

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – OCTOBER 3, 2023

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, OCTOBER 3, 2023, AT 2:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2<sup>ND</sup> 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 (ARRIVED AT 2:36 P.M.)

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 4 COMMISSIONER KYLE BUTLER*

**CONSENT AGENDA: MINUTE ORDER 449.23**

**ADMINISTRATIVE:**

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *COUNTY TREASURER CHERYL CHAMBERS*
- A2 APPROVING OF COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM SEPTEMBER 19, 2023. – *COUNTY CLERK KRYSTAL VALDEZ*
- A3 ACCEPTING OF THE EAD 2022 FINANCIAL AUDIT FOR THE ELLIS COUNTY APPRAISAL DISTRICT IN ACCORDANCE WITH TEXAS PROPERTY TAX CODE §6.063(B). – *COUNTY JUDGE TODD LITTLE*
- A4 APPROVING OF A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM SEPTEMBER 9<sup>TH</sup> – SEPTEMBER 22<sup>ND</sup>, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *FIRST ASSISTANT COUNTY AUDITOR STACI PARR*
- A5 APPROVING OF THE MONTHLY AUDITOR'S REPORTS FOR AUGUST 2023, PURSUANT TO LOCAL GOVERNMENT CODE §114.025. – *FIRST ASSISTANT COUNTY AUDITOR STACI PARR*
- A6 APPROVING TO CHANGE THE POSITION TITLE FROM "COURT COORDINATOR" TO "COUNTY BEHAVIORAL HEALTH DIRECTOR" IN DEPARTMENT 130 – BEHAVIORAL HEALTH TO MATCH THE JOB DESCRIPTION. NO CHANGE WILL BE MADE TO THE BUDGETED SALARY. – *COUNTY JUDGE TODD LITTLE*

**FINANCIAL:**

- F1 APPROVING OF THE FIRST QUARTERLY PAYMENT OF \$52,139.08 TO THE NORTH TEXAS BEHAVIORAL HEALTH AUTHORITY (NTBHA) FOR 2024; COUNTY MATCH FUNDS TO BE PAID QUARTERLY. THE TOTAL

AMOUNT TO BE PAID OUT FOR FY24 WOULD BE \$208,556.33. FUNDING WILL COME FROM THE FY24 MENTAL HEALTH SUPPORT LINE. – COUNTY JUDGE TODD LITTLE

- F2 APPROVING FOR THE TAX COLLECTOR TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF \$10,268.55. – FIRST ASSISTANT COUNTY AUDITOR STACI PARR
- F3 FY2023 LINE-ITEM TRANSFER – THE HONORABLE BOB CARROLL, JUDICIAL DISTRICT JUDGE  
DECREASE 001-0180-508020 (EQUIPMENT) BY \$3,000.00  
DECREASE 001-0180-508330 (EXTRA COURT REPORTER) BY \$300.00  
INCREASE 001-0180-508030 (FURNITURE) BY \$3,000.00  
INCREASE 001-0180-506980 (LAW BOOKS/DUES) BY \$300.00
- F4 FY2023 LINE-ITEM TRANSFER – TAX COLLECTOR RICHARD ROZIER  
DECREASE 001-0370-508060 (BONDS/DUES) BY \$1,500.00  
DECREASE 001-0370-508090 (AUTO REPAIRS) BY \$1,400.00  
DECREASE 001-0370-508880 (COMPUTER SERVICES) BY \$2,000.00  
INCREASE 001-0370-508010 (SUPPLIES) BY \$8,900.00
- F5 FY2023 LINE-ITEM TRANSFER – THE HONORABLE LOUIS PONDER, JUSTICE OF THE PEACE, PRECINCT 4  
DECREASE 001-0540-505020 (SALARIES – FULL TIME) BY \$3,587.86  
INCREASE 001-0540-508010 (SUPPLIES) BY \$165.92  
INCREASE 001-0540-508020 (EQUIPMENT) BY \$1,297.11  
INCREASE 001-0540-508190 (COMPUTER EQUIPMENT) BY \$138.89  
INCREASE 001-0540-508740 (DOCKET BOOKS/PRINTING) BY \$1,841.82  
INCREASE 001-0540-508680 (CONTRACT SERVICES) BY \$144.12

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

## **REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:**

### **DEPARTMENT OF DEVELOPMENT**

**MINUTE ORDER 450.23** (1.1) APPROVING A FINAL PLAT OF FERRIS RECYCLING, LOTS 1 & 2. THE ± 3.589-ACRE SITE IS LOCATED ± 1,770 FEET FROM THE INTERSECTION OF S. CENTRAL STREET & LITLEDOD ROAD, SITUATED IN THE M. PHELPS SURVEY, ABSTRACT NO. 824, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FERRIS, ROAD & BRIDGE PRECINCT NO. 1.

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

**MINUTE ORDER 451.23** (1.2) APPROVING JOSEY'S CATTLE COMPANY FINAL PLAT. THE ± 18.441-ACRE SITE IS LOCATED AT THE SOUTHEAST CORNER OF FM 308 & FM 66, SITUATED IN THE E. JACKSON SURVEY, ABSTRACT NO. 556, GRANDVIEW, ROAD & BRIDGE PRECINCT NO. 3. SUBJECT TO THE FOLLOWING CONDITION:

- PRIOR TO FILING THE PLAT, PLAT SHALL BE REDRAWN TO SHOW PROPOSED PROPERTY AS ONE (1) OVERALL PLATTED LOT TO MEET THE REQUIREMENTS STATED IN THE WATER UTILITY ENDORSEMENT FORM OR;

- A HYDRAULIC STUDY OR UPDATED INFORMATION PROVIDED BY THE WATER PROVIDER SHALL BE PRESENTED TO THE DEPARTMENT OF DEVELOPMENT CONFIRMING THE AVAILABILITY OF SERVICE FOR THE SECOND PROPOSED LOT PRIOR TO FILING THE PLAT.

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

### **PUBLIC HEARING (P.1)**

MOTION TO OPEN P1 BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

(P.1) PUBLIC HEARING TO AMEND THE COUNTY'S FLOOD DAMAGE PREVENTION ORDER, LAST ADOPTED ON JUNE 3, 2013, UNDER MINUTE ORDER 182.13.

**PUBLIC PARTICIPATION:** NONE

MOTION TO CLOSE P.1 BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

**MINUTE ORDER 452.23** (1.3) TABLING TO NEXT MEETING THE REQUEST TO AMEND THE COUNTY'S FLOOD DAMAGE PREVENTION ORDER, LAST ADOPTED ON JUNE 3, 2013, UNDER MINUTE ORDER 182.13. THESE PROPOSED AMENDMENTS PRIMARILY ADDRESS (1) ADOPTING NEW FEMA FLOOD MAPS TO CONTINUE THE COUNTY'S PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), (2) ESTABLISHING EXPIRATION DATES ON PERMITS, (3) ESTABLISHING UPDATED INTERPRETATION, PERMITTING, VARIANCE & FLOOD STUDY PROCEDURES ALONG WITH OTHER CHANGES IN RELATED ARTICLES, SECTIONS, AND PARAGRAPHS, AND ANY OTHER RELATED ADDITIONS, DELETIONS, AND CHANGES, PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

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

*(COMMISSIONER GRAYSON ARRIVED DURING AGENDA ITEM 1.3 DISCUSSION)*

### **PURCHASING**

**MINUTE ORDER 453.23** (2.1) APPROVING OF ARCHITEXAS TASK ORDER #1 USING THE MASTER SERVICES AGREEMENT (MSA) BETWEEN ELLIS COUNTY AND ARCHITEXAS, INC. (MINUTE ORDER # 148.22) FOR AN EXISTING FACILITY ASSESSMENT REPORT TO BE UTILIZED TO SECURE GRANT FUNDING UNDER THE TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM IN THE AMOUNT OF \$36,000.00 PLUS REIMBURSABLES.

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

**MINUTE ORDER 454.23** (2.2) APPROVING TO AWARD RFB-2023-012 FOR ARMORED CAR-COURIER SERVICES TO GARDA CL WEST, INC. THE COST FOR BOTH THE TREASURER AND TAX OFFICES WILL BE A TOTAL OF \$86,000.00; SERVICE WILL BEGIN AS SOON AS GARDA RECEIVES BOTH CONTRACTS.

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

**MINUTE ORDER 455.23** (2.3) APPROVING TO AWARD RFP-2023-010 TO ALLEGIANCE MOBILE HEALTH AMBULATORY SERVICES FOR A TERM OF FOUR (4) YEARS WITH THREE (3) TWO-YEAR OPTIONS IN THE AMOUNT OF \$420,000.00 (DIVIDED AMONGST ENTITIES); EFFECTIVE APRIL 1, 2024.

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

## **ADMINISTRATIVE**

### **PUBLIC HEARING (P.2 AND P.3)**

MOTION TO OPEN P2 & P3 BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

(P.2) PUBLIC HEARING ON A REQUEST FOR TAX ABATEMENT FROM SCHNEIDER ELECTRIC, LLC.

(P.3) PUBLIC HEARING ON A REQUEST FOR TAX ABATEMENT FROM COMPASS DATACENTERS, LLC.

**PUBLIC PARTICIPATION:** LEE MCCLEARY & TODD FULLER, CITY OF RED OAK; CHRIS CURTIS, COMPASS DATACENTERS, LLC. **AGAINST:** TERRY TODD, OVILLA; SHARON COTTON, RED OAK; SIGNE TANKSLEY, WAX.; PENNY STORY, RED OAK; LISA HEALY, MIDLOTHIAN; JACK CHRISTLEY, RED OAK; RANDY BELLOMY, OVILLA

MOTION TO CLOSE P2 & P3 BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

*(BREAK 4:30 P.M. – 4:43 P.M.)*

**MINUTE ORDER 456.23** (3.2) APPROVING A TAX ABATEMENT REQUEST FROM COMPASS DATACENTERS, LLC. THIS WILL BE A 7-YEAR, 75% ABATEMENT FOR UP TO \$300 MILLION OF INVESTMENTS, AND 80% ABOVE THE \$300 MILLION; THIS WILL BE REINVESTMENT ZONE # 11.

MOTION TO APPROVE BY JUDGE LITTLE, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED 3-2  
COMMISSIONER STINSON AND COMMISSIONER PERRY VOTED NO

**MINUTE ORDER 457.23** (3.1) APPROVING A TAX ABATEMENT REQUEST FROM SCHNEIDER ELECTRIC, LLC. THIS WILL BE A 7-YEAR, 40% ABATEMENT.

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED 3-2  
COMMISSIONER STINSON AND COMMISSIONER PERRY VOTED NO

**MINUTE ORDER 458.23** (3.3) APPROVING THE COUNTY JUDGE TO SIGN THE NOTICE OF CONSTITUTIONAL AMENDMENTS AND JOINT ELECTION TO BE HELD ON NOVEMBER 7, 2023; APPROVING OF THE ELECTION DAY VOTE CENTERS. – *ELECTIONS ADMINISTRATOR JANA ONYON*  
**PUBLIC PARTICIPATION:** PENNY STORY, RED OAK

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

**MINUTE ORDER 459.23** (3.4) APPROVING TO ENTER A JOINT CONTRACT FOR ELECTION SERVICES BETWEEN THE ELLIS COUNTY ELECTION OFFICER AND PARTICIPATING POLITICAL SUBDIVISIONS BY HOLDING AN ELECTION JOINTLY WITH THE COUNTY ON NOVEMBER 7, 2023 PURSUANT TO THE AUTHORITY IN TEXAS ELECTIONS CODE §271.002. - *ELECTIONS ADMINISTRATOR JANA ONYON*  
**PUBLIC PARTICIPATION:** PENNY STORY, RED OAK

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

**MINUTE ORDER 460.23** (3.5) APPROVING OF THE APPOINTMENT OF THE AMENDED LISTING OF PRESIDING JUDGE AND ALTERNATE JUDGES FOR THE UPCOMING NOVEMBER 7, 2023 ELECTION, AS SUBMITTED BY THE DEMOCRATIC AND REPUBLICAN PARTIES. – *ELECTIONS ADMINISTRATOR JANA ONYON*

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

(TO AGENDA ITEM 3.7)

**MINUTE ORDER 461.23** (3.7) APPROVING A CONTRACT BETWEEN ELLIS COUNTY AND MEEDER PUBLIC FUNDS FOR INVESTMENT MANAGEMENT SERVICES. INCLUDES A TIERED FEE SCHEDULE WITH A MINIMUM FEE OF \$15,000 (REGARDLESS OF AMOUNT INVESTED). – *COUNTY TREASURER CHERYL CHAMBERS*

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

**MINUTE ORDER 462.23** (3.8) APPROVING TO ADD TWO (2) CASH DRAWERS TO THE DEPARTMENT OF DEVELOPMENT. – *DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES*

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

**MINUTE ORDER 463.23** (3.9) NOMINATING RUSTY BALLARD FOR THE ELLIS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS. – *COUNTY JUDGE TODD LITTLE*

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

*Ellis County Commissioner's Court Minutes – October 3, 2023*

(TO AGENDA ITEM 2.4)

**MINUTE ORDER 464.23** (2.4) AUTHORIZING THE COUNTY JUDGE TO SIGN A CONTRACT WITH ALLEGIANCE MOBILE HEALTH TO COVER AMBULATORY SERVICES FOR ESD #5 FROM OCTOBER 7, 2023 - MARCH 30, 2024, IN AN AMOUNT NOT TO EXCEED \$210,000.00 (\$35,000 MONTHLY WITH UP TO 30 MONTHLY TRANSPORTS), WITH THE CONDITION THAT CREDITS WILL BE RECEIVED BACK WHEN THE FINAL CONTRACT UNDER RFP-2023-010 (WILL INCLUDE ALL ENTITIES) IS SIGNED AND IN EFFECT.

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

**MINUTE ORDER 465.23** (4.1) APPROVING A FINDING ON AGENDA ITEMS 3.6, 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 BUTLER, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

**RECESS TO EXECUTIVE SESSION** **5:25 P.M.**

MOTION TO RECESS BY COMMISSIONER BUTLER, 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 §551.072, 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 THIRD PARTIES REGARDING NEGOTIATIONS FOR HAMPTON ROAD RIGHT-OF-WAY PURCHASES.
- 4.2 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING TCEQ MATTERS, SPECIFICALLY PENDING TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES) AND PENDING PETITIONS FOR THE CREATION OF MUNICIPAL UTILITY DISTRICTS (MUDs).

**RECONVENED TO REGULAR SESSION** **5:47 P.M.**

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

(TO AGENDA ITEM 3.6)

**MINUTE ORDER 466.23** (3.6) AUTHORIZING COMMISSIONER BUTLER TO ENTER RIGHT-OF-WAY PURCHASE NEGOTIATIONS FOR HAMPTON ROAD BRIDGE WORK AT LITTLE CREEK BRIDGE. – *PRECINCT 4*  
*COMMISSIONER KYLE BUTLER*

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

**ADJOURNMENT** **5:48 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON OCTOBER 3, 2023, ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
\_\_\_\_\_  
TODD LITTLE, COUNTY JUDGE

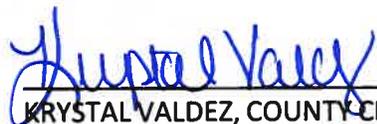
  
\_\_\_\_\_  
RANDY STINSON, COMMISSIONER, PCT 1

  
\_\_\_\_\_  
PAUL PERRY, COMMISSIONER, PCT 3

  
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LANE GRAYSON, COMMISSIONER, PCT 2

  
\_\_\_\_\_  
KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 17<sup>TH</sup> DAY OF OCTOBER 2023.

  
\_\_\_\_\_  
KRYSTAL VALDEZ, COUNTY CLERK

