

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – OCTOBER 31, 2023

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, OCTOBER 31, 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 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 PERRY, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE. – *COUNTY JUDGE TODD LITTLE*

RECOGNITIONS

R1 RESOLUTION IN SUPPORT OF ELLIS COUNTY VETERANS WITH OPERATION GREEN LIGHT.

R2 RESOLUTION IN SUPPORT OF A 'MEDIA PRODUCTION DEVELOPMENT ZONE' FOR *THE CHOSEN*.

CONSENT AGENDA: MINUTE ORDER 492.23

ADMINISTRATIVE:

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

A2 APPROVING OF THE TREASURER'S 3RD QUARTER 2023 INVESTMENT REPORT. – *COUNTY TREASURER CHERYL CHAMBERS*

A3 APPROVING OF COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM OCTOBER 17, 2023. – *COUNTY CLERK KRYSTAL VALDEZ*

A4 APPROVING OF THE COUNTY AUDITOR'S MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2023, PURSUANT TO LOCAL GOVERNMENT CODE §114.025. – *FIRST ASSISTANT AUDITOR STACI PARR*

A5 ACCEPTING OF A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM OCTOBER 2ND – OCTOBER 20TH, 2023, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *FIRST ASSISTANT COUNTY AUDITOR STACI PARR*

FINANCIAL:

- F1 ACCEPTING OF FUNDS COLLECTED BY THE SHERIFF'S OFFICE FOR AN ESTRAY BULL IN THE AMOUNT OF \$85.00 AS UNANTICIPATED REVENUE. REQUEST SPECIAL BUDGET FOR UNANTICIPATED REVENUE:
- INCREASE 001-0010-508700 (ESTRAY) BY \$85.00
- PURSUANT TO LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *FIRST ASSISTANT COUNTY AUDITOR STACI PARR*
- F2 FY2023 LINE-ITEM TRANSFER – *MAINTENANCE DIRECTOR KEITH ROBERTS*
DECREASE 001-0020-508070 (OPERATING EXPENSES) BY \$1,200.00
INCREASE 001-0020-508100 (AUTO TIRES) BY \$1,200.00
- F3 FY2023 LINE-ITEM TRANSFER – *PRECINCT 2 COMMISSIONER LANE GRAYSON*
DECREASE 010-0653-508070 (FM2 OPERATING EXPENDITURES) BY \$200,000.00
INCREASE 010-0653-508020 (AUTO TIRES) BY \$1,200.00
- F4 FY2023 LINE-ITEM TRANSFER – *PRECINCT 2 COMMISSIONER LANE GRAYSON*
DECREASE 010-0653-509080 (FM2 LUMBER) BY \$6,000.00
INCREASE 010-0653-509090 (FM2 REPAIR PARTS) BY \$6,000.00
- F5 FY2023 LINE-ITEM TRANSFER – *HON. JIM CHAPMAN, COUNTY COURT AT LAW #1*
DECREASE 001-0380-508820 (BOOKS) BY \$1,550.00
INCREASE 001-0380-507030 (TELEPHONE) BY \$300.00
INCREASE 001-0380-508020 (EQUIPMENT) BY \$1,000.00
INCREASE 001-0380-508880 (COMPUTER SOFTWARE) BY \$250.00

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

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 493.23 (1.1) APPROVING A REPLAT OF WHISPERING MEADOWS, TRACTS 5A-5D & 4B-A1. THE 29-ACRE SITE IS LOCATED ± 2,540 FEET EAST OF THE INTERSECTION OF WILSON ROAD AND BOYCE ROAD, SITUATED IN THE F.M. WOODARD SURVEY ABSTRACT NO. 1120, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT 1.

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

MINUTE ORDER 494.23 (1.2) RATIFYING STAFF ACTION ON A PLAT OF PECAN ESTATES. THE ± 4.275-ACRE SITE IS LOCATED ± 1,375 FEET NORTH OF THE INTERSECTION OF E. PECAN TREE ROAD AND ONION CREEK ROAD, SITUATED IN THE E.C. SCHOOL LAND SURVEY, ABSTRACT NO. 328, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT 3.

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

NO ACTION (1.3) DISCUSSION, CONSIDERATION, AND ACTION ON A REQUEST FOR A VARIANCE TO SECTION IV(A)(1)(A) OF THE COUNTY’S SUBDIVISION REGULATIONS VOL. I, FOR PARCEL ID No. 199219 – PT. LOT 23 MORGAN CREEK ESTATES. THE PROPERTY ± 0.84-ACRE SITE IS LOCATED ± 410 FEET NORTH OF THE INTERSECTION OF NORRELL ROAD AND CATTLE DRIVE, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT No. 4.

MINUTE ORDER 495.23 (1.4) APPROVING TO VACATE AND ABANDON A 60-FOOT STRIP OF RIGHT-OF-WAY SHOWN ON SHILOH BRANCH ESTATES II, RECORDED IN CABINET C, SLIDE 711 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT). THE SITE IS LOCATED ± 907 NORTH OF THE INTERSECTION OF BRYSON LANE AND BROOKE BLVD, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT No. 4.

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

MINUTE ORDER 496.23 (1.5) APPROVING A QUITCLAIM DEED FOR A 60-FOOT ABANDONED AND VACATED RIGHT-OF-WAY AS SHOWN ON SHILOH BRANCH ESTATES II, RECORDED IN CABINET C, SLIDE 711 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT). THE SITE IS LOCATED ± 907 NORTH OF THE INTERSECTION OF BRYSON LANE AND BROOKE BLVD, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT No. 4, SUBJECT TO THE FOLLOWING CONDITIONS:

1. A REPLAT SHOWING A REVISED LOT LAYOUT SHALL BE SUBMITTED FOR REVIEW TO THE DEPARTMENT OF DEVELOPMENT PRIOR TO THE ISSUANCE OF A DEVELOPMENT PERMIT FOR ANY PORTION OF PROPERTY ADJOINING SAID RIGHTS-OF-WAY. SUCH REPLAT SHALL MEET THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS, FLOODPLAIN ORDER, AND OTHER PERTINENT DEVELOPMENT REGULATIONS.
2. ALL EXISTING UTILITY EASEMENTS WITHIN THE RIGHTS-OF-WAY DESCRIBED HEREIN SHALL BE RETAINED BY THE RESPONSIBLE UTILITY HOLDERS UNTIL SUCH TIME THE PROPERTY OWNER RELOCATES SAID EASEMENTS.
3. ANY CURRENT, FUTURE OR RELOCATED EASEMENTS SHALL BE REFLECTED AND/OR RECORDED ON A FUTURE REPLAT.

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

PURCHASING

MINUTE ORDER 497.23 (2.1) DECLARING THE LISTED ITEMS AS SURPLUS TO BE DISPOSED IN ACCORDANCE WITH LOCAL GOVERNMENT CODE §263 FOR THE SHERIFF’S OFFICE AND VARIOUS DEPARTMENTS:

MISC. ELECTRONIC EQUIPMENT	LAPTOPS (4), I-PADS (2), CPU’S (3); 55” SAMSUNG TV; SCANNERS (3); OVERHEAD PROJECTORS (2), 1 PRINTER/COPIER
TAHOE BACKSEAT DOOR PANELS	APPROXIMATELY 90 TAHOE BACKSEAT DOOR PANELS
CUSTOM TOOLBOXES	4 CUSTOM TOOLBOXES FOR TAHOE
FUEL TANK	1 FUEL TANK WITH PUMP FOR TRUCK BED

SURVEILLANCE CAMERAS	1 BOX OF AXION AND BOSCH SURVEILLANCE CAMERA PARTS
TONER CARTRIDGES	APPROXIMATELY 30 BOXES TONER CARTRIDGES – SOME USED
VEHICLE JUMP SEATS	4 EA. VEHICLE JUMP SEATS
VEHICLE MISC. INTERIOR PARTS	BACKSEAT (1); FRONT DOOR PANELS (2); CONSOLE COVERS (5); MISC. TRIM PIECES
METAL FILE CABINETS	6 METAL FILE CABINETS/SHELVES
TRUCK BED TOOLBOXES	2 TRUCK BED TOOLBOXES

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

MINUTE ORDER 498.23 (2.2) APPROVING TO RENEW THE CONTRACT WITH AXON ENTERPRISE, INC. FOR 110 BODY CAMERAS IN AN AMOUNT OF \$479,647.44 FOR THE ELLIS COUNTY SHERIFF’S OFFICE WITH AN ANNUAL PAYMENT OF \$95,928.28 PER YEAR FOR FIVE YEARS USING BUYBOARD CONTRACT No. 648-21.

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

MINUTE ORDER 499.23 (2.3) APPROVING TO PURCHASE SIX (6) ADDITIONAL FLEET CAMERAS FROM AXON ENTERPRISES, INC. FOR THE ELLIS COUNTY SHERIFF’S OFFICE IN AN AMOUNT OF \$53,766.00 TO BE PAID IN FIVE (5) INSTALLMENTS OF FOUR (4) PAYMENTS OF \$13,441.20 AND ONE (1) PAYMENT OF \$1.20 OVER A FOUR-YEAR PERIOD USING BUYBOARD CONTRACT No. 648-21.

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

MINUTE ORDER 500.23 (2.4) APPROVING TO PURCHASE TEN (10) TASERS FROM AXON ENTERPRISE, INC., FOR THE ELLIS COUNTY SHERIFF’S OFFICE, IN AN AMOUNT OF \$13,923.00 WITH A 2-YEAR PAYMENT PLAN OF \$6,961.50 PER YEAR USING BUYBOARD CONTRACT No. 648-21.

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

MINUTE ORDER 501.23 (2.5) APPROVING AN INTERLOCAL AGREEMENT BETWEEN PALMER INDEPENDENT SCHOOL DISTRICT AND ELLIS COUNTY IN ACCORDANCE WITH THE INTERLOCAL COOPERATION ACT, CHAPTER 791 OF THE TEXAS GOVERNMENT CODE.

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

MINUTE ORDER 502.23 (2.6) APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PECAN HILL AND ELLIS COUNTY IN ACCORDANCE WITH THE INTERLOCAL COOPERATION ACT, CHAPTER 791 OF THE TEXAS GOVERNMENT CODE.

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

MINUTE ORDER 503.23 (2.7) APPROVING AN INMATE TELEPHONE AND COMMUNICATION SERVICES AND REVENUE SHARING AGREEMENT WITH CORRECT SOLUTIONS, LLC, FOR AN INITIAL TERM OF FOUR YEARS FROM JANUARY 7, 2024, TO JANUARY 6, 2028 WITH AUTOMATIC ONE-YEAR RENEWALS, UTILIZING THE INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH PARKER COUNTY (MINUTE ORDER 181.22).

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

MINUTE ORDER 504.23 (2.8) APPROVING TO PURCHASE THE HVAC AND MECHANICAL EQUIPMENT FOR THE ELLIS COUNTY SUB-COURTHOUSE NO. 2 PROJECT IN AN AMOUNT OF \$318,927.00 FROM TEXAS AIR SYSTEMS USING TIPS CONTRACT #23010402 AND AN OPTION FOR AN EARLY PAYMENT DISCOUNT OF \$9,000.00 PER TEXAS GOVERNMENT CODE §2251.030.

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

ADMINISTRATIVE

MINUTE ORDER 505.23 (3.1) APPROVING THE PROPOSED FLOOR PLAN FOR THE NEW MIDLOTHIAN TAX OFFICE AT 661 ASPEN PARKWAY, MIDLOTHIAN. – *COUNTY JUDGE TODD LITTLE AND TAX ASSESSOR RICHARD ROZIER*

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

MINUTE ORDER 506.23 (3.2) APPROVING THE COUNTY JUDGE TO SIGN AN AGREEMENT WITH SIERRA SHRED FOR SHREDDING SERVICES AT THE HISTORIC COURTHOUSE. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 507.23 (3.3) APPROVING THE COUNTY JUDGE AND ROAD & BRIDGE PRECINCT 4 TO PARTNER FOR COMPLETING AND MAKING READY ASPHALT SURFACING FROM U.S. 77 TO FM 2377, TOTALING 1.9 TENTH MILES BETWEEN SHAWNEE ROAD AND SHIRLEY ROAD. \$250,350.00 WILL BE PAID FROM THE ROAD IMPROVEMENT FUND, AND \$250,350.00 WILL BE PAID FROM THE ROAD & BRIDGE PRECINCT 4 BUDGET. – *COUNTY JUDGE TODD LITTLE & PRECINCT 4 COMMISSIONER KYLE BUTLER*

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

MINUTE ORDER 508.23 (3.4) APPROVING TO DESIGNATE FUND 036 (ELECTION ADMIN FEES) AS A COMMITTED FUND. THIS IS IN ACCORDANCE WITH TEXAS ELECTION CODE §31.100 AND TEXAS ADMINISTRATIVE CODE §81.161. – *ELECTIONS ADMINISTRATOR JANA ONYON*

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

NO ACTION (3.5) PRESENTATION OF THE ANNUAL INTERPRETATION AND UPDATE OF AGRICULTURAL EXTENSIONS PROGRAMS. – *TEXAS AGRILIFE EXTENSION SERVICE DIRECTOR MARK ARNOLD AND SIDNEY ATCHLEY*

MINUTE ORDER 509.23 (3.6) APPROVING A RESOLUTION TO CAST VOTES TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR 2024-2025; ALL 750 VOTES WILL GO TO RUSTY BALLARD. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 510.23 (3.7) APPROVING TO UPDATE THE FUNERAL HOME RATE SCHEDULE FOR RECOVERY, REMOVAL AND TRANSPORT TO THE DALLAS COUNTY MEDICAL EXAMINER. NEW RATES:
TRANSPORT TO MEDICAL EXAMINER: \$600 OVERTIME: \$100
BODY BAGS: \$50 CREMATION: \$750

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

RECESS TO EXECUTIVE SESSION **3:08 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)(B), CONSULTATION WITH LEGAL COUNSEL REGARDING A SETTLEMENT OFFER CONCERNING THE SETTLEMENT OPTIONS WITH AMR.
- 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 4:30 P.M.

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

MINUTE ORDER 511.23 (3.8) ACCEPTING THE PROPOSED AMR SETTLEMENT AGREEMENT. – *KEVIN KOSORIS*

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

ADDITIONAL MOTION BY COMMISSIONER PERRY THAT THE SETTLEMENT WILL BE PRESENTED TO THE COURT FOR REVIEW IN TWO WEEKS, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

ADJOURNMENT 4:34 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON OCTOBER 17, 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 21ST DAY OF OCTOBER 2023.


KRYSTAL VALDEZ, COUNTY CLERK

