

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – DECEMBER 13, 2022

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, DECEMBER 13, 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. – *COMMISSIONER KYLE BUTLER, PRECINCT 4*

RECOGNITIONS & PROCLAMATIONS

PRESENTATION OF RECOGNITION AND APPRECIATION FOR THE EMERGENCY MANAGEMENT COORDINATOR.

CONSENT AGENDA: MINUTE ORDER 538.22

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *COUNTY TREASURER CHERYL CHAMBERS*
- A2 APPROVING COMMISSIONERS' COURT SPECIAL MEETING MINUTES FROM NOVEMBER 21, 2022. –
COUNTY CLERK KRYSTAL VALDEZ
- A3 APPROVING COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM NOVEMBER 29, 2022. –
COUNTY CLERK KRYSTAL VALDEZ
- A4 ACCEPTING THE NOVEMBER MONTHLY REPORT FOR JUSTICE OF THE PEACE, PRECINCT 1. – *JUSTICE OF THE PEACE CHRIS MACON, PRECINCT 1*
- A5 APPROVING THE INTERLOCAL COOPERATION CONTRACT BETWEEN ELLIS COUNTY AND PALMER ISD, EFFECTIVE PERIOD JANUARY 1, 2023 TO DECEMBER 31, 2023. – *COMMISSIONER RANDY STINSON, PCT. 1*

- A6 APPROVING THE INTERLOCAL COOPERATION CONTRACT BETWEEN ELLIS COUNTY AND CITY OF PECAN HILL, EFFECTIVE PERIOD JANUARY 1, 2023 TO DECEMBER 31, 2023. – *COMMISSIONER RANDY STINSON, PCT. 1*
- A7 APPROVING THE OFFICIAL BOND FOR CHERYL CHAMBERS, COUNTY TREASURER, EFFECTIVE JANUARY 1, 2023. – *COUNTY TREASURER CHERYL CHAMBERS*
- A8 APPROVING THE OFFICIAL BOND FOR RICHARD ROZIER, TAX ASSESSOR/COLLECTOR, EFFECTIVE JANUARY 1, 2023. – *TAX ASSESSOR/COLLECTOR RICHARD ROZIER*
- A9 APPROVING THE OFFICIAL BOND FOR JACKIE MILLER, JR., JUSTICE OF THE PEACE, PRECINCT 2, EFFECTIVE JANUARY 1, 2023. – *JUSTICE OF THE PEACE JACKIE MILLER, JR., PRECINCT 2*
- A10 APPROVING THE OFFICIAL BOND FOR KYLE BUTLER, COMMISSIONER, PRECINCT 4, EFFECTIVE JANUARY 1, 2023. – *COUNTY COMMISSIONER KYLE BUTLER, PRECINCT 4*
- A11 APPROVING THE OFFICIAL BOND FOR CASEY BORDERS, CONSTABLE, PRECINCT 2, EFFECTIVE JANUARY 1, 2023. – *CONSTABLE CASEY BORDERS, PRECINCT 2*
- A12 REMOVED FROM AGENDA BY COUNTY JUDGE
- A13 APPROVING THE OFFICIAL BOND FOR CHRIS MACON, JUSTICE OF THE PEACE, PRECINCT 1, EFFECTIVE JANUARY 1, 2023. – *JUSTICE OF THE PEACE CHRIS MACON, PRECINCT 1*
- A14 ACCEPTING THE ELLIS COUNTY AG EXTENSION MONTHLY REPORT FOR NOVEMBER 2022, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – *TEXAS A&M AGRILIFE EXTENSION SERVICE DIRECTOR MARK ARNOLD*
- A15 APPROVING TO PAY AN INVOICE RELATED TO AN APPRAISAL OF REAL PROPERTY. – *COUNTY JUDGE TODD LITTLE*

FINANCIAL:

- F1 APPROVING TO PAY FY2022 INVOICES USING FY2023 FUNDS. – *COUNTY AUDITOR JANET MARTIN*
- F2 APPROVING FOR THE TAX ASSESSOR/COLLECTOR TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$20,146.92. – *COUNTY AUDITOR JANET MARTIN*
- F3 APPROVING FOR THE TAX ASSESSOR/COLLECTOR TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$5,443.87. – *COUNTY AUDITOR JANET MARTIN*
- F4 ACCEPTING JUROR DONATIONS FOR VETERANS SERVICES OFFICE IN THE AMOUNT OF \$78.00 AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE: INCREASE 001-0070-506330 (VETERANS SERVICES – JURY DONATION) BY \$78.00 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*
- F5 FY2023 LINE ITEM TRANSFER – *COMMISSIONER RANDY STINSON, PRECINCT 1*
 DECREASE 001-0140-507080 (COMPREHENSIVE INSURANCE) BY \$5,631.00
 INCREASE 003-0601-509160 (AUTO/EQUIPMENT/BUILDING INSURANCE) BY \$5,631.00

F6 FY2023 LINE ITEM TRANSFER – *CONSTABLE CURTIS POLK, JR., PRECINCT 3*
DECREASE 001-0613-508190 (COMPUTER EQUIPMENT) BY \$36.96
INCREASE 001-0613-508880 (COMPUTER SOFTWARE) BY \$36.96

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

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 539.22 (1.1) APPROVING A PLAT OF BUTLER AND PRUSKI ADDITION, BLOCK A, LOTS 1-2. THE PROPERTY CONTAINS ± 3.54 ACRES IN THE R. DE LA PENNA SURVEY, ABSTRACT NO. 3, LOCATED ON THE NORTH SIDE OF OLD GIN ROAD, ± 4,065 FEET EAST OF THE INTERSECTION OF SUGAR RIDGE ROAD AND OLD GIN ROAD, ENNIS, ROAD AND BRIDGE PRECINCT NO. 1.

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

MINUTE ORDER 540.22 (1.2) APPROVING A PLAT OF DEBORAH DEARICK SUBDIVISION. THE PROPERTY CONTAINS ± 9.703 ACRES IN THE R. DE LA PENNA SURVEY, ABSTRACT NO. 2, LOCATED ON THE WEST SIDE OF DODSON ROAD, ± 860 FEET SOUTH OF THE INTERSECTION OF E STATE HIGHWAY 34 AND DODSON ROAD, ENNIS, ROAD AND BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 541.22 (1.3) APPROVING A PLAT OF ORDUNO ESTATES. THE PROPERTY CONTAINS ± 6.382 ACRES IN THE H. ALEXANDER SURVEY, ABSTRACT NO. 14, LOCATED ON THE EAST SIDE OF FARMER ROAD, ± 3,085 FEET NORTH OF THE INTERSECTION OF HIGHWAY 984 AND FARMER ROAD, ENNIS, ROAD AND BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 542.22 (1.4) APPROVING A REPLAT OF R&M RANCH ADDITION LOTS 1R & 2. THE PROPERTY CONTAINS ± 6.852 ACRES, LOCATED ON THE SOUTH SIDE OF BRIGMAN ROAD, ± 3,295 FEET SOUTHWEST OF THE INTERSECTION OF BRIGMAN ROAD AND FM 916, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MAYPEARL, ROAD AND BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 543.22 (1.5) APPROVING A PLAT OF THUNDER RIDGE, PHASE TWO-A. THE PROPERTY CONTAINS ± 19.574 ACRES IN THE M.D. BULLION SURVEY, ABSTRACT NO. 164, LOCATED AT THE

SOUTHERN INTERSECTION OF SOUTH OAK BRANCH ROAD AND OLD MAYPEARL ROAD, MAYPEARL, ROAD AND BRIDGE PRECINCT NO. 3. SUBJECT TO THE FOLLOWING CONDITION:

1. COMPLETION OF ITEMS NOTATED IN THE FINAL WALKTHROUGH BY COUNTY INSPECTION.

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

MINUTE ORDER 544.22 (1.6) APPROVING A FINAL PLAT OF HUDSON ADDITION, LOT 1, BLOCK 1. THE PROPERTY CONTAINS ± 9.951 ACRES IN THE R. BERRY SURVEY, ABSTRACT NO. 42, LOCATED ON THE SOUTH SIDE OF E. COUNTY ROAD No. 109, ± 3,155 WEST OF THE INTERSECTION OF V V JONES ROAD AND E. COUNTY ROAD No. 109, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF VENUS, ROAD AND BRIDGE PRECINCT No. 4.

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

PURCHASING

MINUTE ORDER 545.22 (2.1) APPROVING TO CANCEL RFP-2022-004 - BID FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR A VITAL RECORDS MANAGEMENT SYSTEM.

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

MINUTE ORDER 546.22 (2.2) AUTHORIZING TO ADVERTISE AND SOLICIT REQUEST FOR PROPOSAL FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR A VITAL RECORDS MANAGEMENT SYSTEM.

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

MINUTE ORDER 547.22 (2.3) APPROVING TO CANCEL RFP-2022-003 - BID FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR A COURT CASE MANAGEMENT SYSTEM.

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

MINUTE ORDER 548.22 (2.4) AUTHORIZING TO ADVERTISE AND SOLICIT REQUEST FOR PROPOSAL FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR A COURT CASE MANAGEMENT SYSTEM.

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

MINUTE ORDER 549.22 (2.5) APPROVING OF RENEWAL FOR OFFICE 365 SOFTWARE LICENSES FOR ALL COUNTY OFFICES USING DIR-TSO-4092 WITH SHI GOVERNMENT SOLUTIONS, LLC IN THE AMOUNT OF \$199,528.00.

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

MINUTE ORDER 550.22 (2.6) APPROVING TO LEASE THE SEND PRO P3000 INCLUDING MAINTENANCE AND SUPPLIES FROM PITNEY BOWES USING THE TX SMART BUY CONTRACT NO. 985-L1, FOR THE MAIL ROOM.

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

MINUTE ORDER 551.22 (2.7) APPROVING TO ADD TASK ORDER #3 TO THE MCKINSTRY CONTRACT FOR ADDITIONAL WORK (JAIL WATER CONSERVATION) TO BE PERFORMED AT THE ELLIS COUNTY JAIL IN THE AMOUNT OF \$108,777.77.

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

ADMINISTRATIVE

NO ACTION (3.1) ANNUAL PRESENTATION BY THE ELLIS COUNTY MUSEUM REGARDING CONSTRUCTION PROGRESS AND FUTURE PLANS. – *COUNTY JUDGE TODD LITTLE*

(BREAK 2:45 P.M. – 2:56 P.M.)

MINUTE ORDER 552.22 (3.2) APPROVING TO RECOMMEND TX-DOT FOLLOW THE ALTERNATIVE SOUTH ALIGNMENT 1 (S1) OPTION, AS DEPICTED ON A 2020 TX-DOT MAP LABELED “*FM 1387 SOUTH ALTERNATIVE ALIGNMENTS*”, DATED MAY 22, 2020. – *DEVELOPMENT DIRECTOR ALBERTO MARES*

PUBLIC PARTICIPATION – DAWN B., WAXAHACHIE; VICKIE DILLOW, WAXAHACHIE; HANNAH SOUTHERLAND, WAXAHACHIE; DANIEL SOUTHERLAND, WAXAHACHIE; TINA KING, WAXAHACHIE; AMY LOTZ, WAXAHACHIE; JOY NOAK, WAXAHACHIE; KENNETH RICH, WAXAHACHIE; RONNIE RUSSELL, WAXAHACHIE; THOMAS BURWELL, WAXAHACHIE; JASON SOUTHERLAND, WAXAHACHIE; MIKE DILLOW, WAXAHACHIE; JOSHUA SOUTHERLAND, WAXAHACHIE

MOTION TO APPROVE NORTH OPTION BY COMMISSIONER BUTLER, MOTION FAILED DUE TO LACK OF SECOND

MOTION TO APPROVE SOUTH OPTION 1 BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON, MOTION CARRIED, WITH COMMISSIONER BUTLER VOTING NO

(BREAK AT 4:05 P.M.)

MINUTE ORDER 553.22 (3.3) APPROVING OF AMENDMENTS TO THE APPLICATION FOR ELLIS COUNTY EMERGENCY SERVICE DISTRICT BOARD FORM AND THE AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION FORM. – *FIRE MARSHAL TIM BIRDWELL*

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

(TO AGENDA ITEM 3.5)

MINUTE ORDER 554.22 (3.5) APPROVING THE SERVICE AGREEMENT WITH AT&T LOCAL GOVERNMENT SOLUTIONS FOR COMMUNICATION SERVICES AT COUNTYWIDE FACILITIES. – *COUNTY JUDGE TODD LITTLE*

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY JUDGE LITTLE, MOTION CARRIED WITH COMMISSIONER GRAYSON VOTING NO

RECESS TO EXECUTIVE SESSION **5:55 P.M.**

MOTION TO RECESS BY COMMISSIONER PERRY, 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.

- E1 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING LITIGATION MATTERS AT TCEQ AND SOAH CONCERNING TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES) AND PETITIONS FOR THE CREATION OF MUNICIPAL UTILITY DISTRICTS (MUD), INCLUDING BUT NOT LIMITED TO THE SHANKLE ROAD MUD, WAXAHACHIE CREEK AKA FM 984 MUD, AND ELLIS RANCH MUDS.
- E2 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING LITIGATION MATTERS AT TCEQ AND SOAH AND SPECIFICALLY INCLUDING BUT NOT LIMITED TO AN UPDATE ON THE LAKEVIEW CONTESTED MUD SOAH HEARING HELD DECEMBER 6-7, 2022, AND NEXT STEPS.
- E3 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING AND CONTEMPLATED LITIGATION MATTERS AT TCEQ AND SOAH

CONCERNING TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES) AND PETITIONS FOR THE CREATION OF NEW MUNICIPAL UTILITY DISTRICTS (MUD), INCLUDING BUT NOT LIMITED TO THE FM 813/BLUEBONNET/WAXAHACHIE 480 MUD, AND THE BUFFALO HILLS & BRAHMA 2 MUD AND POTENTIAL NEXT STEPS INCLUDING ATTORNEY REPRESENTATION AND RETAINING P3 WORKS.

- E4 PURSUANT TO TEXAS GOVERNMENT CODE §551.072, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY AS DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

RECONVENE TO REGULAR SESSION 6:31 P.M.

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

To AGENDA ITEM 3.4)

MINUTE ORDER 555.22 (3.4) APPROVING TO RETAIN OUTSIDE COUNSEL BICKERSTAFF HEATH DELGADO ACOSTA, LLP ALONG WITH APPROVAL TO EXECUTE ANY NECESSARY LITIGATION DOCUMENTATION, AND/OR ENGAGE P3 WORKS, LLC TO EXPLORE OTHER OPTIONS REGARDING MUD'S. – *COUNTY JUDGE TODD LITTLE*

PUBLIC PARTICIPATION: ERNEST MARTINEK, WAXAHACHIE

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

ADJOURNMENT 6:32 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON DECEMBER 13, 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 27TH DAY OF DECEMBER 2022.



KRYSTAL VALDEZ, COUNTY CLERK

