

FILED

JUN 22 2015

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // APRIL 27, 2015**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, APRIL 27, 2015 AT 3:00 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:

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 ROBINSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER PAUL PERRY

CONSENT AGENDA:

MINUTE ORDER NO 216.15 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 1ST QUARTER 2015 ELLIS COUNTY INVESTMENT REPORT— CHERYL CHAMBERS, TREASURER
- A3 MARCH 2015 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - RITA HODGES, FAMILY & CONSUMER SCIENCE
 - MEGAN PARR, 4H
- A4 APPROVAL OF THE OFFICIAL MINUTES FOR MARCH 9, 2015 – CINDY POLLEY, COUNTY CLERK

FINANCIAL:

- F1 FROM 001-0385-50805 CONFERENCE \$1,069.00, 001-0385-50703 TELEPHONE \$600.00 TO 001-0385-50819 COMPUTER \$295.06, 001-0385-50807 VISITING JUDGE \$1,373.94 – JUDGE CALVERT, COUNTY COURT AT LAW #2
- F2 FROM 001-0612-50812 RADIO \$1,000.00, 001-0612-50803 FURNITURE/FIXTURES \$300.00, 001-0612-50808 GAS/OIL \$1,000.00 TO 001-0612-50819 COMPUTERS \$2,300.00 – TERRY NAY, CONSTABLE, PCT. 2

F3 FROM 004-0652-40800 RB2 TRANSPORTATION INFRASTRUCTURE GRANT (CERTZ) \$48,839.76 To 004-0652-50911 RB2 GRAVEL \$48,839.76 – LANE GRAYSON, COMMISSIONER, PCT. 2

F4 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>
BANK OF AMERICA	198185	\$4,030.87
CENTRAL LOAN ADMINISTRATION	148926	\$3,567.20

F5 FROM 001-0210-40964 CONTRACT ELECTIONS \$14,000.00 To 001-0210-50801 SUPPLIES \$14,000.00 - BRUCE SHERBET, ELECTIONS ADMINISTRATOR

F6 FROM 001-0430-50502 SALARY \$13,547.00 To 001-0140-50811 FLEET PURCHASE \$8547.00, 001-0430-50819 COMPUTER \$5,000.00 – STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 217.15 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT SPACED EVERY 450' FOR 400 KRAJCA ROAD, ENNIS, ROAD AND BRIDGE PCT. 2, REQUESTED BY CAMERON STILWELL

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

MINUTE ORDER NO 218.15 APPROVING REPLAT –MAYPEARL HIDDEN HILLS, LOTS 14 AND 15, 128 & 130 SULLIVAN WAY, ROAD AND BRIDGE PCT. 3, REQUESTED BY CANYON CREEK HOMES

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

MINUTE ORDER NO 219.15 RELEASING CONSTRUCTION BOND #0661675 IN THE AMOUNT OF \$763,704.00 TO INTERNATIONAL FIDELITY INSURANCE COMPANY AND ACCEPTING MAINTENANCE BOND #0661659 IN THE AMOUNT OF \$305,481.60 FOR THE COMPLETED WORK IN SPRINGER ESTATES, JHDMC, INC., ROAD AND BRIDGE PCT. 4

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 220.15 DECLARING THE FOLLOWING ITEM AS SURPLUS TO BE DISPOSED OF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE [263-1999 FORD F-250, VIN 1FTNF20F9XEC82494] FROM ROAD AND BRIDGE PRECINCT 4

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

MINUTE ORDER NO 221.15 DECLARING SEIZED ITEMS FROM JUSTICE OF THE PEACE PRECINCT 2 COURT AS SURPLUS TO BE DISPOSED OF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE 263 [VARIOUS CLOTHING AND HOUSEHOLD ITEMS]

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

ADMINISTRATIVE:

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

MINUTE ORDER NO 222.15 CONVEYING BY QUITCLAIM DEED THE FOLLOWING TAX SALE "STRUCK OFF" PROPERTY TO THE CITY OF FERRIS: .221 ACRE, MORE OR LESS, SITUATED IN THE MASON PHELPS SURVEY, ABSTRACT 824, ELLIS COUNTY, TEXAS, AS DESCRIBED IN DEED DATED OCTOBER 12, 1976, FROM IRENE M. AUTREY TO WALLACE PARROTT, ET UX., IN VOLUME 603, PAGE 761, DEED RECORDS OF ELLIS COUNTY, TEXAS (JAKE BATTENFIELD, ATTORNEY, LINEBARGER GOGAN BLAIR & SAMPSON, LLP)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

No ACTION: 3.2 REVIEW OF RECENT TEXAS COMMISSION ON JAIL STANDARDS' INSPECTION OF THE ELLIS COUNTY JAIL. – CAROL BUSH, COUNTY JUDGE

MINUTE ORDER NO 223.15 DONATING TO THE RED CROSS OBSOLETE SAFETY SUPPLIES GENERATED FROM A PREVIOUS PROGRAM (STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR)
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER NO 224.15 AMENDING CONTRACT WITH EVERBRIDGE TO DISCONTINUE REDUNDANT WEATHER ALERT NOTIFICATIONS (STEPHANIE PARKER, EMERGENCY MANAGEMENT COORDINATOR)
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

RECESS REGULAR SESSION TO CONVENE PUBLIC HEARING

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

PUBLIC HEARING

PURSUANT TO §251.152 OF THE TEXAS TRANSPORTATION CODE, PUBLIC HEARING TO DISCUSS THE INSTALLATION OF A STOP SIGN ON CHISHOLM TRAIL AT THE FOLLOWING LOCATION: 1) THE SOUTHERN INTERSECTION OF CHISHOLM TRAIL AND E. HAVEN ROAD IN ELLIS COUNTY, TEXAS. – PRECINCT 2.

ADJOURNMENT OF PUBLIC HEARING AND RECONVENE REGULAR SESSION

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 225.15 APPROVING REQUEST TO INSTALL A STOP SIGN ON CHISHOLM TRAIL AT THE FOLLOWING LOCATION: 1) THE SOUTHERN INTERSECTION OF CHISHOLM TRAIL AND E. HAVEN ROAD IN ELLIS COUNTY, TEXAS – PRECINCT 2 (LANE GRAYSON, COMMISSIONER, PCT. 2)
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

No ACTION: 3.6 BURN BAN ORDER FOR ELLIS COUNTY. – JOE STEWART, FIRE MARSHAL

No ACTION: 3.7 FIRE MARSHAL DISCUSSION REGARDING INSPECTIONS, INVESTIGATIONS AND STAFFING. – JOE STEWART, FIRE MARSHAL

MINUTE ORDER NO 226.15 APPROVING MODIFICATIONS TO THE EXISTING ELLIS COUNTY PERMIT FEE SCHEDULE FROM \$500 TO \$250 (JOE STEWART, FIRE MARSHAL)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

3.9 STATUS OF DUNBAR CONTRACT. – CAROL BUSH, COUNTY JUDGE
ANN MONTGOMERY-MORAN / REPORT SHOULD BE READY BY JUNE 1, 2015

MINUTE ORDER NO 227.15 APPROVING A LETTER OF CONCURRENCE BETWEEN ELLIS COUNTY AND THE NORTH TEXAS TOLLWAY AUTHORITY UHF RADIO PROJECT (CHUCK LAUBACH, ELLIS COUNTY SHERIFF OFFICE)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 228.15 ESTABLISHING JULY 1 THROUGH JUNE 30 ANNUALLY AS ELLIS COUNTY'S MEASUREMENT PERIOD (THAT PERIOD OF TIME FOR COUNTING HOURS OF SERVICE) AS REQUIRED BY THE AFFORDABLE CARE ACT (ANNE PRICE, DIRECTOR OF HUMAN RESOURCES)
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 229.15 AUTHORIZING THE COUNTY JUDGE TO SIGN THE ACA REPORTING AND TRACKING SERVICE (ARTS) PROGRAM AGREEMENT WHICH PROVIDES THOSE SERVICES NECESSARY TO PRODUCE ELLIS COUNTY'S TRACKING AND REPORTING DATA REQUIRED FOR IRS FORMS 1094-B, 1095-B, 1094-C, AND 1095-C, 1,2,&3 IN COMPLIANCE WITH THE AFFORDABLE CARE ACT; ELLIS COUNTY'S MEMBERSHIP IN THE TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFIT PROGRAM WAIVES THE ANNUAL SUBSCRIPTION FEE AND ACTIVATION SERVICE FEE [LATE FEE OF \$2,500 FOR DATA SUBMITTED AFTER 06-30-2015] (ANNE PRICE, DIRECTOR OF HUMAN RESOURCES)
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 230.15 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN ELLIS COUNTY AND THE CITY OF RED OAK FOR COOPERATIVE PURCHASING WITH VENUE IN ELLIS COUNTY RATHER THAN DALLAS COUNTY (CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (3:28PM)
MOTION BY COMMISSIONER GRAYSON, 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 §551.076 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES WITHIN THE ELLIS COUNTY COURTS AND ADMINISTRATION BUILDING AND THE HISTORIC COURTHOUSE.
- 4.2 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE PURCHASING AGENT.
- 4.3 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE FIRE MARSHAL.
- 4.4 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE DIRECTOR OF HUMAN RESOURCES.

ADJOURNMENT OF EXECUTIVE SESSION

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

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF APRIL 27, 2015 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER, PCT 1



PAUL PERRY, COMMISSIONER, PCT 3



LANE GRAYSON, COMMISSIONER, PCT 2

Absent

KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 22ND DAY OF JUNE, 2015



CINDY POLLEY, COUNTY CLERK

