

Minute Order 351.16
September 13, 2016
Consent Agenda A2

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JULY 26, 2016**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, JULY 26, 2016 AT 2:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2ND 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:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

VANCE HINDS

RAY RIKE

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 BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER DENNIS ROBINSON

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:

MINUTE ORDER NO 290.16 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 2ND QUARTER 2016 ELLIS COUNTY INVESTMENT REPORT. – CHERYL CHAMBERS, TREASURER
- A3 JUNE 2016 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - RITA HODGES, FAMILY & CONSUMER SCIENCE
 - MEGAN PARR, 4H
- A4 ACCEPT OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT FOR JUNE 14, 2016; JUNE 28, 2016; AND JULY 12, 2016. – CINDY POLLEY, COUNTY CLERK

FINANCIAL:

- F1 FROM 001-0420-50894 SECURE RESIDENTIAL \$7,000.00 To 001-0420-50875 JUVENILE PSYCHOLOGICALS \$7,000.00. – CHATRINIA JOHNSON, JUVENILE SERVICES
- F2 FROM 019-0919-50802 EQUIPMENT \$2,000.00; 019-0919-50601 TRAVEL REIMB. \$300.00; 019-0919-50807 GENERAL EXPENSE \$300.00 To 019-0919-50882 BOOKS \$2,600.00. – CARLA KNEPPER, LAW LIBRARY
- F3 FROM 001-0360-50888 DA-COMPUTER SERVICE \$6,000.00; 001-0360-50799 DA-COPIER \$1,000.00 To 001-0360-50801 DA-SUPPLIES \$1,000.00; 001-0360-50853 DA-LEGAL RESEARCH \$6,000.00. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F4 FROM 001-0450-50802 EQUIPMENT \$150.00 To 001-0450-50810 \$150.00 AUTO TIRES. – TIM BIRDWELL, FIRE MARSHAL
- F5 FROM 009-0602-50807 FM1 GEN MISC \$30,000.00 To 009-0602-50911 FM1 GRAVEL \$30,000.00. – DENNIS ROBINSON, COMMISSIONER, PCT. 1
- F6 FROM 001-0060-50808 AUTO GAS \$2,250.00 To 001-0060-50802 EQUIPMENT \$1,500.00; 001-0060-50703 TELEPHONE \$750.00. - JUDY ARMSTRONG, DEPARTMENT OF DEVELOPMENT
- F7 FROM 010-0653-30302 FM2 FUND BALANCE CARRYOVER \$6,000.00 To 010-0653-50906 FM2 CULVERTS \$6,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F8 FROM 011-0704-50807 MISCELLANEOUS \$20,000.00 To 011-0704-50802 PURCHASE OF EQUIPMENT \$20,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F9 FROM 011-0704-50807 GENERAL MISC. \$10,000.00 To 011-0704-50909 REPAIR/PARTS \$10,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F10 FROM 042-0942-30302 FUND BALANCE SHERIFF FEDERAL DRUG FORFEITURE \$60,000.00 To 042-0942-50802 EQUIPMENT \$30,000.00; 042-0942-50807 GENERAL EXPENSE \$30,000.00. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE
- F11 FROM 047-0947-30302 FUND BALANCE SHERIFF FEDERAL DRUG FORFEITURE \$15,000.00 To 047-0947-50807 GENERAL MISC \$7,500.00; 047-0947-50802 EQUIPMENT \$7,500.00. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE
- F12 FROM 001-0613-50812 RADIO \$400.00; 001-0613-50801 SUPPLIES \$1,000.00 To 001-0613-50810 AUTO TIRES \$400.00; 001-0613-50802 EQUIPMENT \$1000.00. – JOSH SIPES, ELLIS COUNTY CONSTABLE'S OFFICE, PCT. 3

SIMPLIFIED PLAT:

- SP1 RHEA PLACE, 1 LOT, 590 NORTH ARMSTRONG ROAD, VENUS, REQUESTED BY JOHN RHEA, ROAD AND BRIDGE PCT.3.

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

DEPARTMENT OF COUNTY DEVELOPMENT:

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

- 1.1 **NO ACTION TO ACCEPT EXTENDED TWO YEAR MAINTENANCE BOND FROM LEXON INSURANCE COMPANY FOR JORDAN RUN II IN THE AMOUNT OF \$106,444.00, ROAD AND BRIDGE PCT. 3.**

MINUTE ORDER NO 291.16 APPROVING REPLAT- RENYA ADDITION, LOT 2, 4030 GREATHOUSE ROAD, WAXAHACHIE, REQUESTED BY RAMIRO RENYA, ROAD AND BRIDGE PCT. 3

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

MINUTE ORDER NO 292.16 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES AND REGULATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE SIDE BUILDING SET-BACK AND UTILITY EASEMENT, LOCATED AT LA VISTA ESTATES, PHASE III, 730 MALLORY DRIVE, WAXAHACHIE, REQUESTED BY JEREMY ROSE, ROAD AND BRIDGE PCT. 4.
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

PURCHASING:

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

MINUTE ORDER NO 293.16 APPROVAL TO PURCHASE SUPER SLURRY FROM MARTIN MARIETTA AS A SOLE SOURCE VENDOR TO ALL ROAD AND BRIDGE PRECINCTS.
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 294.16 APPROVAL TO LEASE PURCHASE BELLY DUMP TRAILER FROM EAST TEXAS MACK FOR ROAD AND BRIDGE PRECINCT 2.
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 295.16 APPROVING MONTHLY RENTAL AGREEMENT FOR A WATER TRUCK FOR ROAD AND BRIDGE PRECINCT 2.
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 296.16 APPROVAL FOR COUNTY JUDGE TO SIGN LEASE AGREEMENT WITH XEROX FOR A MULTIPURPOSE COPY MACHINE FOR THE DISTRICT CLERK'S OFFICE AND FOR HUMAN RESOURCES DEPARTMENT, AND JUSTICE OF THE PEACE, PCT. 4.
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

2.5 **NO ACTION ON APPROVAL TO PROCEED INTO NEGOTIATIONS WITH SELECTED VENDOR FOR RFP-2016-007 FOR COMPREHENSIVE INMATE MEDICAL SERVICES.**

ADMINISTRATIVE:

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

MINUTE ORDER NO 297.16 APPROVING RENEWAL WITH MODIFICATION OF CURRENT COUNTY AND RETIREE HEALTH INSURANCE COVERAGE AND PREMIUMS THROUGH THE TEXAS ASSOCIATION OF COUNTIES BENEFITS POOL FOR THE FISCAL YEAR 2016-2017. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES
MOTION TO APPROVE BY GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

3.2 **REPORT ON COMPENSATORY TIME ANALYSIS. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES**

3.3 **DISCUSSION REGARDING FY 2016-2017 BUDGET.**

MINUTE ORDER NO 298.16 ACCEPTING THE RESIGNATION OF BILL GILLILAND FROM EMERGENCY SERVICES DISTRICT #6 BOARD EFFECTIVE JULY 11, 2016.
MOTION TO APPROVE BY PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 299.16 ACCEPTING THE RESIGNATION OF JANIS COLEMAN FROM EMERGENCY SERVICES DISTRICT #7 BOARD EFFECTIVE IMMEDIATELY.

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

MINUTE ORDER NO 300.16 ACCEPTING THE APPLICATION OF TAMMY KAY KEMNITZ ALLEN TO SERVE THE REMAINING TERM OF EMERGENCY SERVICES DISTRICT #7 BOARD.

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

MINUTE ORDER NO 301.16 ACCEPTING THE 2016 ANNUAL ROAD REPORT FOR ROAD & BRIDGE PRECINCT 1. – DENNIS ROBINSON, COMMISSIONER, PCT. 1

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

MINUTE ORDER NO 302.16 APPROVAL TO PURCHASE 3 BULLET PROOF VESTS FOR FIRE MARSHAL'S OFFICE.

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

RECESS TO CONVENE TO EXECUTIVE SESSION (2:33PM)

MOTION TO APPROVE BY COMMISSIONER BUTLER, 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A POTENTIAL SETTLEMENT OFFER INVOLVING ANDREW FERGUSON CONCERNING PROPERTY DAMAGE TO A BATHROOM WINDOW ON JUNE 30, 2016 IN THE AMOUNT OF \$258.38.
- 4.2 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING LAWSUIT CAUSE NO. 93563, WEBSTER V. BATES, 40TH DISTRICT COURT OF ELLIS COUNTY.
- 4.3 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 3:24-CV-04397-M, TREVINO V. ELLIS COUNTY, ET AL.

ADJOURNMENT OF EXECUTIVE SESSION (3:18PM)

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

MINUTE ORDER NO 303.16 AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY INVOLVING ANDREW FERGUSON CONCERNING PROPERTY DAMAGE TO A BATHROOM WINDOW ON JUNE 30, 2016 IN THE AMOUNT OF \$258.38.

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

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JULY 26, 2016 ARE HEREBY APPROVED.

PRESIDING OFFICER:



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 SEPTEMBER 13, 2016.



CINDY POLLEY, COUNTY CLERK

