

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – APRIL 20, 2021

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, APRIL 20, 2021 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

COUNTY CLERK: KRYSTAL VALDEZ

COMMISSIONERS:

RANDY STINSON, COMMISSIONER, PCT. 1

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 CARRIED

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

CONSENT AGENDA:

MINUTE ORDER 217.21 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 APRIL 6, 2021–
KRYSTAL VALDEZ, COUNTY CLERK
- A3 APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS PRECINCT 1
AND THE CITY OF PALMER, REFERENCE MINUTE ORDER 187.21. INTERLOCAL WORK TO INCLUDE:
RECLAIM AND RESURFACE VIRGINIA DR., IN THE AMOUNT OF \$13,411.20; RESURFACE S. STACKS
RD., LEVEL AND HOT MIX BRIDGE IN THE AMOUNT OF \$66,967.00. – *RANDY STINSON,
COMMISSIONER, PRECINCT #1*
- A4 APPROVING THE ELLIS COUNTY MONTHLY TREASURER'S REPORT FOR FEBRUARY 2021, IN
ACCORDANCE WITH LOCAL GOVERNMENT CODE, §114.026. – *CHERYL CHAMBERS, TREASURER*
- A5 APPROVING THE ELLIS COUNTY MONTHLY TREASURER'S REPORT FOR MARCH 2021, IN
ACCORDANCE WITH LOCAL GOVERNMENT CODE, §114.026. – *CHERYL CHAMBERS, TREASURER*

- A6 APPROVING THE COUNTY AUDITOR TO ACCEPT FUNDS FROM THE AMERICAN RESCUE PLAN ACT OF 2021 IN A TOTAL AMOUNT OF \$35.8 MILLION ALLOCATED TO ELLIS COUNTY, TEXAS. DISTRIBUTIONS OF APPROXIMATELY 50% TO BE RECEIVED NO LATER THAN MAY 10, 2021. – JANET MARTIN, COUNTY AUDITOR
- A7 APPROVING THE COUNTY AUDITOR’S MONTHLY REPORT FOR MARCH 2021, PURSUANT TO LOCAL GOVERNMENT CODE, §114.025. – JANET MARTIN, COUNTY AUDITOR

FINANCIAL:

- F1 APPROVING THE DEPARTMENT OF DEVELOPMENT’S (DOD) MONTHLY FINANCIAL REPORT FOR MARCH 2021, PURSUANT TO LOCAL GOVERNMENT, §114.044. – ALBERTO MARES, DEPARTMENT OF DEVELOPMENT
- F2 APPROVING A TABULATED REPORT OF THE COUNTY’S RECEIPTS AND DISBURSEMENTS OF FUNDS FORM MARCH 30, 2021 – APRIL 12, 2021, PURSUANT TO LOCAL GOVERNMENT CODE, §114.024 . – JANET MARTIN, COUNTY AUDITOR
- F3 APPROVING THE COUNTY AUDITOR TO CERTIFY RECEIPT OF FISCAL YEAR 2021 QUARTERS 1 AND 2 OF THE FORMULA GRANT 212-21-070 FROM THE TEXAS STATE COMPTROLLER OFFICE OF COURT ADMINISTRATION IN THE AMOUNT OF \$64,480.50, PURSUANT TO LOCAL GOVERNMENT CODE, §111.0106. – JANET MARTIN, COUNTY AUDITOR
- F4 APPROVING THE COUNTY AUDITOR TO CERTIFY RECEIPT OF FISCAL YEAR 2021 QUARTER 2 OF THE SAFP GRANT FROM THE TEXAS STATE COMPTROLLER TDCJ IN THE AMOUNT OF \$1,890.00, PURSUANT TO LOCAL GOVERNMENT CODE, §111.0106. – JANET MARTIN, COUNTY AUDITOR
- F5 **FY2020-21 LINE ITEM TRANSFER:**
DECREASE 001-0370-505020 – SALARIES – FULL TIME BY \$20,000.00;
INCREASE 001-0370-508020 – EQUIPMENT BY \$20,000.00, RICHARD ROZIER, TAX ASSESSOR-COLLECTOR
- F6 **FY2020-21 LINE ITEM TRANSFER:**
DECREASE 001-0425-508350 – SAFETY/TRAINING BY \$1,200.00;
INCREASE 001-0425-508650 – EMPLOYMENT SCREENING BY \$1,200.00 – THERESA TAYLOR, HUMAN RESOURCES
- F7 **FY2020-21 LINE ITEM TRANSFER:**
DECREASE 009-0602-570000 – FM1 CONTINGENCY BY \$400,00.00;
INCREASE 009-0602-508020 – FM1 PURCHASE OF EQUIPMENT BY \$400,000.00. – RANDY STINSON, COMMISSIONER, PRECINCT 1
- F8 **FY2020-21 LINE ITEM TRANSFER:**
DECREASE 001-0653-508070 – FM2 GENERAL EXPENSES BY \$2,000.00;
INCREASE 010-0653-509180 – FM2 HARDWARE/TOOLS BY \$2,000.00 – LANE GRAYSON, COMMISSIONER, PRECINCT 2

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

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 218.21 (1.1) APPROVING A PLAT OF CHISHOLM PLACE TWO, PHASE THREE. THE PROPERTY CONTAINS ± 24.082 ACRES OF LAND IN THE BBB & CRR Co. ABSTRACT No. 172 AND THE P. STOUT SURVEY ABSTRACT No. 1008, LOCATED AT THE NORTHEAST CORNER OF EBENEZER ROAD AND WILSON ROAD, IN THE EXTRA-TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF PALMER, ROAD AND BRIDGE PRECINCT No. 1.

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

MINUTE ORDER 219.21 (1.2) APPROVING A REPLAT OF HARRIS SUBDIVISION, PHASE 1, LOTS 4A & 4B. THE PROPERTY CONTAINS ± 7.634 ACRES OF LAND IN THE HOLCOMB & PECK SURVEY, ABSTRACT No. 528, LOCATED AT THE INTERSECTION OF SHAWNEE ROAD AND BELLS CHAPEL ROAD, IN THE EXTRA-TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ROAD AND BRIDGE PRECINCT No. 4.

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

MINUTE ORDER 220.21 (1.3) APPROVING A REPLAT OF MOHUNDRO FARMS, LOTS 17A & 17B. THE PROPERTY CONTAINS ± 5.047 ACRES OF LAND IN THE R. DE LA PENNA SURVEY, ABSTRACT No. 3, LOCATED ON THE EAST SIDE OF MOHUNDRO ROAD, ± 2,604 FEET SOUTHEAST OF THE INTERSECTION OF FM 780 AND MOHUNDRO ROAD, FERRIS, ROAD AND BRIDGE PRECINCT No. 1.

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

PURCHASING

MINUTE ORDER 221.21 (2.1) GRANTING AN EXEMPTION UNDER SECTION 262.024, LOCAL GOVERNMENT CODE, FROM THE BIDDING REQUIREMENTS OF SECTION 262.023, LOCAL GOVERNMENT CODE FOR THE PURCHASE OF PROPRIETARY "JETSCAN CURRENCY COUNTER", CHECK SOLUTIONS AND SOFTWARE AND RELATED SERVICES FROM CUMMINS-ALLISON CORPORATION/CPI.

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

MINUTE ORDER 222.21 (2.2) APPROVING THE AWARD OF BID NUMBER RFB 2021-001 – CONTRACT FOR AUTO AND HEAVY EQUIPMENT REPAIRS TO AA BIGS HOLDINGS, LLC DBA A&A REPAIR.

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

MINUTE ORDER 223.21 (2.3) GRANTING AN EXEMPTION UNDER SECTION 262.024, LOCAL GOVERNMENT CODE, FROM THE BIDDING REQUIREMENTS OF SECTION 262.023, LOCAL GOVERNMENT CODE FOR THE PROCUREMENT OF VEHICLE AND EQUIPMENT REPAIRS.

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

MINUTE ORDER 224.21 (2.4) APPROVING TO USE THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) COOPERATIVE CONTRACT DIR-SS-ILC0040 WITH AT&T AND ITS ELECTION SECURITY PARTNER, CYBERDEFENSES IN ACCORDANCE WITH THE COOPERATIVE PURCHASING PROGRAM, CHAPTER 271 OF THE LOCAL GOVERNMENT CODE. THIS WILL PROVIDE IMPLEMENTATION OF RECOMMENDATIONS FROM THE 2019 ELECTION SECURITY ASSESSMENT AND WILL INCLUDE DEVELOPMENT OF SECURITY POLICIES, PLANS AND "BEST PRACTICES" PROCESSES.

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

MINUTE ORDER 225.21 (2.5) APPROVING THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH DATA PRESERVATION SOLUTIONS, LLC USING DIR CONTRACT DIR-TSO-4038 FOR THE DAILY INDEXING OF REAL PROPERTY RECORDS & RELATED SERVICES IN AN AMOUNT OF \$9,472 PER MONTH, THIS WILL BE FUNDED FROM THE COUNTY CLERK RECORD MANAGEMENT FUND.

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

ADMINISTRATIVE

MINUTE ORDER 226.21 (3.1) APPROVING TO ENGAGE THE LAW FIRM OF CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, LLP AS COUNSEL FOR THE APPLICATION, USE, AND ADMINISTRATION OF THE AMERICAN RESCUE PLAN FUNDS. COST TO BE LIMITED TO \$75,000.00. ANY ADDITIONAL COSTS WOULD REQUIRE COMMISSIONERS' COURT APPROVAL. JUDGE LITTLE TO SIGN THE ENGAGEMENT LETTER. – JANET MARTIN, COUNTY AUDITOR

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

MINUTE ORDER 227.21 (3.2) APPROVING TO ENTER INTO AN ENGAGEMENT AGREEMENT BETWEEN ELLIS COUNTY, TEXAS, AND THE BECKHAM GROUP; REPRESENTATION SHALL INCLUDE FEDERAL COURT LITIGATION CHALLENGING THE FEDERAL RAILROAD ADMINISTRATION RELATED TO TEXAS CENTRAL'S PROPOSED HIGH-SPEED RAIL PROJECT. – LANE GRAYSON, COMMISSIONER, PRECINCT 2

MOTION TO APPROVE BY JUDGE LITTLE, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

(To 3.4)

MINUTE ORDER 228.21 (3.4) APPROVING TO AMEND THE ELLIS COUNTY SEXUALLY ORIENTED BUSINESSES ORDER, MINUTE ORDER NO. 142.05. – *TERRY MORGAN, MESSER, FORT & McDONALD*

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

MINUTE ORDER 229.21 (3.5) APPROVING THE FUNDING TO REPAIR AHU UNITS AT THE JAIL THAT WERE DAMAGED DURING THE SNOW/ICE STORM. TOTAL COST \$7,209.40. COST TO REPAIR CHILLER #1, \$720.00; COST TO REPAIR McQUAY CHILLER #2, \$903.00; HYDRONIC REPAIRS, \$3,812.00; ADD 410A REFRIGERANT TO CHILLER #1 & #2, \$1,774.40. ALL EXPENSES WILL BE SUBMITTED TO EMERGENCY MANAGEMENT TO FILE WITH FEMA. – *BRAD NORMAN, SHERIFF*

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

MINUTE ORDER 230.21 (3.6) APPROVING THE SHERIFF TO SIGN AND CLOSE CONTRACT #W9126G-20-P0033 WITH THE CORP OF ENGINEERS FOR THE COMPLETION OF FY2020 SERVICES AT LAKE BARDWELL. – *BRAD NORMAN, SHERIFF*

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

NO ACTION (3.7) PRESENTATION AND DISCUSSION REGARDING ENTERING INTO A TAX ABATEMENT AGREEMENT, AS FOLLOWS:

- THE NAME OF THE PROPERTY OWNER IS TXI OPERATIONS LP AND THE APPLICANT FOR THE TAX ABATEMENT AGREEMENT IS SUNOPTA GRAINS AND FOODS INC.
- THE NAME OF THE REINVESTMENT ZONE SHALL BE MIDLOTHIAN COMMERCIAL-INDUSTRIAL TAX ABATEMENT REINVESTMENT ZONE NUMBER 16 AND THE LOCATION IS THE SOUTHEAST CORNER OF POWER WAY AND BROOKHOLLOW DRIVE IN THE RAILPORT BUSINESS PARK, CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS, BEING APPROXIMATELY 30 ACRES.
- THE IMPROVEMENTS TO BE INCLUDED IN THE TAX ABATEMENT AGREEMENT GENERALLY CONSIST OF APPROXIMATELY 400,000 SQUARE FOOT BUILDING TO BE USED PRIMARY FOR MANUFACTURING.
- THE ESTIMATED COSTS OF THE IMPROVEMENTS ARE \$200,000,000.00.

RECESS INTO EXECUTIVE SESSION 3:18 P.M.

MOTION TO RECESS BY COMMISSIONER PERRY, 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 CHAPTER 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 CHAPTER 551.

- 4.1 PURSUANT TO §551.087 OF THE GOVERNMENT CODE, TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPEND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT.
- 4.2 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING AMENDING THE ELLIS COUNTY SEXUALLY ORIENTED BUSINESS ORDER, MINUTE ORDER No. 142.05.
- 4.3 PURSUANT TO §551.071 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.

RECONVENE TO REGULAR SESSION 3:53 P.M.

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

(To 3.3)

MINUTE ORDER 231.21 (3.3) APPROVING TO AMEND THE PURCHASE AND SALE AGREEMENT BETWEEN ELLIS COUNTY, TEXAS AND SOUTHFORK CAPITAL, LLC; ALLOWING FOR AN EXTENSION OF AN ADDITIONAL 30 DAYS AT THE COUNTY JUDGES DISCRETION. – *KEVIN KOSORIS, WRAY WILLETT STOFFER KOSORIS*

PUBLIC PARTICIPATION: JAMES PARKS - WAXAHACHIE

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

ADJOURNMENT 3:55 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF APRIL 20, 2021 ARE HEREBY APPROVED.

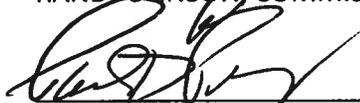
PRESIDING OFFICER:



TODD LITTLE, COUNTY JUDGE



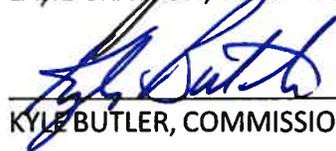
RANDY STINSON, COMMISSIONER, PCT 1



PAUL PERRY, COMMISSIONER, PCT 3



LANE GRAYSON, COMMISSIONER, PCT 2



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 4TH DAY OF MAY 2021.



KRYSTAL VALDEZ, COUNTY CLERK *Deputy*

