

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – FEBRUARY 9, 2021

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, FEBRUARY 9, 2021 AT 2:09 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2<sup>ND</sup> 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:**

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 BUTLER, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE – *RANDY STINSON, COMMISSIONER, PRECINCT 1*

**CONSENT AGENDA:**

**MINUTE ORDER 137.21** APPROVING CONSENT AGENDA WITHOUT A6

**ADMINISTRATIVE:**

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *CHERYL CHAMBERS, COUNTY TREASURER*
- A2 APPROVING COMMISSIONERS' COURT SPECIAL MEETING MINUTES FROM JANUARY 21, 2021; SPECIAL MEETING MINUTES FROM JANUARY 26, 2021; AND REGULAR MEETING MINUTES FROM JANUARY 26, 2021. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A3 ACCEPTING THE ELLIS COUNTY FIRE MARSHAL ANNUAL RACIAL PROFILE REPORT FOR THE YEAR 2020. – *TIM BIRDWELL, FIRE MARSHAL*
- A4 ACCEPTING THE ELLIS COUNTY CONSTABLE, PRECINCT #2 ANNUAL RACIAL PROFILE REPORT FOR THE YEAR 2020. – *OFFICE OF THE CONSTABLE, PRECINCT 2*
- A5 ACCEPTING CONTINUING EDUCATION HOURS, PURSUANT TO LOCAL GOVERNMENT CODE §262.011. – *E.J. HARBIN, PURCHASING AGENT*

- A6 (DUPLICATE) CONSIDERATION, DISCUSSION AND APPROVAL TO PAY BENEFITS CONTRIBUTION IN THE AMOUNT OF \$13,800.89 TO TCDRS FOR A PREVIOUS EMPLOYEE. – *THERESA TAYLOR, HUMAN RESOURCES*

**FINANCIAL:**

- F1 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM JANUARY 20, 2021 – JANUARY 29, 2021 PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *JANET MARTIN, COUNTY AUDITOR*
- F2 ACCEPTING A MONTHLY REPORT FROM JUSTICE OF THE PEACE, PRECINCT #1, PURSUANT TO LOCAL GOVERNMENT CODE §114.044. – *CHRIS MACON, JUSTICE OF THE PEACE, PRECINCT 1*
- F3 ACCEPTING PROPERTY TAX REFUNDS AS SUBMITTED BY THE ELLIS COUNTY TAX ASSESSOR/COLLECTOR IN THE AMOUNT OF \$186,379.27 – *JANET MARTIN, COUNTY AUDITOR*

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

## **REGULAR AGENDA**

### **DEPARTMENT OF DEVELOPMENT**

**MINUTE ORDER 138.21** (1.1) APPROVING WITH CONDITIONS, A PLAT OF MITCHELL ADDITION. THE PROPERTY CONTAINS ± 7.887 ACRES OF LAND IN THE F.E. KING SURVEY, ABSTRACT NO. 660 LOCATED ON THE WEST SIDE OF WESTMORELAND ROAD, ± 1,460 FEET NORTH OF THE INTERSECTION OF WESTMORELAND AND OXFORD RANCH ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF OAK LEAF, ROAD AND BRIDGE PRECINCT NO. 4.

PUBLIC PARTICIPATION: JOHN & CAROLYN ROSS

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

**MINUTE ORDER 139.21** (1.2) APPROVING A REPLAT OF ROCK CREEK ESTATES LOTS 40R & 41R, SECOND INSTALLMENT. THE PROPERTY CONTAINS ± 2.395 ACRES OF LAND LOCATED ON THE NORTH SIDE OF SHADY BROOK LANE, ± 1,170 FEET WEST OF BATCHLER ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ELLIS COUNTY, ROAD AND BRIDGE PRECINCT No 1.

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

**MINUTE ORDER 140.21** (1.3) APPROVING WITH EXCEPTIONS, TO RELEASE A PERFORMANCE BOND AND ACCEPT A TWO-YEAR MAINTENANCE BOND FOR THE PROPOSED COUNTRY MEADOWS ESTATES PHASE III (PARCEL ID NO. 192620). THIS PROPERTY CONTAINS ± 45.068 ACRES OF LAND IN THE GEORGE W. YOUNGER SURVEY, ABSTRACT NO. 1195, LOCATED ± 1,300 FEET NORTHWEST OF THE INTERSECTION OF GIBSON ROAD AND CACTUS ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 1.

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

## **PURCHASING**

**MINUTE ORDER 141.21** (2.1) APPROVING AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE LEASE AGREEMENTS WITH BANCORP SOUTH FOR ONE (1) 2021 FORD F250 PICKUP TRUCK FOR THE AGRILIFE EXTENSION DEPARTMENT AND ONE (1) 2020 GMC SIERRA 1500 4-WHEEL DRIVE PICKUP TRUCK FOR THE PURCHASING DEPARTMENT. THE LEASES WILL BE FOR FOUR YEARS WITH A \$16,000.00 DOWN PAYMENT PER VEHICLE.

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

**MINUTE ORDER 142.21** (2.2) APPROVING TO PURCHASE FOUR (4) CISCO WEBEX BOARDS FOR JUSTICE OF THE PEACE PRECINCT 1, PRECINCT 2, PRECINCT 3 AND PRECINCT 4 FOR A TOTAL OF \$70,200.94 USING DIR-TSO-2542 WITH FLAIR DATA SYSTEMS, INC. – DAN COX, JUSTICE OF THE PEACE, PCT. 3

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

**MINUTE ORDER 143.21** (2.3) APPROVING TO PURCHASE TWO (2) MACK MD 7 DUMP TRUCKS FOR ROAD AND BRIDGE PRECINCT 3 IN AN AMOUNT OF \$177,244.42 USING HGAC BUY CONTRACT #HT06-20 WITH GRANDE TRUCK CENTER.

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

**MINUTE ORDER 144.21** (2.4) APPROVING THE AWARD OF BID NUMBER RFB 2020-022, A CONTRACT FOR WHOLESALE GAS & DIESEL TO AVENUE FUEL DISTRIBUTORS.

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

**MINUTE ORDER 145.21** (2.5) APPROVING TO RENEW THE FOLLOWING BID RFP-2019-008 DISASTER DEBRIS REMOVAL, REDUCTION, DISPOSAL AND OTHER EMERGENCY DEBRIS RELATED SERVICES WITH D&J ENTERPRISES, INC. AND CROWDER GULF, FOR A ONE-YEAR PERIOD JANUARY 26, 2021 TO JANUARY 25, 2022.

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

**MINUTE ORDER 146.21** (2.6) APPROVING THE AWARD OF BID NUMBER RFB 2020-002 – CONTRACT FOR SPECIALTY EMULSIONS TO WRIGHT ASPHALT PRODUCTS COMPANY LLC.

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

To 3.9

## **ADMINISTRATIVE**

**MINUTE ORDER 147.21** (3.9) APPROVING TO AUTHORIZE THE ELLIS COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) TO APPLY AND ACCEPT GRANT FUNDS AS REIMBURSEMENTS FROM THE FY 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) BY FEBRUARY 26, 2021. ONCE APPROVED, GRANT FUNDS WILL BE ACCEPTED INTO A REVENUE LINE ITEM. – *SAMANTHA PICKETT, EMERGENCY MANAGEMENT*

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

To 3.1

**MINUTE ORDER 148.21** (3.1) APPROVING THE APPOINTMENT OF MICHAEL V. GREENLEE TO THE ELLIS COUNTY RURAL RAIL TRANSPORTATION DISTRICT BOARD FOR A 2-YEAR TERM. – *RANDY STINSON, ELLIS COUNTY COMMISSIONER, PRECINCT 1*

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

**MINUTE ORDER 149.21** (3.2) APPROVING THE NECESSARY FUNDS FROM THE GENERAL FUND FOR THE REPLACEMENT OF ONE TILT SKILLET IN THE JAIL KITCHEN. THE SKILLET WAS PURCHASED IN 1990 AND IS INOPERABLE. THE SKILLET IS NECESSARY FOR THE PREPARATION OF INMATE FOOD ON A DAILY BASIS. THE COST OF THE SKILLET IS \$21,692.00. – *BRAD NORMAN, COUNTY SHERIFF*

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

**MINUTE ORDER 150.21** (3.3) APPROVING TO SIGN THE TEEX MEMORANDUM OF AGREEMENT. THIS RENEWABLE AGREEMENT ALLOWS THE ELLIS COUNTY SHERIFF'S OFFICE TO HOLD ITS DETENTION OFFICER'S PHYSICAL SKILLS COURSE THAT IS REQUIRED TO ATTAIN THEIR JAILER LICENSE THROUGH TCOLE. THE ORIGINAL MOA WAS SIGNED IN JANUARY OF 2011. – *BRAD NORMAN, COUNTY SHERIFF*

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

**TABLED** (3.4) CONSIDERATION, DISCUSSION AND APPROVAL TO FILL THE VACANCY OF CONSTABLE PRECINCT 2 VIA APPOINTMENT, PURSUANT TO TEX. LOC. GOV'T CODE §87.041 (A)(10). – *TODD LITTLE, COUNTY JUDGE*

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

**MINUTE ORDER 151.21** (3.5) APPROVING THE PURCHASE OF AUDITBOARD AUDITING SOFTWARE AND ALLOWING JUDGE LITTLE TO EXECUTE THE SALES AGREEMENT. FIRST YEAR COST: SOFTWARE \$18,700.00 IMPLEMENTATION AND TRAINING COST: \$8,075.00. TOTAL FIRST YEAR COST: \$26,775.00 YEAR TWO COST: \$18,700.00 YEAR THREE COST: \$18,700.00 – *JANET MARTIN, COUNTY AUDITOR*

LINE-ITEM ADJUSTMENT:

**INCREASE:** 001-0030-505880 COMPUTER SOFTWARE \$26,775.00

**DECREASE:** 001-0140-505580 CONTINGENCY RESERVE \$26,775.00

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

**MINUTE ORDER 152.21** (3.6) APPROVING THE RECOMMENDED RECIPIENTS AND RELATED GRANT AMOUNTS FROM THE ECONOMIC RELIEF GRANT COMMITTEE. GRANT AWARD CHECKS TO BE MAILED AROUND FEBRUARY 24, 2021, PENDING THE REDISTRIBUTION OF FUNDS IF THE BUSINESS OWES TAXES TO THE COUNTY OR THE STATE. – *JANET MARTIN, COUNTY AUDITOR*

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

**MINUTE ORDER 153.21** (3.7) APPROVING TO DECLARE 300 POLL STAR "PIZZA BOX" VOTING BOOTHS AS SURPLUS FOR THE ELECTIONS DEPARTMENT AND TO BE DISPOSED IN ACCORDANCE WITH LOCAL GOVERNMENT CODE CHAPTER 263. – *E.J. HARBIN, PURCHASING AGENT*

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

**MINUTE ORDER 154.21** (3.8) APPROVING TO DONATE (LGC 263.152 (A)(1) ) SURPLUS POLL STAR "PIZZA BOX" VOTING BOOTHS AS FOLLOWS: 150 TO RED RIVER COUNTY; 100 TO JOHNSON COUNTY; 50 TO STARR COUNTY. – *E.J. HARBIN, PURCHASING AGENT*

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

To 3.12

**MINUTE ORDER 155.21** (3.12) APPROVING TO SIGN A RESOLUTION IN SUPPORT OF BRIEF OF AMICI CURIAE IN JAMES FREDRICK MILES V. TEXAS CENTRAL RAILROAD & INTEGRATED TEXAS LOGISTICS, INC. – *TODD LITTLE, COUNTY JUDGE*

PUBLIC PARTICIPANTS: RONNIE CALDWELL - PALMER

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

**ADJOURN TO EXECUTIVE SESSION 3:05 P.M.**

MOTION TO ADJOURN 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 §551.076 OF THE GOVERNMENT CODE, DELIBERATION REGARDING THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES.
- 4.2 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, DELIBERATION OF THE APPOINTMENT AND EMPLOYMENT OF A PUBLIC OFFICER, SPECIFICALLY CONSTABLE PRECINCT 2.
- 4.3 PURSUANT TO §551.072 OF THE GOVERNMENT CODE, TO DISCUSS 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.

- 4.4 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING A PENDING LITIGATION MATTER CONCERNING A TCDRS CONTRIBUTION.

**RECONVENE TO REGULAR SESSION 4:00 P.M.**

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

To 3.10

**MINUTE ORDER 156.21** (3.10) APPROVING TO ENTER INTO AN ENGAGEMENT AGREEMENT WITH WRAY, WILLETT & STOFFER TO PROVIDE LEGAL SERVICES TO FINALIZE ACQUISITION OF PROPERTY LOCATED AT 301 N. ROGERS STREET, WAXAHACHIE, TEXAS 75165.

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

**ADJOURN TO EXECUTIVE SESSION 4:03 P.M.**

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

**RECONVENE TO REGULAR SESSION 4:10 P.M.**

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

**MINUTE ORDER 157.21** (3.11) APPROVING THE PURCHASE AND SALE AGREEMENT FOR THE PROPERTY LOCATED AT 301 N. ROGERS STREET, WAXAHACHIE, TEXAS 75165 IN THE AMOUNT OF \$1,250,000.00.

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

To 3.13

**MINUTE ORDER 158.21** (3.13) APPROVING TO PAY A BENEFITS CONTRIBUTION IN THE AMOUNT OF \$13,800.89 TO TCDRS FOR A PREVIOUS EMPLOYEE. – *THERESA TAYLOR, HUMAN RESOURCES*

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

**ADJOURNMENT      4:11 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF FEBRUARY 9, 2021  
ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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TODD LITTLE, COUNTY JUDGE

  
\_\_\_\_\_  
RANDY STINSON, COMMISSIONER, PCT 1

  
\_\_\_\_\_  
LANE GRAYSON, COMMISSIONER, PCT 2

  
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PAUL PERRY, COMMISSIONER, PCT 3

  
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KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 23RD DAY OF FEBRUARY 2021.

  
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KRYSTAL VALDEZ, COUNTY CLERK

