

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // OCTOBER 25, 2016**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, OCTOBER 25, 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 ABSENT

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 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.

CONSENT AGENDA:

MINUTE ORDER NO 433.16 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 ELLIS COUNTY 3RD QUARTER 2016 INVESTMENT REPORT. – CHERYL CHAMBERS, TREASURER
- A3 REAPPOINTMENT OF DAVID PIETRUSZNSKI TO THE LOCAL WORKFORCE DEVELOPMENT BOARD.
- A4 SEPTEMBER 2016 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - RITA HODGES, FAMILY & CONSUMER SCIENCE
 - MEGAN PARR, 4H
- A5 APPOINTMENT OF FELICIA WARNER TO SERVE ON THE NCTHFC (NORTH CENTRAL TEXAS HOUSING FINANCE COMMITTEE) BOARD.

FINANCIAL:

- F1 FROM 001-0010-40950 FEMA/OR STATE EMERGENCY DISASTER FUNDS \$3,511.03 To 001-0430-50802 EQUIPMENT (EMERGENCY MANAGEMENT) \$51.53; 001-0140-50558 CONTINGENCIES/RES/EMERGENCY INCIDENT (NON-DEPARTMENTAL) \$3,459.50. – STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR
- F2 FROM 010-0653-30302 FM2 FUND BALANCE CARRY OVER \$100,000.00 To 010-0653-50802 FM2 EQUIPMENT \$100,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F3 FROM 001-0210-40719 CHAPTER 19 STATE FUNDING \$256.55 To 001-0210-50800 CHAPTER 19 EXPENDITURES \$256.55. – JANA ONYON, ELECTIONS ADMINISTRATOR
- F4 FROM 024-0924-50802 EQUIPMENT \$600.00 To 024-0924-50831 UNIFORM EXPENSE \$600.00. – TIM BIRDWELL, FIRE MARSHAL

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

ADMINISTRATIVE:

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

MINUTE ORDER NO 434.16 APPROVING A PROCLAMATION DESIGNATING NOVEMBER 2016 AS COPD AWARENESS MONTH IN ELLIS COUNTY AND RECOGNIZING CARL MULLINS FOR HIS EFFORTS . . .
... MR MULLINS WAS ALSO PRESENTED A RESOLUTION BY THE TEXAS LEGISLATURE AND A TEXAS FLAG THAT WAS FLOWN OVER THE STATE CAPITAL IN HIS HONOR BY STATE REPRESENTATIVE JOHN WRAY

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

MINUTE ORDER NO 435.16 APPROVING PROCLAMATION DESIGNATING NOVEMBER 17, 2016 AS WORLD PANCREATIC CANCER DAY IN ELLIS COUNTY.

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

MINUTE ORDER NO 436.16 APPROVING ORDER PROVIDING FOR THE ISSUANCE AND SALE OF ELLIS COUNTY, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016; LEVYING A TAX IN PAYMENT THEREOF; AWARDED THE SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; APPROVING A BOND COUNSEL ENGAGEMENT LETTER AND DISCLOSURE COUNSEL ENGAGEMENT LETTER; CALLING CERTAIN OBLIGATIONS FOR REDEMPTION; AND ENACTING OTHER PROVISIONS RELATING. – MIKE NAVARRO, AUDITOR

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

MINUTE ORDER NO 437.16 APPROVING 2017 ELLIS COUNTY RESOLUTION FOR THE INDIGENT DEFENSE GRANT PROGRAM. – MIKE NAVARRO, AUDITOR

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

NO ACTION: 3.16 SOUTH ELLIS COUNTY WATER SUPPLY CORPORATION – ELLIS COUNTY RECOMMENDATION FOR PROCUREMENT SUPPORT FOR COB GRANT. – PAUL PERRY, COMMISSIONER, PCT. 3

PRESENTATION: 3.6 PRESENTATION OF INTERPRETATIVE EVENT FOR COMMISSIONERS COURT BY DONALD KELM, DISTRICT EXTENSION ADMINISTRATOR AND EXTENSION STAFF

RECESS TO CONVENE TO EXECUTIVE SESSION (2:37PM)

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

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 §551.076 of the Government Code, consultation to deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

4.2 Pursuant to §551.071 of the Government Code, consultation with counsel regarding pending or contemplated litigation with Professional Coating Technologies

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION (2:48PM)

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

**NO ACTION: 3.7 PRESENTATION FROM LEGGETT & PLATT TAX REGARDING ABATEMENT ZONE APPLICATION.
MARTY NELSON (CITY OF ENNIS)**

NO ACTION: 3.8 BURN BAN FOR ELLIS COUNTY. – TIM BIRDWELL, FIRE MARSHAL

MINUTE ORDER NO 438.16 APPROVING NOMINATION OF FIRE MARSHAL TIM BIRDWELL TO SERVE AS ELLIS COUNTY REPRESENTATIVE ON THE RESOURCE CONSERVATION COUNCIL (RCC). – CAROL BUSH, COUNTY JUDGE

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

NO ACTION: 3.10 CONSIDER THE APPLICATIONS OF CLAY SCHOOLFIELD, PHILLIP GILBERT, ALEX SMITH, AND BILLY ROBINSON TO ESD (EMERGENCY SERVICES DISTRICT) #6 BOARD. ONE CANDIDATE WILL BE SELECTED TO FILL THE VACANCY OF AN UNEXPIRED TERM THROUGH DECEMBER 31, 2016.

MINUTE ORDER NO 439.16 AUTHORIZING THE FUNDING OF 5 PERCENT OF THE TOTAL COST TO IMPLEMENT STRUCTURAL REPAIRS TO CHAMBERS CREEK FR. NO. 5 PURSUANT TO THE EXISTING AGREEMENT BETWEEN ELLIS COUNTY AND THE ELLIS-PRAIRIE SOIL AND WATER CONSERVATION DISTRICT (EPSWCD). 95 PERCENT OF THE FUNDING WILL BE PROVIDED BY A MATCHING GRANT FROM THE TEXAS STATE SOIL AND WATER CONSERVATION BOARD TO THE EPSWCD PURSUANT TO THE STRUCTURAL REPAIR GRANT PROGRAM. AS PREVIOUSLY APPROVED BY THE COURT, THE ADMINISTRATION OF THE CONTRACT FOR THE EPSWCD WILL BE PERFORMED BY THE ASSISTANT COUNTY ENGINEER. IN EXCHANGE FOR PROJECT ADMINISTRATION, THE EPSWCD AGREES TO TRANSFER THE ADMINISTRATION FUNDS FOR THE PROJECT AT COMPLETION OF CONSTRUCTION TO ELLIS COUNTY. THE ADMINISTRATION FEE IS CALCULATED AS 4.75 PERCENT OF THE TOTAL CONSTRUCTION COST FOR THE PROJECT. – TED KANTOR, ENGINEER

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

MINUTE ORDER NO 440.16 APPROVING NEW MAP PRICING FOR THE ENGINEERING OFFICE. – TED KANTOR, COUNTY ENGINEER

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

MINUTE ORDER NO 441.16 ACCEPTING DONATION, FOR ALL PRECINCTS, OF SCRAP CONCRETE FROM REPAIRS TO TXDOT HIGHWAYS. – TED KANTOR, COUNTY ENGINEER

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

MINUTE ORDER NO 442.16 AUTHORIZE COUNTY JUDGE TO SIGN AMENDMENT ONE TO THE PHARMACY BENEFIT MANAGEMENT SERVICES AGREEMENT. – TERRI KLEIN, INDIGENT HEALTH COORDINATOR

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

MINUTE ORDER NO 443.16 APPROVING INTERLOCAL AGREEMENT WITH CITY OF ITALY. – PAUL PERRY, COMMISSIONER, PCT. 3

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

MINUTE ORDER NO 444.16 APPROVING THE REVISED APPOINTMENT OF THE PRESIDING AND ALTERNATE JUDGES FOR THE UPCOMING TWO YEAR TERM (SEPTEMBER 1, 2016 THROUGH AUGUST 31, 2018) AS SUBMITTED BY THE DEMOCRATIC AND REPUBLICAN PARTIES. – JANA ONYON, ELECTIONS ADMINISTRATOR

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

DEPARTMENT OF COUNTY DEVELOPMENT:

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

MINUTE ORDER NO 445.16 APPROVING RELEASE OF MAINTENANCE BOND #SUR6037266 TO STATE AUTO INSURANCE IN THE AMOUNT OF FORTY-FOUR THOUSAND, SEVEN HUNDRED AND EIGHTY-SEVEN DOLLARS (44,787.00), FOR TAYLOR RIDGE, PHASE 2, ROAD & BRIDGE PCT. 3, REQUESTED BY IVAN BRIGMAN.

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

MINUTE ORDER NO 446.16 ACCEPTING THE INFRASTRUCTURE OF TAYLOR RIDGE, PHASE 2, INCLUDING A PORTION OF TAYLOR RIDGE DRIVE, AS COUNTY OWNED AND MAINTAINED, ROAD & BRIDGE PCT. 3, REQUESTED BY IVAN BRIGMAN.

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

MINUTE ORDER NO 447.16 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO ONE DRIVEWAY ACCESS ON EXISTING COUNTY ROAD, LONG BRANCH ROAD, MIDLOTHIAN, ROAD & BRIDGE PCT. 4, REQUESTED BY BETTY DILLARD.

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

MINUTE ORDER NO 448.16 APPROVING PRELIMINARY PLAT, LONG BRANCH ESTATES, 40 LOTS, LONG BRANCH ROAD & SPRING BRANCH ROAD, MIDLOTHIAN, ROAD & BRIDGE PCT. 4, REQUESTED BY LANCE RUST.

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 449.16 APPROVAL TO SURPLUS CASE MXU115 TRACTOR WITH TIGER BRUTE BOOM MOWER ATTACHMENT. THIS WILL BE USED AS TRADE IN FOR NEW EQUIPMENT. TRADE IN VALUE WILL BE \$10,000.00.

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

MINUTE ORDER NO 450.16 APPROVING PURCHASE OF A JOHN DEERE TRACTOR, MODEL 6110M, WITH A 25FT. MACHETE II BOOM MOWER AND USE SURPLUS CASE MXU115 TRACTOR WITH TIGER BOOM MOWER AS TRADE. PURCHASE PRICE \$146,170.25. TRADE IN VALUE FOR CASE TRACTOR IS \$10,000.00. TOTAL PURCHASE PRICE AFTER TRADE IN WILL BE \$136,170.25.

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

NO ACTION: 2.3 APPROVAL TO PURCHASE NECESSARY WAREHOUSE GRADE PALLET SHELVING FOR THE RECORDS STORAGE BUILDING FOR THE DISTRICT CLERK, TREASURER, AUDITOR, AND TAX OFFICE.

NO ACTION: 2.4 APPROVAL TO SURPLUS AND DONATE ALL NON-ESSENTIAL USED VEHICLE PARTS CURRENTLY HELD BY THE SHERIFF'S OFFICE ACCORDING TO LOCAL GOVERNMENT CODE SECTION 263.152(A) (4).

MINUTE ORDER NO 451.16 APPROVAL FOR COUNTY JUDGE TO SIGN HVAC MAINTENANCE AGREEMENT FROM AMERICAN MECHANICAL FOR THE SHERIFF'S OFFICE AND JAIL, LAW ENFORCEMENT CENTER, AND STATION 2 FACILITIES. AMERICAN MECHANICAL IS AFFILIATED WITH TXMAS COOPERATIVE PROGRAM.

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

MINUTE ORDER NO 452.16 APPROVAL FOR COUNTY JUDGE TO SIGN AGREEMENT FROM AMERICAN MECHANICAL FOR THE AIR HANDLING CONTROL SYSTEMS FOR THE SHERIFF'S OFFICE AND JAIL FACILITY. AMERICAN MECHANICAL IS AFFILIATED WITH TXMAS COOPERATIVE PROGRAM.

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

NO ACTION: 2.7 APPROVAL FOR COUNTY JUDGE TO SIGN MAINTENANCE AGREEMENT FROM DFW COMMUNICATIONS/MOTOROLA FOR SERVICE CALLS AND MAINTENANCE FOR OUR RADIO COMMUNICATIONS EQUIPMENT. DFW COMMUNICATIONS IS CONTRACTED BY MOTOROLA THROUGH THE TEXAS DIR PROGRAM.

MINUTE ORDER NO 453.16 APPROVING AWARD OF BID NUMBER RB-2016-003, CONTRACT FOR HAULING ROAD MATERIALS TO JK EXCAVATION TRUCKING.

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

RECESS TO CONVENE TO EXECUTIVE SESSION (3:42PM)

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON 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 §551.076 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES.
- 4.2 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION WITH PROFESSIONAL COATING TECHNOLOGIES.

ADJOURNMENT OF EXECUTIVE SESSION (4:19PM)

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

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 25, 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 DECEMBER 20, 2016.



 CINDY POLLEY, COUNTY CLERK

