

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – MAY 3, 2022

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MAY 3, 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

**COMMISSIONERS:**

RANDY STINSON, COMMISSIONER, PCT. 1

LANE GRAYSON, COMMISSIONER, PCT. 2 @ 2:56 P.M.

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 STINSON, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE. – *RANDY STINSON, COMMISSIONER, PCT. 1*

**RECOGNITION:**

AA PRESENTATION AND READING OF A RESOLUTION IN RECOGNITION OF NATIONAL DAY OF PRAYER. – *TODD LITTLE, COUNTY JUDGE*

**CONSENT AGENDA:**

**MINUTE ORDER 233.22** APPROVING CONSENT AGENDA

**ADMINISTRATIVE:**

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

A2 APPROVING REGULAR MEETING MINUTES FROM APRIL 19, 2022. – *KRystal VALDEZ, COUNTY CLERK*

A3 APPROVING OF FOUR FY2021 INVOICES IN THE AMOUNT OF \$3,400.00 FROM FY2022 FUNDS. – *JANET MARTIN, COUNTY AUDITOR*

- A4 ACCEPTING THE SEPTEMBER 2021 CASH AUDIT REPORT. – *JANET MARTIN, COUNTY AUDITOR*
- A5 ACCEPTING THE ANNUAL AUDIT OF THE 2021 FISCAL ACCOUNTS AND RECORDS OF ESD #1 MAYPEARL, PURSUANT TO §775.082 OF THE TEXAS HEALTH AND SAFETY CODE. – *TIM BIRDWELL, FIRE MARSHAL*

**FINANCIAL:**

- F1 **FY2022 LINE ITEM TRANSFER** – *JUDGE JACKIE MILLER, JUSTICE OF THE PEACE, PCT. #2*  
**DECREASE** 001-0520-508350 JP2 TRAINING BY \$113.52;  
**INCREASE** 001-0430-404100 EMERGENCY PREPAREDNESS TRAINING BY \$113.52.
- F2 **FY2022 LINE ITEM TRANSFER** – *JUDGE STEVE EGAN, JUSTICE OF THE PEACE, PCT. #4*  
**DECREASE** 001-0540-508010 SUPPLIES BY \$100.00;  
**INCREASE** 001-0540-508060 OFFICIAL BOND BY \$100.00.
- F3 **FY2022 LINE ITEM TRANSFER** – *LANE GRAYSON, COMMISSIONER, PCT. #2*  
**DECREASE** 001-0653-508070 FM2 GENERAL EXPENSES BY \$18.92;  
**INCREASE** 001-0430-404100 EMERGENCY PREPAREDNESS TRAINING BY \$18.92.
- F4 ACCEPTING OF UNANTICIPATED REVENUE FROM THOMAS J. PARSONS. REFUND OF WAGES PAID TO ELECTION WORK. – *JANET MARTIN, COUNTY AUDITOR*
- F5 ACCEPTING OF UNANTICIPATED REVENUE FOR ROAD AND BRIDGE PCT. #4 FROM SALE OF MATERIAL TO HLH&R METAL RECYCLING IN THE AMOUNT OF \$1,542.40; TO FUND LINE 006-0754-508070 – OPERATING EXPENDITURES. – *JANET MARTIN, COUNTY AUDITOR*
- F6 APPROVING FOR TAX COLLECTOR ASSESSOR’S OFFICE TO ISSUE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$341,055.67. – *JANET MARTIN, COUNTY AUDITOR*

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

**DEPARTMENT OF DEVELOPMENT**

**MINUTE ORDER 234.22** (1.1) APPROVING WITH CONDITIONS, A PLAT OF MORALES ACRES. THE PROPERTY CONTAINS ± 3.501 ACRES OF LAND IN THE L. WHITE SURVEY, ABSTRACT NO. 1110, LOCATED ON THE SOUTH SIDE OF WESTER ROAD ± 3,180 FEET WEST OF THE INTERSECTION OF PALMYRA ROAD AND WESTER ROAD, FERRIS, ROAD & BRIDGE PRECINCT NO. 1.

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

**NO ACTION** (1.2) CONSIDERATION AND ACTION FOR A REQUEST TO ACCEPT A PERFORMANCE BOND FOR THE PROPOSED FERRIS RANCH, PHASE II SUBDIVISION (PARCEL ID NO. 178171). THE PROPERTY CONTAINS ± 52.078 ACRES OF LAND IN THE R. DE LA PENA SURVEY, ABSTRACT NO. 3, LOCATED ON THE SOUTH SIDE OF FM 660 ± 1,095 FEET SOUTH OF THE INTERSECTION OF GERONIMO STREET AND FM 660, FERRIS, ROAD & BRIDGE PRECINCT NO. 1.

**MINUTE ORDER 235.22** (1.3) APPROVING A REQUEST TO ACCEPT A PERFORMANCE BOND FOR THE PROPOSED ESTATES OF PALMER (PARCEL ID No. 289980). THE PROPERTY CONTAINS ± 57.8563 ACRES OF LAND IN THE J. M. RIGGS SURVEY, ABSTRACT No. 902, LOCATED AT THE EAST SIDE OF FARRAR ROAD ± 485 FEET EAST OF THE INTERSECTION OF FM 813 AND FARRAR ROAD, PALMER, ROAD & BRIDGE PRECINCT No. 1.

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

**MINUTE ORDER 236.22** (1.4) APPROVING A PLAT OF FEASTER ROAD ESTATES. THE PROPERTY CONTAINS ± 9.178 ACRES OF LAND IN THE F. S. WILLIAMS SURVEY, ABSTRACT No. 1130, LOCATED ON THE EAST SIDE OF FEASTER ROAD ± 5,300 FEET NORTHEAST OF THE INTERSECTION OF FEASTER ROAD AND FM 34, ENNIS, ROAD & BRIDGE PRECINCT No. 2.

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

**MINUTE ORDER 237.22** (1.5) APPROVING A PLAT OF ROTENBERRY'S SUBDIVISION LOT 1, BLOCK 1. THE PROPERTY CONTAINS ± 6.645 ACRES OF LAND IN THE PUERTA TIERRA SURVEY, ABSTRACT No. 1235, THE SIMEON ODOM SURVEY, ABSTRACT No. 815, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF OZRO ROAD AND FM 157, MAYPEARL, ROAD & BRIDGE PRECINCT No. 3.

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

**MINUTE ORDER 238.22** (1.6) APPROVING SUBJECT TO COMPLETION OF UTILITIES ENDORSEMENT FOR LOT 2, A PLAT OF BLOWERS ACRES. THE PROPERTY CONTAINS ± 2.995 ACRES OF LAND IN THE G. ALFORD SURVEY, ABSTRACT No. 24, LOCATED ON THE NORTH SIDE OF JOE WILSON ROAD, ± 520 FEET EAST OF THE INTERSECTION OF RANCH CEDAR ROAD AND JOE WILSON ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD & BRIDGE PRECINCT 4.

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

## **PURCHASING**

**MINUTE ORDER 239.22** (2.1) APPROVING OF TASK ORDER No. 2 FOR PRECONSTRUCTION CONSTRUCTABILITY REVIEWS, COST ESTIMATING AND SCHEDULING SERVICES WITH KITCHELL FOR THE JUSTICE OF THE PEACE COURT 2 FACILITY. TO BE FUNDED BY CAPITAL PROJECT BOND FUNDS – JP2 ARCHITECT FEES – LINE ITEM 040-0940-509735 IN THE AMOUNT OF \$44,000.00.

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

**MINUTE ORDER 240.22** (2.2) APPROVING TO ENGAGE WALKER LAND SURVEYING COMPANY (WLSC) FOR SURVEYING SERVICES FOR THE JUSTICE OF THE PEACE COURT 2 FACILITY. TO BE FUNDED BY CAPITAL PROJECT BOND FUNDS – JP2 ARCHITECT FEES – LINE ITEM 040-0940-509735 IN THE AMOUNT OF \$4,000.00.

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

**MINUTE ORDER 241.22** (2.3) APPROVING TO PURCHASE A JOHN DEERE 5100E CAB UTILITY TRACTOR FROM DEERE & COMPANY USING THE BUYBOARD COOPERATIVE CONTRACT #611-20 FOR ROAD & BRIDGE PRECINCT 3. TO BE FUNDED FROM THE EQUIPMENT BUDGET – LINE ITEM 005-0703-508020 IN AN AMOUNT OF \$63,528.71.

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

**MINUTE ORDER 242.22** (2.4) APPROVING TO PURCHASE A 2023 TAHOE PPV 4WD FROM CALDWELL COUNTRY CHEVROLET USING THE BUYBOARD COOPERATIVE CONTRACT #601-19 FOR THE FIRE MARSHAL. TO BE FUNDED FROM THE FIRE MARSHAL SPECIAL FUND – LINE ITEM 024-09240-508020 IN THE AMOUNT OF \$58,934.00.

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

**MINUTE ORDER 243.22** (2.5) APPROVING TO GRANT AN EXEMPTION UNDER TEXAS LOCAL GOVERNMENT CODE §262.023, FOR THE PURCHASE OF A MACK MP3 TRACTOR TRUCK FOR ROAD & BRIDGE PCT. #3.

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

**MINUTE ORDER 244.22** (2.6) APPROVING TO PURCHASE A 2015 MACK TRUCK TRACTOR FROM BRUCKNER TRUCK SALES, INC. UTILIZING THE EXEMPTION GRANTED UNDER §262.024(1) OF THE TEXAS LOCAL GOVERNMENT CODE. TO BE FUNDED FROM THE EQUIPMENT BUDGET – LINE ITEM 005-0703-508020 IN AN AMOUNT OF \$91,976.05 FOR ROAD & BRIDGE PCT. #3.

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

**MINUTE ORDER 245.22** (2.7) APPROVING TO PURCHASE A DUALM VIEW X-RAY INSPECTION SYSTEM AND RELATED ITEMS FOR THE ELLIS COUNTY SHERIFF'S DEPARTMENT USING SOURCEWELL CONTRACT #032620-SAF WITH SAFEWARE. TO BE FUNDED WITH THE COURTHOUSE SECURITY FUND – LINE ITEM 033-0933-508020 IN AN AMOUNT OF \$90,853.24.

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

BREAK FROM 2:47 P.M. – 2:56 P.M.

## **ADMINISTRATIVE**

**MINUTE ORDER 246.22** (3.1) TABLING THE DISCUSSION, CONSIDERATION AND APPROVAL OF FUNDING FOR THE ELLIS COUNTY CHILD WELFARE BOARD. TO BE FUNDED FROM THE COMMUNITY SUPPORT – LINE ITEM 001-0140-50866. – *Ms. DIANN WILSON, TREASURER, ELLIS COUNTY CHILD PROTECTIVE SERVICES BOARD*

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

**NO ACTION** (3.2) DISCUSSION, CONSIDERATION AND APPROVAL OF A RENEWED BURN BAN, CONTINGENT ON ANY UPDATED FIRE INCIDENT DATA DURING DRY SEASON. – *TIM BIRDWELL, COUNTY FIRE MARSHAL*

**MINUTE ORDER 247.22** (3.3) AMENDING THE PREVIOUSLY APPROVED AMOUNT FOR DAILY INDEXING THAT WAS CALCULATED USING AN AVERAGE FROM THE PRIOR YEAR (MINUTE ORDER 225.21). THE AMOUNT IS SUBJECT TO CHANGE WITH INCREASES IN VOLUME AND POPULATION. THE SET RATE IS \$1.85 PER DOCUMENT AND \$0.10 PER ADDITIONAL INDEXED PARTY NAMES OVER EIGHT (8). APPROVING PAYMENT ON ANY PREVIOUS MONTH'S INVOICES THAT WERE OVER THE PREVIOUSLY APPROVED "AVERAGE" AMOUNT. – *KRYSTAL VALDEZ, COUNTY CLERK*

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

**MINUTE ORDER 248.22** (3.4) APPROVING OF A TAX ABATEMENT AGREEMENT WITH CHAPARRAL STEEL MIDLOTHIAN, LP (GERDAU), THE OWNER OF PROPERTY IS LOCATED WITHIN THE MIDLOTHIAN COMMERCIAL-INDUSTRIAL TAX ABATEMENT REINVESTMENT ZONE # 17. – *TODD LITTLE, COUNTY JUDGE*

PUBLIC PARTICIPATION: PENNY STORY, RED OAK

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

**ADJOURN TO EXECUTIVE SESSION 3:38 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 CHAPTER 551 OR AS OTHERWISE MAY BE PERMITTED UNDER 551.

- 4.1 PURSUANT TO §551.087 OF THE LOCAL GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL TO REVIEW COMMERCIAL OR FINANCIAL INFORMATION RECEIVED FROM A BUSINESS PROSPECT AND/OR DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT REGARDING CURRENT AND/OR POTENTIAL TAX ABATEMENT AGREEMENT WITH CHAPARRAL STEEL MIDLOTHIAN, LP (GERDAU).
- 4.2 PURSUANT TO §551.071 OF THE LOCAL GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER(S) CONCERNING A PETITION FILED WITH TCEQ SEEKING THE CREATION OF ELLIS RANCH MUNICIPAL UTILITY DISTRICT No. 1 BY GRBK EDGEWOOD, LLC.

## **RECONVENE TO REGULAR SESSION 4:10 P.M.**

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

### **TO AGENDA ITEM 3.5**

**MINUTE ORDER 249.22** (3.5) APPROVING TO CONTEST ELLIS MUD No. 1 BY RETAINING CURRENT MUD COUNSEL BICKERSTAFF HEATH DELGADO ACOSTA, LLP ALONG WITH APPROVAL TO EXECUTE ANY NECESSARY LITIGATION DOCUMENTATION, AND/OR ENGAGE P3WORKS, LLC TO EXPLORE OTHER OPTIONS. - *TODD LITTLE, COUNTY JUDGE*

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

## **ADJOURNMENT 4:11 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON MAY 3, 2022, ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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TODD LITTLE, COUNTY JUDGE

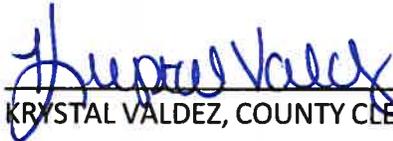
  
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RANDY STINSON, COMMISSIONER, PCT 1

  
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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 17TH DAY OF MAY 2022.

  
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KRISTAL VALDEZ, COUNTY CLERK

