

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – FEBRUARY 21, 2023

THE ELLIS COUNTY COMMISSIONERS COURT MET FOR A SPECIAL MEETING ON TUESDAY, FEBRUARY 21, 2023, AT 10:00 A.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 PERRY, SECOND BY COMMISSIONER STINSON, MOTION CARRIED

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

CONSENT AGENDA: MINUTE ORDER 144.23

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *COUNTY TREASURER CHERYL CHAMBERS*
- A2 APPROVING COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM FEBRUARY 7, 2023. – *COUNTY CLERK KRYSTAL VALDEZ*
- A3 ACCEPTING THE ELLIS COUNTY AGRILIFE EXTENSION SERVICE MONTHLY REPORT FOR JANUARY 2023, PURSUANT TO LOCAL GOVERNMENT CODE §114.044. – *TEXAS A&M AGRILIFE EXTENSION SERVICE DIRECTOR MARK ARNOLD*
- A4 ACCEPTING THE 2022 RACIAL PROFILING REPORT FOR THE SHERIFF'S OFFICE THAT HAS BEEN ELECTRONICALLY SUBMITTED TO THE TEXAS COMMISSION ON LAW ENFORCEMENT. – *SHERIFF BRAD NORMAN*
- A5 APPROVING THE RECLASSIFICATION OF A PART-TIME DEPUTY 1 POSITION TO A PART-TIME CIVILIAN COORDINATOR POSITION AT THE SAME PAY RATE AS THE PART-TIME DEPUTY 1. – *SHERIFF BRAD NORMAN*
- A6 APPROVING THE JUSTICE OF THE PEACE, PRECINCT 1 MONTHLY FINANCIAL REPORT TO SATISFY TEXAS LOCAL GOVERNMENT CODE §114.044. – *PRECINCT 1 JUSTICE OF THE PEACE CHRIS MACON*

- A7 APPROVING THE DEPARTMENT OF DEVELOPMENT'S MONTHLY FINANCIAL REPORT FOR JANUARY 2023, AS REQUIRED BY TEXAS LOCAL GOVERNMENT CODE §114.044. – *DEVELOPMENT DIRECTOR ALBERTO MARES*
- A8 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM JANUARY 27, 2023 – FEBRUARY 13, 2023, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *COUNTY AUDITOR JANET MARTIN*
- A9 ACCEPTING THE ANNUAL AUDIT REPORT OF THE FISCAL ACCOUNTS AND RECORDS OF EMERGENCY SERVICE DISTRICT #5 (FERRIS), PURSUANT TO TEXAS HEALTH & SAFETY CODE §775.082. – *FIRE MARSHAL TIM BIRDWELL*

FINANCIAL:

- F1 ACCEPTING A DONATION OF 1,645 READING BOOKS FOR THE ELLIS COUNTY JAIL LIBRARY CART BY ANTHONY THORNTON WITH AN ESTIMATED VALUE OF \$6,580.00. – *COUNTY AUDITOR JANET MARTIN*
- F2 APPROVING TO PAY TWO (2) FY2022 INVOICES USING FY2023 BUDGETED FUNDS. INVOICES INCLUDE A PAYMENT OF \$160.00 TO STEPONE AND A PAYMENT OF \$780.74 TO ALERE TOXICOLOGY. – *COUNTY AUDITOR JANET MARTIN*
- F3 ACCEPTING AUCTION PROCEEDS FROM LONE STAR AUCTIONEERS IN THE AMOUNT OF \$26,050.00 AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE:
 INCREASE 005-0703-508020 (EQUIPMENT) BY \$26,050.00
 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*
- F4 ACCEPTING INSURANCE REIMBURSEMENT FROM TEXAS FARM BUREAU IN THE AMOUNT OF \$2,096.87 AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE:
 INCREASE 005-0703-508070 (OPERATING EXPENDITURES) BY \$2,096.87
 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*
- F5 APPROVING FOR THE TAX ASSESSOR-COLLECTOR TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$54,291.23. – *COUNTY AUDITOR JANET MARTIN*
- F6 FY2023 LINE-ITEM TRANSFER. – *PRECINCT 4 JUSTICE OF THE PEACE LOUIS PONDER*
 DECREASE 001-0540-508010 (SUPPLIES) BY \$1,300.00
 INCREASE 001-0540-508030 (FURNITURE/FIXTURES) BY \$1,300.00

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

DEPARTMENT OF DEVELOPMENT

- MINUTE ORDER 145.23** (1.1) APPROVING A PLAT OF D. SMITH ACRES. THE PROPERTY CONTAINS ± 1.50 ACRES IN THE JACKSON BLEVINS SURVEY, ABSTRACT NO. 87, LOCATED ON THE EAST SIDE OF OAK GROVE ROAD ± 1,235 FEET NORTH OF THE ELLIS/NAVARRO COUNTY LINE, ENNIS, ROAD AND BRIDGE PRECINCT NO. 2. SUBJECT TO THE FOLLOWING CONDITIONS:
- 1. PRIOR TO FILING THE PLAT, THE OVERALL ACREAGE SHOWN ON THE PLAT SHALL MATCH THE RECORDED DEED.

2. PRIOR TO FILING THE PLAT, THE OWNER'S NAME SHALL BE UPDATED WITHIN THE OWNER'S CERTIFICATE AND STATEMENT.

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

MINUTE ORDER 146.23 (1.2) APPROVING A PLAT OF LANGER – FM 1181 ADDITION. THE PROPERTY CONTAINS ± 3.166 ACRES IN THE A. DE LA GARZA SURVEY, ABSTRACT NO. 2, LOCATED ON THE WEST SIDE OF FM 1181 ± 1,810 FEET WEST OF THE INTERSECTION OF FM 1181 AND OLD TELICO ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD AND BRIDGE PRECINCT NO. 2. SUBJECT TO THE FOLLOWING CONDITIONS:

1. PRIOR TO FILING THE PLAT, LABEL THE WIDTH OF THE EXISTING RIGHT-OF-WAY FOR FM 1181.
2. PRIOR TO FILING THE PLAT, UPDATE THE OWNERSHIP INFORMATION.

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

MINUTE ORDER 147.23 (1.3) APPROVING A PLAT OF LANGER – OLD TELICO ROAD ADDITION. THE PROPERTY CONTAINS ± 2.196 ACRES IN THE A. DE LA GARZA SURVEY, ABSTRACT NO. 2, LOCATED ON THE NORTH SIDE OF OLD TELICO ROAD ± 360 FEET WEST OF THE INTERSECTION OF OLD TELICO ROAD AND LOG CABIN ROAD, ENNIS, ROAD AND BRIDGE PRECINCT NO. 2. SUBJECT TO THE FOLLOWING CONDITION:

1. PRIOR TO FILING THE PLAT, UPDATE THE OWNERSHIP INFORMATION.

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

MINUTE ORDER 148.23 (1.4) APPROVING A PLAT OF HIGHLAND CROSSING. THE PROPERTY CONTAINS ± 4.933 ACRES IN THE F. E. KING SURVEY, ABSTRACT NO. 795, LOCATED ON THE EAST SIDE OF FM 664 ± 575 FEET NORTH OF THE INTERSECTION OF FM 664 AND ARMSTRONG WAY, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF OVILLA, ROAD AND BRIDGE PRECINCT NO. 4.

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

MINUTE ORDER 149.23 (1.5) APPROVING A PLAT OF THE KOVACS ADDITION. THE PROPERTY CONTAINS ± 1.1493 ACRES IN THE J. BERRY SURVEY, ABSTRACT NO. 86, LOCATED ON THE EAST SIDE OF BRYSON LANE ± 315 FEET NORTH OF THE INTERSECTION OF BRYSON LANE AND SPRINGER ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT 4.

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

MINUTE ORDER 150.23 (1.6) APPROVING A PLAT OF VILLAREAL ESTATES. THE PROPERTY CONTAINS ± 1.7 ACRES IN THE CARTER H. HURST SURVEY, ABSTRACT NO. 456, LOCATED ON THE SOUTH SIDE OF PATRICK ROAD ± 1,600 FEET EAST OF THE INTERSECTION OF PATRICK ROAD AND O'BRIEN ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT No. 4.

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

PURCHASING

MINUTE ORDER 151.23 (2.1) APPROVING THE AWARD OF BID NUMBER RFP-2023-002 DISASTER DEBRIS REMOVAL, REDUCTION, DISPOSAL, AND OTHER DEBRIS-RELATED SERVICES TO TFR ENTERPRISES, INC. (PRIMARY), CERES INTERNATIONAL (SECONDARY), AND CROWDER GULF (TERTIARY). THIS CONTRACT WILL BE USED BY ELLIS COUNTY, THE CITY OF WAXAHACHIE, AND THE CITY OF RED OAK.

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

MINUTE ORDER 152.23 (2.2) APPROVING TO GRANT AN EXEMPTION UNDER LOCAL GOVERNMENT CODE §262.024(4) FOR A PERSONAL OR PROFESSIONAL SERVICE, FROM THE BIDDING REQUIREMENTS OF LOCAL GOVERNMENT CODE §262.023, FOR THE PROCUREMENT OF PROFESSIONAL SURVEY SERVICES FROM CP&Y, INC.

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

MINUTE ORDER 153.23 (2.3) APPROVING TO ENGAGE CP&Y, INC. FOR SURVEYING SERVICES FOR THE COUNTY FARM IN SUPPORT OF THE MASTER PLAN IN AN AMOUNT OF \$82,678.00.

PUBLIC COMMENT: PROJECT MANAGER STEPHEN DIAL, CP&Y

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

ADMINISTRATIVE

MINUTE ORDER 154.23 (3.1) APPROVING A RESOLUTION TO ALLOW THE ONLINE SALE OF TAX FORECLOSURE PROPERTIES. – TAX ASSESSOR – COLLECTOR RICHARD ROZIER

PUBLIC COMMENT: KEVIN CHESTER, LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

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

MINUTE ORDER 155.23 (3.2) APPROVING TO PURCHASE THE QUEUEING SYSTEM NEMO-Q IN THE AMOUNT OF \$43,470.00. – *TAX ASSESSOR – COLLECTOR RICHARD ROZIER*

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

MINUTE ORDER 156.23 (3.3) APPROVING TO EXECUTE INTERLOCAL AGREEMENTS WITH THE ELLIS COUNTY TAXING UNITS LISTED BELOW:

- CITIES: ALMA, ENNIS, GARRETT, ITALY, MAYPEARL, MIDLOTHIAN, OAK LEAF, OVILLA, PALMER, PECAN HILL, RED OAK, AND WAXAHACHIE
- ISD'S: FERRIS, ITALY, MIDLOTHIAN, MILFORD, PALMER, AND RED OAK
- ESD'S: MAYPEARL #1, MIDLOTHIAN #2, ITALY #3, RED OAK #4, WAXAHACHIE #5, AND AVALON #8
- PID'S: WAXAHACHIE SF1, WAXAHACHIE SF2, WAXAHACHIE SF3, NORTH GROVE, MIDLOTHIAN REDDEN #3M1A, MIDLOTHIAN REDDEN #1&2, RED OAK #1, AND MMD #2

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

MINUTE ORDER 157.23 (3.4) APPROVING INTERLOCAL WORK BETWEEN ELLIS COUNTY PRECINCT 1 AND THE CITY OF GARRETT, REF. INTERLOCAL MINUTE ORDER 556.22 (A6). INTERLOCAL WORK INCLUDES ROAD REPAIR WITH A 6X6 CUTOUT ON WYATT AND TEMPLETON. ALSO INCLUDED IS 6 HOURS OF POTHOLE REPAIRS ON VARIOUS ROADS. – *PRECINCT 1 COMMISSIONER RANDY STINSON*

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

MINUTE ORDER 158.23 (3.5) APPROVING THE COUNTY JUDGE TO EXECUTE THE IPAWS INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF MIDLOTHIAN & THE MIDLOTHIAN IPAWS STANDARD OPERATING GUIDELINES. MIDLOTHIAN IPAWS PUBLIC ALERTING WILL NOT INTERFERE WITH ELLIS COUNTY, AND THE CITY WILL COORDINATE TOGETHER ON THE EMERGENCY SERVICE DISTRICT AREA ON ALERTING WITH IPAWS. – *SENIOR EMERGENCY MANAGEMENT SPECIALIST BRIAN DAVIS*

MOTION TO APPROVE BY JUDGE LITTLE, SECOND BY COMMISSIONER PERRY, MOTION CARRIED

MINUTE ORDER 159.23 (3.6) APPROVING THE NEW ELLIS COUNTY HAZARD MITIGATION PLAN, WHICH WILL BE SUBMITTED FOR APPROVAL BY FEMA. – *SENIOR EMERGENCY MANAGEMENT SPECIALIST BRIAN DAVIS*

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

MINUTE ORDER 160.23 (3.7) APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCKINNEY AND ELLIS COUNTY FOR CONCRETE COMPOSITE JOINT & SEAL IN ACCORDANCE WITH THE INTERLOCAL COOPERATION ACT OF THE TEXAS GOVERNMENT CODE CHAPTER 791. – *PURCHASING AGENT E.J. HARBIN*

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

MINUTE ORDER 161.23 (3.8) APPROVING “OPTION B”, AS TEMPORARY OFFICE SPACE FOR THE WAXAHACHIE TAX OFFICE AS IT RELATES TO ADDITIONAL STAFFING. – *COUNTY JUDGE TODD LITTLE*

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

RECESS TO EXECUTIVE SESSION **11:15 A.M.**

MOTION TO RECESS BY COMMISSIONER PERRY, SECOND BY COMMISSIONER STINSON, 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 TEXAS GOVERNMENT CODE §551.071(2), CONSULTATION WITH LEGAL COUNSEL ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS RULES OF DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS IF SUCH RULE CLEARLY CONFLICTS WITH THE CHAPTER REGARDING AMBULANCE COVERAGE FOR EMERGENCY SERVICE DISTRICT 5.

RECONVENE TO REGULAR SESSION **12:01 P.M.**

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

NO ACTION (3.9) DISCUSSION, CONSIDERATION, AND ACTION REGARDING AMBULANCE COVERAGE FOR EMERGENCY SERVICE DISTRICT 5. – *FIRE MARSHAL TIM BIRDWELL*

ADJOURNMENT **12:01 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON FEBRUARY 21, 2023,
ARE HEREBY APPROVED.

PRESIDING OFFICER:



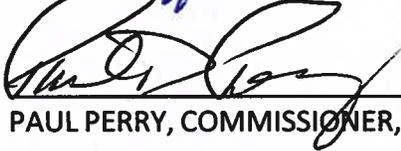
TODD LITTLE, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

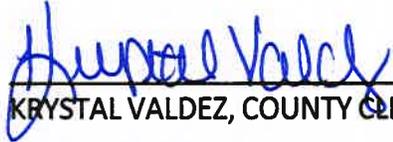


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 7TH DAY OF MARCH 2023.



KRYSTAL VALDEZ, COUNTY CLERK

