

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – MAY 16, 2023

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MAY 16, 2023, AT 2:10 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 PERRY, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE. – *PRECINCT 4 COMMISSIONER KYLE BUTLER*

RECESS TO EXECUTIVE SESSION **2:50 P.M.**

MOTION TO RECESS BY COMMISSIONER PERRY, SECONDED 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 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 UPDATES ON CURRENT MUD LITIGATION IN ELLIS COUNTY.
- 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 RULES OF DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH

THIS CHAPTER, AND REGARDING SEEKING OUTSIDE COUNSEL FOR FUTURE COUNTY CONSTRUCTION CONTRACTS.

RECONVENED TO REGULAR SESSION 3:05 P.M.

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

PROCLAMATION

- PROCLAMATION RECOGNIZING NATIONAL SALVATION ARMY WEEK.
- PROCLAMATION RECOGNIZING DAUGHTERS OF AMERICAN REVOLUTION (REBECCA BOYCE CHAPTER) FOR 75 YEARS OF SERVICE.

CONSENT AGENDA: MINUTE ORDER 250.23 (WITHOUT F1 & F12)

ADMINISTRATIVE:

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *COUNTY TREASURER CHERYL CHAMBERS*
- A2 APPROVING OF COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM MAY 2, 2023. – *COUNTY CLERK KRYSTAL VALDEZ*
- A3 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM APRIL 22, 2023 TO MAY 5, 2023, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *COUNTY AUDITOR JANET MARTIN*
- A4 ACCEPTING THE DEPARTMENT OF DEVELOPMENT'S MONTHLY FINANCIAL REPORT FOR APRIL 2023, AS REQUIRED BY §114.044 OF THE TEXAS LOCAL GOVERNMENT CODE. – *DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES*
- A5 ACCEPTING THE ELLIS COUNTY AG EXTENSION MONTHLY REPORT FOR APRIL 2023, PURSUANT TO §114.024 OF THE TEXAS LOCAL GOVERNMENT CODE. – *TEXAS A&M AGRILIFE EXTENSION SERVICE DIRECTOR MARK ARNOLD*
- A6 ACCEPTING THE JUSTICE OF THE PEACE, PRECINCT 1 MONTHLY REPORT FOR JANUARY 2023, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – *THE HONORABLE CHRIS MACON*

FINANCIAL:

- F1 **STRUCK FROM AGENDA BY COUNTY JUDGE**
- F2 FY2023 LINE-ITEM TRANSFER – *PRECINCT 3 COMMISSIONER PAUL PERRY*
DECREASE 011-0704-570000 (FM3 CONTINGENCY) BY \$10,000.00
INCREASE 011-0704-509060 (FM3 CULVERTS) BY \$10,000.00
- F3 FY2023 LINE-ITEM TRANSFER – *ELECTIONS ADMINISTRATOR JANA ONYON*
DECREASE 001-0210-508480 (PART TIME ELECTION SALARIES) BY \$40,000.00
INCREASE 001-0210-508190 (COMPUTER) BY \$40,000.00

- F4 FY2023 LINE-ITEM TRANSFER – *ELECTIONS ADMINISTRATOR JANA ONYON*
DECREASE 001-0210-509420 (ELECTION EXPENSES) BY \$6,000.00
INCREASE 001-0210-508020 (EQUIPMENT) BY \$6,000.00
- F5 FY2023 LINE-ITEM TRANSFER – *INFORMATION TECHNOLOGY DIRECTOR JOCELYN KING*
DECREASE 001-0035-505020 (SALARIES – FULL TIME) BY \$6,000.00
INCREASE 001-0035-508680 (CONTRACT SERVICES) BY \$6,000.00
- F6 FY2023 LINE-ITEM TRANSFER – *COUNTY TREASURER CHERYL CHAMBERS*
DECREASE 001-0400-508010 (SUPPLIES) BY \$28.19
INCREASE 001-0400-508020 (EQUIPMENT) BY \$28.19
- F7 FY2023 LINE-ITEM TRANSFER – *TEXAS A&M AGRILIFE EXTENSION SERVICE DIRECTOR MARK ARNOLD*
DECREASE 001-0050-508030 (FURNITURE/FIXTURES) BY \$450.00
INCREASE 001-0050-508090 (AUTO REPAIRS) BY \$450.00
- F8 APPROVING THE TAX ASSESSOR’S OFFICE TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$90,694.75. - *COUNTY AUDITOR JANET MARTIN*
- F9 ACCEPTING BULLET-PROOF VEST GRANT REVENUE IN THE AMOUNT OF \$89,405.00 AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE:
INCREASE 001-0010-508025 (BALLISTIC ARMOR) BY \$89,405.00
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*
- F10 ACCEPTING ORDERED RESTITUTION RECEIVED BY THE SHERIFF’S OFFICE IN THE AMOUNT OF \$470.00 AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE:
INCREASE 001-0010-506970 (EVIDENCE ANALYSIS) BY \$470.00
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*
- F11 ACCEPTING FUNDS FROM KING STREET PRODUCTIONS – BASS REEVES FOR THE USE OF THE HISTORIC COURTHOUSE IN THE AMOUNT OF \$28,000.00 AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE:
INCREASE 001-0140-500025 (COURTHOUSE USAGE FACILITY EXPENSE [REPAIRS]) BY \$10,000.00
INCREASE 038-0908-507020 (BUILDING REPAIRS AND IMPROVEMENTS) BY \$18,000.00
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*
- F12 STRUCK FROM AGENDA BY COUNTY JUDGE
- F13 FY2023 LINE-ITEM TRANSFER – *THE HONORABLE JACKIE MILLER, JR.*
DECREASE 001-0520-508740 (DOCKET BOOKS – PRINTING) BY \$1,000.00
DECREASE 001-0520-508350 (TRAINING) BY \$500.00
DECREASE 001-0520-506020 (STAFF TRAVEL) BY \$1,000.00
INCREASE 001-0520-508050 (CONFERENCE) BY \$2,500.00

MOTION TO APPROVE WITHOUT F1 AND F12 BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER BUTLER,
MOTION CARRIED

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 251.23 (1.1) APPROVING A PLAT OF FANNING ADDITION, LOT 1 AND LOT 2, BLOCK A. THE PROPERTY CONTAINS ± 20.760 ACRES IN THE JOHN CONWAY SURVEY, ABSTRACT No. 223, LOCATED ON THE SOUTH SIDE OF PIERCE ROAD, ± 1,610 FEET EAST OF THE INTERSECTION OF PIERCE ROAD AND OGLESBY ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF RED OAK, ROAD AND BRIDGE PRECINCT No. 1.

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

MINUTE ORDER 252.23 (1.2) APPROVING A PLAT OF GREENWOOD ESTATES. THE PROPERTY CONTAINS ± 3.025 ACRES IN THE R. BRENHAM SURVEY, ABSTRACT No. 45, AND THE A. MCDONALD SURVEY, ABSTRACT No. 727, LOCATED ON THE EAST SIDE OF MCKEEVER ROAD, ± 115 FEET NORTH OF THE INTERSECTION OF MCKEEVER ROAD AND FM 813, WAXAHACHIE, ROAD AND BRIDGE PRECINCT No.1, SUBJECT TO THE FOLLOWING CONDITION:

- THE PLAT MUST BE FILED BEFORE THE ACCEPTANCE OF ANY PERMIT APPLICATION.

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

MINUTE ORDER 253.23 (1.3) APPROVING A PLAT OF BLUEBONNET HILLS. THE PROPERTY CONTAINS ±3.918 ACRES IN THE THOMAS M. ROWE SURVEY, ABSTRACT No. 890, LOCATED ON THE WEST SIDE OF VALEK ROAD, ± 1,800 FEET NORTHWEST OF THE INTERSECTION OF VALEK ROAD AND FM 85, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD AND BRIDGE PRECINCT 2.

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

MINUTE ORDER 254.23 (1.4) APPROVING THE AMENDED PLAT OF SAGEBRUSH ADDITION LOTS 1A-9A. THE PROPERTY CONTAINS ± 10.206 ACRES OF LAND LOCATED EAST OF THE INTERSECTION OF LONGBRANCH ROAD AND CHAMPION ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT No. 4.

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

PURCHASING

MINUTE ORDER 255.23 (2.1) APPROVING FOR THE COUNTY JUDGE TO EXECUTE A CONTRACT, PENDING LEGAL APPROVAL WITH ROGERS-O'BRIEN CONSTRUCTION, LLC, FOR COMPLETION OF THE ELLIS COUNTY CENTRAL BUILDING PROJECT, AND APPROVING OF A 7.5% CONTINGENCY FEE.

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

NO ACTION (2.2) DISCUSSION, CONSIDERATION, AND APPROVAL OF A BUILDER’S RISK POLICY WITH HIBBS-HALLMARK TO INSURE THE COUNTY FOR THE DURATION OF THE ELLIS COUNTY CENTRAL BUILDING PROJECT.

ADMINISTRATIVE

MINUTE ORDER 256.23 (3.1) APPROVING THE COMPOSITION OF THE 2023 SALARY GRIEVANCE COMMITTEE TO INCLUDE SIX (6) ELECTED OFFICIALS AND THREE (3) PUBLIC MEMBERS CHOSEN FROM THE 2022 GRAND JURY LIST. – *COUNTY CLERK KRYSTAL VALDEZ*

MOTION TO APPROVE BY JUDGE LITTLE, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

MINUTE ORDER 257.23 (3.2) APPROVING OF THE THREE (3) PUBLIC MEMBERS CHOSEN FROM THE GRAND JURY LIST TO COMPLETE THE SALARY GRIEVANCE COMMITTEE AND TEN (1) ALTERNATES. – *COUNTY CLERK KRYSTAL VALDEZ*

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

MINUTE ORDER 258.23 (3.3) APPROVING TO EMPLOY OUTSIDE COUNSEL TO WORK ON FUTURE CONSTRUCTION CONTRACTS FOR ELLIS COUNTY, NOT TO EXCEED \$10,000.00. – *COUNTY & DISTRICT ATTORNEY ANN MONTGOMERY*

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

MINUTE ORDER 259.23 (3.4) APPROVING THE FOLLOWING AMERICAN RESCUE PLAN (ARPA) COMMUNITY RECOVERY AND INFRASTRUCTURE AWARDEES. AUTHORIZING THE COUNTY JUDGE TO SIGN ALL CONTRACTS UPON LEGAL APPROVAL. FUNDING TO AN AWARDEE WILL BE DISBURSED WHEN ALL PRE-AWARD REQUIREMENTS ARE MET, AND THE APPLICABLE CONTRACT IS EXECUTED. – *COUNTY JUDGE TODD LITTLE*

COMMUNITY RECOVERY

- EAGLE OAK RETREAT FOUNDATION: \$391,075
- ELLIS BAPTIST ASSOCIATION – ELLIS CHRISTIAN MEN’S JOB CORPS: \$320,000
- ELLIS BAPTIST ASSOCIATION – ELLIS CHRISTIAN WOMEN’S JOB CORPS: \$98,750
- FERRIS AVENUE BAPTIST CHURCH D/B/A THE AVENUE CHURCH: \$149,367
- FIRST UNITED METHODIST CHURCH OF WAXAHACHIE BACKPACK PROGRAM: \$60,000
- HELPING HANDS OF ENNIS: \$44,000
- MANNA HOUSE OUTREACH: \$320,000
- PAWS FOR REFLECTION RANCH: \$380,880

- TBHC FOSTER CARE & ADOPTION: \$70,800
- THE ANCHOR HOME: \$146,666
- UNITE ELLIS COUNTY: \$104,000
- WAXAHACHIE CLINIC – CHILD AND FAMILY GUIDANCE CENTER: \$86,000
- WAXAHACHIE FAMILY YMCA: \$1,500,000

INFRASTRUCTURE

- CITY OF ENNIS: \$2,000,000
- CITY OF GLENN HEIGHTS: \$2,000,000
- CITY OF MILFORD: \$1,100,000
- CITY OF PALMER: \$1,400,000

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

MINUTE ORDER 260.23 (4.5) A FINDING THAT THE DELIBERATION OF THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY 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 GRAYSON, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

RECESS TO EXECUTIVE SESSION 3:41 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.

4.3 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER REGARDING AMR.

4.4 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER REGARDING MENTAL HEALTH SERVICES FOR DEFENDANTS IN ELLIS COUNTY.

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

RECONVENED TO REGULAR SESSION 4:45 P.M.

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

ADJOURNMENT 4:46 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON MAY 16, 2023, ARE HEREBY APPROVED.

PRESIDING OFFICER:



TODD LITTLE, COUNTY JUDGE

Absent

RANDY STINSON, COMMISSIONER, PCT 1

Absent

LANE GRAYSON, COMMISSIONER, PCT 2

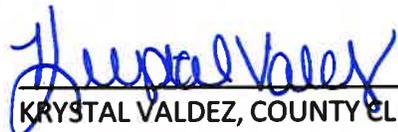


PAUL PERRY, COMMISSIONER, PCT 3



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 30TH DAY OF MAY 2023.



KRYSTAL VALDEZ, COUNTY CLERK

