

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – SEPTEMBER 30, 2022

THE ELLIS COUNTY COMMISSIONERS COURT MET FOR A SPECIAL MEETING ON FRIDAY, SEPTEMBER 30, 2022, 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

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. – *KYLE BUTLER, COMMISSIONER, PRECINCT 4*

CONSENT AGENDA: MINUTE ORDER 438.22

ADMINISTRATIVE:

A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *CHERYL CHAMBERS, TREASURER*

A2 APPROVING THE LOCAL PROVIDER PARTICIPATION FUND PAYMENT OF \$1,427,886.95. – *CHERYL CHAMBERS, COUNTY TREASURER*

A3 APPROVING COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM SEPTEMBER 20, 2022. – *KRYSTAL VALDEZ, COUNTY CLERK*

A4 APPROVING TO CANCEL THE REGULAR COMMISSIONERS' COURT MEETING SCHEDULED FOR OCTOBER 4TH, 2022. – *TODD LITTLE, COUNTY JUDGE*

FINANCIAL:

F1 FY2022 LINE ITEM TRANSFER – *CURTIS POLK, JR, CONSTABLE, PRECINCT 3*
DECREASE 001-0613-508050 (CONFERENCE) BY \$1,008.14;
INCREASE 001-0613-508190 (COMPUTER EQUIPMENT) BY \$1,008.14.

F2 TABLED TO 10/18/22 BY COUNTY JUDGE

- F3 FY2022 LINE ITEM TRANSFER – *KRYSTAL VALDEZ, COUNTY CLERK*
DECREASE 001-0320-508050 (CONFERENCE) BY \$1,200.00;
INCREASE 001-0320-508020 (EQUIPMENT) BY \$830.00;
INCREASE 001-0320-508010 (SUPPLIES) BY \$370.00.
- F4 FY2022 LINE ITEM TRANSFER – *ROY CALLENDER, JR., CONSTABLE, PRECINCT 1*
DECREASE 001-0611-508050 (CONFERENCE) BY \$1,800.00;
INCREASE 001-0611-508190 (COMPUTER EQUIPMENT) BY \$1,800.00.

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

REGULAR AGENDA

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 439.22 (1.1) APPROVING A PLAT OF HOLLAND ESTATE. THE PROPERTY CONTAINS ± 1.193 ACRES IN THE JOHN O. SURVEY, ABSTRACT NO. 937, LOCATED ON THE EAST SIDE OF TOTH ROAD ± 410 FEET NORTH OF THE INTERSECTION OF TOTH ROAD AND NW COUNTY ROAD 0180, ENNIS, ROAD AND BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 440.22 (1.2) APPROVING TO AMEND A PLAT OF 5F SUBDIVISION, PHASE 2. THE PROPERTY CONTAINS ± 9.059 ACRES LOCATED NEAR THE INTERSECTION OF BENTLEY CREEK COURT AND BOZ ROAD, WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 441.22 (1.3) ACCEPTING A PERFORMANCE BOND FOR THE PROPOSED THUNDER RIDGE, PHASE 2 (PARCEL ID NO. 284809). THE PROPERTY CONTAINS ± 57.92 ACRES OF LAND IN THE M.D. BULLION SURVEY, ABSTRACT NO. 164, AND THE J. BENTON SURVEY, ABSTRACT NO. 39, LOCATED AT THE SOUTH SIDE OF OLD MAYPEARL ROAD ± 640 FEET WEST OF THE INTERSECTION OF SILO COURT AND OLD MAYPEARL ROAD, WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 442.22 (1.4) RELEASING PERFORMANCE BONDS AND ACCEPTING MAINTENANCE BONDS FOR SPRINGSIDE ESTATES PHASE 2. THE PROPERTY CONTAINS ± 106.687 ACRES, LOCATED ON THE NORTH SIDE OF BROADHEAD ROAD, ± 3,925 FEET WEST OF THE INTERSECTION OF BLACKFOOT

PARKWAY AND GIBSON ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 4.

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

PURCHASING

NO ACTION (2.1) DISCUSSION, CONSIDERATION, AND APPROVAL TO AWARD RFP-2022-005 DESIGN AND IMPLEMENTATION OF HIGH SPEED GIGABIT FIBER INTERNET FOR A 5-YEAR CONTRACT WITH AT&T CORPORATION.

ADMINISTRATIVE

MINUTE ORDER 443.22 (3.1) APPROVING INTERLOCAL WORK BETWEEN ELLIS COUNTY AND THE CITY OF GARRETT; THE WORK INCLUDES REPAIRS ON THE 440 BLOCK OF WYATT STREET. – *RANDY STINSON, COMMISSIONER, PRECINCT 1*

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

MINUTE ORDER 444.22 (3.2) APPROVING A COMMITTEE CONSISTING OF PURCHASING REPRESENTATIVE, AUDIT REPRESENTATIVE, JUDICIAL REPRESENTATIVE, COUNTY JUDGE, AND COMMISSIONER PERRY TO UPDATE THE COUNTY CREDIT CARD POLICY. – *PAUL PERRY, COMMISSIONER, PRECINCT 3*

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

MINUTE ORDER 445.22 (3.3) APPROVING THE ELLIS COUNTY RESOLUTION FOR THE FY23 TEXAS INDIGENT DEFENSE COMMISSION FORMULA GRANT TO BE SIGNED BY JUDGE LITTLE. THE GRANT WILL BE COMPLETED AND SUBMITTED BY THE COUNTY AUDITOR'S OFFICE. – *TODD LITTLE, COUNTY JUDGE*

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

MINUTE ORDER 446.22 (3.4) APPROVING TO ENTER A JOINT CONTRACT FOR ELECTION SERVICES BETWEEN THE ELLIS COUNTY ELECTION OFFICER AND PARTICIPATING POLITICAL SUBDIVISIONS BY HOLDING AN ELECTION JOINTLY WITH THE COUNTY, TO BE HELD ON NOVEMBER 8TH, 2022, PURSUANT TO THE AUTHORITY IN TEXAS ELECTION CODE §271.002. – *JANA ONYON, ELECTIONS ADMINISTRATOR*

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

MINUTE ORDER 447.22 (3.5) APPROVING TO MOVE THREE VEHICLES FROM THE SHERIFF'S OFFICE TO THE FOLLOWING:

- A. 2013 CHEVROLET TAHOE, VIN 1GNLC2E02DR160706, MILEAGE 139,785 TO THE DISTRICT ATTORNEY'S OFFICE;
- B. 2016 CHEVROLET TAHOE, VIN 1GNLCDEC1GR229072, MILEAGE 145,049 TO THE JUVENILE SERVICES DEPARTMENT; AND
- C. 2016 CHEVROLET TAHOE, VIN 1GNLCDEC8GR228601, MILEAGE 137,000 TO THE JUVENILE SERVICES DEPARTMENT

SURPLUS VEHICLE FUNDS WILL BE PLACED IN THE ECSO VEHICLE FUND. – *BRAD NORMAN, SHERIFF*

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

MINUTE ORDER 448.22 (3.6) APPROVING THE COMMISSIONERS' COURT DATES FOR FISCAL YEAR 2022-2023 AND ADDING TWO ADDITIONAL DATES IN SEPTEMBER (09/12/23 AND 09/26/23). – *TODD LITTLE, COUNTY JUDGE*

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

MINUTE ORDER 449.22 (3.7) APPROVING COMMISSIONER GRAYSON TO REPLACE COMMISSIONER PERRY AS THE LIAISON (ADVISORY, NON-VOTING ROLE) FOR THE SPCA. – *PAUL PERRY, COMMISSIONER, PRECINCT 3*

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

TO AGENDA ITEM 3.9

MINUTE ORDER 450.22 (3.9) APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF WAXAHACHIE AND ELLIS COUNTY FOR ANIMAL SHELTERING DURING DISASTERS. THE MOU WILL PROVIDE A FRAMEWORK FOR BOTH ENTITIES TO RENDER ASSISTANCE AND SERVICES TO VICTIMS OF DISASTER AS WELL AS OTHER SERVICES FOR WHICH MUTUAL COOPERATION WOULD BE BENEFICIAL. – *SAMANTHA PICKETT, EMERGENCY MANAGEMENT COORDINATOR*

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

- E1 PURSUANT TO TEXAS GOVERNMENT CODE §551.071 (1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING AMR CONTRACT.
- E2 PURSUANT TO TEXAS GOVERNMENT CODE §551.071 (2), CONSULTATION WITH LEGAL COUNSEL ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS RULES OF DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER, AND REGARDING THE SPCA CONTRACT.
- E3 PURSUANT TO TEXAS GOVERNMENT CODE §551.072, DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY IF THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

FINDING AND RECESS TO EXECUTIVE SESSION 2:28 P.M.

MOTION FOR A FINDING ON E3 THAT THE DELIBERATION OF 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 AND TO RECESS INTO EXECUTIVE SESSION BY COMMISSIONER STINSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

RECONVENE TO REGULAR SESSION 3:30 P.M.

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

NO ACTION (3.8) DISCUSSION, CONSIDERATION, AND APPROVAL OF ACTION IN RESPONSE TO BREACH OF CONTRACT AND RELATED ISSUES WITH AMR. – *TIM BIRDWELL, FIRE MARSHAL*

ADJOURNMENT 3:31 P.M.

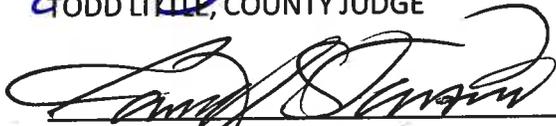
MOTION TO ADJOURN BY COMMISSIONER STINSON, SECOND BY COMMISSIONER BUTLER, MOTION CARRIED

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON SEPTEMBER 30, 2022,
ARE HEREBY APPROVED.

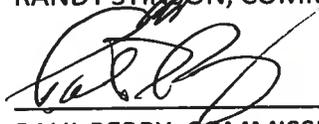
PRESIDING OFFICER:



TODD LITTLE, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



PAUL PERRY, COMMISSIONER, PCT 3

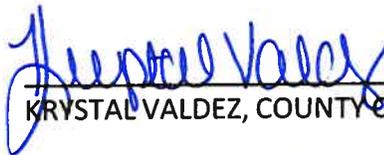


LANE GRAYSON, COMMISSIONER, PCT 2



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 18TH DAY OF OCTOBER 2022.



KRYSTAL VALDEZ, COUNTY CLERK

