

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – APRIL 5, 2022

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, APRIL 5, 2022, 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 BUTLER, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED

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

CONSENT AGENDA:

MINUTE ORDER 211.22 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 APPROVING COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM MARCH 22, 2022. – *KRYSTAL VALDEZ, COUNTY CLERK*

A3 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM MARCH 12, 2022 – MARCH 25, 2022, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *JANET MARTIN, COUNTY AUDITOR*

A4 RATIFYING AUTHORITY TO FILE A SUPPLEMENTAL AMICUS BRIEF IN HIGH-SPEED RAIL LITIGATION. – *ANN MONTGOMERY, COUNTY & DISTRICT ATTORNEY*

- A5 ACCEPTING THE JUSTICE OF THE PEACE, PCT. #1 MONTHLY REPORT PURSUANT TO LOCAL GOVERNMENT CODE §114.044 – *CHRIS MACON, JUSTICE OF THE PEACE, PCT. #1*
- A6 ACCEPTING A DONATION OF 331 PAPERBACK BOOKS FROM THE NICHOLAS P. SIMS LIBRARY TO THE WAYNE MCCOLLUM DETENTION CENTER WITH AN ESTIMATED VALUE OF \$2,508.86. – *JANET MARTIN, COUNTY AUDITOR*
- A7 ACCEPTING A DONATION FROM CITY OF MIDLOTHIAN OF ONE (1) GRADALL GRAPPLE BUCKET TO PRECINCT #4 DUE TO THE CITY OF MIDLOTHIAN NO LONGER OWNING A GRADALL; THE BUCKET IS NO LONGER BEING USED. – *KYLE BUTLER, COMMISSIONER, PCT. #4*
- A8 APPROVING THE APPLICATION FROM MARCUS S. BROWN TO FILL VACANT BOARD POSITION ON ESD #1 BEGINNING APRIL 5, 2022 THROUGH DECEMBER 31, 2023. MR. BROWN WILL BE FILLING THE POSITION OF ANDY MULVANY WHO RESIGNED AS OF DECEMBER 31, 2021. – *TIM BIRDWELL, FIRE MARSHAL*
- A9 APPROVING EXHIBIT “A” WORK ORDER IN COMPLIANCE WITH INTERLOCAL AGREEMENT DATED 12/14/21, MINUTE ORDER # 543.21 BETWEEN ELLIS COUNTY AND THE CITY OF OAK LEAF. – *KYLE BUTLER, COMMISSIONER, PCT. # 4*
- A10 APPROVING EXHIBIT “A” WORK ORDER IN COMPLIANCE WITH INTERLOCAL AGREEMENT DATED 12/14/21, MINUTE ORDER # 543.21 BETWEEN ELLIS COUNTY AND THE CITY OF OVILLA. – *KYLE BUTLER, COMMISSIONER, PCT. # 4*
- A11 ACCEPTING THE COUNTY AUDITOR’S MONTHLY REPORT FOR FEBRUARY 2022 PURSUANT TO LOCAL GOVERNMENT CODE §114.025. – *JANET MARTIN, COUNTY AUDITOR*

FINANCIAL:

- F1 **FY2022 LINE ITEM TRANSFER – *RANDY STINSON, COMMISSIONER, PCT. #1***
DECREASE 009-0602-508070 OPERATING EXPENDITURES BY \$20,000.00;
INCREASE 009-0602-509060 CULVERTS BY \$20,000.00.
- F2 **FY2022 LINE ITEM TRANSFER – *PAUL PERRY, COMMISSIONER, PCT. #3***
DECREASE 005-0703-508070 MISC. EXPENSES BY \$94.60;
INCREASE 001-0430-509770 EMERGENCY MGMT. PREPAREDNESS TRAINING BY \$75.68.
- F3 **FY2022 LINE ITEM TRANSFER – *KYLE BUTLER, COMMISSIONER, PCT. #4***
DECREASE 006-0754-508070 OPERATING EXPENDITURES BY \$75.68;
INCREASE 001-0430-509770 EMERGENCY MGMT. PREPAREDNESS TRAINING BY \$75.68.
- F4 **FY2022 LINE ITEM TRANSFER – *KYLE BUTLER, COMMISSIONER PRECINCT #4***
DECREASE 012-0755-570000 CONTINGENCY-SURPLUS BY \$72,776.00;
INCREASE 012-0755-509120 BRIDGE REPAIRS BY \$72,776.00.
- F5 **FY2022 LINE ITEM TRANSFER – *THERESA TAYLOR, HUMAN RESOURCES DIRECTOR***
DECREASE 001-0425-508350 SAFETY/TRAINING BY \$75.68;
INCREASE 001-0430-509770 EMERGENCY MGMT. PREPAREDNESS TRAINING BY \$75.68.
- F6 APPROVING THE AUDITOR’S REQUEST TO PAY THE FOLLOWING FY2021 INVOICES WITH FY2022 FUNDS:
 - WAGE WORKS INV2584533 IN THE AMOUNT OF \$303.00

- WAGE WORKS INV2713714 IN THE AMOUNT OF \$303.00
- WAGE WORKS INV2844464 IN THE AMOUNT OF \$303.00
- IRENE M. VERA #1425 IN THE AMOUNT OF \$275.00
- O'REILLY #0645-134172 IN THE AMOUNT OF \$108.04
- O'REILLY #0645-146532 IN THE AMOUNT OF \$41.53
- O'REILLY # 0645-160004 IN THE AMOUNT OF \$14.99
- O'REILLY # 0645-174412 IN THE AMOUNT OF \$182.70
- O'REILLY #0645-179081 IN THE AMOUNT OF \$97.52
- O'REILLY #0645-179518 IN THE AMOUNT OF \$59.96
- O'REILLY #0645-201667 IN THE AMOUNT OF \$39.99
- O'REILLY #0645-223672 IN THE AMOUNT OF \$5.49
- O'REILLY #0645-116294 IN THE AMOUNT OF \$-18.00
- O'REILLY #0645-148765 IN THE AMOUNT OF \$-22.04
- O'REILLY #0645-174413 IN THE AMOUNT OF \$-182.70
- O'REILLY #0645-179104 IN THE AMOUNT OF \$-97.52

- F7 APPROVING THE TAX COLLECTOR ASSESSORS' OFFICE TO ISSUE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$3,040.50. – JANET MARTIN, COUNTY AUDITOR
- F8 APPROVING THE TAX COLLECTOR ASSESSORS' OFFICE TO ISSUE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$97,194.93. – JANET MARTIN, COUNTY AUDITOR
- F9 APPROVING OF ARPA FUNDS IN THE ESTIMATED AMOUNT OF \$11,015.85 TO RENEW ADOBE FOR THE COUNTY DISTRICT ATTORNEY'S OFFICE. THE INITIAL ADOBE PURCHASE WAS MADE USING ARPA FUNDS AS IT ALLOWS THE COUNTY DISTRICT ATTORNEY'S EMPLOYEES TO WORK REMOTELY. REFERENCE QUOTE #239541 FORM CSI. – JANET MARTIN, COUNTY AUDITOR
- F10 ACCEPTING GRANT PROCEEDS OF \$50,778.75 FROM THE TEXAS STATE COMPTROLLER'S OFFICE IN PAYMENT OF THE SWAT EQUIPMENT ENHANCEMENT GRANT. THE GRANT IS A REIMBURSEMENT GRANT. SPECIAL BUDGET FOR THE FUNDS IS 001-0010-590100 AND WILL BE MOVED AT A LATER TIME FOR ADDITIONAL EQUIPMENT NEEDS. – JANET MARTIN, COUNTY AUDITOR

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

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 212.22 (1.1) APPROVING A PLAT OF COOK FARM. THE PROPERTY CONTAINS ± 2.00 ACRES OF LAND IN THE R DE LA PENNA SURVEY ABSTRACT NO. 3, LOCATED ON THE WEST SIDE OF NEWTON ROAD, ± 6,200 FEET SOUTH OF THE INTERSECTION OF CHAPARALL ROAD AND NEWTON ROAD, FERRIS, ROAD & BRIDGE PRECINCT No. 1.

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

MINUTE ORDER 213.22 (1.2) APPROVING WITH CONDITIONS, A REQUEST FOR A ONE-TIME VARIANCE FOR PARCEL NO. 178150 FROM VOLUME III (STANDARD CONSTRUCTION DETAILS) SECTION II (C) (7) OF THE COUNTY'S DEVELOPMENT REGULATIONS TO ALLOW CONSTRUCTION OF A CUL-DE-SAC THAT EXCEEDS THE MAXIMUM LENGTH REQUIREMENT AND AN ALTERNATIVE CUL-DE-SAC DESIGN. THE PROPERTY CONTAINS AN ± 80.6 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF UNION HILL ROAD, ± 655 FEET WEST OF THE INTERSECTION OF ALSDORF ROAD AND UNION HILL ROAD, ENNIS, ROAD & BRIDGE PRECINCT NO. 1.

PUBLIC PARTICIPATION: TIM & LISA MACALIK; EUGENE ROBINSON; ROBERT CRITTENDEN; BILLY SWEARENGIN; MARK TAYLOR

CONDITIONS:

1. THE APPLICANT SUBMITS A PLAT THAT IS SOMEWHAT IDENTICAL TO THE VARIANCE EXHIBIT.
2. THE STREETS IN THE SUBDIVISION LABELED AS PRIVATE ACCESS EASEMENTS AND ALL INTERNAL INFRASTRUCTURE SHALL BE MAINTAINED BY A HOMEOWNER'S ASSOCIATION OR SIMILAR.
3. THE CUL-DE-SAC DOES SHALL NOT EXCEED A LENGTH OF ± 1,329 FEET (PHASE 1 ONLY).
4. NO FURTHER SUBDIVISION OF ANY OF THE PROPOSED LOTS THAT CAUSES A NET INCREASE IN LOTS.
5. SUBDIVISION CONSTRUCTION AND CIVIL PLANS APPROVED BY THE COUNTY ENGINEER AND COMPLETE INFRASTRUCTURE APPROVAL BY THE COUNTY PRIOR TO THE SUBMITTAL OF THE PLAT AND PERMITS.

The variance for an alternative cul-de-sac design is denied and instead shall instead conform to the cul-de-sac design as outlined in (Volume III (Standard Construction Details), Section II (C)(7) (i)).

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

MINUTE ORDER 214.22 (1.3) APPROVING WITH CONDITIONS, A PLAT OF GREATWOOD ESTATES. THE PROPERTY CONTAINS ± 6.60 ACRES OF LAND IN THE T.D. MASON SURVEY ABSTRACT NO. 1227, LOCATED ON THE WEST SIDE OF SINGLETON ROAD, ± 2,100 FEET NORTHWEST OF THE INTERSECTION OF CAMPBELL ROAD AND SINGLETON ROAD, LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF MAYPEARL, MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO. 3.

CONDITIONS:

1. LABEL THE NET ACREAGE OUTSIDE THE FLOODPLAIN.
2. THE COUNTY'S OLD SIGNATURE BLOCK IS REMOVED, ALONG WITH THE REDUNDANT OSSF STATEMENT.

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

MINUTE ORDER 215.22 (1.4) APPROVING WITH CONDITIONS A PLAT OF IBANEZ ADDITION. THE PROPERTY CONTAINS ± 20.251 ACRES OF LAND IN THE E.T. BRANCH SURVEY ABSTRACT NO. 34, LOCATED ON THE WEST SIDE OF ANDERSON RANCH ROAD, ± 2,100 FEET SOUTHWEST OF THE INTERSECTION OF HIGHT ROAD AND ANDERSON RANCH ROAD, WAXAHACHIE, ROAD & BRIDGE PRECINCT NO. 3.

CONDITIONS:

1. REMOVE "SIMPLIFIED PLAT" FROM THE PLAT TITLE BLOCK AND REPLACE IT WITH "FINAL PLAT."

2. DEDICATION OF AN ADDITIONAL 10 FEET OF RIGHT-OF-WAY FOR ANDERSON RANCH ROAD TO COMPLY WITH THE THOROUGHFARE PLAN AND ADJUST ACREAGE, AS NECESSARY.
3. UPDATE THE CURRENT YEAR THROUGHOUT THE PLAT.

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

MINUTE ORDER 216.22 (1.5) APPROVING WITH CONDITIONS, A ONE-TIME VARIANCE (OPTION 2) FOR PARCEL ID NO. 259837 & 181475 FROM VOLUME I, SECTION IV(A)(2)(RESIDENTIAL LOTS) OF THE SUBDIVISION & DEVELOPMENT STANDARDS TO ALLOW TWO (2) LOTS WITHOUT MEETING THE MINIMUM ROAD FRONTAGE AND ONE (1) LOT WITHOUT MEETING THE MINIMUM LOT SIZE FOR DEVELOPMENT & SEPTIC ORDER, MINIMUM LOT DEPTH & WIDTH REQUIREMENTS AND THE NARROWEST WIDTH REQUIREMENT. THE PROPERTIES CONTAIN ± 5.978 ACRES OF LAND LOCATED ON THE WEST SIDE OF WESTMORELAND ROAD, ± 930 FEET SOUTH OF THE INTERSECTION OF SOUTHRIDGE STREET AND WESTMORELAND ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF OVILLA, ROAD AND BRIDGE PRECINCT No. 4.

CONDITIONS:

1. These properties shall not further subdivide unless they meet the requirements in effect at that time.
2. Lot 2 may vary from the minimum road frontage requirement provided they have a legal filed access easement with the adjacent neighbor.
3. The applicant submits a plat identical to the requirements shown on the table below and meets all other applicable county requirements at the time of application.

RELIEF SOUGHT FROM:	COUNTY DEVELOPMENT STANDARD	LOT 1 (PARCEL ID 259837)	LOT 2 (PARCEL ID 181475)	DIFFERENCE
MINIMUM ROAD FRONTAGE	150 FT	±144.00 FT	0 FT (NO DIRECT ROAD FRONTAGE)	LOT 1:±6.00 FT LOT 2: 150.00 FT
MINIMUM LOT SIZE	ONE (1) ACRE	±0.94 ACRES, UPON ROW DEDICATION & PLATTING	N/A	LOT 1:± 0.06 ACRES
COUNTY SEPTIC ORDER, MO # 182.11	ONE (1) ACRE	±0.94 ACRES, UPON ROW DEDICATION & PLATTING	N/A	LOT 1: ± 0.06 ACRES
NARROWEST POINT	NOT LESS THAN 30 FT AT THE NARROWEST POINT	N/A	0 FT	LOT 2: 0 FT

MINIMUM DEPTH & WIDTH BEFORE NARROWING	LOTS MUST BE 150 FT DEEP AND 150 FT WIDE BEFORE NARROWING	N/A	0 FT WIDE	Lot 2: 150 FT
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MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

PURCHASING

MINUTE ORDER 217.22 (2.1) APPROVING OF A 6,160 SQUARE FOOT OF CONCRETE PAVING SERVICES USING THE CONTRACT WITH MUIRHEAD CONCRETE SERVICES, LLC (MINUTE ORDER 366.20) IN THE AMOUNT OF \$49,320.00 FOR ROAD & BRIDGE PCT. 2

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

ADMINISTRATIVE

MINUTE ORDER 218.22 (3.1) ACCEPTING UNANTICIPATED REVENUE FROM HON. SHAREN WILSON, CRIMINAL DISTRICT ATTORNEY, TARRANT COUNTY IN THE AMOUNT OF \$8,041.77. FUNDS ARE FROM RESTITUTION PAID BY A PREVIOUS EMPLOYEE RESULTING FROM THEFT PROSECUTION. MONEY WAS RECEIPTED INTO GENERAL FUND DUE TO OTHER GOVERNMENT AGENCIES AND GENERAL FUND WILL ISSUE A CHECK TO THE HON. RICHARD ROZIER, ELLIS COUNTY TAX ASSESSOR COLLECTOR. MR. ROZIER WILL RECEIPT THOSE FUNDS INTO MISCELLANEOUS INCOME SINCE THE RESTITUTION REPRESENTS REVENUE FROM A PREVIOUS FISCAL YEAR. – JANET MARTIN, COUNTY AUDITOR

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

NO ACTION (3.2) PRESENTATION OF THE 2021 PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT ANNUAL REPORT. – KATHY TURNER JONES, PRAIRIELANDS GCD GENERAL MANAGER

MINUTE ORDER 219.22 (3.3) ADOPTING A CERTIFICATE OF RESOLUTION GRANTING APPROVAL OF A PROJECT OF RED OAK INDUSTRIAL DEVELOPMENT CORPORATION. – TODD FULLER, CITY MANAGER, CITY OF RED OAK

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

MINUTE ORDER 220.22 (3.4) APPROVING THE NOTICE OF THE SPECIAL ELECTION TO BE HELD ON MAY 7, 2022 FOR VOTING IN AN ELECTION TO ADOPT OR REJECT TWO PROPOSED CONSTITUTIONAL AMENDMENTS AS THEY SUBMITTED BY THE 87TH LEGISLATURE OF THE STATE OF TEXAS; NOTICE

INCLUDES ALL ENTITIES CONTRACTING WITH THE ELECTIONS OFFICE; FOR APPROVAL OF THE ELECTION DAY SCHEDULE.

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

MINUTE ORDER 221.22 (3.5) APPROVING FOR ONE (1) ADDITIONAL FULL-TIME STAFF POSITION WITHIN THE ELLIS COUNTY ELECTIONS OFFICE. SUCH POSITION IS NECESSARY DUE TO AN INCREASE IN POPULATION, NEW LEGISLATIVE REQUIREMENTS, AND AN INCREASE IN ADDITIONAL DUTIES TO COMPLY WITH THE ELECTION CODE. TRANSFER \$25,900.42 FROM 001-0140-570000, CONTINGENCY-SURPLUS TO THE 0210 ACCOUNT SALARY LINE ITEMS FOR FUNDING ONE (1) ADDITIONAL CLERK III POSITION. - JANA ONYON, ELECTIONS ADMINISTRATOR

PUBLIC PARTICIPATION: RANDY BELLOMY

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

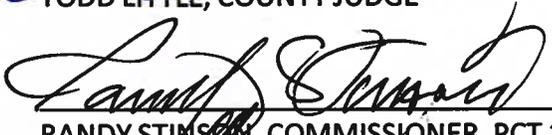
ADJOURNMENT **3:46 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON APRIL 5, 2022, ARE HEREBY APPROVED.

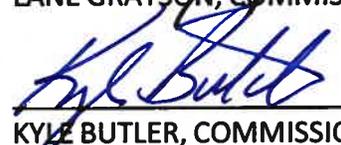
PRESIDING OFFICER:


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 19TH DAY OF APRIL 2022.


KRISTAL VALDEZ, COUNTY CLERK

