

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – OCTOBER 1, 2019

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, OCTOBER 1, 2019 AT 2:04 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:

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 PAUL PERRY*

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

COMMENDATION/RECOGNITIONS/AWARDS:

AA PROCLAMATION FOR 2019 4-H WEEK. – *MEGAN PARR, TEXAS A&M AGRILIFE EXTENSION*

MINUTE ORDER 420.19 APPROVING CONSENT AGENDA WITHOUT F5

ADMINISTRATIVE:

A1 APPROVING OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

A2 APPROVING COMMISSIONERS' COURT MINUTES FROM SEPTEMBER 24, 2019. – *KRystal VALDEZ, COUNTY CLERK*

A3 ACCEPTING CONTINUING EDUCATION HOURS FOR COMMISSIONER PAUL PERRY FOR 2019. – *PAUL PERRY, COMMISSIONER ROAD & BRIDGE PRECINCT 3*

- A4 ADJUSTING AND APPROVING SALARY SUPPLEMENT FOR THE COUNTY ATTORNEY OFFICE EMPLOYEE, ROBERT SCHELL, TO BE PAID WITH FUNDS RECEIVED AND TRANSFERRED FROM THE COUNTY & DISTRICT ATTORNEY DRUG FORFEITURE FUNDS AND STATE APPORTIONMENT FUNDS TO THE COUNTY ATTORNEY SALARY LINE ITEMS (INCLUDING THE FICA, RETIREMENT, AND SOCIAL SECURITY LINE ITEMS) IN THE FOLLOWING MANNER:

DRUG FORFEITURE

2018-2019 \$9,808.00
2019-2020 \$1,348.00

STATE APPOINTMENT FUNDS

2018-2019 \$0.00
2019-2020 \$8,460.00

THIS RESULTS IN THE EMPLOYEE'S SALARY REMAINING THE SAME: \$1,348.00 + \$8,460.00 = \$9,808.00. NO ELLIS COUNTY TAX REVENUE IS USED TO PAY THESE SUPPLEMENTS. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

FINANCIAL:

- F1 FROM 042-0942-303020 FUND BALANCE \$727.86 To 042-0942-508020 EQUIPMENT \$727.86 – CHUCK EDGE, SHERIFF
- F2 FY 2019-2020: FROM 005-0703-303010 RB3 FUND BALANCE \$150,000.00 To 005-0703-508070 RB3 GEN/MISC. \$100,000.00; 005-0703-508020 RB3 PURCHASE EQUIPMENT \$50,000.00 – PAUL PERRY, COMMISSIONER, ROAD & BRIDGE PRECINCT 3
- F3 FY 2019-2020: FROM 011-0704-303010 FM3 FUND BALANCE \$150,000.00 To 011-0704-508070 FM3 GEN/MISC. \$100,000.00; 011-0704-508020 FM3 PURCHASE EQUIPMENT \$50,000.00. – PAUL PERRY, COMMISSIONER, ROAD & BRIDGE PRECINCT 3
- F4 FROM 001-0230-508100 AUTO TIRES \$500.00; 001-0230-508080 AUTO OIL \$150.00; 001-0230-508060 BOND & DUES \$600.00; 001-0230-508190 COMPUTER \$260.00; 001-0230-508030 FURNITURE/FIXTURES \$500.00; 001-0230-507030 TELEPHONE \$438.00; 001-0230-508880 COMPUTER SERVICES \$400.00 To 001-0230-508090 AUTO REPAIRS \$1,700.00; 001-0230-508110 INSURANCE \$200.00; 001-0230-508010 SUPPLIES \$548.00; 001-0230-508020 EQUIPMENT \$400.00 – EJ HARBIN, PURCHASING
- F5 MOVED TO REGULAR AGENDA BY COUNTY JUDGE
- F6 FROM 001-0140-505580 CONTINGENCIES \$3,472.00 To 001-0510-505020 SALARIES \$2,791.00; 001-0510-505530 SOCIAL SECURITY \$214.00; 001-0510-505540 RETIREMENT \$300.00; 001-0020-505020 SALARIES \$141.00; 001-0020-505530 SOCIAL SECURITY \$11.00; 001-0020-505540 RETIREMENT \$15.00 – TODD LITTLE, COUNTY JUDGE

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

To 3.2

MINUTE ORDER 421.19 (3.2) APPROVING ELLIS COUNTY GOVERNMENT TO GRANT FUNDING IN THE AMOUNT OF \$35,000.00 TO MEALS ON WHEELS – ELLIS COUNTY. – *TODD LITTLE, COUNTY JUDGE*

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

MINUTE ORDER 422.19 (3.3) RESOLUTION AUTHORIZING COUNTY GRANT FOR MEALS ON WHEELS- ELLIS COUNTY. – *TODD LITTLE, COUNTY JUDGE*

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

To P1

RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING

PUBLIC HEARINGS:

MOTION TO OPEN P1 BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, CARRIES UNANIMOUSLY

P1 TO AMEND AND UPDATE THE 2007 MASTER THOROUGHFARE PLAN. THIS WILL BE THE SECOND OF TWO (2) PUBLIC HEARINGS ON THIS ITEM.

PUBLIC PARTICIPATION: BEVERLY CARRICK – WAXAHACHIE; WILLIAM GARR – WAXAHACHIE; MORGAN MCDANIEL – WAXAHACHIE; DIONA PATERA – WAXAHACHIE; TINA POLSON – ENNIS; STEVEN WALKER – WAXAHACHIE; VIKIE DILLOW – WAXAHACHIE; TINA KING – WAXAHACHIE

MOTION TO CLOSE P1 BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, CARRIES UNANIMOUSLY

ADJOURN PUBLIC HEARING TO RECONVENE TO REGULAR SESSION

DEPARTMENT OF DEVELOPMENT

TABLED (1.1) CONSIDER AND ACT UPON AN ORDER AMENDING MINUTE ORDER 269.07, APPROVING THE ADOPTION OF THE 2019 ELLIS COUNTY MASTER THOROUGHFARE PLAN UPDATE A REVISION TO THE 2007 ELLIS COUNTY THOROUGHFARE PLAN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MINUTE ORDER 423.19 (1.2) APPROVING A FINAL PLAT OF WINDMILL FARMS. THE PROPERTY CONTAINS ± 4.052 ACRES OF LAND IN THE J. RIGGS SURVEY, ABSTRACT NO. 902, LOCATED ON THE NORTH SIDE OF FM 813, ± 850 FEET SOUTHEAST OF CLOUSE ROAD, ROAD & BRIDGE PRECINCT No. 1

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

MINUTE ORDER 424.19 (1.3) APPROVING A FINAL PLAT OF WATKINS ADDITION BLOCK A, LOTS 1-2. THE PROPERTY CONTAINS ± 10.124 ACRES OF LAND IN THE A. DE LA GARZA SURVEY, ABSTRACT NO. 2, LOCATED ON THE SOUTH SIDE OF HWY 34 AND CONTINUING TO THE NORTH SIDE OF OLD TELICO ROAD, ± 540 FEET NORTH OF THE INTERSECTION OF OLD TELICO ROAD AND LONE OAK ROAD, ELLIS COUNTY ROAD & BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 425.19 (1.4) DISAPPROVING WITHOUT PREJUDICE A FINAL PLAT OF FUENTES RANCH. THE PROPERTY CONTAINS ± 1.24 ACRES OF LAND IN THE C. H. HURST SURVEY, ABSTRACT NO. 456, LOCATED ON PATRICK ROAD ± 2,760 FEET FROM CARDIFF LANE, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 4.

THE PLAT APPLICATION IS DISAPPROVED WITHOUT PREJUDICE FOR THE FOLLOWING REASONS:

1. PROVIDE A LETTER OF RELEASE OR APPROVAL FROM THE COUNTY ENGINEER'S OFFICE.
2. UPDATE PLAT NAME OWNER'S CERTIFICATE (MISLABELED AS JACKSON ADDITION) AND REVISE PLAT TYPE IN TITLE BLOCK TO REFLECT A FINAL PLAT FOR THE COUNTY IN ADDITION TO THE PLAT FOR THE CITY.
3. THE BUILDING LINES AND SETBACKS ARE MISSING; LABEL THEM ACCORDINGLY ON THE PLAT.
4. THE EASEMENTS ARE NOT THE CORRECT WIDTHS. THE COUNTY REQUIRES 20 FEET ALONG THE FRONT PARALLEL TO THE STREET AND 10 FEET ALONG ALL SIDES AND REAR.
5. UPDATE THE OWNER'S NAME (S) FOR SIGNATURE JUST ABOVE THE NOTARY STATEMENTS.
6. LABEL THE POINT OF COMMENCEMENT, AS REFERENCED IN THE METES AND BOUNDS DESCRIPTION. IT DOES NOT CORRESPOND TO THE PLAT DRAWING.
7. PAY THE COUNTY PLAT APPLICATION FEE OF \$500.

MOTION BY COMMISSIONER BUTLER FOR DISAPPROVAL WITHOUT PREJUDICE BASED ON THE REASONS LISTED, SECOND BY COMMISSIONER PERRY, CARRIES UNANIMOUSLY

A RECESS WAS TAKEN AT 3:50 P.M.

THE MEETING RECONVENED AT 4:03 P.M.

PURCHASING

MINUTE ORDER 426.19 (2.1) AUTHORIZING PURCHASING AGENT TO ADVERTISE AND SOLICIT FOR REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSQ) FOR ARCHITECTURAL DESIGN AND ENGINEERING SERVICES FOR A NEW JUSTICE OF THE PEACE PRECINCT 2 FACILITY.

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

RECESS TO CONVENE TO EXECUTIVE SESSION 4:11 P.M.

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, 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.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION 4:45 P.M.

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

NO ACTION (2.2) FINDING THAT HDR ARCHITECTURAL SERVICES IS THE MOST HIGHLY QUALIFIED PROVIDER OF ARCHITECTURAL SERVICES ON THE BASIS OF DEMONSTRATED COMPETENCE AND QUALIFICATIONS UNDER SECTION 2254.004 OF THE TEXAS LOCAL GOVERNMENT CODE.

NO ACTION (2.3) AUTHORIZE NEGOTIATIONS WITH HDR ARCHITECTURAL SERVICES UNDER SECTION 2254.004 OF THE TEXAS LOCAL GOVERNMENT CODE FOR DESIGN AND OTHER RELATED SERVICES FOR THE BUILD OUT OF ELLIS COUNTY COURT AT LAW #3

MINUTE ORDER 427.19 (2.4) AUTHORIZING PURCHASING AGENT TO ADVERTISE AND SOLICIT FOR REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSQ) FOR ARCHITECTURAL DESIGN AND ENGINEERING SERVICES FOR THE RE-MODEL AND BUILD OUT OF THE ELLIS COUNTY COURT AT LAW NUMBER 3, JURY SELECTION ROOM, AND OFFICES IN THE ELLIS COUNTY COURTS BUILDING.

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

MINUTE ORDER 428.19 (2.5) AUTHORIZING PURCHASING AGENT TO ADVERTISE AND SOLICIT FOR REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSQ) FOR ARCHITECTURAL DESIGN AND ENGINEERING SERVICES FOR THE RE-MODEL AND BUILD OUT OF THE ELLIS COUNTY JUVENILE DETENTION CENTER TO ACCOMMODATE THE JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM (JJAEP) REQUIREMENTS.

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

MINUTE ORDER 429.19 (2.6) AUTHORIZING PURCHASING AGENT TO ADVERTISE AND SOLICIT PROPOSALS FOR CONTRACT FOR WORKERS' COMPENSATION.

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

ADMINISTRATIVE

NO ACTION (3.1) ELLIS COUNTY BURN BAN. – *TIM BIRDWELL, FIRE MARSHALL*

To 3.4

MINUTE ORDER 430.19 (3.4) APPROVING THE TRANSFER OF POSITIONS BETWEEN INFORMATION TECHNOLOGY AND THE SHERIFF'S OFFICE. IT TECH 2 FROM SHERIFF'S OFFICE TO INFORMATION TECHNOLOGY; IT TECH COORDINATOR FROM INFORMATION TECHNOLOGY TO SHERIFF'S OFFICE. – *TODD LITTLE, COUNTY JUDGE*

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

To F5

MINUTE ORDER 431.19 (F5) FROM 001-0035-505020 SALARIES \$5,050.00; 001-0035-505530 SOCIAL SECURITY \$386.00; 001-0035-505540 RETIREMENT \$594.00 To 001-0015-505020 SALARIES \$5,050.00; 001-0015-505530 SOCIAL SECURITY \$386.00; 001-0015-505540 RETIREMENT \$594.00 – *TODD LITTLE, COUNTY JUDGE*

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

To 3.5

MINUTE ORDER 432.19 (3.5) AUTHORIZING FUNDING FOR STRUCTURAL REPAIRS TO CHAMBERS CREEK FLOOD CONTROL STRUCTURES #6, #23, #79A, AND #107 PURSUANT TO THE EXISTING AGREEMENT BETWEEN ELLIS COUNTY AND THE ELLIS PRAIRIE SOIL AND WATER CONSERVATION DISTRICT (EPSWCD). IN EXCHANGE FOR PROJECT ADMINISTRATION, THE EPSWCD AGREES TO TRANSFER THE TECHNICAL ADMINISTRATION FUNDS FOR THE PROJECTS TO ELLIS COUNTY UPON COMPLETION OF CONSTRUCTION. – *TED KANTOR, ENGINEERING*

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

MINUTE ORDER 433.19 (3.6) APPROVING THE TRANSFER OF ADMINISTRATION DUTIES AND ADMINISTRATION FEES FROM THE EPSWCD TO THE ELLIS COUNTY ENGINEERING DEPARTMENT FOR STRUCTURAL REPAIR PROJECTS ON CHAMBERS CREEK FLOOD CONTROL STRUCTURES #6, #23, #79A, AND #107. – *TED KANTOR, ENGINEERING*

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

MINUTE ORDER 434.19 (3.7) AUTHORIZING THE COUNTY JUDGE TO SIGN AN AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF FERRIS, FOR THE HOUSING OF CLASS C INMATES. – *CHUCK EDGE, SHERIFF*

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

MINUTE ORDER 435.19 (3.8) APPROVING THE SUBMISSION OF JOHN TABOR AS NOMINEE FOR 2020-2021 ELLIS APPRAISAL DISTRICT BOARD OF DIRECTOR'S ELECTION TO THE CHIEF APPRAISER BY RESOLUTION. – *TODD LITTLE, COUNTY JUDGE*

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

RECESS TO CONVENE TO EXECUTIVE SESSION **5:11 P.M.**

MOTION BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER STINSON, 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 SECTION 551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.
- 4.2 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING 1STEL, INC. PLACING TELECOMMUNICATION POLES IN THE COUNTY'S RIGHT OF WAY.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION **5:27 P.M.**

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

NO ACTION (3.9) DISCUSSION AND ACTION CONCERNING LITIGATION AGAINST 1STEL, INC. REGARDING THE PLACEMENT OF TELECOMMUNICATION POLES IN THE COUNTY'S RIGHT OF WAY. – *VANCE HINDS, COUNTY AND DISTRICT ATTORNEY'S OFFICE*

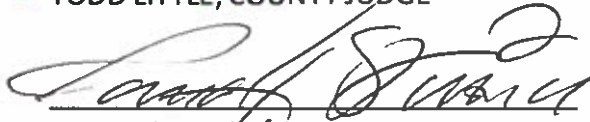
ADJOURNMENT **5:28 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF OCTOBER 1, 2019 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 22ND DAY OF OCTOBER 2019.


KRYSTAL VALDEZ, COUNTY CLERK

