

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – FEBRUARY 12, 2019**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, FEBRUARY 12, 2019, 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, COUNTY CLERK

COMMISSIONERS:

ASSISTANT COUNTY ATTORNEY: VANCE HINDS

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, CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER RANDY STINSON

PUBLIC COMMENT - MEMBERS OF THE PUBLIC WILL HAVE THE OPPORTUNITY TO MAKE THEIR COMMENTS AT THE TIME THE AGENDA ITEM IS BEING ADDRESSED.

MINUTE ORDER 133.19 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVING OF REGULAR BILLS, PAYROLL AND OFFICERS' REPORTS
- A2 RECEIVED ANNUAL RACIAL PROFILING REPORT FROM THE ELLIS COUNTY SHERIFF'S OFFICE. – CHUCK EDGE, SHERIFF
- A3 MOVED TO REGULAR AGENDA BY REQUEST FROM COMMISSIONER PERRY – UPDATE TO ELLIS COUNTY ALCOHOL AND DRUG ABUSE POLICY FOR C.D.L. DRIVERS. – THERESA TAYLOR, HUMAN RESOURCES DIRECTOR

A4 APPROVING COMMISSIONERS COURT MINUTES FROM JANUARY 29, 2019. – KRystal VALDEZ,
COUNTY CLERK

FINANCIAL:

F1 APPROVING REFUND OF OVERPAYMENTS TO THE FOLLOWING ACCOUNTS FOR PAYMENTS MADE IN
ERROR:

<u>REFUND TO BE ISSUED:</u>	<u>ACCOUNT #:</u>	<u>REFUND AMOUNT:</u>
CORELOGIC	140684	\$7,644.65
CORELOGIC	232881	\$6,249.20
CORELOGIC	170284	\$4,000.12
CORELOGIC	265781	\$6,245.94
CORELOGIC	264681	\$5,556.73
CORELOGIC	263729	\$6,707.21
CORELOGIC	235167	\$10,081.73
CORELOGIC	229667	\$5,476.58
CORELOGIC	268918	\$7,185.11
CORELOGIC	241058	\$5,154.35
CORELOGIC	203919	\$6,176.09
CORELOGIC	152911	\$5,137.06
CORELOGIC	150589	\$2,872.48
CORELOGIC	230099	\$3,743.21
CORELOGIC	154198	\$3,159.71
CORELOGIC	241055	\$4,543.61
CORELOGIC	200967	\$4,054.57
CORELOGIC	173329	\$3,476.82
CORELOGIC	229038	\$4,842.85
CORELOGIC	157275	\$4,593.17
CORELOGIC	178792	\$6,319.27
CORELOGIC	219487	\$3,917.52

- JOHN BRIDGES, TAX ASSESSOR AND COLLECTOR

F2 FROM 042-0942-303020 FUND BALANCE \$336.00 To 042-0942-508020 EQUIPMENT
\$336.00 – CHUCK EDGE, SHERIFF

F3 FROM 001-0015-508070 GENERAL Misc. \$134.04 To 001-0015-508030 FURNITURE-
FIXTURES \$134.04 – CHUCK EDGE, SHERIFF

F4 FROM 009-0602-509080 FM 1 – LUMBER \$5,000.00 To 009-0602-509070 FM 1 –
TIRES \$5,000.00 – RANDY STINSON, COMMISSIONER PRECINCT 1

- F5 FROM 001-0060-508080 AUTO GAS \$2,000.00 To 001-0060-508020 EQUIPMENT \$2,000.00 – ALBERTO MARES, DEPARTMENT OF DEVELOPMENT DIRECTOR
- F6 FROM 011-0704-303020 FM FUND BALANCE \$30,000.00 To 011-0704-509090 REPAIR/PARTS \$30,000.00 – PAUL PERRY, COMMISSIONER PRECINCT 3
- F7 **MOVED TO REGULAR AGENDA BY REQUEST FROM COMMISSIONER GRAYSON – FROM 001-0421-505020 PART-TIME DETENTION PERSONNEL \$14,000.00, 001-0421-505530 SOCIAL SECURITY \$1,075.00, 001-0421-505540 RETIREMENT \$1,580.00 To 001-0420-505020 SALARY – PART-TIME \$14,000.00, 001-0420-505530 Soc. Sec. \$1,075.00, 001-0420-505540 RETIREMENT \$1,580.00 – MIYKAEL REEVE, GGFO, COUNTY AUDITOR**

MOTION TO APPROVE WITHOUT A3 AND F7 BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, CARRIES UNANIMOUSLY

PURCHASING

MINUTE ORDER 134.19 (A3) MOVED FROM CONSENT AGENDA – APPROVING THE UPDATE TO ELLIS COUNTY ALCOHOL AND DRUG ABUSE POLICY FOR C.D.L. DRIVERS. – THERESA TAYLOR, HUMAN RESOURCES DIRECTOR

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, CARRIES UNANIMOUSLY

MINUTE ORDER 135.19 (2.1) APPROVING VEHICLE TRANSFER REQUEST FROM DEPARTMENT OF DEVELOPMENT TO ENGINEERING. 2005 FORD F-150, VIN 1FTRF12215NA82933. APPROXIMATE MILEAGE AS OF JANUARY 2019 IS 113,500.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, CARRIES UNANIMOUSLY

MINUTE ORDER 136.19 (2.2) APPROVING THE COUNTY JUDGE TO SIGN THE 2019 XEROX 48-MONTH LEASE AGREEMENT FOR THE ELLIS COUNTY AND DISTRICT ATTORNEY’S OFFICE. PREVIOUS MONTHLY LEASE PAYMENT WAS \$885.57; NEW MONTHLY LEASE PAYMENT WILL BE \$870.52

(2.3) APPROVING THE COUNTY JUDGE TO SIGN THE 2019 XEROX 48-MONTH LEASE AGREEMENT FOR THE ELLIS COUNTY JUSTICE OF THE PEACE, PRECINCT 3’S OFFICE. PREVIOUS MONTHLY LEASE PAYMENT WAS \$201.88; NEW MONTHLY LEASE PAYMENT WILL BE \$191.86

(2.4) APPROVING THE COUNTY JUDGE TO SIGN THE 2019 XEROX 48-MONTH LEASE AGREEMENT FOR THE ELLIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT. PREVIOUS MONTHLY LEASE PAYMENT WAS \$641.80; NEW MONTHLY LEASE PAYMENT WILL BE \$629.22.

(2.5) APPROVING THE COUNTY JUDGE TO SIGN THE 2019 XEROX 48-MONTH LEASE AGREEMENT FOR THE ELLIS COUNTY TREASURER'S OFFICE. PREVIOUS MONTHLY LEASE PAYMENT WAS \$216.26; NEW MONTHLY LEASE PAYMENT WILL BE \$216.24.

(2.6) APPROVING THE COUNTY JUDGE TO SIGN THE 2019 XEROX 48-MONTH LEASE AGREEMENT FOR THE ELLIS COUNTY ELECTIONS OFFICE. PREVIOUS MONTHLY LEASE PAYMENT WAS \$188.37; NEW MONTHLY LEASE PAYMENT WILL BE \$392.92. THE ELECTIONS OFFICE WILL BE REPLACING THEIR CURRENT MACHINE WITH A MORE COMPATIBLE SOLUTION WITH INCREASED SPEED AND NUMBER OF PRINTS. A SECOND MACHINE ADDED WITH SIMILAR OPTIONS AS THEIR FIRST MACHINE TO ACCOMMODATE THEIR BUSY PRINTING SCHEDULE.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, CARRIES UNANIMOUSLY

MINUTE ORDER 137.19 (2.7) APPROVING THE AWARD OF RFP-2019-004 CONCRETE ROAD REPAIRS FOR ROAD AND BRIDGE PRECINCT 2.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON, CARRIES UNANIMOUSLY

NO ACTION (2.8) DISCUSSION REGARDING THE DUNBAR ARMORED CAR AGREEMENT.

MINUTE ORDER 138.19 (3.1) APPROVING THE NOMINATION OF COMMISSIONER LANE GRAYSON BY COMMISSIONER RANDY STINSON AS COUNTY JUDGE PRO-TEM EFFECTIVE FEBRUARY 12, 2019. DISCUSSION WAS HAD ABOUT THE NOMINATION OF COMMISSIONER PAUL PERRY BY COUNTY JUDGE TODD LITTLE AS COUNTY JUDGE PRO-TEM; NO MOTION WAS MADE.

PUBLIC PARTICIPATION: JAMES PARKS, ALEX SMITH, JAMES LOBB, PENNY STORY

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER BUTLER WITH COMMISSIONER PERRY OPPOSED, VOTING NO – MOTION CARRIES 3/1

NO ACTION (3.2) ELLIS COUNTY BURN BAN – TIM BIRDWELL, FIRE MARSHAL/EMERGENCY MANAGEMENT COORDINATOR

MINUTE ORDER 139.19 (3.3) DENYING THE ALLOWANCE OF FIREWORK SALES COUNTY WIDE ON THE FOLLOWING DATES: TEXAS INDEPENDENCE DAY – FEBRUARY 25, 2019 THROUGH MARCH 2, 2019; SAN JACINTO DAY – APRIL 16, 2019 THROUGH APRIL 21, 2019; MEMORIAL DAY – MAY 24, 2019 THROUGH MAY 29, 2019 – TODD LITTLE, COUNTY JUDGE

MOTION TO DENY THE APPROVAL OF SALES MADE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON WITH COMMISSIONER PERRY OPPOSED AND VOTING NO – MOTION CARRIES 3/1

(MOTION TO APPROVE THE SALES WAS MADE BY COMMISSIONER PERRY, WITHOUT A SECOND – MOTION FAILED)

NO ACTION (3.4) DISCUSSION OF REPLACEMENT OF EXISTING HOT WATER BOILERS AT THE JAIL KITCHEN/LAUNDRY WITH 3 WATER HEATERS. ONE OF 2 JAIL BOILERS THAT SERVES THE KITCHEN AND LAUNDRY HOT WATER DOMESTIC SYSTEM, WENT OUT ON JANUARY 23RD AND NEEDS REPLACING. CURRENTLY, THE 2ND BOILER IS FUNCTIONING FOR THE OTHER ONE. THE ORIGINAL SYSTEM WAS DESIGNED FOR A 2-BOILER SYSTEM WHERE THEY SWITCH BACK AND FORTH. THIS 2ND BOILER IS THE SAME AGE (9 YEARS) AS THE BROKEN BOILER AND IS WORN AND IS POSSIBLE TO FAIL SOON. REPLACING THE BROKEN & WORN BOILERS WITH WATER HEATERS WOULD BE THE PREFERRED SOLUTION. - PAUL VERHEYDEN, FACILITIES DIRECTOR

OPTION 1: REPLACE CURRENT BOILER WITH SAME TYPE UNIT

OPTION 2: REPLACE CURRENT AND 2ND EXISTING BOILER WITH 3 WATER HEATERS

NO ACTION (3.5) DISCUSSION AND APPROVAL TO MOVE OLD JAIL CELL OUT OF LOBBY TO ALLOW FOR MORE SEATING. CURRENT SEATING THAT EXISTS WITH OLD JAIL CELL ALLOWS FOR ABOUT 18 SEATS. WITHOUT OLD JAIL CELL, AN ADDITIONAL 22 SEATS COULD BE PROVIDED. – PAUL VERHEYDEN, FACILITIES DIRECTOR

PUBLIC PARTICIPATION: SYLVIA SMITH, ELLIS COUNTY HISTORICAL COMMISSION

MINUTE ORDER 140.19 (3.6) APPROVING TO OBTAIN LIABILITY INSURANCE FOR FIVE JUVENILE BOARD MEMBERS: JUDGE CALVERT, JUDGE ERMATINGER, JUDGE CARROLL, JUDGE WALLACE AND JUDGE LITTLE, TO BE PAID FROM JUVENILE. – MIYKAEL REEVE, GGFO, COUNTY AUDITOR

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER, CARRIES UNANIMOUSLY

MINUTE ORDER 141.19 (3.7) **TABLING** THE APPROVAL AND POSSIBLE ACTION TO APPROVE A NEW PART-TIME POSITION FOR JUVENILE DEPARTMENT FOR AMOUNT NOT TO EXCEED \$14,000.00 FOR THE 7 MONTHS REMAINING IN OUR FISCAL YEAR. – MIYKAEL REEVE, GGFO, COUNTY AUDITOR

(F7) MOVED FROM CONSENT AGENDA BY REQUEST FROM COMMISSIONER GRAYSON – **TABLING** From 001-0421-505020 PART-TIME DETENTION PERSONNEL \$14,000.00, 001-0421-505530 SOCIAL SECURITY \$1,075.00, 001-0421-505540 RETIREMENT \$1,580.00 To 001-0420-505020 SALARA – PART-TIME \$14,000.00, 001-0420-

505530 Soc. Sec. \$1,075.00, 001-0420-505540 RETIREMENT \$1,580.00 – MIYKAEL REEVE,
GGFO, COUNTY AUDITOR

MOTION TO TABLE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, CARRIES UNANIMOUSLY

MINUTE ORDER 142.19 (3.8) SUBMITTING THE ANNUAL AUDIT DONE BY PATILLO, BROWN & HILL,
L.L.P. OF THE FINANCIAL STATEMENTS OF THE TEXAS JUVENILE JUSTICE GRANT FUNDS OF ELLIS COUNTY
JUVENILE PROBATION DEPARTMENT FOR THE YEAR ENDING AUGUST 31, 2018 ACCORDING TO LOCAL
GOVERNMENT CODE 140.004(D). – MIYKAEL REEVE, GGFO, COUNTY AUDITOR

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, CARRIES UNANIMOUSLY

NO ACTION (3.9) COMPENSATORY TIME REPORT. – THERESA TAYLOR, HUMAN RESOURCES DIRECTOR

MINUTE ORDER 143.19 (3.10) ACCEPTING OF \$6,300.89, CHECK NUMBER 5761, FOR THE PRO-RATA
LIABILITY DEDUCTIBLE REFUND IN CAUSE NO. 3:14-CV-03795-M, GLORIA TREVINO AND JULIO TREVINO
V. ELLIS COUNTY, TEXAS THROUGH JOHNNY BROWN, HARRY OGDEN, AND DR. FORTNER, FROM AID-
PROGRAMS ON BEHALF OF ARGONAUT INSURANCE COMPANY. – VANCE HINDS, ELLIS COUNTY AND
DISTRICT ATTORNEY'S OFFICE

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, CARRIES UNANIMOUSLY

MINUTE ORDER 144.19 (3.11) FOUND THAT THE DELIBERATION OF THE PURCHASE, EXCHANGE, LEASE,
OR VALUE OF REAL PROPERTY CONCERNING THE WATER AND SANITARY SEWER EASEMENT AND
TEMPORARY CONSTRUCTION EASEMENT, IDENTIFIED AS COLE CREEK TRUNK SEWER CAPITAL
IMPROVEMENT PROJECT WW-4 – PARCELS 3 AND 4 WILL HAVE A DETRIMENTAL EFFECT ON THE POSITION
OF ELLIS COUNTY IN NEGOTIATIONS WITH THE CITY OF WAXAHACHIE. – VANCE HINDS, ELLIS COUNTY AND
DISTRICT ATTORNEY'S OFFICE.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION 4:50 P.M.

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, CARRIES UNANIMOUSLY

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 551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.
- 4.2 PURSUANT TO SECTION 551.072 OF THE GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY CONCERNING THE WATER AND SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, IDENTIFIED AS COLE CREEK TRUNK SEWER CAPITAL IMPROVEMENT PROJECT WW-4 – PARCELS 3 AND 4.
- 4.3 PURSUANT TO SECTION 551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING THE LOCATION OF THE BOUNDARY LINE BETWEEN ELLIS AND JOHNSON COUNTIES.

ADJOURNMENT OF EXECUTIVE SESSION TO RECONVENE IN REGULAR SESSION 5:41 P.M.

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, CARRIES UNANIMOUSLY

MINUTE ORDER 145.19 (3.12) RESCINDING THE WATER AND SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, IDENTIFIED AS COLE CREEK TRUNK SEWER CAPITAL IMPROVEMENT PROJECT WW-4 – PARCEL 3, GRANTED FOR THE BENEFIT OF THE CITY OF WAXAHACHIE CONCERNING THE COUNTY FARM, WHICH WAS APPROVED IN COURT ON NOVEMBER 6, 2018 UNDER AGENDA ITEM 3.6 AND EXECUTED ON DECEMBER 18, 2018 UNDER MINUTE ORDER 527.18 FOR AGENDA ITEM 3.21 – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY’S OFFICE

(3.13) RESCINDING THE WATER AND SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, IDENTIFIED AS COLE CREEK TRUNK SEWER CAPITAL IMPROVEMENT PROJECT WW-4 – PARCEL 4, GRANTED FOR THE BENEFIT OF THE CITY OF WAXAHACHIE CONCERNING THE COUNTY FARM, WHICH WAS APPROVED IN COURT ON NOVEMBER 6, 2018 UNDER AGENDA ITEM 3.6 AND EXECUTED ON DECEMBER 18, 2018 UNDER MINUTE ORDER 526.18 FOR AGENDA ITEM 3.22 – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY’S OFFICE.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER, CARRIES UNANIMOUSLY

MINUTE ORDER 146.19 (3.14) APPROVING A NEW WATER AND SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, IDENTIFIED AS COLE CREEK TRUNK SEWER CAPITAL IMPROVEMENT PROJECT W-4 – PARCEL 3, GRANTED FOR THE BENEFIT OF THE CITY OF

WAXAHACHIE CONCERNING THE COUNTY FARM. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE.

(3.15) APPROVING A NEW WATER AND SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, IDENTIFIED AS COLE CREEK TRUNK SEWER CAPITAL IMPROVEMENT PROJECT WW-4 – PARCEL 4, GRANTED FOR THE BENEFIT OF THE CITY OF WAXAHACHIE CONCERNING THE COUNTY FARM. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE.

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY, CARRIES UNANIMOUSLY

ADJOURN

MOTION TO ADJOURN BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF FEBRUARY 12, 2019 ARE HEREBY APPROVED.

PRESIDING OFFICER:



TODD LITTLE, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

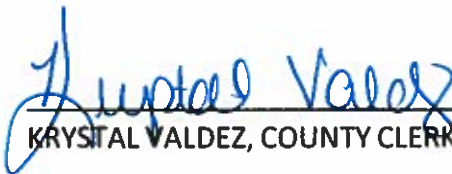


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 26^H DAY OF FEBRUARY, 2019.



KRYSTAL VALDEZ, COUNTY CLERK

