

L. W. "Nubbin" Cooper Jr.
County Commissioner, Precinct 1



Amanda Young
County Commissioner, Precinct 3

Alvin Roberts
County Commissioner, Precinct 4

Chris Kirkendall
County Commissioner, Precinct 2

Wayne McDaniel
County Judge

COMMISSIONERS COURT OF HARDIN COUNTY, TEXAS
HARDIN COUNTY COURTHOUSE ■ COMMISSIONERS COURTROOM (A-131)

NOTICE OF REGULAR MEETING AND AGENDA
TUESDAY | FEBRUARY 9, 2021 | 10:00 A.M.

AGENDA AND MINUTES

BE IT REMEMBERED THAT ON FEBRUARY 9, 2020, THERE WAS BEGUN AND HOLDEN A REGULAR MEETING OF THE COMMISSIONERS' COURT OF HARDIN COUNTY, TEXAS, WITH THE FOLLOWING MEMBERS OF THE COURT PRESENT:

HONORABLE WAYNE MCDANIEL
HONORABLE L.W. COOPER, JR.
HONORABLE CHRIS KIRKENDALL
HONORABLE AMANDA YOUNG
HONORABLE ALVIN ROBERTS
HONORABLE GLENDA ALSTON

HARDIN COUNTY JUDGE
COMMISSIONER PCT. 1
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
COMMISSIONER PCT. 4
HARDIN COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD AND ORDERS MADE TO-WIT; IN ADDITION TO THE ROUTINE BUSINESS OF THE COUNTY, THE SUBJECT OF SAID MEETING WILL BE THE FOLLOWING:

- 1) Call meeting to order. *Judge Wayne McDaniel*
- 2) Invocation and Pledge of Allegiance. *Commissioner Chris Kirkendall*
- 3) Approve Minutes of the January 26, 2021 Regular Meeting. *Glenda Alston, County Clerk*
MOTION BY: COMMISSIONER ROBERTS
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER,
COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED AS PRESENTED

- 4) Consider approval of request to cancel all Registered Claims from January 26, 2021; and Approval of Cash Statement as presented. *Deborah McWilliams, County Treasurer (SEE ATTACHED)*

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED AS PRESENTED

- 5) Authorization to pay County bills as presented. *Angela Gore, County Auditor (SEE ATTACHED)*

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER ROBERTS

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED AS PRESENTED

- 6) Consider and possibly approve the following Budget Amendment: (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED

From:	010-401-800 Contingency	\$13,750.00
To:	010-401-277 Local Match On-Site Sewer	\$13,750.00

Michelle Brewer, Disaster Recovery Director

- 7) Discussion and possible action regarding refund exceeding \$500.00 limit for Account Number 002622-000150 for tax year 2020. *Shirley Cook, Tax Assessor-Collector (SEE ATTACHED)*

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED

- 8) Consider request by developer to adopt Resolution 2-21 supporting the submission of an application by Lumberton Providence Park, L.P., for competitive 9% housing tax credits at the SW corner of Park Road North and Hwy 69 in Lumberton, Texas; Authorizing an allocation of housing tax credits for the approval of the new construction development; and Authorizing a commitment of development funding in the form of a grant or reduced fees. *Don Ball, Executive Director, Nautical Affordable Housing, Inc. (SEE ATTACHED)*

NO ACTION WAS TAKEN ON AGENDA ITEM #8

- 9) Consider adoption of Resolutions 3-21 and 4-21 authorizing submission of Violence Against Women Act (VAWA) Grant Funding 2022; and Victims of Crime Act (VOCA) Grant Funding 2022 applications to the Office of the Governor (OOG), Criminal Justice Division (CJD). *Rebecca Walton, District Attorney (SEE ATTACHED)*
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER ROBERTS
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 10) Consider adoption of Resolution 5-21; Opposition to SB234/HB749 Efforts to Silence County Officials. *Commissioner Alvin Roberts, Precinct 4 (SEE ATTACHED)*
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 11) Consider adoption of Resolution 6-21 permitting firework sales on additional holidays throughout 2021, pursuant to HB 1150 (2015). (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER YOUNG
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 12) Consider request by *Aaron Tupper, Emergency Management Coordinator*, to adopt four (4) Resolutions authorizing grant submissions, each of which do not require any local match: (SEE ATTACHED)
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED ALL FOUR RESOLUTIONS
- a. Resolution 7-21 authorizing submission of the Edward Byrne Memorial Justice Assistance Grant (JAG) Funding Application to the Office of Governor, Criminal Justice Division.
 - b. Resolution 8-21 authorizing submission of the State Homeland Security Program (SHSP) Funding Application to the Office of the Governor, Homeland Security Grant Division.
 - c. Resolution 9-21 authorizing submission of the State Homeland Security Program (SHSP) Funding Application to the Office of the Governor, Homeland Security Grant Division.
 - d. Resolution 10-21 authorizing submission of the State Homeland Security Program - LETPA Projects (SHSP-L) Funding Application to the Office of the Governor, Homeland Security Grant Division.

- 13) Consider request to authorize the County Judge to finalize all current and future documentation with the Federal Emergency Management Agency (FEMA) concerning reimbursements related to Hurricane Laura (FEMA Grant Number EM-3540), whereby Hardin County is requesting reimbursement for all documented emergency protective measures, totaling \$87,862.42, less 25% local match. *Aaron Tupper, Emergency Management Coordinator (SEE ATTACHED)*
MOTION BY: COMMISSIONER ROBERTS
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 14) Discussion and possible action to enter into an agreement between Texas Division of Emergency Management and Hardin County for Disaster Number EM-3540 - Hurricane Laura, for grant terms and conditions in reference to the reimbursement of funds expended as a result of this natural disaster. *Aaron Tupper, Emergency Management Coordinator (SEE ATTACHED)*
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER YOUNG
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 15) Discussion and possible action regarding holiday pay for Road and Bridge employees that are called out for an emergency situation during a county approved holiday. *Commissioner L.W. Cooper, Jr, Precinct 1 (SEE ATTACHED)*
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: TABLE UNTIL FURTHER NOTICE FROM THE COMMITTEE WHICH CONSIST OF: COMMISSIONER COOPER, SHERIFF DAVIS AND DEBBIE MENDISABAL
- 16) Consider and possibly approve request to name an unnamed private road "Oakland Drive", located in Precinct 4, for 9-1-1 addressing purposes. *Commissioner Alvin Roberts, Precinct 4 (SEE ATTACHED)*
MOTION BY: COMMISSIONER ROBERTS
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED

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17) Permission to accept total loss offer from Texas Association of Counties Risk Management Pool for a 2019 Ford Explorer (VIN... 5445) in the amount of \$21,775.00 as the result of a non-at-fault accident. *Sheriff Mark Davis (SEE ATTACHED)*

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER ROBERTS

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED

18) Consider and possibly approve request to purchase a 2021 Ford Interceptor SUV utilizing the goodbuy cooperative purchasing program. Total purchase price is \$38,848.60 to be paid out of line item 010-560-570 Auto Purchase. *Sheriff Mark Davis (SEE ATTACHED)*

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED

19) Authorization for County Judge to sign Mutual Aid Agreement for Cooperation on Law Enforcement Efforts between various Texas Law Enforcement Agencies, established under Local Government Code Ch. 362. *Sheriff Mark Davis (SEE ATTACHED)*

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED

20) Acceptance of the 2020 Racial Profiling Reporting for filing in the Minutes of the Court as submitted by the following Law Enforcement Elected Officials: *Sheriff Mark Davis, Constable Ben Hawthorne, Constable Cory Jeffcoat and Constable Danny Sullins (SEE ATTACHED)*

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED

21) Consider request to authorize the County Judge to sign Memorandum of Understanding with the Garth House, Mickey Mehaffy Children's Advocacy Program, Inc. *Janet Morris, MDT Supervisor, Garth House (SEE ATTACHED)*

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED

- 22) Consider request to authorize the County Judge to sign a Lease Agreement between First United Methodist Church of Kountze and Hardin County for the purpose of utilizing the Family Life Center for jury selection for the District and County Courts. *Misty Sims, Purchasing Agent* (SEE ATTACHED)
MOTION BY: JUDGE MCDANIEL
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: TABLE AGENDA ITEM #22
- 23) Consider request to authorize the County Judge to sign Amendments to Fee Agreement between Hardin County and MPTX Associates for Professional Services, Grant Application Development and Project Management relating to FEMA Hazard Mitigation Grant Program FY2018 for Hurricane Safe Room Phase I, and Hardin County Detention Pond Phase I. *Misty Sims, Purchasing Agent* (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER ROBERTS
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 24) Consider request to authorize the County Judge to sign Agreement for Architectural Services relating to FEMA Hazard Mitigation Grant Program FY2018 for Hurricane Safe Room. *Misty Sims, Purchasing Agent*
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 25) Consider request to authorize the Purchasing Agent to solicit Qualification Statements for 3rd party Architectural Services to review plans relating to FEMA Hazard Mitigation Grant Program FY2018 for Hurricane Safe Room; and, if approved, appoint a committee to evaluate proposals received. *Misty Sims, Purchasing Agent*
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.
ACTION: APPROVED WITH THE COMMITTEE BEING: SHERIFF DAVIS, JUDGE MISSY MINTON AND KATIE PACE

26) Consider request to authorize the Purchasing Agent to solicit Qualification Statements for engineering/sanitarian services relating to the 2019-2020 Texas Community Block Grant Program (TxCDBG) for Sewer Projects; and, if approved, appoint a committee to evaluate proposals received. *Misty Sims, Purchasing Agent*

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED WITH THE COMMITTEE BEING: MARK MINTON, JUDGE BREWER AND MONICA KELLEY

27) Discussion only of any item not on the Agenda without taking any action. *Any County Official*

28) Adjourn.

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER ROBERTS AND COMMISSIONER YOUNG.

ACTION: APPROVED

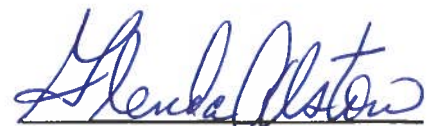
**Any attendee of this Open Meeting may be permitted to comment on an Agenda item by raising their hand (or by verbal notification if joining remotely), and being recognized by the Chair prior to the Court taking action. Anyone who addresses Commissioners Court in person must do so from the podium.*

This Open Meeting will be held in accordance with Governor Abbott's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, which are being implemented to maintain government transparency while mitigating the risk of spreading COVID-19. In-person attendance is limited to 20. Members of the public will be entitled to participate and address the Court during the meeting via remote access: Dial (877) 402-9753; Access Code 6995123 before the meeting begins. When you dial in, announce yourself, then mute your line.

RESPECTFULLY SUBMITTED,



WAYNE MCDANIEL
HARDIN COUNTY JUDGE



GLENDA ALSTON
HARDIN COUNTY CLERK