

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – JUNE 15, 2021

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, JUNE 15, 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
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 BUTLER, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE – *KEITH ROBERTS AND KYLE BUTLER, COMMISSIONER, PRECINCT 4*

RECOGNITION:

RECOGNIZING THOSE WHO ASSISTED IN THE EF2 TORNADO THAT HIT ELLIS COUNTY IN THE FORRESTON AREA ON MAY 3, 2021. PRESENTATION OF THE MERITORIOUS CONDUCT PIN TO SERGEANT TIM BULOT FOR HIS ACTIONS THAT DAY. – *BRAD NORMAN, COUNTY SHERIFF*

CONSENT AGENDA:

MINUTE ORDER 290.21 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 JUNE 1, 2021. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A3 ACCEPTING THE MONTHLY REPORT FROM JUSTICE OF THE PEACE, PRECINCT #1, PURSUANT TO LOCAL GOVERNMENT CODE §114.044. – *CHRIS MACON, JUSTICE OF THE PEACE, PCT. 1*

- A4 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM MAY 26, 2021 – JUNE 7, 2021, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *JANET MARTIN, COUNTY AUDITOR*
- A5 ACCEPTING THE ANNUAL AUDIT OF THE FISCAL ACCOUNTS AND RECORDS OF ESD #7 BRISTOL AND ESD #4 RED OAK, PURSUANT TO CHAPTER 775.082 OF THE TEXAS HEALTH AND SAFETY CODE. – *TIM BIRDWELL, FIRE MARSHAL*
- A6 ACCEPTING THE RESIGNATION OF MIKE HECKATHORN FROM ESD #5 FERRIS. – *TIM BIRDWELL, FIRE MARSHAL*
- A7 ACCEPTING THE ELLIS COUNTY, PCT. #4 ROAD & BRIDGE 2020-2021 ROAD REPORT. – *KYLE BUTLER, COMMISSIONER, PRECINCT #4*
- A8 ACCEPTING THE ELLIS COUNTY, PCT. #2 ROAD & BRIDGE 2020-2021 ROAD REPORT – *LANE GRAYSON, COMMISSIONER, PRECINCT #2*
- A9 ACCEPTING THE DOD MONTHLY FINANCIAL REPORT FROM MAY 2021, PURSUANT TO LOCAL GOVERNMENT CODE §114.044. – *ALBERTO MARES, DEPARTMENT OF DEVELOPMENT*

FINANCIAL:

- F1 AUTHORIZING THE COMMITMENT OF MONEY BUDGETED FOR THE OPERATIONS OF THE JUVENILE JUSTICE ALTERNATE EDUCATION PROGRAM ("JJAEP"). THE BEGINNING BALANCE FOR THE JJAEP FUND WOULD BE ALL UNSPENT MONEY AS OF 09.30.2021. THE MONEY WOULD BE USED FOR ANY EXPENSE RELATED TO THE OPERATIONS OF THE JJAEP. – *JANET MARTIN, COUNTY AUDITOR*
- F2 APPROVING TO CREATE A VEHICLE REPLACEMENT FUND THROUGH COMMITTING MONEY. THE BEGINNING BALANCE FOR THE VEHICLE REPLACEMENT FUND WOULD BE ALL UNSPENT MONEY AS OF 09.30.2021. MONEY FROM THE SALE OF VEHICLES OR FROM INSURANCE PROCEEDS WOULD BE USED TO REPLENISH THE FUND IN ADDITION TO THE ANNUAL BUDGETED AMOUNT. THE VEHICLE FUND IS TO BE USED TO PURCHASE REPLACEMENT VEHICLES FOR ELLIS COUNTY. – *JANET MARTIN, AUDITOR*
- F3 APPROVING PROPERTY TAX REFUNDS IN THE AMOUNT OF \$4,949.00 AS SUBMITTED BY THE ELLIS COUNTY TAX ASSESSOR COLLECTOR. – *RICHARD ROZIER, TAX ASSESSOR-COLLECTOR*
- F4 **FY2020-21 LINE ITEM TRANSFER – KYLE BUTLER, COMMISSIONER, PRECINCT #4**
DECREASE 012-0755-570000 CONTINGENCY – SURPLUS BY \$100,000.00;
INCREASE 012-0755-509110 GRAVEL BY \$100,000.00.
- F5 **FY2020-21 LINE ITEM TRANSFER – KYLE BUTLER, COMMISSIONER, PRECINCT #4**
DECREASE 012-0755-570000 CONTINGENCY – SURPLUS BY \$125,000.00;
INCREASE 012-0755-508680 CONTRACT LABOR BY \$125,000.00
- F6 **FY2020-21 LINE ITEM TRANSFER – KYLE BUTLER, COMMISSIONER, PRECINCT #4**
DECREASE 012-0755-570000 CONTINGENCY – SURPLUS BY \$5,000.00;
INCREASE 012-0755-509140 SIGNS BY \$5,000.00

- F7** **FY2020-21 LINE ITEM TRANSFER – CURTIS POLK, JR., CONSTABLE, PCT. 3**
DECREASE 001-0613-508050 CONFERENCE BY \$1,500.00;
INCREASE 001-0613-508020 EQUIPMENT BY \$1,500.00.

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

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 291.21 (1.1) APPROVING A PLAT OF QUINTA CINCO ESTRELLAS. THE PROPERTY CONTAINS ± 17.917 ACRES OF LAND IN THE J. W. BAKER SURVEY, ABSTRACT NO. 35, LOCATED AT THE NORTHWEST CORNER OF PALMYRA ROAD AND HUNSUCKER ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ROAD AND BRIDGE PRECINCT #1.

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

MINUTE ORDER 292.21 (1.2) ACCEPTING PERFORMANCE BONDS FOR THE PROPOSED SUBDIVISION KNOWN AS SPRINGSIDE ESTATES, PHASE 2, LOCATED IN ROAD & BRIDGE PRECINCT #4.

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

MINUTE ORDER 293.21 (1.3) ACCEPTING A PERFORMANCE BOND FOR THE SUBDIVISION KNOWN AS ESTATES OF HIDDEN CREEK, LOCATED IN ROAD & BRIDGE PRECINCT #4.

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

PURCHASING

TABLED (2.1) DISCUSSION, CONSIDERATION AND APPROVAL TO PURCHASE PROPRIETARY SOIL STABILIZER AND SERVICES FOR PROJECTS LOCATED AT: SINGLETON RD., MAYPEARL, TX 76064; DUNAWAY RD. & BETHEL RD., WAXAHACHIE, TX 75165; AND BAUCUM RD., MAYPEARL, TX 76064 FROM NEW EARTHLOK, LLC UTILIZING THE EXEMPTION GRANTED UNDER LOCAL GOVERNMENT CODE 262.024 ON NOVEMBER 5, 2019 (MINUTE ORDER 487.19) FOR ROAD & BRIDGE PRECINCT #3.

MINUTE ORDER 294.21 (2.2) APPROVING THE PAYOFF OF LEASE AGREEMENT 10657-7806-011 WITH BANCORPSOUTH FOR ONE (1) 2021 MACK GRANITE GR64F DUMP TRUCK IN THE AMOUNT OF \$15,157.61 FOR ROAD & BRIDGE PRECINCT #2.

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

MINUTE ORDER 295.21 (2.3) APPROVING TO PURCHASE A BROCE RJT350 BROOM IN THE AMOUNT OF \$45,900.66 FOR ROAD & BRIDGE PRECINCT #1, USING THE BUYBOARD COOPERATIVE CONTRACT NUMBER 597-19 FROM R.B. EVERETT & COMPANY.

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

MINUTE ORDER 296.21 (2.4) APPROVING TO SURPLUS AND DONATE THE FOLLOWING ITEMS TO THE MILFORD POLICE DEPARTMENT: THREE (3) PRO GUARD PRISONER PARTITIONS; TWO (2) MODEL #4P5700T SERIAL #10/11/2011; ONE (1) MODEL #4P5700T12 SERIAL #10/26/12; THREE (3) BLACK DRAWER ORGANIZERS; SIX (6) PRO GUARD VINYL WINDOW PROTECTORS, AND ALL MOUNTING HARDWARE.

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

ADMINISTRATIVE

PUBLIC HEARING

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

(P1) A PUBLIC HEARING TO DISCUSS ENTERING INTO A TAX ABATEMENT AGREEMENT BETWEEN ELLIS COUNTY, TEXAS AND MYTI PROPERTIES, LLC AND TIMCO LOGISTICS SYSTEMS.

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

MINUTE ORDER 297.21 (3.1) APPROVING AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY, TEXAS AND THE CITY OF RED OAK, TEXAS FOR ASSESSMENT COLLECTION FOR RED OAK PUBLIC IMPROVEMENT, DISTRICT #1. – *RICHARD ROZIER, TAX ASSESSOR-COLLECTOR*

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

To 3.3

MINUTE ORDER 298.21 (3.3) APPROVING TO ENTER INTO A FIVE (5) YEAR, 50% TAX ABATEMENT AGREEMENT BETWEEN ELLIS COUNTY, TEXAS AND MYTI PROPERTIES, LLC AND TIMCO LOGISTICS SYSTEMS.

- THE NAME OF THE PROPERTY OWNER AND APPLICANT: MYTI PROPERTIES, LLC AND TIMCO LOGISTICS SYSTEMS.
- THE NAME OF THE REINVESTMENT ZONE SHALL BE TAX REINVESTMENT ZONE #31 AS ESTABLISHED BY THE CITY OF WAXAHACHIE AT 197 OVILLA ROAD, WAXAHACHIE, TEXAS.
- THE IMPROVEMENTS TO BE INCLUDED IN THE TAX ABATEMENT AGREEMENT GENERALLY CONSIST OF AN EXPANSION OF BUSINESS OPERATIONS INCLUDING, BUT NOT LIMITED TO, A NEW BUILDING WITH IMPROVEMENTS.
- THE ESTIMATED COSTS OF THE IMPROVEMENTS ARE \$6,950,000.00

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

MINUTE ORDER 299.21 (3.4) APPROVING OF AMENDMENT TO TSSWCB CONTRACT No. MT11-REP-ESF-523-21, INITIAL TERM TO END SEPTEMBER 30, 2022. – *TED KANTOR, COUNTY ENGINEER*

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

MINUTE ORDER 300.21 (3.5) APPROVING TO APPLY FOR A DEPARTMENT OF JUSTICE GRANT FOR \$750,000.00 FOR THREE YEARS TO STAND UP AND IMPLEMENT A HUMAN TRAFFICKING TASK FORCE IN ELLIS COUNTY. THIS TWO-PART GRANT IS BEING SOUGHT IN CONJUNCTION WITH THE ELLIS COUNTY CHILDREN’S ADVOCACY CENTER, THEY TOO WILL BE SEEKING A GRANT FOR \$750,000.00 FOR THREE YEARS AS THE VICTIM SERVICES PROVIDER. – *BRAD NORMAN, SHERIFF*

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

RECESS INTO EXECUTIVE SESSION 2:55 P.M.

MOTION TO RECESS BY COMMISSIONER GRAYSON, 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION, INCLUDING PENDING OR CONTEMPLATED ADMINISTRATIVE PROCEEDINGS, CONCERNING TEXAS STATE BAR ADMINISTRATIVE MATTER.

RECONVENE TO REGULAR SESSION 3:21 P.M.

To 3.2

MINUTE ORDER 301.21 (3.2) APPROVING TO ENGAGE CAMPBELL & ASSOCIATES LAW FIRM, P.C. TO REPRESENT TEXAS STATE BAR ADMINISTRATIVE MATTER. – ANN MONTGOMERY, COUNTY & DISTRICT ATTORNEY

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

ADJOURNMENT 3:22 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON JUNE 15, 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 29TH DAY OF JUNE 2021.


KRYSTAL VALDEZ, COUNTY CLERK

