

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – APRIL 4, 2023

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, APRIL 4, 2023, 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

PRECINCT 1 COMMISSIONER RANDY STINSON

PRECINCT 2 COMMISSIONER LANE GRAYSON

PRECINCT 3 COMMISSIONER PAUL PERRY

PRECINCT 4 COMMISSIONER KYLE BUTLER

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, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE. – *PRECINCT 2 COMMISSIONER LANE GRAYSON*

MINUTE ORDER 198.23 ACCEPTING A RESOLUTION IN SUPPORT OF LEGISLATION PROTECTING TEXAS CHILDREN FROM SEXUAL AND PSYCHOLOGICAL ABUSE AND RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH. – *COUNTY JUDGE TODD LITTLE*

MOTION TO ACCEPT BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

CONSENT AGENDA: MINUTE ORDER 199.23

ADMINISTRATIVE:

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

A2 ACCEPTING THE 2022 CERTIFICATE OF COMPLETION FOR CONTINUING EDUCATION HOURS FROM THE COUNTY INVESTMENT ACADEMY FOR THE HONORABLE CHERYL CHAMBERS, ELLIS COUNTY TREASURER. – *COUNTY TREASURER CHERYL CHAMBERS*

A3 ACCEPTING THE 2022 CERTIFICATE OF COMPLETION FOR CONTINUING EDUCATION HOURS FROM THE COUNTY TREASURER'S ASSOCIATION OF TEXAS FOR THE HONORABLE CHERYL CHAMBERS, ELLIS COUNTY TREASURER. – *COUNTY TREASURER CHERYL CHAMBERS*

- A4 ACCEPTING THE 2022 CERTIFICATE OF COMPLIANCE OF PUBLIC FUNDS INVESTMENT ACT CONTINUING EDUCATION FROM THE COUNTY TREASURER’S ASSOCIATION OF TEXAS FOR THE HONORABLE CHERYL CHAMBERS, ELLIS COUNTY TREASURER. – *COUNTY TREASURER CHERYL CHAMBERS*
- A5 ACCEPTING OF 2023 CONTINUING EDUCATION HOURS REQUIRED BY LOCAL GOVERNMENT CODE §81.0025 FOR COMMISSIONER RANDY STINSON. – *PRECINCT 1 COMMISSIONER RANDY STINSON*
- A6 APPROVING OF COMMISSIONERS’ COURT REGULAR MEETING MINUTES FROM MARCH 21, 2023. – *COUNTY CLERK KRYSTAL VALDEZ*
- A7 PURSUANT TO TEXAS HEALTH AND SAFETY CODE §775.082, ACCEPTING THE ANNUAL AUDIT REPORT OF THE FISCAL ACCOUNTS AND RECORDS OF EMERGENCY SERVICES DISTRICT #1 (MAYPEARL). – *FIRE MARSHAL TIM BIRDWELL*
- A8 ACCEPTING THE APPLICATION OF JEREMY LAMPIER TO REPLACE ESD #4 (RED OAK) PRESIDENT ROBERT McMILLAN, WHOSE TERM ENDS IN DECEMBER 2024. – *FIRE MARSHAL TIM BIRDWELL*
- A9 APPROVING FOR THE FIRE MARSHAL’S OFFICE TO INCREASE THE ASSISTANT FIRE MARSHAL POSITION SALARY UP TO \$85,000.00, EFFECTIVE APRIL 4, 2023. THERE WILL BE FUNDS IN THE CURRENT SALARY LINE ITEM TO COVER THE ADDITIONAL COST NEEDED FOR THE INCREASE. – *FIRE MARSHAL TIM BIRDWELL*

FINANCIAL:

- F1 APPROVING THE TAX ASSESSOR’S OFFICE TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$50,818.38. - *COUNTY AUDITOR JANET MARTIN*
- F2 FY2023 LINE-ITEM TRANSFER – *COUNTY JUDGE TODD LITTLE*
 DECREASE 033-0933-508070 (OPERATING EXPENSES) BY \$90,853.24
 INCREASE 033-0933-508020 (EQUIPMENT) BY \$90,853.24
- F3 ACCEPTING FUNDS FROM THE DEPARTMENT OF DEVELOPMENT (\$171.06) AND CONSTABLE, PRECINCT 3 (\$30.83) TOTALING \$201.89 FOR VEHICLE MAINTENANCE PERFORMED BY THE ELLIS COUNTY SHERIFF’S OFFICE AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE:
 INCREASE 001-0010-508090 (AUTO REPAIRS) BY \$201.89
 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*
- F4 FY2023 LINE-ITEM TRANSFER – *HUMAN RESOURCES DIRECTOR THERESA TAYLOR*
 DECREASE 001-0425-508050 (CONFERENCE) BY \$300.00
 INCREASE 001-0425-506010 (TRAVEL) BY \$300.00
- F5 FY2023 LINE-ITEM TRANSFER – *PRECINCT 2 COMMISSIONER LANE GRAYSON*
 DECREASE 010-0653-508680 (FM CONTRACT LABOR) BY \$30,000.00
 INCREASE 010-0653-509090 (FM2 REPAIRS PARTS) BY \$25,000.00
 INCREASE 010-0653-509620 (FM2 LUBRICANTS) BY \$5,000.00

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

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 200.23 (1.1) APPROVING A PLAT OF ESTATES OF PALMER. 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 AND BRIDGE PRECINCT NO. 1, SUBJECT TO THE FOLLOWING CONDITION:

1. PROVIDE AS-BUILT DRAWINGS AND BENCHMARKS AS REQUIRED DURING THE COMPLETION OF INFRASTRUCTURE FOR THE SUBDIVISION.

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

MINUTE ORDER 201.23 (1.2) APPROVING TO RELEASE A MAINTENANCE BOND AND ACCEPT INFRASTRUCTURE FOR HORSESHOE MEADOWS. THE PROPERTY CONTAINS ± 74.86 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF BOB WHITE ROAD ± 850 FEET WEST OF FM 664 IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 4, SUBJECT TO THE FOLLOWING CONDITIONS:

1. RELEASE THE MAINTENANCE BOND TOTALING TWO HUNDRED EIGHTY-TWO THOUSAND THREE HUNDRED SIXTY & 0/100 DOLLARS (\$282,360.00), ISSUED BY NGM INSURANCE.
2. ACCEPT THE INFRASTRUCTURE WITHIN HORSESHOE MEADOWS INTO THE COUNTY'S PUBLIC ROAD SYSTEM AS INDICATED BELOW.
 1. HORSESHOE MEADOWS DRIVE (± 2,004 FEET)
 2. KNAPP DRIVE (± 1,029 FEET)
 3. CIMARRON MEADOWS DRIVE (± 2,639.40 FEET)
 4. EAST DRIVE (± 1,325 FEET)

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

PURCHASING

MINUTE ORDER 202.23 (2.1) APPROVING OF HOK TASK ORDER #3 USING THE MASTER SERVICES AGREEMENT (MSA) BETWEEN ELLIS COUNTY AND HOK, INC. (MINUTE ORDER 147.22) FOR ARCHITECTURAL SERVICES FOR A RATE OF 7%, ON THE SHOOTING PRACTICE RANGE PROJECT. LEGAL WILL REVIEW THE CONTRACT.

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

MINUTE ORDER 203.23 (2.2) APPROVING OF THE CONTRACT EXTENSION FOR DEPOSITORY SERVICES WITH FIRST FINANCIAL BANK, EFFECTIVE OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2025.

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

MINUTE ORDER 204.23 (2.3) APPROVING TO PURCHASE A 120 LVR MOTOR GRADER FROM HOLT CAT IN THE AMOUNT OF \$269,494.80 USING THE SOURCEWELL CONTRACT No. 032119 FOR ROAD AND BRIDGE PRECINCT 3.

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

MINUTE ORDER 205.23 (2.4) AUTHORIZING TO ADVERTISE AND SOLICIT FOR COMPETITIVE SEALED PROPOSALS (CSP) FOR CONSTRUCTION SERVICES FOR JUSTICE OF THE PEACE, PRECINCT 2 FACILITY.

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

MINUTE ORDER 206.23 (2.5) APPROVING FOR THE COUNTY JUDGE TO EXECUTE THREE (3) LEASE AGREEMENTS WITH AMERICAN NATIONAL LEASING FOR TWO (2) 2022 F-150 RESPONDER TRUCKS FOR THE ELLIS COUNTY SHERIFF'S OFFICE AND ONE (1) 2023 CHEVROLET TRAVERSE FOR THE ELLIS COUNTY ATTORNEY'S OFFICE.

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

ADMINISTRATIVE

PUBLIC HEARING

MOTION TO ENTER BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

(P1) A PUBLIC HEARING TO DISCUSS SETTING THE MANDATORY PAYMENT RATE FOR FISCAL YEAR 2023 APPLICABLE TO ELLIS COUNTY'S LOCAL PROVIDER PARTICIPATION PROGRAM. THE ELLIS COUNTY COMMISSIONERS' COURT WILL HOLD THE PUBLIC HEARING PURSUANT TO CHAPTER 296A.101 OF THE TEXAS HEALTH AND SAFETY CODE, WHICH AUTHORIZED THE CREATION OF THE ELLIS COUNTY LOCAL PROVIDER PARTICIPATION PROGRAM. THE PUBLIC HEARING WILL DISCUSS THE AMOUNTS OF ANY MANDATORY PAYMENTS THAT THE COMMISSIONERS' COURT INTENDS TO REQUIRE DURING THE YEAR AND HOW THE REVENUE DERIVED FROM THOSE PAYMENTS IS TO BE SPENT. — *COUNTY TREASURER CHERYL CHAMBERS AND REPRESENTATIVES OF LOCAL NON-PUBLIC HOSPITALS*

MOTION TO EXIT BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

MINUTE ORDER 207.23 (3.1) APPROVING TO SET THE MANDATORY PAYMENT RATE TO 4.96% FOR FISCAL YEAR 2023, PURSUANT TO CHAPTER 296A.101 OF THE TEXAS HEALTH AND SAFETY CODE. — *COUNTY TREASURER CHERYL CHAMBERS AND REPRESENTATIVES OF LOCAL NON-PUBLIC HOSPITALS*

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

MINUTE ORDER 208.23 (3.2) APPROVING FOR COUNTY JUDGE TO SIGN ADVANCED FUNDING AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE FOLLOWING BRIDGES:

- NBI #18-071-0-AA03-06-002(WHITEROCK ROAD OVER MILL CREEK TRIBUTARY)
- NBI #18-071-0-AA03-06-003 (WHITEROCK ROAD OVER MILL CREEK)
- NBI #18-071-0-AA02-96-001 (HARRIS ROAD OVER HOG CREEK)
- NBI #18-071-0-AA02-38-001 (BETHEL ROAD OVER BAKER BRANCH)

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

(TO AGENDA ITEM 3.5)

MINUTE ORDER 209.23 (3.5) APPROVING FOR THE ELLIS COUNTY SHERIFF'S OFFICE TO PROVIDE TWO DEPUTIES TO PATROL DURING THE BLUEBONNET TRAIL FESTIVAL. INCLUDING THE APPROVAL FOR THE COUNTY JUDGE TO AUTHORIZE AN INTERLOCAL AGREEMENT WITH THE CITY OF ENNIS, THEY WILL PAY THE DEPUTIES OVERTIME AND FOR THE USE OF A SQUAD CAR. – *SHERIFF BRAD NORMAN*

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

NO ACTION (3.6) DISCUSSION, CONSIDERATION, AND ACTION FOR ELLIS COUNTY TO COVER THE COST OF ELDT AND/OR CLD LICENSE EDUCATION FOR COMMISSIONERS' EMPLOYEES TO MEET STATE REQUIREMENTS FOR SOME ROAD EMPLOYEES. INCLUDING DISCUSSION OF FUNDING, CONSIDERATION OF REQUIREMENTS FOR REPAYMENT, AND THE LENGTH OF EMPLOYMENT THE COUNTY MAY REQUIRE. – *PRECINCT 4 COMMISSIONER KYLE BUTLER*

MINUTE ORDER 210.23 (3.7) APPROVING TO JOIN GLENN HEIGHTS AND OAK LEAF IN PURCHASING ADDITIONAL RIGHT OF WAY FOR UTILITIES FOR THE IMPROVEMENTS TO LITTLE CREEK BRIDGE ON HAMPTON ROAD. THE COUNTY WOULD COVER AN EQUAL THIRD WITH THE OTHER TWO PARTIES. – *PRECINCT 4 COMMISSIONER KYLE BUTLER*

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

FINDING: APPROVING A FINDING ON AGENDA ITEMS 3.3, 3.4 AND 3.8, THAT THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

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

RECESS TO EXECUTIVE SESSION 3:40 P.M.

MOTION TO RECESS BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, 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 §551.072, DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON REGARDING PARCEL ID #290705, THE COUNTY FARM, AND THE ENNIS TAX OFFICE.
- 4.2 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 DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS IF SUCH A RULE CLEARLY CONFLICTS WITH THIS CHAPTER, AND REGARDING AMBULANCE COVERAGE FOR EMERGENCY SERVICE DISTRICT 5.
- 4.3 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING TCEQ MATTERS, SPECIFICALLY PENDING TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES) AND PENDING PETITIONS FOR THE CREATION OF MUNICIPAL UTILITY DISTRICTS (MUDs), INCLUDING BUT NOT LIMITED TO THE OAKWOOD MANUFACTURED HOME COMMUNITY A.K.A. RISINGER RIDGE AND OURCALLING MUDs.

RECONVENED TO REGULAR SESSION 5:20 P.M.

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

(TO AGENDA ITEM 3.3)

MINUTE ORDER 211.23 (3.3) APPROVING TO GRANT A 15-FOOT SANITARY SEWER EASEMENT THROUGH THE COUNTY-OWNED PROPERTY KNOWN AS THE COUNTY FARM (PARCEL ID 193411) FOR \$66,000.00. NOT TO ENCROACH ON THE CEMETERY, IT WILL REMAIN ON THE SOUTHSIDE OF PAUPER GRAVE BETWEEN TxDOT RIGHT OF WAY THROUGH DURATION OF PROPERTY LINE. - *DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES*

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

NO ACTION (3.4) DISCUSSION, CONSIDERATION, AND ACTION ON A REQUEST TO GRANT AN EASEMENT REQUEST FROM ONCOR THROUGH COUNTY-OWNED PROPERTY IN ENNIS, TEXAS (PARCEL ID 186129).
- *ENGINEERING DIRECTOR TED KANTOR*

(TO AGENDA ITEM 3.8)

NO ACTION (3.8) DISCUSSION, CONSIDERATION, AND ACTION REGARDING THE CURRENT PLANS FOR THE NEW JUSTICE OF THE PEACE PRECINCT 2 BUILDING AND THE DEVELOPMENT OF PARCEL ID 290705, INCLUDING PARKING, FLOODPLAIN USE, AND POTENTIAL FUTURE LAND PURCHASE NEEDS. -
PURCHASING AGENT EJ HARBIN

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

MINUTE ORDER 212.23 (3.10) APPROVING TO CONTEST TPDES PERMIT FOR OAKWOOD MANUFACTURED HOME COMMUNITY A.K.A. RISINGER RIDGE BY RETAINING CURRENT MUD COUNSEL BICKERSTAFF HEATH DELGADO ACOSTA, LLP ALONG WITH APPROVING TO EXECUTE NECESSARY LITIGATION DOCUMENTATION, AND/OR ENGAGE P3 WORKS, LLC TO EXPLORE OTHER OPTIONS. -
ASSISTANT COUNTY AND DISTRICT ATTORNEY CHERIE BATSEL

(AND)

(3.11) APPROVING TO CONTEST TPDES PERMIT FOR OURCALLING BY RETAINING CURRENT MUD 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. - *ASSISTANT COUNTY AND DISTRICT ATTORNEY CHERIE BATSEL*

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

ADJOURNMENT **5:25 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON APRIL 4, 2023, ARE HEREBY APPROVED.

PRESIDING OFFICER:



TODD LITTLE, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LANE GRAYSON, COMMISSIONER, PCT 2

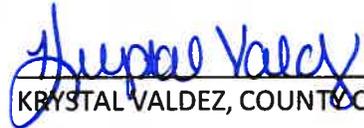


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 18TH DAY OF APRIL 2023.



KRYSTAL VALDEZ, COUNTY CLERK

