

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – DECEMBER 15, 2020

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, DECEMBER 15, 2020 AT 2:00 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

ASSISTANT COUNTY CLERK: TINA CHAMBERS

COMMISSIONERS:

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 GRAYSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE – *COMMISSIONER LANE GRAYSON*

CONSENT AGENDA:

MINUTE ORDER 492.20 **APPROVING CONSENT AGENDA**

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *CHERYL CHAMBERS, COUNTY TREASURER*
- A2 APPROVING COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM DECEMBER 1, 2020. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A3 APPROVING TO ADD A \$250.00 BULK DATA DOWNLOAD FEE TO THE COUNTY CLERK FEE SCHEDULE. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A4 ACCEPTING THE ELLIS COUNTY ATTORNEY SURETY BOND, EFFECTIVE JANUARY 1, 2021 FOR A PERIOD OF FOUR (4) YEARS. – *ANN MONTGOMERY, ASSISTANT DISTRICT ATTORNEY*
- A5 ACCEPTING UP TO EIGHT (8) BENCHES DONATED BY THE WAXAHACHIE ROTARY CLUB FOR THE COURTHOUSE LAWN. – *TODD LITTLE, COUNTY JUDGE; WILLIAM WALLACE, JUDGE, 378TH DISTRICT COURT*

FINANCIAL:

- F1 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM NOVEMBER 21, 2020 – DECEMBER 7, 2020, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *JANET MARTIN, COUNTY AUDITOR*
- F2 **FY2020-2021 BUDGET AMENDMENT:** INCREASE 043-0943-508070 OPERATING EXPENDITURES BY \$44,264.00; INCREASE 043-0943-401700 TRANSFER FROM GENERAL FUND BY \$37,264.00; INCREASE 043-0943-400660 VITALS PRESERVATION BY \$7,000.00. – *KRYSTAL VALDEZ, COUNTY CLERK*
- F3 **FY2020-2021 BUDGET AMENDMENT:** INCREASE 001-0700-643943 TRANSFER TO COUNTY CLERK VITALS PRESERVATION BY \$37,264.00; INCREASE 001-0010-406490 FUND BALANCE CARRY OVER BY \$37,264.00. – *KRYSTAL VALDEZ, COUNTY CLERK*
- F4 **FY2020-21 LINE ITEM ADJUSTMENT:** DECREASE 005-0703-570000 RB3 CONTINGENCY BY \$80,000.00; INCREASE 005-0703-509120 RB3 BRIDGE REPAIR BY \$80,000.00; DECREASE 011-0704-509120 FM3 BRIDGE REPAIR BY \$69,859.96; INCREASE 011-0704-508020 FM3 PURCHASE EQUIPMENT BY \$69,859.96. – *PAUL PERRY, COMMISSIONER, PRECINCT 3*
- F5 **FY2020-21 LINE ITEM ADJUSTMENT:** DECREASE 001-0140-505600 COMP./FRINGE LIABILITY BY \$9,298.00; INCREASE 001-0385-505020 SALARIES- FULL TIME BY \$7,787.00; INCREASE 001-0385-505530 SOCIAL SECURITY BY \$596.00; INCREASE 001-0385-505540 RETIREMENT BY \$915.00. – *GENE CALVERT, JUDGE, COUNTY COURT AT LAW 2*
- F6 APPROVING THE DEPARTMENT OF DEVELOPMENTS MONTHLY FINANCIAL REPORT FOR NOVEMBER 2020 PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *ALBERTO MARES, DEPARTMENT OF DEVELOPMENT*

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

REGULAR AGENDA

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 493.20 (1.1) APPROVING A PLAT OF LOT 1 AND 2, VAN CARTER ADDITION FINAL PLAT. THE PROPERTY CONTAINS ± 4.397 ACRES OF LAND IN THE H.H. SWISHER SURVEY, ABSTRACT NO. 955, LOCATED AT THE NORTHEAST INTERSECTION OF SHAW ROAD AND COOKE ROAD, IN THE EXTRA-TERRITORIAL JURISDICTION (ETJ) OF ENNIS, ROAD AND BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 494.20 (1.2) APPROVING A PLAT OF 7 MTZ RANCH. THE PROPERTY CONTAINS ± 8.420 ACRES OF LAND, IN THE A. LARRISON SURVEY ABSTRACT NO. 614, ± 4,040 FEET EAST OF THE INTERSECTION OF SUTTON ROAD AND HUNSUCKER ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF RED OAK, ROAD AND BRIDGE PRECINCT No. 1.

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

PURCHASING

MINUTE ORDER 495.20 (2.1) APPROVING TO PURCHASE FURNITURE AND INSTALLATION SERVICES FOR THE 378TH DISTRICT COURT (IN RELATION TO THE COUNTY COURT AT LAW #3 PROJECT), FROM OAK CLIFF OFFICE PRODUCTS USING THE TIPS COOPERATIVE CONTRACT NUMBER 200301 AND OMNIA PARTNERS COOPERATIVE CONTRACT NUMBER R191804. THE TOTAL OF THE FURNITURE AND INSTALLATION WILL BE \$94,410.26. – *ERIK TEST, PURCHASING*

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

MINUTE ORDER 496.20 (2.2) APPROVING TO ADD CHANGE ORDER #1 TO FORD AUDIO-VIDEO FOR ADDITIONAL SERVICES FOR COUNTY COURT AT LAW 3 COURTROOM FINISH OUT IN THE AMOUNT OF \$1,161.00 – *ERIK TEST, PURCHASING*

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

MINUTE ORDER 497.20 (2.3) APPROVING TO RENEW THE INMATE COMMUNICATIONS ADDENDUM AGREEMENT FOR A RENEWAL PERIOD OF THREE (3) YEARS FROM JANUARY 6, 2021 THROUGH JANUARY 5, 2024. – *ERIK TEST, PURCHASING*

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

MINUTE ORDER 498.20 (2.4) RESCINDING THE PURCHASE OF THE ETNYRE 7000-GALLON EMULSION TANK FROM R.B. EVERETT & Co. IN THE AMOUNT OF \$71,146.00 FOR ROAD & BRIDGE PRECINCT 2, APPROVED ON NOVEMBER 3, 2020. – *LANE GRAYSON, COMMISSIONER, PRECINCT 2*

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

MINUTE ORDER 499.20 (2.5) APPROVING TO PURCHASE TWO (2) MACK MP 8 DUMP TRUCKS FOR ROAD AND BRIDGE PRECINCT 2 IN THE AMOUNT OF \$290,857.72 USING HGAC BUY CONTRACT # HT06-20 WITH GRANDE TRUCK CENTER. – *ERIK TEST, PURCHASING*

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

MINUTE ORDER 500.20 (2.6) APPROVING TO DECLARE THE LISTED VEHICLES, EQUIPMENT AND VARIOUS ITEMS AS SURPLUS FOR ROAD & BRIDGE PRECINCT 1, TO BE DISPOSED PURSUANT TO LOCAL GOVERNMENT CODE §263. – *ERIK TEST, PURCHASING*

MAKE	YEAR	MODEL	VIN
HILBILT	1993	DUMP TRAILER	1H9B2A1AXP1015165
CHEVY	1999	DUMP TRUCK	1GBJ7H1D4XJ102099
CHEVY	1999	DUMP TRUCK	1GBJ7H1D8XJ102008
CHEVY	1999	DUMP TRUCK	1GBJ7H1D5XJ101964
	1994	GRADALL G3W	G01D753
FORD	1994	LT9000 DUMP TRUCK	1FDYU90X4RVA09689
ARCO	1996	FLATBED TRAILER – BLUE	
	1978	BANTOM CRANE S-488A	540

1. BUSH HOG CUTTER FLEX 10' 2610L
2. BRUSH MOWER 569504 (RED)
3. MILLER WELDER BLUE/TRAILER 035860
4. RED STORAGE CONTAINER – 2422
5. YELLOW CUTTER ATTACHMENT/YELLOW SAW 1945
6. ROCKSPEADER - 2554

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

TO AGENDA ITEM 3.1

ADMINISTRATIVE

MINUTE ORDER 501.20 (3.1) APPROVING TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ENNIS AND ELLIS COUNTY TO PARTICIPATE IN TAX INCREMENT FINANCING REINVESTMENT ZONE (TIRZ) NUMBER THREE (HWY 287 & BARDWELL LAKE). – *ANGIE JUENEMANN, MAYOR, CITY OF ENNIS, AND MARTY NELSON, CITY MANAGER, CITY OF ENNIS*

MOTION TO TAKE NO ACTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

MINUTE ORDER 502.20 (3.2) APPROVING CONCURRENT CONSTRUCTION ON CHAMBERS CREEK FLOOD CONTROL STRUCTURES #10 AND #11. – *TED KANTOR, ENGINEERING*

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

MINUTE ORDER 503.20 (3.3) SCHEDULING A PUBLIC HEARING TO AUTHORIZE POSTING/ADVERTISEMENT OF PUBLIC NOTICE OF THE INTENT TO CHANGE THE SPEED LIMIT ON BLUESTEM WAY. – *TED KANTOR, ENGINEERING*

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

MINUTE ORDER 504.20 (3.4) APPROVING THE FOLLOWING NECESSARY RENEWALS AND NEW APPLICANTS TO THE COUNTY HISTORICAL COMMISSION. – *TODD LITTLE, COUNTY JUDGE*

RE-APPOINTING THE FOLLOWING EXISTING MEMBERS FOR TWO-YEAR TERMS BEGINNING ON JANUARY 1, 2021 THROUGH DECEMBER 31, 2023: ELMERINE BELL, JIMMY BOON, REX CAREY, KAREN CARREON, BILL DODSON, KAREN ESBERGER, SHARAN FARMER, NANCY FARRAR, BRUCE FOWLER, SUGAR GLASPY, TY HALL, JUDY HOWARD, RAYMOND MOSLEY, CARLENE PERRYMAN, NANCY POST, SHANNON SMITH, SYLVIA STANFORD SMITH, SUSIE TOAL, AND GEORGE VALDEZ.

APPOINTING THE FOLLOWING NEW MEMBERS FOR TWO-YEAR TERMS BEGINNING JANUARY 1, 2021 THROUGH DECEMBER 31, 2023: ANDREA CALVERY

PUBLIC COMMENT: *CONNIE GRUBE – OVILLA*

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

MINUTE ORDER 505.20 (3.5) APPROVING THE NECESSARY RENEWALS, NEW APPLICANTS AND RESIGNATIONS FOR THE FOLLOWING EMERGENCY SERVICE DISTRICT (ESD) BOARD OF DIRECTORS. – *TIM BIRDWELL, FIRE MARSHAL*

RE-APPOINTING THE FOLLOWING EXISTING ESD BOARD MEMBERS FOR TWO-YEAR TERMS BEGINNING JANUARY 1, 2021 THROUGH DECEMBER 31, 2022: ESD #1, GARRY HARRIS; ESD #2, JOHN BINFORD AND RONALD RUSSELL; ESD #3 VINCENTE GUERRERO AND ALBERT GARCIA; ESD #4 STEVEN WAKELAND, ROBERT McMILLAN AND BRIAN HENSON; ESD #5 NORMAN HECKATHORN, ALFRED LEMON, AND DALLAS DIAL; ESD #6 CHARLES McCORMACK, WILLIAM HOWELL, AND RANDY JOHNSTON; ESD #7 TAMMY ALLEN, AND DAVID FUTRAL; ESD #9 MIKE GREENLEE, DANIELLE VICK AND JOHN HANCOCK

APPOINTING THE FOLLOWING NEW APPLICANTS AS ESD BOARD MEMBERS FOR TWO-YEAR TERMS BEGINNING JANUARY 1, 2021 THROUGH DECEMBER 31, 2022: ESD #8 PHILLIP WOOTEN, ROBERT D. GRIMES, AND STEPHEN ISBELL

ACCEPTING THE RESIGNATIONS OF THE FOLLOWING ESD BOARD MEMBERS EFFECTIVE DECEMBER 31, 2020: ESD #6 TOMMY HAMILTON; ESD #8 CARRY PERRY AND MARK DONAHO

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

MINUTE ORDER 506.20 (3.6) APPROVING THE ECONOMIC DEVELOPMENT PROGRAM UNDER TEXAS LOCAL GOVERNMENT CODE §381.004(B) AND ADOPTION OF "CHAPTER 381 ECONOMIC DEVELOPMENT PROGRAM RULES". – *TODD LITTLE, COUNTY JUDGE*

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

MINUTE ORDER 507.20 (3.7) APPROVING TO ENTER INTO AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE COUNTY OF ELLIS AND THE CITY OF PECAN HILL BEGINNING JANUARY 1, 2021 TO DECEMBER 31, 2021. – *RANDY STINSON, COMMISSIONER, PRECINCT 1*

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

MINUTE ORDER 508.20 (3.8) APPROVING TO ENTER INTO AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE COUNTY OF ELLIS AND THE CITY OF GARRETT; BEGINNING JANUARY 1, 2021 TO DECEMBER 31, 2021. – *RANDY STINSON, COMMISSIONER, PRECINCT 1*

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

MINUTE ORDER 509.20 (3.9) APPROVING TO ENTER INTO A TEXAS VOLKSWAGEN ENVIRONMENTAL MITIGATION PROGRAM CONTRACT, GRANT FUNDS NOT TO EXCEED \$378,882.00. – *RANDY STINSON, COMMISSIONER, PRECINCT 1*

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

MINUTE ORDER 510.20 (3.10) APPROVING ADDITIONAL SERVICES QUOTE FROM EVERBRIDGE FOR SMART WEATHER; ADDITIONAL FEATURE WILL COST \$1,794.35 PER YEAR TO THE CURRENT COMMISSIONERS' COURT APPROVED CONTRACT OF \$11,962.50 (WITHOUT AUTOMATIC ALERTS); TOTAL AMOUNT FOR THE EVERBRIDGE WITH SMART WEATHER WILL BE \$13,756.85 ANNUALLY; INCREASE 001-0430-509780 MASS NOTIFICATION SYSTEM BY \$348.20; DECREASE 001-0430-508680 CONTRACT SERVICES BY \$348.20. – *SAMANTHA PICKETT, EMERGENCY MANAGEMENT COORDINATOR*

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

MINUTE ORDER 511.20 (3.11) APPROVING THE IMPLEMENTATION OF ADDITIONAL SOCIAL DISTANCING GUIDELINES REGARDING SHARED BREAKROOMS IN THE HISTORIC COURTHOUSE, INCLUDING POSTING NOTIFICATION SIGNS AT THE ENTRANCE TO EACH SHARED BREAKROOM AND MODIFYING FURNITURE TO ENCOURAGE COMPLIANCE. – PAUL PERRY, COMMISSIONER, PRECINCT 3

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

RECESS TO CONVENE TO EXECUTIVE SESSION **3:02 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 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 AND §551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL/STAFF REGARDING THE PURCHASE, SALE OR LEASE OF REAL PROPERTY; DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE COUNTY IN NEGOTIATIONS WITH A THIRD PERSON.

MOTION FOR A FINDING THAT DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE COUNTY BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

- 4.2 PURSUANT TO CHAPTER 551.076 OF THE GOVERNMENT CODE, DELIBERATION REGARDING THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL OR DEVICES REGARDING TREASURY DEPOSITS.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION **4:09 P.M.**

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

TO AGENDA ITEMS 2.7 AND 2.8

MINUTE ORDER 512.20 (TABLING 2.7 AND 2.8)

(2.7) DISCUSSION, CONSIDERATION AND APPROVAL TO RESCIND/TERMINATE CONTRACT NUMBER 18/068MR-03, REGARDING DUNBAR ARMORED SERVICES. – E.J. HARBIN, PURCHASING

(2.8) DISCUSSION, CONSIDERATION AND APPROVAL FOR PERMISSION TO BID ARMORED SERVICES FOR THE COUNTY TREASURER. – E.J. HARBIN, PURCHASING

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

TO EXECUTIVE SESSION ITEM 4.1

TABLED (4.1) PURSUANT TO §551.071 AND §551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL/STAFF REGARDING THE PURCHASE, SALE OR LEASE OF REAL PROPERTY; DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE COUNTY IN NEGOTIATIONS WITH A THIRD PERSON.

ADJOURNMENT 4:10 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF DECEMBER 15, 2020
ARE HEREBY APPROVED.

PRESIDING OFFICER:



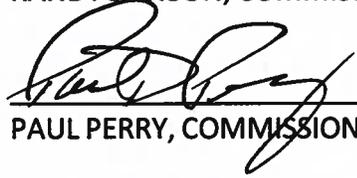
TODD LITTLE, COUNTY JUDGE

absent

RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

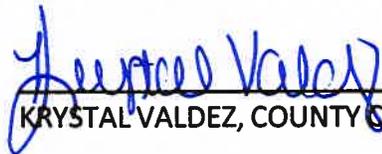


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 29TH DAY OF DECEMBER 2020.



KRYSTAL VALDEZ, COUNTY CLERK

