

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – DECEMBER 3, 2019

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, DECEMBER 3, 2019 AT 2:03 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2ND FLOOR) 101 W. MAIN STREET, WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

MEMBERS PRESENT:

COUNTY JUDGE: TODD LITTLE

COUNTY CLERK: KRYSTAL VALDEZ

COMMISSIONERS:

ASSISTANT COUNTY ATTORNEY: VANCE HINDS

RANDY STINSON, COMMISSIONER, PCT. 1

LANE GRAYSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

KYLE BUTLER, COMMISSIONER, PCT. 4

OPENING COURT

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

MOTION TO OPEN COURT BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY, MOTION CARRIES

INVOCATION AND PLEDGE OF ALLEGIANCE – *TODD LITTLE, COUNTY JUDGE*

PUBLIC COMMENT - MEMBERS OF THE PUBLIC WILL HAVE THE OPPORTUNITY TO MAKE THEIR COMMENTS AT THE TIME THE AGENDA ITEM IS BEING ADDRESSED.

MINUTE ORDER 504.19 APPROVING CONSENT AGENDA EXCLUDING A7

ADMINISTRATIVE:

- A1 APPROVING OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVING COMMISSIONERS' COURT SPECIAL MEETING MINUTES FROM NOVEMBER 15, 2019 AND REGULAR MEETING MINUTES FROM NOVEMBER 19, 2019. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A3 ACCEPTING THE MONTHLY REPORT FOR CONSTABLE 1. – *JANET MARTIN, AUDIT*
- A4 ACCEPTING THE MONTHLY REPORT FOR CONSTABLE 2. – *JANET MARTIN, AUDIT*
- A5 ACCEPTING THE MONTHLY REPORT FOR CONSTABLE 3. – *JANET MARTIN, AUDIT*

A6 ACCEPTING THE MONTHLY REPORT FOR CONSTABLE 4. – JANET MARTIN, AUDIT

A7 MOVED TO REGULAR AGENDA BY COUNTY JUDGE

FINANCIAL:

F1 ACCEPTING UNANTICIPATED REVENUE OF \$8,269.31 AS RECEIVED AND CERTIFIED BY THE COUNTY AUDITOR, PURSUANT TO LOCAL GOVERNMENT CODE §111.0108. THIS REVENUE IS AN ANNUAL REBATE FROM JP MORGAN CHASE P-CARD PURCHASES AND WAS PLACED IN THE 2018/2019 FISCAL YEAR. – JANET MARTIN, AUDITOR

F2 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM NOVEMBER 13, 2019 – NOVEMBER 25, 2019, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – JANET MARTIN, AUDIT

F3 ACCEPTING THE AUDITORS MONTHLY REPORT FOR OCTOBER 1, 2019 – NOVEMBER 26, 2019, PURSUANT TO LOCAL GOVERNMENT CODE §114.025. – JANET MARTIN, AUDIT

F4 FY 2019-20 LINE ITEM ADJUSTMENT: DECREASE 001-0430-506890 GIS SOFTWARE BY \$2,470.00; INCREASE 001-0430-508680 CONTRACT SERVICES BY \$2,470.00. – SAMANTHA PICKETT, EMERGENCY MANAGEMENT

F5 FY 2019-20 LINE ITEM ADJUSTMENT: DECREASE 001-0030-508620 FISCAL SERVICE FEE BY \$323.00; INCREASE 001-0030-508190 COMPUTER BY \$323.00 – KW WINKLES, AUDIT

F6 ACCEPTING A CHECK FROM TROY CONSTRUCTION IN THE AMOUNT OF \$115,000.00 FOR DAMAGE TO CROSBY ROAD. – PAUL PERRY, COMMISSIONER, ROAD & BRIDGE PRECINCT 3

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

REGULAR AGENDA

MINUTE ORDER 505.19 (A7) APPROVING A JOINT RESOLUTION FOR THE ELLIS COUNTY REPUBLICAN PARTY CHAIR AND DEMOCRATIC PARTY CHAIR TO ENTER INTO A JOINT 2020 PRIMARY ELECTION SERVICES CONTRACT WITH THE ELLIS COUNTY ELECTION ADMINISTRATOR. – JANA ONYON, ELECTIONS

PUBLIC PARTICIPATION: PENNY STORY – RED OAK

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

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 506.19 (1.1) APPROVING A REQUEST TO RELEASE A PERFORMANCE BOND IN THE AMOUNT OF \$575,704.85 AND ACCEPT A 2-YEAR MAINTENANCE BOND IN THE AMOUNT OF \$231,281.94 FOR OXFORD RANCH TWO, PHASE 2. THE PROPERTY CONTAINS ± 69.645 ACRES OF LAND IN THE T. CASSIDY SURVEY, ABSTRACT NO. 255 AND THE H.G. HURST SURVEY, ABSTRACT NO. 458 LOCATED AT THE NORTHEAST CORNER OF CARDIFF LANE AND SOUTH WESTMORELAND ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT No. 4

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

MINUTE ORDER 507.19 (1.2) APPROVING A REQUEST TO ACCEPT A MAINTENANCE BOND FOR LEGACY ESTATES, PHASE II. THE PROPERTY CONTAINS ± 69.510 ACRES OF LAND IN THE MARY POWERS SURVEY, ABSTRACT NO. 843 AND THE WILLIAM M. C. BINGHAM SURVEY, ABSTRACT NO. 151 LOCATED AT THE WEST SIDE OF FM 664 ± 2,000 FEET NORTH OF BOB WHITE ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT No. 4

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

MINUTE ORDER 508.19 (1.3) APPROVING A FINAL PLAT OF JOE WRIGHT ADDITION. THE PROPERTY CONTAINS ± 4.00 ACRES OF LAND IN THOMAS BUTLER SURVEY, ABSTRACT NO. 67, LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF EDMONSON ROAD AND WRIGHT ROAD, WAXAHACHIE, ROAD & BRIDGE PRECINCT No. 3

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

MINUTE ORDER 509.19 (1.4) APPROVING A FINAL PLAT OF KUBIN ADDITION. THE PROPERTY CONTAINS ± 1.00 ACRE OF LAND IN THE R. B. VEST SURVEY, ABSTRACT NO. 1104, LOCATED ON THE SOUTH SIDE OF FM 1181, ± 385 FEET WEST OF KUBIN LANE, ENNIS, ROAD & BRIDGE PRECINCT No. 2

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

MINUTE ORDER 510.19 (1.5) APPROVING A REPLAT OF LOT 4R, BLOCK F, FLYING "W" ESTATES, UNITS IV & V. THE PROPERTY CONTAINS ± 3.0523 ACRES OF LAND LOCATED ON THE EAST SIDE OF OLD BUENA VISTA ROAD ± 925 FEET NORTH OF ALTO ROAD, MAYPEARL, ROAD & BRIDGE PRECINCT No. 3

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

MINUTE ORDER 511.19 (1.6) APPROVING A REPLAT OF SPRINGSIDE ESTATES, PHASE 1. THE PROPERTY CONTAINS ± 88.651 ACRES OF LAND LOCATED ON THE NORTH SIDE OF BROADHEAD ROAD ± 650 WEST OF GIBSON ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4

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

MINUTE ORDER 512.19 (1.7) APPROVING A REPLAT OF WHISPERING MEADOWS, UNIT 1, TRACTS 1A-1D. THE PROPERTY CONTAINS A TOTAL OF ± 30.562 ACRES OF LAND LOCATED ON WILSON ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 1

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIES

MINUTE ORDER 513.19 (1.8) APPROVING WITH CONDITIONS, A REQUEST FOR A ONE-TIME VARIANCE FROM SECTION IV (A) (2) (i) (LOTS) OF THE SUBDIVISION DEVELOPMENT STANDARDS GRANTING MORE THAN THE ALLOWABLE NUMBER OF DWELLING UNITS. THE PROPERTY CONTAINS ± 1.069 ACRES OF LAND LOCATED AT 4330 CIELO TRAIL ROAD IN THE STONEWOOD RANCH SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO. 4

CONDITIONS: SUBMITTAL, REVIEW, AND APPROVAL OF AN ON-SITE SEWAGE FACILITY (OSSF) DESIGN UPON MEETING THE MINIMUM STANDARDS OUTLINED IN THE ELLIS COUNTY SEPTIC ORDER OR THE TEXAS COUNCIL OF ENVIRONMENTAL QUALITY (TCEQ), WHOEVER HAS ULTIMATE JURISDICTION.

PUBLIC PARTICIPATION: GWEN JONES – MIDLOTHIAN, MELANIE PROFFITT - MIDLOTHIAN

MOTION TO APPROVE WITH CONDITIONS BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY, MOTION CARRIES

MINUTE ORDER 514.19 (1.9) APPROVING WITH CONDITIONS, A REQUEST FOR A ONE-TIME VARIANCE FROM SECTION IV (A) (2) (LOTS) OF THE SUBDIVISION DEVELOPMENT STANDARDS – ROAD FRONTAGE. THE PROPERTY CONTAINS ± 18.915 ACRES OF LAND LOCATED AT 5204 E FM 875, LOCATED IN THE EXTRA-TERRITORIAL JURISDICTION (ETJ) OF WAXAHACHIE, ELLIS COUNTY ROAD & BRIDGE PCT. NO. 3.

CONDITIONS: SUBMIT A PLAT APPLICATION THAT IS IDENTICAL TO EXHIBIT A; SUBMITTAL, REVIEW, AND APPROVAL OF AN ON-SITE SEWAGE FACILITY (OSSF) DESIGN UPON MEETING THE MINIMUM STANDARDS OUTLINED IN THE ELLIS COUNTY SEPTIC ORDER OR THE TEXAS COUNCIL OF ENVIRONMENTAL QUALITY (TCEQ), WHOEVER HAS ULTIMATE JURISDICTION; COMPLIANCE WITH THE EXISTING SUBDIVISION REGULATIONS IN EFFECT AT THAT TIME OF PLAT APPLICATION FOR ANY FURTHER SUBDIVISION OF THE RESIDUAL ± 16.866 OF LAND.

MOTION TO APPROVE WITH CONDITIONS BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER, MOTION CARRIES

PURCHASING

MINUTE ORDER 515.19 (2.1) AUTHORIZING THE ADVERTISEMENT AND SOLICITATION OF BIDS FOR CONTRACT FOR DRAINAGE CULVERTS.

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

MINUTE ORDER 516.19 (2.2) APPROVING THE AWARD OF BID #2019-014, WORKER'S COMPENSATION INSURANCE TO TEXAS ASSOCIATION OF COUNTIES (TAC).

PUBLIC PARTICIPATION: MIKE KESSLER - GALLAGHER

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

MINUTE ORDER 517.19 (2.3) APPROVING CONTRACT #2019-008 DISASTER DEBRIS REMOVAL, REDUCTION, DISPOSAL, AND OTHER EMERGENCY DEBRIS RELATED SERVICES, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE TO TFR ENTERPRISES, INC.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER STINSON, MOTION CARRIES

MINUTE ORDER 518.19 (2.4) AUTHORIZING THE COUNTY JUDGE TO EXECUTE A 3-YEAR RENEWAL CONTRACT WITH THOMPSON REUTERS FOR WEST PROFLEX SERVICE, FOR USE BY ELLIS COUNTY COURTS WITH A CHANGE OF NAME ON CONTRACT TO "ELLIS COUNTY".

MOTION TO APPROVE WITH CHANGE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIES

MINUTE ORDER 519.19 (2.5) APPROVING THE RENEWAL OF THE FOLLOWING BIDS FOR A ONE (1) YEAR PERIOD:

- A. RB 2018-001 JANITORIAL SUPPLIES WITH ENNIS JANITORIAL SUPPLY CO.
- B. RB 2018-001 JANITORIAL SUPPLIES WITH INTERBORO PACKAGING CO.
- C. RB 2018-005 PRINTED FORMS WITH GINGERBREAD PRESS/STONEGLASS MARKETING
- C. BID #2017-002 CONVENIENCE STORE FUEL WITH PEARMAN OIL & GAS, INC.
- E. BID #2017-001 WHOLESALE GAS & DIESEL WITH AVENUE FUEL
- F. BID #2018-005 PRINTED FORMS WITH COLLEGE STREET PRINTING
- G. BID #2013-009 INMATE PHONE SERVICES WITH NETWORK COMMUNICATION INTERNATIONAL COMPANY (NCIC)
- H. BID #2019-002 ROAD MATERIALS WITH VULCAN CONSTRUCTION MATERIALS, LLC FOR A ONE (1) YEAR RENEWAL PERIOD EFFECTIVE FROM 1/2/20 – 1/1/21

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

ADMINISTRATIVE

NO ACTION (3.1) ELLIS COUNTY BURN BAN REMAINS LIFTED. – *TIM BIRDWELL, FIRE MARSHAL*

MINUTE ORDER 520.19 (3.2) APPROVING THE REAPPOINTMENT OF ELLIS COUNTY FIRE MARSHAL, TIM BIRDWELL, FOR A TWO (2) YEAR PERIOD BEGINNING DECEMBER 14, 2019 AND ENDING DECEMBER 14, 2021. – *TIM BIRDWELL, FIRE MARSHAL*

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER STINSON, MOTION CARRIES

MINUTE ORDER 521.19 (3.3) APPROVING THE SURETY BOND FOR TIM BIRDWELL. – *TIM BIRDWELL, FIRE MARSHAL*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, MOTION CARRIES

MINUTE ORDER 522.19 (3.4) AUTHORIZING CONSTABLE PRECINCT 3 TO HIRE UP TO SEVEN (7) RESERVE OFFICERS. – *CURTIS POLK, CONSTABLE, PRECINCT 3*

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

MINUTE ORDER 523.19 (3.5) ACCEPTING THE COMPENSATORY TIME REPORT. – *THERESA TAYLOR, HUMAN RESOURCES*

MOTION TO ACCEPT BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIES

MINUTE ORDER 524.19 (3.6) APPROVING TO CANCEL THE REGULAR COMMISSIONER'S COURT MEETING PREVIOUSLY SCHEDULED FOR TUESDAY, DECEMBER 31ST AT 2:00 P.M. AND SCHEDULE A SPECIAL COMMISSIONER'S COURT MEETING ON MONDAY, DECEMBER 30, 2019, 2:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2ND FLOOR), 101 W. MAIN STREET, WAXAHACHIE, TEXAS. – *TODD LITTLE, COUNTY JUDGE*

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER STINSON, MOTION CARRIES

MINUTE ORDER 525.19 (3.7) RESOLUTION CASTING VOTES FOR JOHN TABOR FOR DIRECTOR FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2020-2021. – *TODD LITTLE, COUNTY JUDGE*

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

MINUTE ORDER 526.19 (3.8) APPROVING THE COUNTY JUDGE TO SIGN AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF WAXAHACHIE FOR THE USE OF JOE WHITE TOWER. – *VANCE HINDS, COUNTY & DISTRICT ATTORNEY*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, MOTION CARRIES

MINUTE ORDER 527.19 (3.9) APPROVING THE COUNTY JUDGE TO SIGN THE MASTER SERVICES CONTRACT WITH DART DRONES TO PROVIDE ON-SITE PRIVATE DRONE TRAINING FOR COUNTY EMPLOYEES, IN RELATION TO MINUTE ORDER 417.19. – *SAMANTHA PICKETT, EMERGENCY MANAGEMENT*

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

MINUTE ORDER 528.19 (3.10) FINDING, PURSUANT TO §551.072 OF THE GOVERNMENT CODE, THAT DELIBERATIONS REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON. – *TODD LITTLE, COUNTY JUDGE*

MOTION FOR A FINDING BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIES

RECESS TO CONVENE TO EXECUTIVE SESSION 3:37 P.M.

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIES

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 §551.072 OF THE GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION 4:15 P.M.

MOTION TO RECONVENE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER, MOTION CARRIES

ADJOURNMENT 4:16 P.M.

MOTION TO ADJOURN BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, MOTION CARRIES

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF DECEMBER 3, 2019 ARE HEREBY APPROVED.

PRESIDING OFFICER:



TODD LITTLE, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

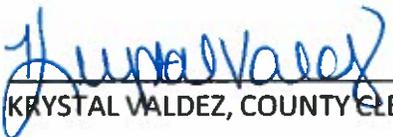


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 17TH DAY OF DECEMBER 2019.



KRYSTAL VALDEZ, COUNTY CLERK

