

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – JANUARY 25, 2022

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, JANUARY 25, 2022, AT 2:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2<sup>ND</sup> 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:** TINA CHAMBERS, CHIEF DEPUTY

**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 STINSON, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE. – *KYLE BUTLER, COMMISSIONER, PRECINCT #4*

**CONSENT AGENDA:**

**MINUTE ORDER 128.22**      APPROVING CONSENT AGENDA

**ADMINISTRATIVE:**

- A1      APPROVING REGULAR BILLS, PAYROLL AND OFFICER’S REPORTS. – *CHERYL CHAMBERS, TREASURER*
- A2      APPROVING COMMISSIONERS COURT REGULAR MEETING MINUTES FROM JANUARY 11, 2022. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A3      ACCEPTING THE 2021 CERTIFICATE OF COMPLETION FOR CONTINUING EDUCATION HOURS REQUIRED BY SEC. 51.605 OF THE TEXAS LOCAL GOVERNMENT CODE. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A4      APPROVING THE 2021 COMPILATION REPORT FOR THE FOLLOWING ESD FIRE COMMISSIONERS. PURSUANT TO 775.082, TEXAS HEALTH & SAFETY CODE, ACCEPTING OF THE ANNUAL COMPILATION REPORT OF THE FISCAL ACCOUNTS AND RECORDS OF THE FOLLOWING EMERGENCY SERVICES DISTRICT IN ELLIS COUNTY, FOR ESD #5, FERRIS, TEXAS. – *TIM BIRDWELL, FIRE MARSHAL*

- A5 APPROVING THE DEPARTMENT OF DEVELOPMENT’S (DOD) MONTHLY FINANCIAL REPORT FOR DECEMBER 2021, AS REQUIRED BY CHAPTER 114.044 OF THE TEXAS LOCAL GOVERNMENT CODE. – *ALBERTO MARES, DEPARTMENT OF DEVELOPMENT*
- A6 ACCEPTING THE PRESENTATION OF A TABULATED REPORT OF THE COUNTY’S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM DECEMBER 17, 2021 – JANUARY 13, 2022 PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *JANET MARTIN, COUNTY AUDITOR*
- A7 APPROVING TO PAY FLAIR INVOICES FROM ARPA FUNDS. THE ORIGINAL APPROVAL FOR THE INVOICE WAS FROM CRF FUNDS WHICH HAVE NOW EXPIRED. THE TOTAL OF THE INVOICES IS \$18,976.67. SERVICES PROVIDED ARE NECESSARY FOR WEBEX TO BE PAID FROM 001-0035-508680 AND REIMBURSED FROM 063-0963-508070. THE ACTIVITY WILL ALSO REQUIRE A FUNDS TRANSFER FROM ARPA TO GENERAL FUND IN THE AMOUNT OF \$18,976.67. – *JANET MARTIN, COUNTY AUDITOR*
- A8 APPROVING OF A BUDGET AMENDMENT REQUIRED TO CORRECT THE ACCOUNT FOR JUVENILE JUSTICE PROBATION FEES. REMAINING FEES AT THE END OF EACH YEAR HAVE BEEN CLOSED INTO GENERAL FUND, FUND BALANCE. THE REMAINING BALANCE SHOULD REMAIN AVAILABLE FROM YEAR TO YEAR. THE REQUIRED ENTRY WILL REDUCE GENERAL FUND, FUND BALANCE BY \$75,174.71 AND WILL INCREASE FUND BALANCE IN FUND 075 AND WILL REQUIRE A CASH TRANSFER. THE CORRECTION IS FOR THE YEARS OF FY2011 THROUGH CURRENT. – *JANET MARTIN, COUNTY AUDITOR*
- A9 ACCEPTING THE ELLIS COUNTY FIRE MARSHAL 2021 RACIAL PROFILING REPORT, STATUS AS “EXEMPT”. – *TIM BIRDWELL, FIRE MARSHAL*

**FINANCIAL:**

- F1 **FY2022 LINE ITEM TRANSFER** – *LANE GRAYSON, COMMISSIONER, PCT. #2*  
 DECREASE 010-0653-508070 FM2 GENERAL EXPENSES BY \$25,000.00;  
 INCREASE 010-0653-509080 FM2 LUMBER BY \$25,000.00.
- F2 AUTHORIZING THE AUDITOR TO PAY THE FOLLOWING FY2021 INVOICES FROM FY2022 FUNDS:  
 - COMPTON’S CLEANING AND RESTORATION #21645 IN THE AMOUNT OF \$9,116.57  
 - PEARMAN OIL #66783 IN THE AMOUNT OF \$147.30  
 - CUSTOM PRODUCTS CORPORATION #358128 IN THE AMOUNT OF \$2,380.70  
 - AVENUE FUEL DISTRIBUTORS #74119 IN THE AMOUNT OF \$2,307.49  
 - AVENUE FUEL DISTRIBUTORS #74297 IN THE AMOUNT OF \$3,048.75  
 – *JANET MARTIN, AUDITOR*

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

(To 2.1)

**PURCHASING**

**MINUTE ORDER 129.22** (2.1) APPROVING TO FIND THAT HOK ARCHITECTURAL SERVICES AND ARCHITEXAS ARE THE MOST HIGHLY QUALIFIED PROVIDERS OF ARCHITECTURAL SERVICES ON THE BASIS OF DEMONSTRATED COMPETENCE AND QUALIFICATIONS UNDER SECTION 2254.004 OF THE TEXAS

LOCAL GOVERNMENT CODE, FOLLOWING REQUEST FOR STATEMENT OF QUALIFICATIONS No. 2022-001.

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

**MINUTE ORDER 130.22** (2.2) APPROVING TO AUTHORIZE NEGOTIATIONS WITH HOK ARCHITECTURAL SERVICES AND ARCHITEXAS UNDER SECTION 2254.004 OF THE TEXAS LOCAL GOVERNMENT CODE FOR DESIGN AND OTHER RELATED SERVICES FOR THE BUILD OUT OF FUTURE ELLIS COUNTY PROJECTS.

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

**MINUTE ORDER 131.22** (2.3) APPROVING THE COUNTY JUDGE TO SIGN A TWELVE-MONTH LEASE WITH DOCUMENT SOLUTIONS FOR A COPIER TO USE AT THE WAXAHACHIE CIVIC CENTER DURING JURY SELECTION IN AN AMOUNT OF \$129.00 PER MONTH.

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

**MINUTE ORDER 132.22** (2.4) APPROVING AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT BETWEEN KAUFMAN COUNTY, TEXAS AND ELLIS COUNTY, TEXAS, IN ACCORDANCE WITH THE INTERLOCAL COOPERATION ACT AND SECTION 271.102 OF THE TEXAS LOCAL GOVERNMENT CODE, TO AUTHORIZE PARTICIPATION IN A COOPERATIVE PURCHASING PROGRAM WITH KAUFMAN COUNTY.

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

**MINUTE ORDER 133.22** (2.5) APPROVING TO RENEW THE AGREEMENT WITH MARTIN MARIETTA FOR A ONE-YEAR PERIOD FOR SUPERSLURRY USING THE APPROVED SOLE SOURCE EXEMPTION (MINUTE ORDER 156.20).

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

**MINUTE ORDER 134.22** (2.6) APPROVING OF CONCRETE PAVING SERVICES (3,980 SQUARE FEET AND 5,650 SQUARE FEET) USING THE CONTRACT WITH MUIRHEAD CONCRETE SERVICES, LLC (MINUTE ORDER 366.20) IN THE AMOUNT OF \$79,448.00 FOR ROAD & BRIDGE PRECINCT 2.

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

**MINUTE ORDER 135.22** (2.7) APPROVING TO RENEW WITH EVERBRIDGE, INC. FOR THE MASS NOTIFICATION SYSTEM FOR THE TERM OF MAY 21, 2022 THROUGH MAY 20, 2025 USING THE BUYBOARD COOPERATIVE CONTRACT NUMBER 647-21 IN THE AMOUNT OF \$14,354.98.

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

## **ADMINISTRATIVE**

**MINUTE ORDER 136.22** (3.1) APPROVING THE PAYMENT OF UNPAID INVOICES FROM THE REMODEL TO THE SHERIFF'S OFFICE FOLLOWING THE WATER DAMAGE. ELLIS COUNTY PURCHASING DEPARTMENT HAS BEEN IN CONTACT WITH THE INSURANCE COMPANY AND THEY WILL BE ISSUING THE FINAL CHECK SHORTLY. - *JANET MARTIN, AUDITOR*

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

**MINUTE ORDER 137.22** (3.2) APPROVING TO USE ARPA FUNDS TO PURCHASE FOUR (4) ADDITIONAL LAPTOPS FOR THE COUNTY AUDITOR IN THE AMOUNT OF \$5,693.56. - *JANET MARTIN, AUDITOR*

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

**MINUTE ORDER 138.22** (3.3) APPROVING TO ENACT A 90-DAY BURN BAN ORDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 352.081 FOR ELLIS COUNTY, EFFECTIVE AT 6:00 P.M. ON JANUARY 25, 2022. - *TIM BIRDWELL, FIRE MARSHAL*

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

**MINUTE ORDER 139.22** (3.4) APPROVING THE RE-APPOINTMENT OF COMMISSIONER, PCT. #1, RANDY STINSON TO THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS 9-1-1 BOARD OF MANAGERS. TERM TO BE TWO (2) YEARS LONG, THROUGH THE END OF DECEMBER 2023. - *RANDY STINSON, COMMISSIONER, PCT. #1*

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

**MINUTE ORDER 140.22** (3.5) APPROVING THE APPOINTMENT OF DANI MUCKLEROY TO THE REGIONAL AGING ADVISORY COMMITTEE (RAAC) FOR THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS' (NCTCOG) AREA AGENCY ON AGING. - *JUDGE LITTLE, COUNTY JUDGE*

PUBLIC PARTICIPATION: DANI MUCKLEROY

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

NO ACTION (3.6) DISCUSSION AND CONSIDERATION OF RECENT PERSONNEL CHANGES AT THE JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM "JJAEP"; CLARIFICATION OF HISTORICAL AND CURRENT STUDENT ENROLLMENT; CLARIFICATION ON THE NUMBER OF INSTRUCTORS HIRED BY THE FORMER SCHOOL DIRECTOR TO INSTRUCT THE STUDENT BODY IN RELATION TO ENROLLMENT NUMBERS; CLARIFICATION OF WHICH SCHOOL DISTRICTS HAVE SENT STUDENTS TO THE JJAEP; CLARIFICATION OF THE EFFECTS ON THE CURRENT BUDGET SALARY AND OTHER EXPENSES. - *PAUL PERRY, COMMISSIONER, PCT. #3*

PUBLIC PARTICIPATION: JUDGE ERMATINGER, 443RD JUDICIAL DISTRICT, JUDGE WALLACE, 378<sup>TH</sup> JUDICIAL DISTRICT

ADJOURN TO EXECUTIVE SESSION      2:44 P.M.

MOTION TO ADJOURN BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, WITH COMMISSIONER PERRY VOTING NO; MOTION WAS HELD TO ALLOW DISCUSSION ON AGENDA ITEM 1.1

\* DISCUSSION OF AGENDA ITEM 1.1 WAS HELD WITH PARTICIPATION FROM TERRY NAY AND ROB ERMATINGER

ADJOURN TO EXECUTIVE SESSION      3:00 P.M.

MOTION TO ADJOURN 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 §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 §551 OR AS OTHERWISE MAY BE PERMITTED UNDER §551.

- 4.1      PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING EEOC COMPLAINT No. 450-2022-00196.
- 4.2      PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING THE CONSTRUCTION PROJECT LOCATED AT ELLIS COUNTY JUVENILE CENTER.

- 4.3 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING TCEQ, SPECIFICALLY PENDING TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES) AND PENDING PETITIONS FOR THE CREATION OF MUNICIPAL UTILITY DISTRICTS (MUD), INCLUDING BUT NOT LIMITED TO THE SELINGER MUD AND LAKEVIEW MUD'S.
- 4.4 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING VARIANCE APPLICATION ON ± 2.260 ACRES OF LAND FOUND WITHIN PARCEL ID NO. 260392.

**RECONVENE TO REGULAR SESSION**      **5:00 P.M.**

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

*(To 1.1)*

**DEPARTMENT OF DEVELOPMENT**

**MINUTE ORDER 141.22**      (1.1) APPROVING WITH CONDITIONS (OPTION "C", ATTACHED AS EXHIBIT "A") A REQUEST FOR A VARIANCE APPLICATION ON ± 2.260 ACRES OF LAND FOUND WITHIN PARCEL ID NO. 260392 TO PLAT ONE (1) LOT WITHOUT MEETING THESE REQUIREMENTS: VOLUME I, SECTION IV (A) (LOTS) OF THE SUBDIVISION & DEVELOPMENT STANDARDS & VOLUME III, SECTION II (B) (ACCESS) AND (C) (STREETS & CONNECTIVITY); SECTION IV (A) (APPLICABILITY), (D) (PAVEMENT) OF THE STANDARD CONSTRUCTION DETAILS. THE PROPERTY IS IN THE JAMES BARKER SURVEY, ABSTRACT NO. 40, LOCATED WEST OF BROOKSIDE ROAD, ± 3,875 FEET WEST OF THE INTERSECTION OF BROOKSIDE ROAD AND IH-35, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF WAXAHACHIE, ROAD & BRIDGE PRECINCT #3.

PUBLIC PARTICIPATION: HANNAH SOUTHERLAND; JOSHUA SOUTHERLAND

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

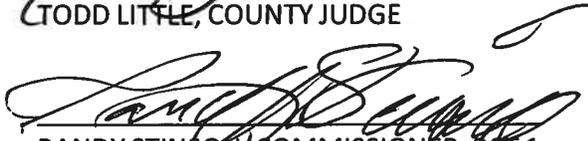
**ADJOURNMENT**      **5:07 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON JANUARY 25, 2022,  
ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
TODD LITTLE, COUNTY JUDGE

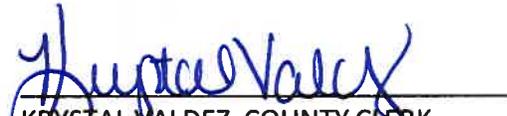
  
RANDY STINSON, COMMISSIONER, PCT 1

  
LANE GRAYSON, COMMISSIONER, PCT 2

  
PAUL PERRY, COMMISSIONER, PCT 3

  
KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 8TH DAY OF FEBRUARY 2022.

  
KRYSTAL VALDEZ, COUNTY CLERK

