

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – JANUARY 14, 2020

Minute Order 119.20
January 28, 2020
Consent Agenda A2

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, JANUARY 14, 2020 AT 2:02 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 PERRY, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

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.

RECOGNITIONS/COMMENDATIONS/AWARDS:

AA COMMENDATION AND RECOGNITION OF MIDLOTHIAN POLICE OFFICER CHRIS DOUGLAS. – *TODD LITTLE, COUNTY JUDGE*

MINUTE ORDER 101.20 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVING OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVING COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM DECEMBER 30, 2019. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A3 ACCEPTING THE INTERLOCAL WORK ORDER REQUEST FROM THE CITY OF GARRETT. REFERENCE INTERLOCAL MINUTE ORDER 381.19. POTHOLE REPAIRS NOT TO EXCEED 8 HOURS OF WORK. – *RANDY STINSON, COMMISSIONER, ROAD & BRIDGE PRECINCT 1*

- A4 AUTHORIZING THE COUNTY JUDGE TO SIGN AN INTERLOCAL COOPERATION CONTRACT AND AGREEMENT FOR DETENTION SERVICES BETWEEN ELLIS COUNTY AND CITY OF ALMA FOR CLASS C MISDEMEANOR OFFENSES ONLY. – *CHUCK EDGE, SHERIFF*

FINANCIAL:

- F1 ACCEPTING THE COUNTY AUDITOR’S ANNUAL REPORT, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.022. – *JANET MARTIN, AUDITOR*
- F2 ACCEPTING A TABULATED REPORT OF THE COUNTY’S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM DECEMBER 11, 2019 – JANUARY 3, 2020, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. - *JANET MARTIN, AUDIT*
- F3 ACCEPTING THE AUDITOR’S MONTHLY REPORT TO SATISFY LOCAL GOVERNMENT CODE §114.025(A)(5). – *JANET MARTIN, AUDITOR*
- F4 ACCEPTING A MONTHLY REPORT FOR CONSTABLE PRECINCT 2. – *TERRY NAY, CONSTABLE, PRECINCT 2*
- F5 ACCEPTING A MONTHLY REPORT FOR CONSTABLE PRECINCT 3. – *CURTIS POLK, CONSTABLE, PRECINCT 3*
- F6 APPROVING A REFUND OF PROPERTY TAXES. – *JOHN BRIDGES, TAX ASSESSOR/COLLECTOR*
- F7 APPROVING A PAYMENT OF FY2019 INVOICES OUT OF FY2020 BUDGETED FUNDS. – *K. W. WINKLES, AUDIT*
- F8 APPROVING TO UPDATE SECTIONS 17.02 AND 17.03 OF THE ELLIS COUNTY PERSONNEL POLICY TO ALLOW FOR AUTOMATIC UPDATES TO THE MILEAGE REIMBURSEMENT RATE BASED ON ANNUAL ISSUANCES OF STANDARD MILEAGE RATES BY THE IRS. – *JANET MARTIN, AUDITOR*
- F9 **FY 2019-20 BUDGET AMENDMENT: INCREASE 001-0210-407190 CHAPTER 19 STATE FUNDING BY \$13,696.08; INCREASE 001-0210-508000 CHAPTER 19 EXPENDITURES BY \$13,696.08 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.01087 UNBUDGETED INTERGOVERNMENTAL CONTRACT REVENUE CERTIFIED BY COUNTY AUDITOR. – *JANA ONYON, ELECTIONS***
- F10 **FY 2019-20 BUDGET AMENDMENT: INCREASE 001-0210-407190 CHAPTER 19 STATE FUNDING BY \$1,457.45; INCREASE 001-0210-508000 CHAPTER 19 EXPENDITURES BY \$1,457.45. – *JANA ONYON, ELECTIONS***
- F11 **FY 2019-20 BUDGET AMENDMENT: INCREASE 001-0010-406620 CRIMINAL JUSTICE ALIEN FUNDS BY \$51,049.00; INCREASE 001-0140-505580 CONTINGENCIES/RESERVE BY \$51,049.00 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.01087 UNBUDGETED INTERGOVERNMENTAL CONTRACT REVENUE CERTIFIED BY COUNTY AUDITOR. – *K. W. WINKLES, COUNTY AUDITOR***

F12 FY 2019-20 LINE ITEM ADJUSTMENT: DECREASE 001-0430-509760 PREPAREDNESS FAIR BY \$25.00; INCREASE 001-0430-509770 PREPAREDNESS TRAINING BY \$25.00. – SAMANTHA PICKETT, EMERGENCY MANAGEMENT

F13 FY 2019-20 LINE ITEM ADJUSTMENT: DECREASE 001-0070-505020 SALARY BY \$1,643.36; INCREASE 001-0070-508010 SUPPLY BY \$1,643.36 – ELLSWORTH HULING, VETERANS SERVICES

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

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 102.20 (1.1) APPROVING THE FINAL PLAT OF DICKERSON ADDITION CONSISTING OF TWO LOTS. THE PROPERTY CONTAINS ± 2.00 ACRES OF LAND ON THE WEST SIDE OF COLE ROAD ± 500 FEET SOUTH OF FM 664, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ROAD & BRIDGE PRECINCT No. 1

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

MINUTE ORDER 103.20 (1.2) APPROVING A FINAL PLAT OF MARY RUTH DODSON HART SUBDIVISION. THE PROPERTY CONTAINS ± 19.395 ACRES OF LAND IN THE ALEJANDRO DE LA GARZA SURVEY, ABSTRACT NO. 2, LOCATED ON ALTON LANE (A PRIVATE ROAD) ± 900 FEET SOUTH OF THE INTERSECTION OF HWY 34 AND DODSON ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF ENNIS, ROAD & BRIDGE, PRECINCT NO. 2

PUBLIC PARTICIPATION: MARVIN HART & LAURIE WALKER

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

MINUTE ORDER 104.20 (1.3) APPROVING AN APPLICATION FOR A REPLAT OF GREYSTONE ESTATES LOT 14R. THE PROPERTY CONTAINS ± 10.997 ACRES OF LAND LOCATED ON THE EAST SIDE OF SINGLETON ROAD, ± 1,200 FEET NORTH OF CAMPBELL ROAD, WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3.

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

TABLED TO 1-28-20 (1.4) CONSIDERATION AND ACTION UPON A REQUEST TO DISCONTINUE MAINTENANCE AND VACATION OF A COUNTY ROAD, RUTH ROAD, IN ACCORDANCE WITH CHAPTER 251 OF THE TEXAS TRANSPORTATION CODE. RUTH ROAD IS LOCATED ON THE NORTH SIDE OF FM 879 AND ±

3,500 FEET WEST OF BOYCE ROAD, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, PRECINCT No. 1

PUBLIC PARTICIPATION: LARRY AND MICHELE WALLACE

MOTION TO TABLE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

MINUTE ORDER 105.20 (1.5) APPROVING A REQUEST TO AMEND MINUTE ORDER 488.04, AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF GRAND PRAIRIE, TEXAS, REGARDING PLATTING AUTHORITY IN THEIR EXTRATERRITORIAL JURISDICTION (ETJ).

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

PURCHASING

MINUTE ORDER 106.20 (2.1) APPROVING THE PAYOFF OF LEASE AGREEMENT 002-0070806-008 WITH BANCORPSOUTH FOR TWO 2019 MACK GRANITE GR64F DUMP TRUCKS IN THE AMOUNT OF \$3,35.09 FOR ROAD & BRIDGE PRECINCT 2.

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

MINUTE ORDER 107.20 (2.2) AUTHORIZING TO ADVERTISE AND SOLICIT BIDS FOR A VENDING MACHINE CONTRACT FOR COUNTY FACILITIES.

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

MINUTE ORDER 108.20 (2.3) GRANTING A SOLE SOURCE EXEMPTION UNDER §262.024 OF THE LOCAL GOVERNMENT CODE FROM THE BIDDING REQUIREMENTS OF §262.023 OF THE LOCAL GOVERNMENT CODE FOR THE PURCHASE OF PROPRIETARY POLYMER-MODIFIED COLD ASPHALT MIX AND SERVICES FROM ATLAS ASPHALT, INC. FOR PRECINCTS 1,2, 3 AND 4.

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

MINUTE ORDER 109.20 (A) (2.4) APPROVING TO GRANT PRECINCTS 1, 2, 3 AND 4 AUTHORITY TO PURCHASE FROM SOLE SOURCE PROVIDER ATLAS ASPHALT, INC. PURSUANT TO LOCAL GOVERNMENT CODE §262.024(A)(7) UP TO \$200,000.00 ANNUALLY OF EZ STREET PROPRIETARY POLYMER COLD ASPHALT MIX ON AN AS-NEEDED BASIS.

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

ADMINISTRATIVE

NO ACTION (3.1) PRESENTATION OF MR. PAGE BISHOP FOR THE POSITION OF COUNTY EXTENSION AGENT 4-H/YOUTH DEVELOPMENT FOR ELLIS COUNTY. – *DR. DONALD KELM, TEXAS A&M AGRILIFE DISTRICT EXTENSION DIRECTOR; MARK ARNOLD, TEXAS A&M AGRILIFE EXTENSION*

NO ACTION (3.2) CONSIDERATION AND ACTION TO APPROVE A TAX ABATEMENT FOR COMPASS DATA CENTERS OF RED OAK. – *TODD LITTLE, COUNTY JUDGE*

PUBLIC PARTICIPATION: TODD FULLER – WAXAHACHIE; LEE MCCLEARY – WAXAHACHIE; CHRIS CURTIS – DALLAS; ALLAN HUGLEY – RED OAK; BEN GOODWYN – RED OAK; MARK STANFILL – RED OAK

NO ACTION (3.3) ELLIS COUNTY BURN BAN REMAINS LIFTED. – *TIM BIRDWELL, FIRE MARSHAL*

MINUTE ORDER 114.20 (3.4) AUTHORIZING THE ELLIS COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) TO APPLY AND ACCEPT GRANT FUNDS FROM THE FY 2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) ON BEHALF OF THE COUNTY JUDGE/DIRECTOR OF EMERGENCY MANAGEMENT BY JANUARY 31, 2020. ONCE APPROVED, GRANT FUNDS WILL BE ACCEPTED INTO LINE ITEM 001-0430-50502 SALARY. – *SAMANTHA PICKETT, EMERGENCY MANAGEMENT*

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

NO ACTION (3.5) CONSIDERATION AND APPROVAL TO PARTICIPATE IN TEXAS ASSOCIATION OF COUNTIES CYBERSECURITY TRAINING PROGRAM AND FOR THE COUNTY JUDGE TO SIGN THE AGREEMENT. – *TERAL CRAWFORD, INFORMATION TECHNOLOGY; THERESA TAYLOR, HUMAN RESOURCES*

NO ACTION (3.6) ACCEPTANCE OF THE FOLLOWING SUBMISSIONS FOR ELLIS COUNTY COMPLETE COUNT COMMITTEE FROM COMMISSIONER KYLE BUTLER, PRECINCT 4 AND TO ACCEPT ANY OTHER NOMINATIONS BROUGHT FORWARD BY MEMBERS OF THE COMMISSIONERS' COURT:

JASON BANKHEAD (1349 N. CREEK CIRCLE, WAXAHACHIE, TEXAS 75165)

BRAD PILAND (111 OAK CREEK LANE, OVILLA, TEXAS 75154)

COMMISSIONER GRAYSON NOMINATIONS:

THOMAS PARSONS (ENNIS)

CAROL BOULDIN (ENNIS)

MINUTE ORDER 115.20 (3.7) APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND ELLIS COUNTY FOR THE COOPERATING TECHNICAL PARTNERS FY 2019 FLOOD RISK PROJECT FOR WAXAHACHIE CREEK EFFECTIVE THROUGH SEPTEMBER 30, 2022.
– JOSEPH JACKSON, ENGINEERING

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

MINUTE ORDER 116.20 (3.8) AUTHORIZING THE POSTING OF MEADOW LANE AND TO SCHEDULE A PUBLIC HEARING FOR THE PROPOSED NAME CHANGE TO WEST MEADOW LANE PER A REQUEST FROM THE CITY OF RED OAK. – TED KANTOR, ENGINEERING

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

MINUTE ORDER 117.20 (3.9) NOMINATING COMMISSIONER RANDY STINSON AS THE ELLIS COUNTY REPRESENTATIVE ON THE NCT 9-1-1 BOARD OF MANAGERS FOR A TWO (2) YEAR TERM. – TODD LITTLE, COUNTY JUDGE

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTIONED CARRIED

MINUTE ORDER 118.20 (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 CARRIED

RECESS TO CONVENE TO EXECUTIVE SESSION **5:08 P.M.**

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

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

MINUTE ORDER 109.20 (B) (2.4) RESCINDING THE COURTS ACTION ON ITEM NUMBER 2.4 GRANTING PRECINCTS 1, 2, 3 AND 4 AUTHORITY TO PURCHASE FROM SOLE SOURCE PROVIDER ATLAS ASPHALT, INC. PURSUANT TO LOCAL GOVERNMENT CODE §262.024(A)(7) UP TO \$200,000.00 ANNUALLY OF EZ STREET PROPRIETARY POLYMER COLD ASPHALT MIX ON AN AS-NEEDED BASIS.

MOTION TO RESCIND BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

MINUTE ORDER 110.20 (2.4) GRANTING PRECINCTS 1, 2, 3 AND 4 AUTHORITY TO PURCHASE FROM SOLE SOURCE PROVIDER ATLAS ASPHALT, INC. PURSUANT TO LOCAL GOVERNMENT CODE §262.024(A)(7) WITH NO LIMIT OF EZ STREET PROPRIETARY POLYMER COLD ASPHALT MIX ON AN AS-NEEDED BASIS.

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

MINUTE ORDER 111.20 (2.5) APPROVING AND AUTHORIZING THE COUNTY JUDGE TO SIGN A CONTRACT, SUBJECT TO LEGAL, WITH HDR ARCHITECTURAL SERVICES UNDER §2254.004 OF THE TEXAS GOVERNMENT CODE FOR DESIGN AND OTHER RELATED SERVICES FOR THE BUILD OUT OF THE ELLIS COUNTY COURT AT LAW NO. 3 AND SUPPORTING OFFICES. PROPOSED DESIGN FEE: \$145,500.00; BID & CONSTRUCTION SERVICES HOURLY RATE: NOT TO EXCEED \$54,000.00

MOTION TO APPROVE SUBJECT TO LEGAL BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

MINUTE ORDER 112.20 (2.6) GRANTING AN EXEMPTION UNDER §262.024 OF THE LOCAL GOVERNMENT CODE FROM THE BIDDING REQUIREMENTS OF §262.023 OF THE LOCAL GOVERNMENT CODE FOR THE PROFESSIONAL APPRAISAL SERVICES OF MIKE ATWOOD OF ATWOOD EVALUATIONS.

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

MINUTE ORDER 113.20 (2.7) AUTHORIZING THE COUNTY JUDGE TO SIGN A CONTRACT WITH DATA PRESERVATION SOLUTIONS, LLC FOR PROPERTY FRAUD ALERT SERVICES IN THE AMOUNT OF \$22,566.88 FOR A TERM OF THREE (3) YEARS.

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

BREAK FOR RECESS AT 3:30 P.M.

RECONVENE TO REGULAR SESSION AT 3:38 P.M.

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 5:39 P.M.

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

ADJOURNMENT 5:39 P.M.

MOTION TO ADJOURN BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF JANUARY 14, 2020 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 28TH DAY OF JANUARY 2020.


KRYSTAL VALDEZ, COUNTY CLERK

