

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – FEBRUARY 6, 2024

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, FEBRUARY 6, 2024, 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

COMMISSIONERS:

PRECINCT 1 COMMISSIONER RANDY STINSON

PRECINCT 2 COMMISSIONER LANE GRAYSON

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 4 COMMISSIONER KYLE BUTLER*

CONSENT AGENDA: MINUTE ORDER 126.24 (WITHOUT A.12)

ADMINISTRATIVE:

- A.1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *COUNTY TREASURER CHERYL CHAMBERS*
- A.2 APPROVING OF THE DECEMBER 2023 MONTHLY TREASURER'S REPORT. – *COUNTY TREASURER CHERYL CHAMBERS*
- A.3 APPROVING OF COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM JANUARY 23, 2024. – *COUNTY CLERK KRYSTAL VALDEZ*
- A.4 ACCEPTING OF THE 2023 RACIAL PROFILING REPORT FOR THE ELLIS COUNTY FIRE MARSHAL'S OFFICE, WHICH HAS BEEN ELECTRONICALLY SUBMITTED TO THE TEXAS COMMISSION ON LAW ENFORCEMENT. – *FIRE MARSHAL TIM BIRDWELL*
- A.5 APPROVING OF RESIGNATIONS FOR THE FOLLOWING EMERGENCY SERVICE DISTRICT BOARD MEMBERS:
- JASON BIRDWELL – ESD #7 (BRISTOL), EFFECTIVE DECEMBER 29, 2023
- *FIRE MARSHAL TIM BIRDWELL*
- A.6 APPROVING OF APPOINTMENTS FOR THE FOLLOWING EMERGENCY SERVICE DISTRICT BOARD MEMBERS:
- KOREY COX – ESD #4 (RED OAK), REPLACING STEVE WAKELAND, WHOSE TERM ENDS 12/31/2024.
- *FIRE MARSHAL TIM BIRDWELL*

- A.7 APPROVING TO REAPPOINT COMMISSIONER RANDY STINSON TO THE BOARD OF MANAGERS OF THE NORTH CENTRAL TEXAS EMERGENCY COMMUNICATIONS DISTRICT (NCT9-1-1) FOR A TWO-YEAR TERM BEGINNING MARCH 1, 2024, AND ENDING DECEMBER 31, 2025. – *COUNTY JUDGE TODD LITTLE*
- A.8 APPROVING OF THE 2020 MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) ANNUAL REPORT. – *ENGINEERING DIRECTOR TED KANTOR*
- A.9 APPROVING OF THE 2021 MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) ANNUAL REPORT. – *ENGINEERING DIRECTOR TED KANTOR*
- A.10 APPROVING OF THE 2022 MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) ANNUAL REPORT. – *ENGINEERING DIRECTOR TED KANTOR*
- A.11 ACCEPTING OF A TABULATED REPORT OF THE COUNTY’S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM JANUARY 11, 2024 – JANUARY 25, 2024, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.024. – *FIRST ASSISTANT AUDITOR STACI PARR*
- A.12 MOVED TO REGULAR AGENDA BY COUNTY JUDGE

FINANCIAL:

- F.1 FY2024 LINE-ITEM TRANSFER – *FIRE MARSHAL TIM BIRDWELL*
 DECREASE 001-0450-506890 (GIS SOFTWARE CONTRACT) BY \$1,322.00
 INCREASE 001-0450-508110 (AUTO INSURANCE) BY \$1,322.00
- F.2 FY2024 LINE-ITEM TRANSFER – *EMERGENCY MANAGEMENT COORDINATOR MICHAEL SANDEFER*
 DECREASE 001-0430-508110 (AUTO INSURANCE) BY \$453.00
 INCREASE 001-0430-508050 (CONFERENCE) BY \$453.00

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

MINUTE ORDER 127.24 (A.12) APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE COUNTY OF ELLIS AND THE CITY OF RED OAK WITH A TERM AGREEMENT THROUGH DECEMBER 31, 2024. – *PRECINCT 4 COMMISSIONER KYLE BUTLER*

PUBLIC PARTICIPATION: PENNY STORY, RED OAK

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

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 128.24 (1.1) RATIFYING STAFF ACTION ON A PLAT OF G. MARTINEZ & BROS ESTATES, PHASE 2. THE ± 1.108-ACRE SITE IS LOCATED ± 1,390 FEET SOUTH OF THE INTERSECTION OF NEWTON ROAD AND BOBS RUN ROAD, SITUATED IN THE R. DE LA PENNA SURVEY, ABSTRACT NO. 3, FERRIS, ROAD AND BRIDGE PRECINCT NO. 1.

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

MINUTE ORDER 129.24 (1.2) RATIFYING STAFF ACTION ON A PLAT OF BRUNER SUBDIVISION. THE ± 1.131-ACRE SITE IS LOCATED ± 1,090 FEET SOUTH OF THE INTERSECTION OF FEASTER ROAD AND NASH HOWARD ROAD, SITUATED IN THE W.M.B. NICHOLSON SURVEY, ABSTRACT NO. 788, WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 130.24 (1.3) RATIFYING STAFF ACTION ON A PLAT OF LOS HERNANDEZ. THE ± 8.664-ACRE SITE IS LOCATED ± 1,060 FEET SOUTH OF THE INTERSECTION OF FM 984 AND WALKER ROAD, SITUATED IN THE W. JOHNSTON SURVEY, ABSTRACT NO. 565, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD AND BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 131.24 (1.4) RATIFYING STAFF ACTION ON A PRELIMINARY PLAT OF RANCH AT STONE HILL, PHASE 3. THE ± 17.58-ACRE SITE IS LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF GREATHOUSE ROAD AND DUNAWAY ROAD, SITUATED IN THE W. M. TURNER SURVEY, ABSTRACT NO. 1093, WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 3. SUBJECT TO THE FOLLOWING CONDITIONS:

1. PLEASE RETITLE THE PRELIMINARY PLAT TO RANCH AT STONE HILL PHASE 2 FOR NUMBERING CONSISTENCY.
2. UPDATE THE DEED INFORMATION ON THE PLAT.
3. AN ADDITIONAL 10 FT. OF RIGHT-OF-WAY DEDICATION IS NEEDED FOR GREATHOUSE ROAD.
4. PLEASE LABEL THE POINT OF BEGINNING ON THE PLAT.
5. ADD A BLOCK DESIGNATION TO THE PROPOSED LOTS.
6. ADD THE CITY OF MAYPEARL ETJ TO THE PLAT TITLE BLOCK.
7. SHADE IN THE FLOODPLAIN AREA.
8. LOT 48 DOES NOT MEET THE COUNTY'S MINIMUM LOT SIZE REQUIREMENTS (1-ACRE OUTSIDE THE FLOODPLAIN.)
9. REVISE THE PLAT TO ADD THE UPDATED PRELIMINARY PLAT SIGNATURE BLOCK.
10. UPDATE THE FRONT AND REAR BUILDING LINE SETBACKS AND DRAINAGE AND UTILITY EASEMENTS TO MATCH THE COUNTY'S SAMPLE PLAT.
11. PLEASE INCLUDE THE OSSF STATEMENT AND SIGNATURE LINE SHOWN ON THE SAMPLE PLAT.
12. COMMISSIONER LANE GRAYSON PRECINCT #2 IS MISSPELLED AND DUPLICATED. THE UPDATED COURT SIGNATURE BLOCK IS FOUND ON THE SAMPLE PLAT.
13. THE OWNER'S NAME MUST BE PRINTED FOR THE SIGNATURE BLOCK AND NOTARY STATEMENT.
14. A NUMBER OF INCONSISTENCIES WERE FOUND WITHIN THE METES AND BOUNDS DESCRIPTION:
 - SOUTH 59 DEGREES 05 MINUTES 57 SECONDS WEST – DOES NOT MATCH THE PLAT DRAWING.
 - LINES: 9,10,11,12,14,18,23,28,30,31,43,45,46,49,60,61,65 DO NOT MATCH THE WRITTEN DESCRIPTION.

- NORTH 59 DEGREES 27 MINUTES 13 SECONDS EAST CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE A DISTANCE OF 468.10 FEET – DOES NOT MATCH THE PLAT DRAWING.

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

NO ACTION (1.5) DISCUSSION AND CONSIDERATION OF A VARIANCE REQUEST FOR PARCEL ID 244074, 244075 AND 242576 FROM ELLIS COUNTY QGI, VOLUME III – STANDARD CONSTRUCTION DETAILS TO ALLOW THIS PROPERTY TO DEVELOP WITHOUT MEETING THE CURRENT ROAD CONSTRUCTION SPECIFICATIONS. THE PROPERTY CONTAINS ± 52.7 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF N ARMSTRONG RD. ± 960 FEET EAST OF THE INTERSECTION OF N. ARMSTRONG RD. AND SHARON LN., VENUS, ROAD AND BRIDGE PRECINCT No. 3. NO ACTION WILL BE TAKEN ON THIS ITEM.

MINUTE ORDER 132.24 (1.6) RATIFYING STAFF ACTION ON AN AMENDING PLAT OF MATTHEWS FARMS ADDITION, PHASE ONE, LOT 6, BLOCK B. THE ± 2.00-ACRE SITE IS LOCATED ± 1,710 FEET SOUTHWEST OF THE INTERSECTION OF MARION ROAD AND NORRELL ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MAYPEARL, ROAD AND BRIDGE PRECINCT No. 4.

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

MINUTE ORDER 133.24 (1.7) RATIFYING STAFF ACTION ON A PRELIMINARY PLAT OF RENAISSANCE PHASES 1-4. THE ± 585.143-ACRE SITE IS LOCATED AT THE NORTHWEST CORNER OF PATRICK ROAD AND WEST STERRETT ROAD, SITUATED IN THE C. GOAR SURVEY, ABSTRACT No. 401 AND THE C. HURST SURVEY, ABSTRACT No. 456, WAXAHACHIE, ROAD AND BRIDGE PRECINCT No. 4.

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

PUBLIC HEARING (P.1)

MOTION TO OPEN P1 BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

(P.1) PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDER 182.11, THE ORDER ADOPTING RULES OF ELLIS COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES, SPECIFICALLY REVISING SECTION 9 (AMENDMENTS). THESE AMENDMENTS PRIMARILY: 1) REORGANIZE THE TEXT LAYOUT, 2) ADOPT MINIMUM SIZING REQUIREMENTS & DESIGN CRITERIA, 3) INCREASE TESTING & REPORTING FOR NON-SINGLE-FAMILY SYSTEMS, 4) UPDATE REPORTING REQUIREMENTS, 5) UPDATE SURFACE APPLICATION SYSTEM REQUIREMENTS, AND 6) PROVIDE EXPEDITED ACTIONS FOR IMMEDIATE THREATS TO PUBLIC HEALTH, AND ANY OTHER RELATED ADDITIONS, DELETIONS, AND CHANGES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC PARTICIPATION: NONE

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

MINUTE ORDER 134.24 (1.8) APPROVING PROPOSED AMENDMENTS TO ORDER 182.11, THE ORDER ADOPTING RULES OF ELLIS COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES, SPECIFICALLY REVISING SECTION 9 (AMENDMENTS). THESE AMENDMENTS PRIMARILY: 1) REORGANIZE THE TEXT LAYOUT, 2) ADOPT MINIMUM SIZING REQUIREMENTS & DESIGN CRITERIA, 3) INCREASE TESTING & REPORTING FOR NON-SINGLE-FAMILY SYSTEMS, 4) UPDATE REPORTING REQUIREMENTS, 5) UPDATE SURFACE APPLICATION SYSTEM REQUIREMENTS, AND 6) PROVIDE EXPEDITED ACTIONS FOR IMMEDIATE THREATS TO PUBLIC HEALTH, AND ANY OTHER RELATED ADDITIONS, DELETIONS, AND CHANGES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

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

PURCHASING

MINUTE ORDER 135.24 (2.1) APPROVING A MATERIAL PRICE INCREASE REQUEST FROM VULCAN MATERIALS COMPANY FOR WASHED PEA GRAVEL, RFB-2022-017.

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

MINUTE ORDER 136.24 (2.2) APPROVING AN INTERLOCAL AGREEMENT BETWEEN HARRIS COUNTY AND ELLIS COUNTY IN ACCORDANCE WITH THE INTERLOCAL COOPERATION ACT, CHAPTER 791 OF THE TEXAS GOVERNMENT CODE.

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

MINUTE ORDER 137.24 (2.3) GRANTING AN EXEMPTION UNDER SECTION 262.024(A)(7) OF THE LOCAL GOVERNMENT CODE FROM THE BIDDING REQUIREMENTS UNDER SECTION 262.023 OF THE LOCAL GOVERNMENT CODE FOR THE PURCHASE OF PROPRIETARY SUPER SLURRY MIX AND SERVICES FROM MARTIN MARIETTA, INC.

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

MINUTE ORDER 138.24 (2.4) RENEWING THE AGREEMENT WITH MARTIN MARIETTA FOR A ONE-YEAR PERIOD FOR SUPER SLURRY USING THE APPROVED SOLE SOURCE EXEMPTION.

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

MINUTE ORDER 139.24 (2.5) APPROVING THE PURCHASE OF AUDIO-VISUAL CONFERENCE EQUIPMENT WITH A THREE-YEAR WARRANTY AND INSTALLATION SERVICES FOR THE ELLIS COUNTY CENTRAL BUILDING FROM FORD AUDIO-VISUAL SYSTEMS, LLC USING BUYBOARD COOPERATIVE CONTRACT NUMBER 644-21 FOR \$434,613.00.

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

ADMINISTRATIVE

MINUTE ORDER 140.24 (3.1) APPROVING TO REMOVE ELLEN HAYS AND ANITA PREWITT FROM THE ELLIS COUNTY CHILD WELFARE BOARD, A.K.A. THE ELLIS COUNTY CHILD PROTECTIVE SERVICES BOARD. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 141.24 (3.2) APPROVING FOR THE COUNTY JUDGE TO SIGN AN AGREEMENT TRANSFERRING OWNERSHIP OF RETIRING ELLIS COUNTY SHERIFF'S OFFICE K9, TRIPP, TO HIS HANDLER, OFFICER KLINTON VALLEY. – *SHERIFF BRAD NORMAN*

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

NO ACTION (3.3) PRESENTATION REGARDING THE STATUS OF THE COUNTY EMPLOYEE SALARY SURVEY. – *HUMAN RESOURCES DIRECTOR THERESA TAYLOR*

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

RECESS TO EXECUTIVE SESSION **3:03 P.M.**

MOTION TO RECESS BY COMMISSIONER BUTLER, 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 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).
- 4.2 PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §551.074, DELIBERATION OF THE APPOINTMENT, EMPLOYMENT, EVALUATION, AND DUTIES OF AN ELLIS COUNTY HUMAN RESOURCES DIRECTOR CANDIDATE.

RECONVENED TO REGULAR SESSION 4:56 P.M.

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

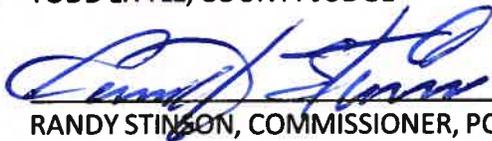
ADJOURNMENT 4:57 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON FEBRUARY 6, 2024 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 6TH DAY OF FEBRUARY 2024.


KRISTAL VALDEZ, COUNTY CLERK

