

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – MARCH 8, 2022

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MARCH 8, 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: KRYSTAL VALDEZ, COUNTY CLERK

**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. – *LANE GRAYSON, COMMISSIONER, PCT. 2*

**CONSENT AGENDA:**

**MINUTE ORDER 174.22**      **APPROVING CONSENT AGENDA WITHOUT F2**

**ADMINISTRATIVE:**

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

A2      APPROVING COMMISSIONERS' COURT SPECIAL MEETING MINUTES FROM FEBRUARY 17, 2022 AND REGULAR MEETING MINUTES FROM FEBRUARY 22, 2022. – *KRYSTAL VALDEZ, COUNTY CLERK*

A3      APPROVING AMENDMENT NUMBER 01 TO TEXAS VOLKSWAGEN ENVIRONMENTAL MITIGATION PROGRAM CONTRACT NUMBER: 582-21-11529-VW. – *RANDY STINSON, COMMISSIONER, PCT. #1*

A4      ACCEPTING THE ELLIS COUNTY SHERIFF'S OFFICE 2021 RACIAL PROFILING REPORT TO THE ELLIS COUNTY COMMISSIONER'S COURT AS REQUIRED BY TEXAS CODE OF CRIMINAL PROCEDURE 2.133 AND 2.134. – *BRAD NORMAN, COUNTY SHERIFF*

- A5 AUTHORIZING THE COUNTY JUDGE TO SIGN THE ARTS RENEWAL AGREEMENT WITH TEXAS ASSOCIATION OF COUNTIES (TAC) FOR PURPOSES OF 1094C AND 1095C REPORTING. – *THERESA TAYLOR, HR DIRECTOR*
- A6 APPROVING UNANTICIPATED REVENUE FROM THE TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL IN THE AMOUNT OF \$17,120.00 RECEIPT NUMBER R2022-00402. THE MONEY IS A REFUND OF UNEMPLOYMENT PAID TO TAC. THE MONEY WAS RECEIPTED TO 001-0140-505570 WORKERS COMP AS A REDUCTION TO THE EXPENSE. NO SPECIAL BUDGET WILL BE PRESENTED. – *JANET MARTIN, COUNTY AUDITOR*
- A7 APPROVING PROPERTY TAX REFUNDS IN THE AMOUNT OF \$56,758.67 BY THE ELLIS COUNTY TAX ASSESSOR COLLECTOR. – *JANET MARTIN, COUNTY AUDITOR*
- A8 APPROVING PROPERTY TAX REFUNDS IN THE AMOUNT OF \$13,734.32 BY THE ELLIS COUNTY TAX ASSESSOR COLLECTOR. – *JANET MARTIN, COUNTY AUDITOR*
- A9 APPROVING AND ACCEPTING UNANTICIPATED REVENUE FROM SEGWICK CLAIMS MANAGEMENT RECEIPT NUMBER R2022-00392 IN THE AMOUNT OF \$229,176.12 FOR WATER DAMAGES CLAIM AT THE SHERIFF’S OFFICE. A SPECIAL BUDGET IS PRESENTED FOR ACCOUNT 001-0010-507020 REPAIRS OF \$169,142.08 AND 001-0010-508030 FURNITURE OF \$60,034.04. – *JANET MARTIN, COUNTY AUDITOR*
- A10 APPROVING AND ACCEPTING UNANTICIPATED REVENUE IN THE AMOUNT OF \$370,978.38 FROM THE TEXAS VOLKSWAGEN ENVIRONMENTAL MITIGATION PROGRAM ON RECEIPT R2022-0398. THE SPECIAL BUDGET FOR THESE FUNDS IS PRECINCT #1 ROAD AND BRIDGE EQUIPMENT 003-0601-570000 FOR \$370,978.38. – *JANET MARTIN, COUNTY AUDITOR*
- A11 APPROVING THE PURCHASE OF DEBTBOOK SOFTWARE FOR THE COUNTY AUDITOR’S OFFICE. THE PURCHASE WAS INCLUDED IN THE AUDIT FY2022 BUDGET IN THE AMOUNT OF \$9,750.00/YEAR FOR THE DURATION OF 3 YEARS. – *JANET MARTIN, COUNTY AUDITOR*
- A12 ACCEPTING A TABULATED REPORT OF THE COUNTY’S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM FEBRUARY 15, 2022 – FEBRUARY 28, 2022 PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *JANET MARTIN, COUNTY AUDITOR*

**FINANCIAL:**

- F1 **FY2022 LINE ITEM TRANSFER – *JANET MARTIN, COUNTY AUDITOR***  
 DECREASE 063-0963-508070 ARPA – OPERATING EXPENSES BY \$250.00;  
 INCREASE 001-0200-508010 DISTRICT COURT 443<sup>RD</sup> SUPPLIES BY \$250.00.
- F2 **MOVED TO REGULAR AGENDA BY COUNTY JUDGE**

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

**DEPARTMENT OF DEVELOPMENT**

**MINUTE ORDER 175.22** (1.1) APPROVING WITH CONDITIONS A ONE-TIME VARIANCE FOR PARCEL ID NO. 177619 & 265583 FROM VOLUME I, SECTION IV (A)(2)(RESIDENTIAL LOTS) OF THE SUBDIVISION &

DEVELOPMENT STANDARDS TO ALLOW ONE (1) ADDITIONAL PERMITTED STRUCTURE WITHOUT MEETING THE MINIMUM ROAD FRONTAGE REQUIREMENT. THE PROPERTY CONTAINS ± 64.81 ACRES OF LAND LOCATED ON THE NORTH SIDE OF FM 1181, ± 1,474 FEET EAST OF THE INTERSECTION OF FM 1181 AND ALLARD ROAD, ENNIS, ROAD AND BRIDGE PRECINCT #2.

**PUBLIC PARTICIPANTS:** JIM & PAT MADEWELL; JOSHUA TAY; DONNA TAY; RAYMOND MATOUS; GREGORY HINES

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

**MINUTE ORDER 176.22** (1.2) **TABLING** A REQUEST FOR A ONE-TIME VARIANCE FOR PARCEL ID NO. 174011 FROM VOLUME I, SECTION IV (A)(2)(RESIDENTIAL LOTS) OF THE SUBDIVISION & DEVELOPMENT STANDARDS TO ALLOW ONE (1) LOT WITHOUT MEETING THE MINIMUM ROAD FRONTAGE REQUIREMENT. THE PROPERTY CONTAINS ± 1.474 ACRES OUT OF THE ± 6.275 ACRES OF LAND LOCATED ON THE NORTH SIDE OF PANORAMA LOOP, ± 650 FEET WEST OF THE INTERSECTION OF HWY 77 AND PANORAMA LOOP, IN THE EXTRA-TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT #4.

**PUBLIC PARTICIPATION:** JOEY MCGHEE; MARGARETT BUTNER

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

## **PURCHASING**

**MINUTE ORDER 177.22** (2.1) APPROVING TO SIGN A CONTRACT WITH HOK, INC. USING THE MASTER SERVICES AGREEMENT (MSA) BETWEEN ELLIS COUNTY AND HOK, INC. (MINUTE ORDER # 147.22) FOR ARCHITECTURAL SERVICES ON THE ELLIS COUNTY ANNEX PROJECT IN AN AMOUNT OF \$703,699.00.

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

**MINUTE ORDER 178.22** (2.2) APPROVING TO PURCHASE EQUIPMENT, SUPPLIES, AND SERVICES ON AN AS-NEEDED BASIS, WITHIN AUTHORIZED BUDGET, USING THE BELOW COOPERATIVE CONTRACTS. ONE-TIME PURCHASES OVER \$50,000 SHALL BE SENT TO COURT FOR APPROVAL OF ANY PERMISSIBLE PURCHASING EXEMPTIONS.

### **TEXAS ASSOCIATION OF SCHOOL BOARDS BUY BOARD COOPERATIVE CONTRACTS**

- R.B. EVERETT & COMPANY – CONTRACT 646-21 EQUIPMENT RENTAL
- HOLT CAT-CONTRACT-CONTRACT 646-21 EQUIPMENT RENTAL
- KIRBY SMITH MACHINERY, INC. – CONTRACT 646-21
- DARR EQUIPMENT – CONTRACT 646-21 EQUIPMENT RENTAL
- RDO EQUIPMENT RENTAL – CONTRACT 646-21

- BANE MACHINERY – CONTRACT 646-21 EQUIPMENT RENTAL
- STAPLES – CONTRACT 656-21 OFFICE SUPPLIES AND EQUIPMENT
- STAPLES – CONTRACT 661-22 TECHNOLOGY EQUIPMENT, PRODUCTS, SERVICES & SOFTWARE
- AMERICAN MECHANICAL SERVICES – CONTRACT 657-21 FOR HVAC, BOILER MAINTENANCE AND MECHANICAL SERVICES

TIPS COOPERATIVE CONTRACTS

- BAT FIRE & SECURITY SERVICES – CONTRACT 200105 TECHNOLOGY SOLUTIONS PRODUCTS AND SERVICES
- EDGENUITY – CONTRACT 200105 TECHNOLOGY SOLUTIONS PRODUCTS AND SERVICES
- GOGUARDIAN – CONTRACT 210101 TECHNOLOGY SOLUTIONS, PRODUCTS AND SERVICES

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

**MINUTE ORDER 179.22** (2.3) APPROVING AN ANNUAL UPDATE FOR OUR FIXED ASSET INVENTORY IN THE AMOUNT NOT TO EXCEED \$17,500 UTILIZING TEXAS ASSOCIATION OF SCHOOL BOARDS BUYBOARD COOPERATIVE CONTRACT NUMBER 579-19 WITH RCI, FUNDED BY LINE ITEM CONTINGENCY-SURPLUS 001-0140-570000 TO BE REIMBURSED OUT OF AUCTION PROCEEDS.

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

**MINUTE ORDER 180.22** (2.4) APPROVING TO AWARD BID NUMBER RFB-2022-021 CONCRETE COMPOSITE JOINT AND CRACK SEAL TO SUPERSEALER USA FOR ROAD AND BRIDGE PRECINCTS 1 - 4.

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

**MINUTE ORDER 181.22** (2.5) APPROVING AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT BETWEEN PARKER COUNTY AND ELLIS COUNTY PURSUANT TO §271.102 OF THE TEXAS LOCAL GOVERNMENT CODE.

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

(To F2)

**MINUTE ORDER 182.22** (F2) APPROVING A JOINT PROJECT BETWEEN ROAD & BRIDGE PCT. #4 AND ROAD IMPROVEMENT FUND AND ROAD DISTRICT #5. THE PROJECT WILL BE ON SHILOH ROAD FROM N. WALNUT GROVE TO BRYSON ENCOMPASSING 2 MILES. NO LINE ITEM TRANSFERS OR BUDGET AMENDMENTS WILL BE MADE. MONEY WILL BE SPENT AS FOLLOWS:

012-0755-570000 FM4 CONTINGENCY \$234,456.50

002-0902-509300 PROJECT EXPENSES \$234,456.50  
028-0928-509154 ROAD DISTRICT 5 ALLOCATION PCT #4 \$57,960.00

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

*(To 3.1)*

## **ADMINISTRATIVE**

**MINUTE ORDER 183.22** (3.1) APPROVING AN ENGAGEMENT AGREEMENT WITH P3WORKS, LLC. -  
*TODD LITTLE, COUNTY JUDGE*

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

*(To 3.4)*

**MINUTE ORDER 184.22** (3.4) APPROVING A FY2022-2023 SOLID WASTE GRANT APPLICATION THROUGH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURCHASE OF CAMERAS AND SECURITY ENCLOSURES TO BE USED FOR ILLEGAL DUMPING ENFORCEMENT ACTIVITIES. THE VALUE IS \$7,466.95. NO MATCHING FUNDS FROM ELLIS COUNTY ARE REQUIRED. - *TIM BIRDWELL, FIRE MARSHAL*

**PUBLIC PARTICIPATION:** PAUL KERN

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

**MINUTE ORDER 185.22** (3.5) APPROVING TWO INVOICES TO NORTH TEXAS BEHAVIORAL HEALTH AUTHORITY FROM FY2022 FUNDS. INVOICE #1852 IN THE AMOUNT OF \$52,139.08 DATED 06.01.2019 IS FOR FY2019 AND INVOICE #2053 IN THE AMOUNT OF \$52,139.08 IS FOR FY2020. THE INVOICES WERE NOT RECEIVED AND NEED TO BE PROCESSED. - *JANET MARTIN, COUNTY AUDITOR*

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

*(RECESS FROM 3:31 TO 3:38)*

**MINUTE ORDER 186.22** (3.6) **TAKING NO ACTION** ON THE DISCUSSION, CONSIDERATION AND APPROVAL TO TERMINATE AGREEMENT WITH BRINKS FOR THE PROVISION OF ARMORED CAR SERVICES AN APPROVE COUNTY EMPLOYEE POSITIONS TO PROVIDE THE SERVICE. - *CHERYL CHAMBERS, COUNTY TREASURER*

MOTION TO TAKE NO ACTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 187.22** (3.7) APPROVING OF CHANGE ORDER(S) TO PAY FOR JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM MODIFICATIONS IN THE AMOUNT OF \$40,746.06 REGARDING JJAEP CONSTRUCTION PROJECT AND VENDOR LOOKUP PROPERTIES, INC. EXCLUDING THE GLASS WINDOW EXTERIOR. - *TED KANTOR, COUNTY ENGINEER*

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

**MINUTE ORDER 188.22** (3.8) APPROVING TO TRANSFER \$377,929.39 FROM 063-0963-508070 ARPA – OPERATING EXPENSES TO ACCOUNT NOS 001-0360-505020; 001-0360-505530; 001-0360-505540; 001-0360-505500; AND 001-0360-508070. THIS FUNDING SUPPORTS THE ADDITION OF POSITIONS [ (2) ATTORNEYS, (2) INVESTIGATORS, AND (1) CLERK] NECESSARY DUE TO AN INCREASE IN CRIMINAL CASES FROM COVID BACKLOG. - *ANN MONTGOMERY, COUNTY & DISTRICT*

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

**MINUTE ORDER 189.22** (3.9) APPROVING TO TRANSFER \$4,100.00 FROM 063-0963-508070 ARPA – OPERATING EXPENSES TO ACCOUNT No. 001-0360-508020 CA DA EQUIPMENT. THIS FUNDING SUPPORTS THE ADDITION OF OFFICE FURNITURE NECESSARY TO SUPPORT INCREASED OFFICE STAFFING DUE TO AN INCREASE IN CRIMINAL CASES FROM COVID BACKLOG. - *ANN MONTGOMERY, COUNTY & DISTRICT*

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

**ADJOURN TO EXECUTIVE SESSION** **4:23 P.M.**

MOTION TO ADJOURN BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON, 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 INSURANCE CLAIMS AND RISK MANAGEMENT, INCLUDING BUT NOT LIMITED TO THE PROCEDURE AND NOTIFICATION PROCESS OF SUCH CLAIMS.

- 4.2 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTERS CONCERNING COUNTY OF ELLIS V. PURDUE PHARMA, INC., ET. AL., MDL PRETRIAL CAUSE NO. 2018-63587, IN THE 152<sup>ND</sup> DISTRICT COURT OF HARRIS COUNTY, TEXAS, REMOVED TO MDL 2804, N.D., OH.
- 4.3 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING TCEQ, SPECIFICALLY PENDING PERMITS FOR TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES PERMIT) AND PETITIONS FOR THE CREATION OF MUNICIPAL UTILITY DISTRICTS (MUD), INCLUDING BUT NOT LIMITED TO THE SELINGER MUDS, LAKEVIEW MUDS, AND HIGHLAND LAKE MUDS.

**RECONVENE TO REGULAR SESSION            5:07 P.M.**

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

(To 3.2)

**MINUTE ORDER 190.22**            (3.2) AUTHORIZING THE COUNTY JUDGE TO EXECUTE ORDER REGARDING SETTLEMENT OFFERS IN THE MATTER OF TEXAS OPIOID MULTI-DISTRICT LITIGATION FOR THE COUNTY, IN THE MATTER OF COUNTY OF ELLIS V. PURDUE PHARMA, INC., ET. AL., MDL PRETRIAL CAUSE NO. 2018-63587, IN THE 152<sup>ND</sup> DISTRICT COURT OF HARRIS COUNTY, TEXAS REMOVED TO MDL 2804, N.D. OH. – *JOHN W. RAGGIO, FEARS NACHAWATI LAW FIRM*

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

**MINUTE ORDER 191.22**            (3.3) APPROVING TO CONTEST HIGHLAND LAKES MUD No. 1 AND/OR HIGHLAND LAKES MIDLOTHIAN, I, LLC; APPROVING TO EXTEND THE COUNTY’S ENGAGEMENT AGREEMENT WITH BICKERSTAFF HEATH DELGADO ACOSTA LLP, AND APPROVING TO EXECUTE ANY NECESSARY LITIGATION DOCUMENTATION. – *ANN MONTGOMERY, COUNTY AND DISTRICT ATTORNEY*

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

**ADJOURNMENT            5:10 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON MARCH 8TH, 2022,  
ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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TODD LITTLE, COUNTY JUDGE

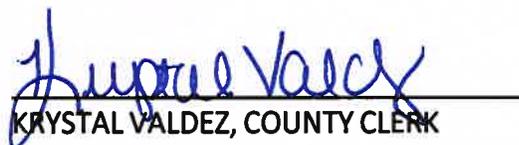
  
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RANDY STINSON, COMMISSIONER, PCT 1

  
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PAUL PERRY, COMMISSIONER, PCT 3

  
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LANE GRAYSON, COMMISSIONER, PCT 2

  
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KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 22ND DAY OF MARCH 2022.

  
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KRYSTAL VALDEZ, COUNTY CLERK

