

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – MAY 28, 2024

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, MAY 28, 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 (*ARRIVED DURING EXECUTIVE SESSION*)

PRECINCT 3 COMMISSIONER LOUIS PONDER

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 PONDER, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE: *COUNTY JUDGE TODD LITTLE*

RECOGNITIONS

R.1 PROCLAMATION RECOGNIZING JUNE AS ELDER ABUSE PREVENTION MONTH IN ELLIS COUNTY.

R.2 PRESENTATION OF A 2023 DISTINGUISHED SERVICE AWARD TO THE ELLIS COUNTY HISTORICAL COMMISSION

CONSENT AGENDA: MINUTE ORDER 271.24

ADMINISTRATIVE:

A.1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *COUNTY TREASURER CHERYL CHAMBERS*

A.2 APPROVING OF THE 1ST QUARTER 2024 COUNTY INVESTMENT REPORT. – *COUNTY TREASURER CHERYL CHAMBERS*

A.3 APPROVING OF COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM MAY 14, 2024. – *COUNTY CLERK KRYSTAL VALDEZ*

A.4 ACCEPTING OF A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM MAY 4TH – MAY 17TH, 2024, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – *COUNTY AUDITOR STACI PARR*

A.5 ACCEPTING OF THE JUSTICE OF THE PEACE, PRECINCT 1 MONTHLY REPORT FOR APRIL 2024, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – *CHRIS MACON, JUSTICE OF THE PEACE, PRECINCT 1*

- A.6 ACCEPTING OF THE ANNUAL COMPILATION REPORT OF THE FISCAL ACCOUNTS AND RECORDS OF EMERGENCY SERVICES DISTRICT #5 (FERRIS) PURSUANT TO TEXAS HEALTH AND SAFETY CODE SEC. 775.082. – *FIRE MARSHAL TIM BIRDWELL*
- A.7 ACCEPTING OF THE DEPARTMENT OF DEVELOPMENTS (DoD) MONTHLY REPORT FOR APRIL 2024, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – *DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES*
- A.8 APPROVING INTERLOCAL WORK BETWEEN THE COUNTY OF ELLIS, PRECINCT 4 AND THE CITY OF RED OAK, REF: INTERLOCAL MINUTE ORDER 127.24. THE WORK IS TO INCLUDE 1.5 MILES OF COARSE CHIP SEAL, CSR2 GRADE 4 LIGHTWEIGHT AGGREGATE FOR TOP SURFACE FOR THE FOLLOWING ROADS: DEER CREEK, FOX GROVE, FAWN RIDGE, BEAVER, PEBBLE CREEK, BOW CREEK, WATER STREET, HIGHLAND AVENUE, AND LENARD STREET. – *PRECINCT 4 COMMISSIONER KYLE BUTLER*

FINANCIAL:

- F.1 APPROVING FOR THE COUNTY ENGINEER TO PAY FOR THIRD-PARTY ENGINEERING SERVICES, INVOICE DATED APRIL 23, 2024, IN THE AMOUNT OF \$7,386.39. – *COUNTY ENGINEER TED KANTOR*
- F.2 ACCEPTING OF JUROR DONATIONS BY VETERAN’S SERVICES IN THE AMOUNT OF \$3,613.00 AS UNANTICIPATED REVENUE. REQUEST SPECIAL BUDGET OF UNANTICIPATED REVENUE:
INCREASE 001-070-506550 (JUROR DONATIONS – VETERAN’S SERVICES) BY \$3,613.00
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR STACI PARR*
- F.3 ACCEPTING OF PROCEEDS FROM THE SALE OF SURPLUS EQUIPMENT BY ROAD & BRIDGE PRECINCT 3 IN THE AMOUNT OF \$47,731.81. REQUEST SPECIAL BUDGET OF UNANTICIPATED REVENUE:
INCREASE 005-0703-508020 (RB3 – EQUIPMENT) BY \$47,731.84
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY COUNTY AUDITOR. – *COUNTY AUDITOR STACI PARR*
- F.4 FY2024 LINE-ITEM TRANSFER – *BEHAVIORAL HEALTH COORDINATOR CAITLIN WILKINSON*
DECREASE 001-0130-508680 (CONTRACT SERVICES) BY \$1,750.00
INCREASE 001-0130-508010 (SUPPLIES) BY \$500.00
INCREASE 001-0130-506010 (MILEAGE REIMBURSEMENT) BY \$1,000.00
INCREASE 001-0130-507030 (TELEPHONE) BY \$250.00
- F.5 FY2024 LINE-ITEM TRANSFER – *COUNTY JUDGE TODD LITTLE*
DECREASE 001-0140-570000 (CONTINGENCY – SURPLUS) BY \$196,266.22
INCREASE 001-0140-508880 (COMPUTER SOFTWARE) BY \$64,333.55
INCREASE 001-0140-508190 (COMPUTER EQUIPMENT) BY \$131,932.67

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

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 272.24 (1.1) ACCEPTING A PERFORMANCE BOND FOR THE NEW GREYSTONE ESTATES NEWSTONE COURT CUL-DE-SAC EXTENSION. THE ± 7.184-ACRE SITE IS LOCATED ± 255 FEET FROM THE INTERSECTION OF NEWSTONE COURT & GREYSTONE TERRACE, MIDLOTHIAN, ROAD & BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 273.24 (1.2) ACCEPTING A PERFORMANCE BOND FOR THE PROPOSED THUNDER RIDGE PHASE 3. THE ± 32.669-ACRE SITE IS LOCATED ± 1,165 FEET SOUTH OF THE INTERSECTION OF OLD MAYPEARL ROAD AND PARADISE RIDGE DRIVE, SITUATED IN THE J. BENTON SURVEY, ABSTRACT NO. 39, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MAYPEARL, ROAD & BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 274.24 (1.3) APPROVING A VARIANCE REQUEST TO VOLUME I, SECTION IV(A) OF THE SUBDIVISION & DEVELOPMENT STANDARDS REGARDING THE MINIMUM PUBLIC ROAD FRONTAGE REQUIREMENTS FOR PARCEL ID 177786. THE ± 60.830-ACRE SITE IS LOCATED ± 1,110 FEET EAST OF THE INTERSECTION OF NORTHBOUND IH-45 AND SANTIBANEZ ROAD (A PRIVATE DRIVE), SITUATED IN THE R. DE LA PENNA SURVEY, ABSTRACT NO. 3, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD AND BRIDGE PRECINCT NO. 1, SUBJECT TO THE FOLLOWING CONDITIONS:

1. NO FURTHER SUBDIVISION OF THIS PROPERTY SHALL OCCUR UNTIL IT CAN MEET THE SUBDIVISION REQUIREMENTS IN EFFECT AT THAT TIME.
2. APPROVAL OF THIS VARIANCE REQUEST DOES NOT EXTEND TO MULTI-TENANT, MULTI-UNIT, OR ANY OTHER COMMERCIAL STRUCTURES OR BUSINESSES WITHOUT MEETING THE REQUIREMENTS IN EFFECT AT THAT TIME.

PUBLIC PARTICIPATION: SUEL AND PATTY HILTON, RED OAK

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

MINUTE ORDER 275.24 (1.4) **DENYING** VARIANCE REQUESTS FOR PARCEL ID No. 138308, 188546, 190063 – (PROPOSED TERRAVISTA DEVELOPMENT) FROM VOLUME III, SECTION IV(D) OF THE STANDARD CONSTRUCTION DETAILS TO WAIVE THE REQUIRED CEMENT STABILIZED FLEX BASE. THE ± 472.494-ACRE SITE IS LOCATED AT THE SOUTHWEST CORNER OF FM 813 AND WINDHAM ROAD, WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 4 & A PORTION OF PRECINCT NO. 1.

MOTION TO DENY BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

MINUTE ORDER 276.24 (1.5) APPROVING A VARIANCE REQUEST TO VOLUME I, SECTION IV(A) OF THE SUBDIVISION & DEVELOPMENT STANDARDS REGARDING THE MINIMUM LOT SIZE REQUIREMENTS FOR PARCEL ID No. 199219. THE ± 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; SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE PROPERTY OWNER OR APPLICANT SHALL SUBMIT A REPLAT IDENTICAL TO THIS REQUEST.
2. NO FURTHER SUBDIVISION OF THIS PROPERTY SHALL OCCUR UNTIL IT CAN MEET THE SUBDIVISION REQUIREMENTS IN EFFECT AT THAT TIME.
3. APPROVAL OF THIS VARIANCE REQUEST DOES NOT EXTEND TO MULTI-TENANT, MULTI-UNIT, OR ANY OTHER COMMERCIAL STRUCTURES OR BUSINESSES WITHOUT MEETING THE REQUIREMENTS IN EFFECT AT THAT TIME.
4. SUBMIT A SEPTIC DESIGN AND A SITE PLAN OF ALL PROPOSED STRUCTURES ON THIS PROPERTY AT THE TIME OF PERMITTING TO ENSURE A SEPTIC SYSTEM CAN FIT.

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

MINUTE ORDER 277.24 (1.6) RATIFYING STAFF ACTION ON A PRELIMINARY PLAT OF ALTA VISTA ESTATES. THE ± 40.222-ACRE SITE IS LOCATED ± 1,300 FEET NORTHEAST OF THE INTERSECTION OF PALMYRA ROAD AND WESTER ROAD, SITUATED IN THE T.J. CHAMBERS SURVEY, ABSTRACT No. 1, FERRIS, ROAD AND BRIDGE PRECINCT No. 1.

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

MINUTE ORDER 278.24 (1.7) APPROVING A PLAT OF ENSIGN ESTATES, LOTS 1R1-1R3, BEING A REPLAT OF ENSIGN ESTATES, LOTS 1A & 1B. THE ± 19.569-ACRE SITE IS LOCATED ± 415 FEET EAST OF THE INTERSECTION OF ENSIGN ROAD AND CENTRAL HIGH ROAD, ENNIS, ROAD AND BRIDGE PRECINCT No. 2; SUBJECT TO THE FOLLOWING CONDITIONS:

1. DOCUMENTATION OF THE COMPLETION OF THE INSTALLATION OF UTILITIES MUST BE PROVIDED PRIOR TO THE FILING OF THE PLAT.
2. PROVIDE COPIES OF RECORDED DEED 205085 AND 2403583
3. LABEL PREVIOUS LOT LINES
4. ADD EXISTING ROW DEDICATION FOR ENSIGN AND BRAZIER ROAD
5. ADD A GRAPHIC SCALE TO THE PLAT
6. PLEASE UPDATE THE COURT SIGNATURE BLOCK TO MATCH THE ATTACHED SAMPLE PLAT.
7. UPDATE THE PLAT TITLE BLOCK TO REPLAT.

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

MINUTE ORDER 279.24 (1.8) APPROVING A PLAT OF SCHELHORN ESTATES, LOTS 3R1 & 3R2, BEING A REPLAT OF SCHELHORN ESTATES, LOTS 2 & 3. THE ± 10.98-ACRE SITE IS LOCATED ± 400 FEET SOUTHEAST OF THE INTERSECTION OF OLD ALMA ROAD AND NORS ROAD (A PRIVATE ROAD), ENNIS, ROAD AND BRIDGE PRECINCT No. 2; SUBJECT TO THE FOLLOWING CONDITIONS:

1. PLEASE ADD A GRAPHIC SCALE TO THE PLAT
2. ADD ENNIS ETJ TO THE TITLE PLAT BLOCK
3. PLEASE REMOVE THE STRUCTURES FROM THE PLAT DRAWING
4. LABEL EXISTING ROW DEDICATION ALONG OLD ALMA ROAD
5. LOT 3R2 DOES NOT MEET THE ROAD FRONTAGE REQUIREMENT. PLEASE RECONFIGURE THE LOT SO THAT BOTH LOTS HAVE DIRECT ROAD FRONTAGE ALONG OLD ALMA ROAD.
6. PUBLIC NOTICE FEES OF \$150 FOR THE RENOTIFICATION OF THIS PLAT.
7. PLEASE LABEL THE FRONT DRAINAGE AND UTILITY EASEMENT
8. LIGHTEN THE PREVIOUS LOT LINES

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

MINUTE ORDER 280.24 (1.9) APPROVING A PLAT OF TELICO RANCH, LOT 4A AND 4B, BEING A REPLAT OF TELICO RANCH, LOT 4. THE ± 5.00-ACRE SITE IS LOCATED ± 815 FEET NORTHEAST OF THE INTERSECTION OF ISOM ROAD AND CUT OFF ROAD, ENNIS, ROAD AND BRIDGE PRECINCT NO. 2.

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

MINUTE ORDER 281.24 (1.10) APPROVING A PLAT OF VALLEY FARM ROAD ESTATES, LOT 1-R1 & 1-R3, BEING A REPLAT OF VALLEY FARM ROAD ESTATES LOT 1-R1. THE ± 3.53-ACRE SITE IS LOCATED ± 1,900 FEET WEST OF THE INTERSECTION OF FM 85 AND ZMOLEK ROAD, ENNIS, ROAD AND BRIDGE PRECINCT 2; SUBJECT TO THE FOLLOWING CONDITIONS:

1. PLEASE ADD A DATE OF PREPARATION AND A GRAPHIC SCALE TO THE PLAT
2. PLEASE UPDATE THE COURT SIGNATURE BLOCK TO MATCH THE ATTACHED SAMPLE PLAT
3. PLEASE INCLUDE THE FEMA STATEMENT INFO SHOWN ON THE SAMPLE PLAT.
4. PLEASE PROVIDE DOCUMENTATION FROM TxDOT APPROVING DRIVEWAY ACCESS FOR PROPOSED LOT 1-R3 OR ADD AN ACCESS EASEMENT TO THE EXISTING DRIVEWAY.
5. INCLUDE NUMBER OF LOTS IN THE PLAT TITLE BLOCK.

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

MINUTE ORDER 282.24 (1.11) APPROVING A PLAT OF BUENA VISTA ESTATES PHASE 2, LOTS 1R & 2R, BEING A REPLAT OF BUENA VISTA ESTATES, PHASE 2, LOT 2. THE ± 5.257-ACRE SITE IS LOCATED ± 495 FEET EAST OF THE INTERSECTION OF FM 1446 AND LONE ELM ROAD, WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 3.

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

MINUTE ORDER 283.24 (1.12) RATIFYING STAFF ACTION ON A FINAL PLAT OF BYRUM RANCH, PHASE ONE. THE ± 93.237-ACRE SITE IS LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF FM 157 AND OZRO ROAD, SITUATED IN THE J. JACKSON SURVEY ABSTRACT NO. 561, IN THE EXTRATERRITORIAL

JURISDICTION (ETJ) OF THE CITY OF MAYPEARL, ROAD & BRIDGE PRECINCT NO. 4; SUBJECT TO THE FOLLOWING CONDITIONS:

1. PROVIDE A COPY OF THE OWNERSHIP DEED FOR PARCEL ID 289991
2. IN THE TITLE BLOCK ADD "IN THE ETJ OF THE CITY OF MAYPEARL"
3. PLEASE UPDATE THE COURT SIGNATURE BLOCK TO MATCH THE ATTACHED SAMPLE PLAT.
4. PROVIDE ORIGINAL, EMBOSSED TAX CERTIFICATES FOR PARCEL ID No. 289990 AND 289991.
5. THE FOLLOWING DESCRIPTION DOES MATCH THE PLAT DRAWING (N 59°26'54" E 699.65')
6. ADD THE WORD LOT ON EACH NEW PARCEL.
7. THE HOA LOT NEEDS TO BE LABELED WITH AN X.
8. THE TITLE BLOCK SHOULD READ FINAL PLAT.
9. COPY OF RECORD DRAWINGS TO THE COUNTY ENGINEER'S OFFICE.

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

PURCHASING

MINUTE ORDER 284.24 (2.1) APPROVING TO AWARD BID NUMBER RFB-2024-004 EVERDAY USE AND EMERGENCY BOTTLED WATER TO BLUE TRITON BRANDS, INC. DBA READYREFRESH WATERS (PRIMARY), SIMBA LOGISTICS, LLC (SECONDARY), AND ESSENCE BOTTLING, INC. (TERTIARY).

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

(TO AGENDA ITEM 2.4)

MINUTE ORDER 285.24 (2.4) APPROVING TO PURCHASE A GENIE GTH-5519 TELEHANDLER FROM AMERICAN MATERIAL HANDLING, INC. IN AN AMOUNT OF \$72,100.00 USING BUYBOARD CONTRACT #657-21.

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

(TO AGENDA ITEM 2.6)

MINUTE ORDER 286.24 (2.6) APPROVING FOR THE COUNTY JUDGE TO SIGN AN "AGREEMENT AMENDMENT" BETWEEN ELLIS COUNTY AND CIVICPLUS TO CHANGE THE RENEWAL DATE FROM MAY 30TH TO OCTOBER 1ST.

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

ADMINISTRATIVE

MINUTE ORDER 287.24 (3.1) APPROVING THE PRESENTATION BY MEEDER PUBLIC FUNDS REGARDING THE ELLIS COUNTY 2024 QUARTER 1 INVESTMENT REPORT. – *COUNTY TREASURER CHERYL CHAMBERS*

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

MINUTE ORDER 288.24 (3.2) APPROVING TO APPOINT COMMISSIONER LANE GRAYSON TO THE REGIONAL TRANSPORTATION COUNCIL REPRESENTING ELLIS AND KAUFMAN COUNTIES. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 289.23 (4.3) APPROVING A FINDING ON AGENDA ITEMS 3.3, 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 PONDER, MOTION CARRIED

RECESS TO EXECUTIVE SESSION **2:58 P.M.**

MOTION TO RECESS BY COMMISSIONER PONDER, 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.

- 4.1 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 GOVERNMENT CODE §551.074 TO DELIBERATE THE EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF COUNTY MAINTENANCE SUPERVISOR.
- 4.3 PURSUANT TO 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 A THIRD PERSON REGARDING 101 KAUFMAN ST., 3119 S. HAMPTON ROAD, 3100 S. HAMPTON ROAD, AND 604 S. HAMPTON ROAD.

RECONVENED TO REGULAR SESSION 4:49 P.M.

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

(TO AGENDA ITEM 2.5)

MINUTE ORDER 290.24 (2.5) APPROVING TO ADVERTISE AND SOLICIT PROPOSALS FOR JANITORIAL SERVICE FOR ELLIS COUNTY CENTRAL, JUSTICE OF THE PEACE PRECINCT 2 SUB-COURTHOUSE, JUVENILE SERVICES BUILDING, AND OTHER FACILITIES AS REQUESTED IN THE FUTURE.

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

(TO AGENDA ITEM 3.3)

MINUTE ORDER 291.24 (3.3) APPROVING FOR THE COUNTY JUDGE TO SIGN A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF 101 KAUFMAN ST., WAXAHACHIE, TX 75165 IN THE AMOUNT OF \$585,000.00. THE CONTRACT WILL BE USED AS AN INVOICE; AND THE MOTION INCLUDES A PAYMENT OF \$5,000.00 FOR THE EARNEST MONEY TO BE PAID BY THE COUNTY TREASURER, PER THE CONTRACT. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 292.24 (3.4) APPROVING FOR THE COUNTY JUDGE TO SIGN A PURCHASE OF RIGHT-OF-WAY AGREEMENT FOR THE ACQUISITION OF A PORTION OF 3119 S. HAMPTON ROAD, GLENN HEIGHTS, TEXAS IN THE AMOUNT OF \$63,000.00. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 293.24 (3.5) APPROVING FOR THE COUNTY JUDGE TO SIGN A PURCHASE OF RIGHT-OF-WAY AGREEMENT FOR THE ACQUISITION OF A PORTION OF 3100 S. HAMPTON ROAD, GLENN HEIGHTS, TEXAS IN THE AMOUNT OF \$5,000.00. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 294.24 (3.6) APPROVING FOR THE COUNTY JUDGE TO SIGN A PURCHASE OF RIGHT-OF-WAY AGREEMENT FOR THE ACQUISITION OF A PORTION OF 604 S. HAMPTON ROAD, GLENN HEIGHTS, TEXAS IN THE AMOUNT OF \$125,000.00. – *COUNTY JUDGE TODD LITTLE*

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

(TO AGENDA ITEM 2.2)

MINUTE ORDER 295.24 (2.2) APPROVING AN EXEMPTION UNDER EITHER LOCAL GOVERNMENT CODE SECTION 262.024(2) AND (7) LOCAL GOVERNMENT CODE (AN ITEM NECESSARY TO PRESERVE AND PROTECT THE PUBLIC HEALTH OR SAFETY OF THE RESIDENTS OF THE COUNTY) FROM THE BIDDING REQUIREMENTS OF LOCAL GOVERNMENT CODE SECTION 262.023, FOR THE PURCHASE OF FIREARMS AND ACCESSORIES PROVIDED BY STI FIREARMS DBA STACCATO FOR THE ELLIS COUNTY SHERIFF'S OFFICE.

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

MINUTE ORDER 296.24 (2.3) APPROVING FOR THE PURCHASE OF FIREARMS AND ACCESSORIES IN AN AMOUNT OF \$177,882.00 FROM STI FIREARMS DBA STACCATO USING THE APPROVED PUBLIC SAFETY EXEMPTION, FOR THE ELLIS COUNTY SHERIFF'S OFFICE. THE FIREARMS WILL BE PAID FOR USING THE SHERIFF'S OFFICE SB22 FUNDS.

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

RECESS TO EXECUTIVE SESSION **4:55 P.M.**

MOTION TO RECESS BY COMMISSIONER PONDER, 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.

4.4 PURSUANT TO TEXAS GOVERNMENT CODE § 557.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER(S) CONCERNING A SETTLEMENT AGREEMENT IN CAUSE No. 109725, STYLED ELLIS COUNTY, TEXAS vs PAYNECON, INCORPORATED, AKA, PAYNE CONCRETE, INC., FOX ENTERPRISES, LLC, FOX DEVELOPMENT, LP, NGM

INSURANCE COMPANY, SMITH CONTRACTING, INC., J HOUSTON HOMES LIMITED LIABILITY COMPANY, AKA JOHN HOUSTON CUSTOM HOMES, ELMWOOD CUSTOM HOMES, LLC, CANYON CREEK CUSTOM HOMES, LLC, AKA CANYON CREEK CONSTRUCTION.

RECONVENED TO REGULAR SESSION 5:24 P.M.

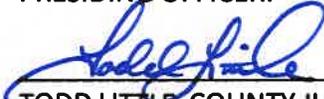
MOTION TO RECONVENE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

ADJOURNMENT 5:25 P.M.

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON MAY 28, 2024 ARE HEREBY APPROVED.

PRESIDING OFFICER:



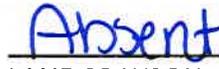
TODD LITTLE, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LOUIS PONDER, COMMISSIONER, PCT 3

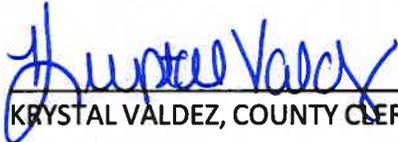


LANE GRAYSON, COMMISSIONER, PCT 2



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 11TH DAY OF JUNE 2024.



KRYSTAL VALDEZ, COUNTY CLERK

