

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – MAY 4, 2021

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MAY 4, 2021 AT 2:15 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

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 GRAYSON, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE – *LANE GRAYSON, COMMISSIONER, PRECINCT 2*

PROCLAMATION:

PRESENTATION AND READING OF NATIONAL DAY OF PRAYER PROCLAMATION, RECOGNIZING MAY 6, 2021 AS NATIONAL DAY OF PRAYER IN ELLIS COUNTY, TX. – *TODD LITTLE, COUNTY JUDGE*

CONSENT AGENDA:

MINUTE ORDER 232.21 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *CHERYL CHAMBERS, COUNTY TREASURER*
- A2 ACCEPTING THE ELLIS COUNTY INVESTMENT REPORT 1ST QUARTER 2021. – *CHERYL CHAMBERS, COUNTY TREASURER*
- A3 APPROVING COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM APRIL 20, 2021–
KRYSTAL VALDEZ, COUNTY CLERK

- A4 APPROVING THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM APRIL 13, 2021 – APRIL 26, 2021 PURSUANT TO LOCAL GOVERNMENT CODE §114.026. – *JANET MARTIN, AUDITOR*
- A5 ACCEPTING THE FIRE MARSHAL'S MONTHLY REPORT FOR MARCH 2021. – *TIM BIRDWELL, FIRE MARSHAL*
- A6 ACCEPTING ESD #5'S STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS. – *TIM BIRDWELL, FIRE MARSHAL*
- A7 APPROVING BOND No. 792022 ISSUED BY HARCO NATIONAL INSURANCE COMPANY FROM AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. TO REPLACE FIDELITY AND DEPOSIT COMPANY OF MARYLAND'S BOND No. 09107751. – *TIM BIRDWELL, FIRE MARSHAL*
- A8 ACCEPTING TRAINING HOURS FOR CONSTABLE BORDERS. – *CASEY BORDERS, CONSTABLE, PCT. 2*
- A9 ACCEPTING THE JUSTICE OF THE PEACE, PCT. #1 MONTHLY REPORT, PURSUANT TO LOCAL GOVERNMENT CODE §114.044. – *CHRIS MACON, JUSTICE OF THE PEACE, PCT. 1*
- A10 AUTHORIZING THE FINAL PAYMENT TO LONE STAR EVENT & TENTS FOR TENT RENTAL, REMOVAL & RELATED SERVICES AT THE ELLIS COUNTY VACCINATION HUB IN AN AMOUNT OF \$8,035.43.

FINANCIAL:

- F1 APPROVING PROPERTY TAX REFUNDS IN THE AMOUNT OF \$30,433.75 AS SUBMITTED BY THE ELLIS COUNTY TAX ASSESSOR COLLECTOR. – *JANET MARTIN, COUNTY AUDITOR*
- F2 **FY2020-21 LINE ITEM TRANSFER:**
DECREASE 008-0420-508070 – OPERATING EXPENSES BY \$8,000.00; INCREASE 008-0420-508020 – EQUIPMENT BY \$8,000.00, *JANET MARTIN, COUNTY AUDITOR*
TO REPLACE A SERVER, EXPENSE WAS NOT EXPECTED, TRANSFER WAS APPROVED BY THE JUVENILE PROBATION BOARD ON 04.21.21
- F3 **FY2020-21 LINE ITEM TRANSFER:**
DECREASE 001-0020-507020 – REPAIRS BY \$5,000.00; INCREASE 001-0020-507160 – COURTHOUSE REPAIRS BY \$5,000.00. – *KEITH ROBERTS, MAINTENANCE DIRECTOR*
- F4 **FY2020-21 LINE ITEM TRANSFER:**
DECREASE 001-0140-505580 – CONTINGENCY – SURPLUS BY \$10,000.00; INCREASE 001-0030-508680 CONTRACT LABOR (SCANNING SERVICES) BY \$10,000.00. – *TODD LITTLE, COUNTY JUDGE*
- F5 **FY2020-21 LINE ITEM TRANSFER:**
DECREASE 012-0755-570000 – CONTINGENCY – SURPLUS BY \$25,000.00; INCREASE 012-0755-508680 – CONTRACT LABOR BY \$25,000.00. – *KYLE BUTLER, COMMISSIONER, PRECINCT 4*
- F6 ACCEPTING \$67,150.37 FROM THE TOBACCO SETTLEMENT DISTRIBUTION PROGRAM PER THE LOCAL GOVERNMENT CODE §111.0106. – *JANET MARTIN, COUNTY AUDITOR*

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

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 233.21 (1.1) APPROVING A PLAT OF NUNEZ RANCH. THE PROPERTY CONTAINS ± 2.032 ACRES OF LAND SITUATED IN THE R. DE LA PENNA SURVEY, ABSTRACT NO. 3, LOCATED ON THE WEST SIDE OF BENNETT ROAD, ± 560 FEET NORTHWEST OF THE INTERSECTION OF BENNETT ROAD AND STACKS ROAD, ENNIS, ROAD AND BRIDGE PRECINCT NO. 1.

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

MINUTE ORDER 234.21 (1.2) APPROVING A PLAT OF M & A ACRES. THE PROPERTY CONTAINS ± 4.5 ACRES OF LAND SITUATED IN THE H. HARRIS SURVEY, ABSTRACT NO. 460, LOCATED ON THE WEST SIDE OF BUD RUN ROAD, ± 1,500 FEET NORTHWEST OF THE INTERSECTION OF BUD RUN ROAD AND HOLDER ROAD, FORRESTON, ROAD AND BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 235.21 (1.3) APPROVING A PLAT OF MARTINEZ & MIJARES RANCH. THE PROPERTY CONTAINS ± 11.352 ACRES OF LAND SITUATED IN THE R. DE LA PENNA SURVEY, ABSTRACT NO. 3, LOCATED ON THE NORTH SIDE OF NECK ROAD, ± 1,900 FEET EAST OF THE INTERSECTION OF NECK ROAD AND NEWTON ROAD, FERRIS, ROAD AND BRIDGE PRECINCT NO. 1.

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

MINUTE ORDER 236.21 (1.4) APPROVING A PLAT OF THE RANCHES ON WEST FORK WEAKLEY BRANCH. THE PROPERTY CONTAINS ± 10.01 ACRES OF LAND SITUATED IN THE JONATHAN BOZARTH SURVEY, ABSTRACT NO. 147, LOCATED ON THE WEST SIDE OF DOLLIE ROAD, ± 1,600 FEET SOUTH OF THE INTERSECTION OF DOLLIE ROAD AND FM 66, MAYPEARL, ROAD AND BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 237.21 (1.5) APPROVING A PERFORMANCE BOND FOR THE PROPOSED GREYSTONE ESTATES, PHASE TWO (PARCEL ID NO. 266837 & 274677). THE PROPERTY CONTAINS ± 32.591 ACRES OF LAND IN THE ABRAHAM SNIDER SURVEY, ABSTRACT NO. 981, LOCATED ON THE EAST SIDE OF SINGLETON ROAD, ± 2,430 FEET NORTH OF THE INTERSECTION OF SINGLETON ROAD AND CAMPBELL ROAD, WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3.

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

PURCHASING

MINUTE ORDER 238.21 (2.1) APPROVING TO ENGAGE BERRY DUNN FOR PROJECT INITIATION AND NEEDS ASSESSMENT AND STRATEGIC PLANNING FOR POSSIBLE REPLACEMENT OF CURRENT JUSTICE AND PUBLIC SAFETY SOFTWARE SYSTEMS AND RELATED SERVICES, IN AN AMOUNT OF \$48,000.00 USING TEXAS DIR COOPERATIVE CONTRACT #DIR-TSO-3956. THIS WILL BE FUNDED BY NON-DEPARTMENTAL- CONTRACT SERVICES.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, MOTION CARRIED WITH COMMISSIONER PERRY VOTING NO

TABLED (2.2) DISCUSSION, CONSIDERATION, AND APPROVAL TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH KITCHELL UNDER §2254.004 OF THE TEXAS GOVERNMENT CODE FOR FACILITY NEEDS ASSESSMENT LONG RANGE PLANNING, AND CONSTRUCTION MANAGEMENT SERVICES. THIS WILL BE FUNDED BY NON-DEPARTMENTAL-CONTRACT SERVICES.

MINUTE ORDER 239.21 (2.3) APPROVING THE PURCHASE OF THREE (3) AXON TASERS AND THREE (3) AXON BODY CAMERAS IN AN AMOUNT OF \$5,724.00 FOR ELLIS COUNTY CONSTABLE PCT. 2.

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

MINUTE ORDER 240.21 (2.4) APPROVING TO EXECUTE A LEASE, IN THE AMOUNT OF \$49,587.10, WITH AMERICAN NATIONAL LEASING, FOR A 2021 CHEVROLET 1500 4x4 CREW CAB W/EMERGENCY EQUIPMENT FROM CAP FLEET, FOR ELLIS COUNTY CONSTABLE PCT. #2, WITH EXECUTION UPON DELIVERY AND ACCEPTANCE OF THE VEHICLE.

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

MINUTE ORDER 241.21 (2.5) APPROVING THE PURCHASE OF A MOTOROLA APX8500 ALL BAND MP RADIO AND RELATED EQUIPMENT IN THE AMOUNT OF \$6,271.88 FOR ELLIS COUNTY CONSTABLE PCT. NO. 2.

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

MINUTE ORDER 242.21 (2.6) APPROVING THE PURCHASE OF THREE (3) SETS OF PROTECTIVE GEAR AND VARIOUS OTHER NECESSARY SAFETY EQUIPMENT TO PERFORM JOB DUTIES, IN AN AMOUNT OF \$12,353.48 USING BUYBOARD CONTRACT #603-20 FOR ELLIS COUNTY CONSTABLE PCT. #2.

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

MINUTE ORDER 243.21 (2.7) DECLARING THE LISTED EQUIPMENT AND OTHER ITEMS AS SURPLUS FOR VARIOUS COUNTY DEPARTMENTS AND SHERIFF'S OFFICE/JAIL AND TO BE DISPOSED OF IN ACCORDANCE WITH LOCAL GOVERNMENT CODE CHAPTER 263:

- Approximately 20 various brands printers/copiers/fax
- Approximately 25 various brand desktop/laptop computers, 35 keyboards, 25 mice
- Approximately 36 various cell phones and protective covers
- Approximately 75 conference/desk chairs
- Five desks and five office furniture
- Miscellaneous office equipment – two shredders, power cords, approx. 20 calculators, printer cables, one two-drawer file cabinet, one damaged metal shelf, 10 staplers
- Approximately 120 plastic, grey totes with lids
- Approximately 12 flat screen monitors and six monitor stands
- Two Sanyo TV's and One VHS player/recorder
- SO/Jail: Approximately 21 office desk chairs
- SO/Jail: One treadmill
- SO/Jail: Five bookshelves
- SO/Jail: Five desks
- SO/Jail: One armoire
- SO/Jail: One shredder
- SO/Jail: Approximately 15 metal filing cabinets
- SO/Jail: Kitchen Prep Equipment – Stainless food prep stations, two food warmers, braising pan, refrigerator, vent-a-hood
- SO/Jail: Two lockers
- SO/Jail: Laundry Equipment – Washer, clothes hamper
- SO/Jail: Lawn Equipment – two push mowers, two weed-eaters
- SO/Jail: Communication Equipment – three Communication Racks, one Transceiver Radio, five Satellite Dishes
- SO/Jail: Two Hydraulic Jacks and Parts
- SO/Jail: Medical Examination Table
- SO/Jail: Miscellaneous office equipment – Desktops Only, APC, Fan
- SO/Jail: Two jail cell swing stools

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

ADMINISTRATIVE

PUBLIC HEARINGS

MOTION TO OPEN P1 BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

- (P1) A PUBLIC HEARING TO DISCUSS THE ADOPTION OF ELLIS COUNTY ALCOHOL DISTANCE REGULATIONS, PURSUANT TO TEXAS ALCOHOL BEVERAGE SECTION 109.33, WHICH AUTHORIZES A COUNTY COMMISSIONERS COURT TO ENACT RESTRICTIONS ON THE SALE AND CONSUMPTION OF ALCOHOL IN THOSE AREAS IN THE COUNTY OUTSIDE AN INCORPORATED CITY OR TOWN; THESE LOCAL ALCOHOL RESTRICTIONS SHALL APPLY IN ALL UNINCORPORATED AREAS OF ELLIS COUNTY, TEXAS. A COPY OF THE PROPOSED REGULATION IS AVAILABLE UPON REQUEST FROM THE OFFICE OF THE ELLIS COUNTY JUDGE.

MOTION TO CLOSE P1 BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

MOTION TO OPEN P2 BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

- (P2) A PUBLIC HEARING TO DISCUSS SETTING THE MANDATORY PAYMENT RATE FOR FISCAL YEAR 2021 APPLICABLE TO ELLIS COUNTY'S LOCAL PROVIDER PARTICIPATION PROGRAM, PURSUANT TO CHAPTER 296A OF THE TEXAS HEALTH & SAFETY CODE, WHICH AUTHORIZED THE CREATION OF THE ELLIS COUNTY LOCAL PROVIDER PARTICIPATION PROGRAM. PUBLIC HEARING TO DISCUSS THE AMOUNTS OF ANY MANDATORY PAYMENTS THAT THE COMMISSIONERS COURT INTENDS TO REQUIRE DURING THE YEAR AND DETERMINE HOW THE REVENUE DERIVED FROM THOSE PAYMENTS IS TO BE SPENT.

PUBLIC PARTICIPANTS (IN FAVOR): DAVID ELLIOTT, BILL GALINSKY (BAYLOR SCOTT & WHITE), JACK WILCOX (ENNIS REGIONAL), LETTER FROM METHODIST

MOTION TO CLOSE P2 BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

MINUTE ORDER 244.21 (3.1) APPROVING TO SET MANDATORY PAYMENT RATE TO 6% FOR FISCAL YEAR 2021, PURSUANT TO CHAPTER 296A OF THE TEXAS HEALTH & SAFETY CODE. – *TODD LITTLE, COUNTY JUDGE*

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

MINUTE ORDER 245.21 (3.2) APPROVING THE ELLIS COUNTY ALCOHOL DISTANCE REGULATION ORDER, PURSUANT TO TEXAS ALCOHOL BEVERAGE CODE SECTION 109.33 – *TODD LITTLE, COUNTY JUDGE*

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

MINUTE ORDER 246.21 (3.3) APPROVING WORK ORDER UNDER INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF ALMA TO PERFORM A 2-COURSE CHIP SEAL SURFACE OF TOTH RD. (FROM CITY LIMITS TO ALMA DR.) AND BLAZEK RD (FROM CITY LIMITS TO FM 1183), TOTALING \$78,000.00. – *LANE GRAYSON, COMMISSIONER, PCT. 2*

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

MINUTE ORDER 247.21 (3.4) APPROVING TO ASSIGN THE ELLIS COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) OFFICERS (TDEM FORM #151) FOR A TERM OF TWO YEARS BEGINNING APRIL 13, 2021 THAT WAS VOTED ON BY THE LEPC MEMBERSHIP ON APRIL 13, 2021. CHAIRMAN – TOMMY JACKSON; VICE-CHAIRMAN – WILLIAM STETSON; SECRETARY/TREASURER – HUGH GRANDSTAFF. – *SAMANTHA PICKETT, EMERGENCY MANAGEMENT COORDINATOR*

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

MINUTE ORDER 248.21 (3.5) APPROVING TO ENTER INTO A TAX ABATEMENT AGREEMENT WITH SUNOPTA GRAINS AND FOODS, INC.

- 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 BUILDINGS TO BE USED PRIMARILY FOR MANUFACTURING.
- THE ESTIMATED COSTS OF THE IMPROVEMENTS ARE \$200,000,000.00

PRESENTED BY: *KYLE KINATEDER, PRESIDENT, MIDLOTHIAN ECONOMIC DEVELOPMENT*

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

NO ACTION (3.6) DISCUSSION AND PRESENTATION OF THE FY2021-2022 BUDGET CALENDAR. – *TODD LITTLE, COUNTY JUDGE*

ADJOURNMENT **4:05 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF MAY 4, 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 18TH DAY OF MAY 2021.



KRYSTAL VALDEZ, COUNTY CLERK

