

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – JULY 25, 2023

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, JULY 25, 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 CHIEF DEPUTY TINA CHAMBERS

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 BUTLER, MOTION CARRIED

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

RECOGNITIONS

R1 RECOGNITION OF STACI PARR, ASSISTANT COUNTY AUDITOR, FOR HER ACHIEVEMENTS IN GOVERNMENT FINANCE CERTIFICATION.

R2 PROCLAMATION RECOGNIZING AUGUST 6-12 AS NATIONAL HEALTH CENTER WEEK IN ELLIS COUNTY.

CONSENT AGENDA: MINUTE ORDER 349.23

ADMINISTRATIVE:

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

A2 APPROVING OF THE FISCAL YEAR 2024 PAYROLL SCHEDULE. – *COUNTY TREASURER CHERYL CHAMBERS*

A3 APPROVING OF COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM JULY 11, 2023. – *COUNTY CLERK KRYSTAL VALDEZ*

A4 APPROVING OF INTERLOCAL WORK BETWEEN ELLIS COUNTY PRECINCT 1 AND PALMER ISD (REF. INTERLOCAL MINUTE ORDER 538.22-A5). INTERLOCAL WORK INCLUDES RECLAIMING 39,414 SQ. FT. OF EXISTING SURFACE, INCLUDING EARTHLOK STABILIZATION WHERE NECESSARY, FOR THE PARKING LOT SOUTH OF THE FIELD HOUSE AND FOR THE EAST SIDE OF THE HIGH SCHOOL PARKING LOT. – *PRECINCT 1 COMMISSIONER RANDY STINSON*

- A5 APPROVING FOR THE ROAD & BRIDGE PRECINCTS, MAINTENANCE DEPARTMENT, AND SHERIFF'S OFFICE TO PARTICIPATE IN AND RECEIVE SAFETY EQUIPMENT THROUGH THE 2023 TAC RMP EMPLOYEE SAFETY PROGRAM IN THE TOTAL AMOUNT OF \$11,867.62. – *HR DIRECTOR THERESA TAYLOR*
- A6 PURSUANT TO TEXAS HEALTH AND SAFETY CODE §775.082, ACCEPTING OF THE ANNUAL AUDIT REPORT OF THE FISCAL ACCOUNTS AND RECORDS OF THE FOLLOWING EMERGENCY SERVICES DISTRICT IN ELLIS COUNTY: ESD #2 (MIDLOTHIAN). – *FIRE MARSHAL TIM BIRDWELL*
- A7 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §144.044, ACCEPTING OF THE AGRILIFE EXTENSION SERVICE MONTHLY REPORT FOR JUNE 2023. – *AGRILIFE EXTENSION SERVICE DIRECTOR MARK ARNOLD*

FINANCIAL:

- F1 FY2023 LINE-ITEM TRANSFER – *AGRILIFE EXTENSION SERVICE DIRECTOR MARK ARNOLD*
 DECREASE 001-0050-508030 (FURNITURE/FIXTURES) BY \$300.00
 DECREASE 001-0050-507030 (TELEPHONE) BY \$1,000.00
 DECREASE 001-0050-508190 (COMPUTER EQUIPMENT) BY \$500.00
 INCREASE 001-0050-508050 (CONFERENCE) BY \$500.00
 INCREASE 001-0050-508430 (4H TRAVEL) BY \$1,300.00
- F2 FY2023 LINE-ITEM TRANSFER – *HUMAN RESOURCES DIRECTOR THERESA TAYLOR*
 DECREASE 001-0425-508350 (SAFETY/TRAINING) BY \$154.00
 INCREASE 001-0425-508050 (DUES) BY \$154.00
- F3 FY2023 LINE-ITEM TRANSFER – *SHERIFF BRAD NORMAN*
 DECREASE 001-0010-506940 (EMPLOYEE RECOGNITION) BY \$351.81
 INCREASE 042-0942-400870 (SHERIFF FORFEITURE) BY \$325.00
 INCREASE 001-0010-508850 (SALES TAX) BY \$26.81
- F4 FY2023 LINE-ITEM TRANSFER – *MAINTENANCE DIRECTOR KEITH ROBERTS*
 DECREASE 001-0020-507020 (REPAIRS) BY \$15,000.00
 INCREASE 001-0020-507160 (COURTHOUSE REPAIRS) BY \$15,000.00
- F5 FY2023 LINE-ITEM TRANSFER – *DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES*
 DECREASE 001-0060-508080 (AUTO GAS) BY \$2,500.00
 DECREASE 001-0060-507030 (TELEPHONE) BY \$300.00
 INCREASE 001-0060-508190 (COMPUTER EQUIPMENT) BY \$2,000.00
 INCREASE 001-0060-508010 (SUPPLIES) BY \$500.00
 INCREASE 001-0060-508060 (DUES) BY \$300.00
- F6 FY2023 LINE-ITEM TRANSFER – *PRECINCT 4 CONSTABLE MIKE JONES*
 DECREASE 001-0614-508080 (CONFERENCE) BY \$1,500.00
 DECREASE 001-0614-508060 (BONDS/DUES) BY \$450.00
 INCREASE 001-0614-508010 (SUPPLIES) BY \$800.00
 INCREASE 001-0614-508020 (EQUIPMENT) BY \$1,950.00
- F7 APPROVING FOR THE TAX ASSESSOR/COLLECTOR TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$22,510.20. – *COUNTY AUDITOR JANET MARTIN*
- F8 ACCEPTING REIMBURSEMENT FUNDS COLLECTED BY THE SHERIFF'S OFFICE FROM THE COUNTY SUPERVISION AND CORRECTIONS DEPARTMENT (CSCD) AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE:
 INCREASE 001-0010-506970 (EVIDENCE ANALYSIS & TESTING) BY \$430.00

PURSUANT TO LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – AUDITOR JANET MARTIN

F9 APPROVING TO PAY THREE (3) BRINKS INVOICES FOR DELIVERY SERVICES IN THE TOTAL AMOUNT OF \$5,695.34. – COUNTY TREASURER CHERYL CHAMBERS

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

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 350.23 (1.1) APPROVING A REPLAT OF INDIA ACRES ADDITION, TRACTS 17A1 & 17A2. THE PROPERTY CONTAINS ± 6.994 ACRES OF LAND LOCATED ON THE NORTH SIDE OF RIDGEWOOD DRIVE, ± 1,090 FEET WEST OF THE INTERSECTION OF RIDGEWOOD DRIVE AND RAINIER COURT, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF FERRIS, ROAD AND BRIDGE PRECINCT No. 1.

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

MINUTE ORDER 351.23 (1.2) APPROVING A PLAT OF MOODY 2, LOT 1 BLOCK A. THE PROPERTY CONTAINS ± 1.139 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF BOYCE ROAD, ± 3,300 FEET WEST OF THE INTERSECTION OF BOYCE ROAD AND OLD BOYCE ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT No. 1.

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

MINUTE ORDER 352.23 (1.3) APPROVING A PLAT OF JIMMY'S CORNER, LOT 1, BLOCK A. THE PROPERTY CONTAINS ± 0.9092 ACRES OF LAND IN THE ELLIS COUNTY SCHOOL LAND SURVEY, ABSTRACT No. 329, LOCATED AT THE SOUTHWEST CORNER OF STATE HWY. 34 AND OLD BLOOMING GROVE ROAD, AVALON, ROAD AND BRIDGE PRECINCT No. 2.

MOTION TO APPROVE BY COUNTY JUDGE LITTLE, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

MINUTE ORDER 353.23 (1.4) APPROVING A PLAT OF CALSTEP ADDITION. THE PROPERTY CONTAINS ± 5.00 ACRES OF LAND IN THE ELLIS COUNTY SCHOOL LAND SURVEY, ABSTRACT No. 328, LOCATED ON THE WEST SIDE OF HWY. 77, ± 1,880 FEET NORTHWEST OF THE INTERSECTION OF JOHNSTON ROAD AND HWY 77, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT No. 3., SUBJECT TO THE FOLLOWING CONDITION.

1. MUST BE APPROVED BY THE CITY OF WAXAHACHIE PLANNING AND ZONING.

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

MINUTE ORDER 354.23 (1.5) APPROVING TO RELEASE A PERFORMANCE BOND AND ACCEPT MAINTENANCE BONDS FOR THE RANCH AT STONE HILL. THE PROPERTY CONTAINS ± 125.00 ACRES OF LAND, LOCATED AT THE INTERSECTION OF GREATHOUSE ROAD AND GREATHOUSE CIRCLE, WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 355.23 (1.6) APPROVING TO RELEASE A MAINTENANCE BOND AND ACCEPT THE INFRASTRUCTURE FOR BELLA VISTA. THE PROPERTY CONTAINS ± 40.730 ACRES OF LAND, LOCATED AT THE NORTH SIDE OF FM 875 ± 1,725 FEET WEST OF THE INTERSECTION OF FM 875 AND SKINNER 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

MINUTE ORDER 356.23 (1.7) APPROVING A REPLAT OF TANGLEWOOD ADDITION, LOT 2R, BLOCK 1. THE PROPERTY CONTAINS ± 4.335 ACRES OF LAND IN THE J. CHAMBLEE SURVEY, ABSTRACT NO. 192, LOCATED ON THE NORTH SIDE OF EAST WYATT ROAD, ± 775 FEET EAST OF THE INTERSECTION OF EAST WYATT ROAD AND NORTH WYATT 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 STINSON, MOTION CARRIED

PURCHASING

MINUTE ORDER 357.23 (2.1) APPROVING OF A PRICE RE-DETERMINATION FOR RFB-2019-013 FOR TEXASBIT PAVEMENT REHABILITATION AND RESURFACING SERVICES IN THE AMOUNT OF 20%, BASED ON THE CONSUMER PRICE INDEX (CPI).

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

MINUTE ORDER 358.23 (2.2) APPROVING OF A PRICE RE-DETERMINATION FOR RFB-2022-012 FOR CLEVELAND ASPHALT PRODUCTS BASED ON MANUFACTURING COMPONENT PRICE INCREASES.

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

MINUTE ORDER 359.23 (2.3) APPROVING TO ADVERTISE AND SOLICIT PROPOSALS FOR PROPERTY AND MOBILE EQUIPMENT (INLAND MARINE) INSURANCE.

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

ADMINISTRATIVE

MINUTE ORDER 360.23 (3.1) APPROVING TO RE-APPOINT MAURICE OSBORNE AS THE DIRECTOR OF THE PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS FOR A TERM OF FOUR YEARS TO EXPIRE IN AUGUST 2027. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 361.23 (3.2) APPROVING TO ENACT A COUNTYWIDE BURN BAN, EFFECTIVE IMMEDIATELY. – *FIRE MARSHAL TIM BIRDWELL*

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

MINUTE ORDER 362.23 (3.3) APPROVING TO AMEND THE ELLIS COUNTY PURCHASING POLICY BY INSERTING A PARAGRAPH TITLED “UNANTICIPATED SALES TAX”. THE POLICY, EFFECTIVE JULY 25, 2023, PERTAINS TO THE PAYMENT OF SALES TAX, AND WILL READ AS FOLLOWS:

“STATE LAW IS CLEAR THAT COUNTIES DO NOT HAVE TO PAY SALES TAX. HOWEVER, IT DOES NOT PROHIBIT A COUNTY FROM PAYING THOSE TAXES.

IT SHALL BE THE RESPONSIBILITY OF A DEPARTMENT HEAD OR ELECTED OFFICIAL TO DETERMINE IF THE SALES TAXES WERE ACCRUED INCIDENTALLY AS PART OF AN AUTHORIZED PURCHASE. FURTHERMORE, IT SHALL BE THE DEPARTMENT HEAD OR ELECTED OFFICIAL’S DECISION WHETHER OR NOT TO PAY THE SALES TAXES FROM HIS OR HER BUDGET.

NO OTHER DEPARTMENT IN ELLIS COUNTY SHALL THREATEN RETRIBUTION OF ANY KIND TO ANOTHER DEPARTMENTAL EMPLOYEE IN THIS MATTER.”

MOTION TO APPROVE BY COUNTY JUDGE LITTLE, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

MINUTE ORDER 363.23 (3.4) APPROVING OF THE RFP FOR DEBT COLLECTION SERVICES FOR OFFICES NOT CURRENTLY USING LINEBARGER. – *COUNTY AUDITOR JANET MARTIN*

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

MINUTE ORDER 364.23 (3.5) APPROVING OF A PER-DIEM RATE INCREASE FOR BUSINESS TRAVEL. THE NEW RATE WILL BE \$45 FOR ½ DAY, AND \$60 FOR FULL DAY EFFECTIVE OCTOBER 1, 2023. THE RATE WILL BE REVIEWED ANNUALLY. – *JUSTICE OF THE PEACE PRECINCT 1 CHRIS MACON*

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

(TO AGENDA ITEM 3.7)

NO ACTION (3.7) DISCUSSION OF A FISCAL YEAR 2024 DEPARTMENTAL BUDGET REQUESTS CONSOLIDATED REPORT REGARDING STAFFING, EQUIPMENT, AND CAPITAL PURCHASES. – *COUNTY JUDGE TODD LITTLE*

MINUTE ORDER 365.23 (4.2) FINDING 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 FOR A FINDING BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

RECESS TO EXECUTIVE SESSION **3:24 P.M.**

MOTION TO RECESS BY COMMISSIONER PERRY, SECONDED 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(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 (MUD's).
- 4.2 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-PARTY.

RECONVENED TO REGULAR SESSION **4:32 P.M.**

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

(TO AGENDA ITEM 3.6)

MINUTE ORDER 366.23 (3.6) APPROVING TO PURCHASE THE REMAINING FORMER FIRST BAPTIST PROPERTY FOR THE EXPANSION OF THE ELLIS COUNTY CENTRAL LOCATION IN THE AMOUNT OF \$1.75 MILLION, WITH A \$25,000 CHECK FOR EARNST MONEY TO PAID BY THE COUNTY TREASURER FROM THE PERMANENT IMPROVEMENT FUND; AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE CONTRACT.

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

ADJOURNMENT 4:35 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON JULY 25, 2023, ARE HEREBY APPROVED.

PRESIDING OFFICER:


TODD LITTLE, COUNTY JUDGE

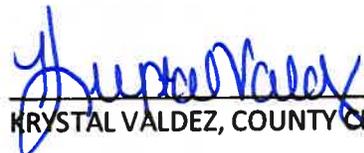

RANDY STINSON, COMMISSIONER, PCT 1


PAUL PERRY, COMMISSIONER, PCT 3


LANE GRAYSON, COMMISSIONER, PCT 2


KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 8TH DAY OF AUGUST 2023.


KRystal VALDEZ, COUNTY CLERK

