

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – MAY 2, 2023

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MAY 2, 2023, 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

PRECINCT 1 COMMISSIONER RANDY STINSON

PRECINCT 2 COMMISSIONER LANE GRAYSON

PRECINCT 3 COMMISSIONER PAUL PERRY

PRECINCT 4 COMMISSIONER KYLE BUTLER

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, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE. – *PRECINCT 3 COMMISSIONER PAUL PERRY*

PROCLAMATION

- PROCLAMATION RECOGNIZING THE NATIONAL DAY OF PRAYER.

CONSENT AGENDA: MINUTE ORDER 231.23

ADMINISTRATIVE:

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

A2 ACCEPTING OF THE COUNTY TREASURER'S 1ST QUARTER 2023 QUARTERLY INVESTMENT REPORT. –
COUNTY TREASURER CHERYL CHAMBERS

A3 APPROVING OF COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM APRIL 18, 2023. – *COUNTY CLERK KRYSTAL VALDEZ*

A4 APPROVING OF COMMISSIONERS' COURT SPECIAL MEETING MINUTES FROM APRIL 21, 2023. – *COUNTY CLERK KRYSTAL VALDEZ*

A5 APPROVING OF THE NECESSARY NEW APPLICANTS FOR ESD #1 (MAYPEARL). APPROVING TO ACCEPT THE APPLICATION OF WALTER SAMPLES TO REPLACE SECRETARY GARY HARRIS, WHOSE TERM ENDS IN DECEMBER 2024. – *FIRE MARSHAL TIM BIRDWELL*

- A6 ACCEPTING THE JUSTICE OF THE PEACE, PRECINCT 4 MONTHLY REPORT FOR JANUARY 2023, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – *THE HONORABLE LOUIS PONDER*
- A7 ACCEPTING THE JUSTICE OF THE PEACE, PRECINCT 4 MONTHLY REPORT FOR FEBRUARY 2023, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – *THE HONORABLE LOUIS PONDER*
- A8 ACCEPTING THE JUSTICE OF THE PEACE, PRECINCT 4 MONTHLY REPORT FOR MARCH 2023, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – *THE HONORABLE LOUIS PONDER*
- A9 ACCEPTING THE DEPARTMENT OF DEVELOPMENT’S MONTHLY FINANCIAL REPORT FOR MARCH 2023, AS REQUIRED BY §114.044 OF THE TEXAS LOCAL GOVERNMENT CODE. – *DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES*
- A10 ACCEPTING A TABULATED REPORT OF THE COUNTY’S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM APRIL 8, 2023 TO APRIL 21, 2023, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *COUNTY AUDITOR JANET MARTIN*

FINANCIAL:

- F1 FY2023 LINE-ITEM TRANSFER – *DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES*
DECREASE 001-0060-508050 (CONFERENCE) BY \$189.20
INCREASE 001-0430-404100 (EMERGENCY MANAGEMENT SAFETY TRAINING) BY \$189.20
- F2 FY2023 LINE-ITEM TRANSFER – *PRECINCT 1 COMMISSIONER RANDY STINSON*
DECREASE 009-0602-570000 (CONTINGENCIES) BY \$5,000.00
INCREASE 009-0602-508680 (FM1 TIRES) BY \$5,000.00
- F3 FY2023 LINE-ITEM TRANSFER – *THE HONORABLE LOUIS PONDER*
DECREASE 001-0540-508020 (EQUIPMENT) BY \$1,071.56
DECREASE 001-0540-507030 (TELEPHONE) BY \$424.02
INCREASE 001-0540-508290 (COMPUTER EQUIPMENT) BY \$1,495.58
- F4 FY2023 LINE-ITEM TRANSFER – *SHERIFF BRAD NORMAN*
DECREASE 001-0010-505020 (FULL-TIME SALARIES) BY \$86,036.66
INCREASE 001-0010-508020 (EQUIPMENT) BY \$86,036.66
- F5 FY2023 LINE-ITEM TRANSFER – *SHERIFF BRAD NORMAN*
DECREASE 001-0010-506940 (EMPLOYEE RECOGNITION) BY \$351.81
INCREASE 042-0942-400870 (SHERIFF FORFEITURE) BY \$325.00
INCREASE 001-0010-508850 (SALES TAX) BY \$26.81
- F6 FY2023 LINE-ITEM TRANSFER – *COUNTY AUDITOR JANET MARTIN*
DECREASE 005-0706-406490 (FUND BALANCE CARRYOVER) BY \$755,570.91
INCREASE 005-0703-570000 (CONTINGENCY SURPLUS) BY \$755,570.91
- F7 FY2023 SPECIAL BUDGET REQUEST – *COUNTY AUDITOR JANET MARTIN*
ACCEPT ORDERED RESTITUTION RECEIVED BY THE SHERIFF’S OFFICE AS UNANTICIPATED REVENUE IN THE AMOUNT OF \$210.00
INCREASE 001-0010-506970 (EVIDENCE ANALYSIS AND TESTING) BY \$210.00
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR
- F8 FY2023 SPECIAL BUDGET REQUEST – *COUNTY AUDITOR JANET MARTIN*
ACCEPT VENDING MACHINE COMMISSIONS AS UNANTICIPATED REVENUE IN THE AMOUNT OF \$254.32.

**INCREASE 001-0140-506940 (EMPLOYEE RECOGNITION) BY \$254.32
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY
COUNTY AUDITOR**

**F9 APPROVING THE TAX ASSESSOR'S OFFICE TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF
\$30,425.53. - COUNTY AUDITOR JANET MARTIN**

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

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

**MINUTE ORDER 232.23 (1.1) APPROVING A PLAT OF WOODED CREEK. THE PROPERTY CONTAINS
±52.243 ACRES IN THE JOHN DRINKARD SURVEY, ABSTRACT NO. 273, LOCATED WEST OF THE
INTERSECTION OF WATERFORD CROSSING AND WATERFORD DRIVE IN THE EXTRATERRITORIAL
JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 3.**

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

**MINUTE ORDER 233.23 (1.2) APPROVING TO RELEASE PERFORMANCE BOND NO. 335814 IN THE
AMOUNT OF \$1,181,228.82 FOR THE WOODED CREEK SUBDIVISION, ISSUED BY NGM INSURANCE
COMPANY, AND ACCEPT MAINTENANCE BOND NO. 338949 IN THE AMOUNT OF \$571,894.75
ISSUED BY NGM INSURANCE CO. THE PROPERTY CONTAINS ± 52.243 ACRES OF LAND, LOCATED WEST
OF THE INTERSECTION OF WATERFORD CROSSING AND WATERFORD DRIVE, IN THE EXTRATERRITORIAL
JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3.**

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

**MINUTE ORDER 234.23 (1.3) APPROVING A PLAT OF BRYSON SANBORN ADDITION. THE PROPERTY
CONTAINS ± 4.97 ACRES IN THE JOHN R. BILLINGSLEY SURVEY, ABSTRACT NO. 80, LOCATED ON THE
NORTH SIDE OF BRYSON LANE, ± 1,315 FEET WEST OF THE INTERSECTION OF BRYSON LANE AND
WATER STREET IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF OVILLA, ROAD AND
BRIDGE PRECINCT NO. 4, SUBJECT TO THE FOLLOWING CONDITIONS:**

- SHADE IN THE 100-YEAR FLOODPLAIN.
- UPDATE THE DEED RECORDING INFORMATION.
- UPDATE THE CURRENT OWNER'S NAME THROUGHOUT THE PLAT.
- UPDATE THE NET ACREAGE OF LOT 1, BLOCK 1.

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

MINUTE ORDER 235.23 (1.4) APPROVING FOR THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS, INC. TO UPDATE THE 2019 ELLIS COUNTY MASTER THOROUGHFARE PLAN IN AN AMOUNT NOT TO EXCEED \$100,000.00 (NOT INCLUDING OPTIONAL SERVICES).

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

NO ACTION (1.5) RECEIVE AN UPDATE OF 2023 FEMA FLOOD MAPS FOR THE UNINCORPORATED AREAS OF ELLIS COUNTY.

PURCHASING

MINUTE ORDER 236.23 (2.1) APPROVING OF A PRICE RE-DETERMINATION FOR RFP-2019-012 (FOOD SERVICES FOR ELLIS COUNTY DETENTION CENTER) IN THE AMOUNT OF 11.80% BASED ON THE CONSUMER PRICE INDEX (CPI). THE EFFECTIVE DATES WILL BE OCTOBER 1, 2023 – SEPTEMBER 30, 2025.

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

MINUTE ORDER 237.23 (2.2) APPROVING FOR THE COUNTY JUDGE TO EXECUTE ONE (1) LEASE AGREEMENT WITH AMERICAN NATIONAL LEASING FOR ONE (1) 2023 FORD EXPLORER FOR THE ELLIS COUNTY ATTORNEY'S OFFICE.

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

MINUTE ORDER 238.23 (2.3) APPROVING TO PURCHASE HVAC AND MECHANICAL EQUIPMENT FOR THE ELLIS COUNTY CENTRAL BUILDING USING TIPS-USA PURCHASING COOPERATIVE CONTRACT #22010601 WITH TEXAS AIR SYSTEMS, LLC.

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

MINUTE ORDER 239.23 (2.4) APPROVING TO AWARD CSP-2023-001 ("RENOVATION OF ELLIS COUNTY CENTRAL") TO ROGERS-O'BRIEN CONSTRUCTION IN THE AMOUNT OF \$9,900,000.00; ACCEPTING DEDUCTING ALTERNATE #1 (MECHANICAL EQUIPMENT) IN THE AMOUNT OF \$435,090.00 FOR A TOTAL AMOUNT OF \$9,464,910.00 (CONSTRUCTION COSTS ONLY).

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

MINUTE ORDER 240.23 (2.5) APPROVING TO PURCHASE SERVICES ON AN AS-NEEDED BASIS USING THE FOLLOWING COOPERATIVE CONTRACT FOR DEPARTMENTS: TARRANT COUNTY RFQ COOPERATIVE CONTRACT FOR CONSTRUCTION MATERIALS TESTING AND GEOTECHNICAL ENGINEERING SERVICES.

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

ADMINISTRATIVE

MINUTE ORDER 241.23 (3.1) APPROVING A RESOLUTION TO ENFORCE STATE LAW REGARDING "EXEMPT" LICENSE PLATES FOR COUNTY VEHICLES. – *PRECINCT 3 COMMISSIONER PAUL PERRY*

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

MINUTE ORDER 242.23 (3.2) APPROVING THE COUNTY JUDGE TO SIGN THE SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS TO PROVIDE DEPUTY SERVICES FOR THE U.S. ARMY ENGINEER DISTRICT. DEPUTIES WILL PATROL PARKS AROUND LAKE BARDWELL STARTING MAY 14, 2023 THROUGH SEPTEMBER 6, 2023. – *SHERIFF BRAD NORMAN*

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

MINUTE ORDER 243.23 (3.3) APPROVING TO RENEW THE USER LICENSE AGREEMENT FOR AN ONLINE VITAL RECORDS REQUEST APPLICATION BETWEEN ELLIS COUNTY AND PERMITIUM, LLC. – *COUNTY CLERK KRYSTAL VALDEZ*

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

MINUTE ORDER 244.23 (3.4) APPROVING THE 3RD AMENDED ORDER RESOLUTION ADOPTED BY MINUTE ORDER No. 268.08 TO AMEND AND RESTATE RESOLUTION CONCERNING UTILITY AND COMMUNICATIONS LINES IN COUNTY RIGHT-OF-WAY. – *ENGINEERING DIRECTOR TED KANTOR*

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

(To AGENDA ITEM 3.6)

MINUTE ORDER 245.23 (3.6) APPROVING FOR THE COUNTY JUDGE TO APPLY FOR UNCLAIMED PROPERTY CAPITAL CREDITS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 246.23 (3.7) APPROVING OF THE \$10 MILLION AMERICAN RESCUE PLAN ACT (ARPA) STANDARD ALLOWANCE TO REIMBURSE THE GENERAL FUND FOR SALARIES ALREADY PAID IN FISCAL YEAR 2023. THIS REIMBURSEMENT WILL FREE UP FUNDS FOR PRIORITIES THAT WERE DELAYED DUE TO THE COUNTY'S PANDEMIC RESPONSE. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 247.23 (3.8) APPROVING OF THE FOLLOWING AMERICAN RESCUE PLAN ACT (ARPA) COMMUNITY PARTNERS AND INFRASTRUCTURE AWARDEES. FUNDING TO AN AWARDEE WILL BE DISBURSED WHEN ALL PRE-AWARD REQUIREMENTS ARE MET AND THE APPLICABLE CONTRACT IS EXECUTED PER THE COUNTY AUDITOR'S OFFICE REQUIREMENTS. – *COUNTY JUDGE TODD LITTLE*

COMMUNITY RECOVER

- MEALS ON WHEELS OF NORTH CENTRAL TEXAS: \$442,741.00
- ELLIS COUNTY COALITION FOR HEALTH OPTIONS, DBA HOPE HEALTH: \$2,000,000.00
- MENTORS CARE: \$164,550.00
- BOYS & GIRLS CLUB OF ENNIS: \$750,000.00
- COURT APPOINTED SPECIAL ADVOCATES (CASA) OF ELLIS COUNTY: \$47,392.00
- WRC PREGNANCY CENTER OF ELLIS COUNTY, DBA FIRSTLOOK: \$160,000.00
- ELLIS COUNTY CHILDREN'S ADVOCACY CENTER: \$568,850.00
- ELLIS COUNTY CHILDREN'S ADVOCACY CENTER (OLLIE'S PLACE): \$36,441.00

INFRASTRUCTURE

- AVALON WATER & SEWER SERVICE CORP.: \$150,000.00
- SOUTH ELLIS COUNTY WATER SUPPLY CORP.: \$268,380.00
- BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT: \$916,600.00

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

MINUTE ORDER 248.23 (4.3) A FINDING 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.

MOTION FOR A FINDING BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

RECESS TO EXECUTIVE SESSION **2:47 P.M.**

MOTION TO RECESS BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PERRY, 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.

- 4.1 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING TCEQ MATTERS, SPECIFICALLY PENDING TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES) AND PENDING PETITIONS FOR THE CREATION OF MUNICIPAL UTILITY DISTRICTS (MUDs), INCLUDING BUT NOT LIMITED TO THE SHANKLE ROAD MUD AND OUR CALLING MUD.
- 4.2 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION REGARDING PROPERTIES ON UNION HILL ROAD IN PRECINCT 1.
- 4.3 PURSUANT TO TEXAS GOVERNMENT CODE §551.072, TO 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 RELATING TO PARCEL ID 186129 EASEMENT GRANT.

RECONVENED TO REGULAR SESSION 3:50 P.M.

MOTION TO RECONVENE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

(TO AGENDA ITEM 3.5)

MINUTE ORDER 249.23 (3.5) APPROVING TO GRANT AN EASEMENT REQUEST FROM ONCOR THROUGH COUNTY-OWNED PROPERTY IN ENNIS, TEXAS (PARCEL ID 186129), AND REQUEST THAT IT BE LIMITED TO ONLY TWO POLES, AND THAT THEY ARE PLACED AS FAR TO THE PERIMETER LINES AS POSSIBLE.

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

ADJOURNMENT 3:52 P.M.

MOTION TO ADJOURN BY COMMISSIONER PERRY, SECONDED BY JUDGE LITTLE, MOTION CARRIED

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON MAY 2, 2023, 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 16TH DAY OF MAY 2023.



KRYSTAL VALDEZ, COUNTY CLERK

