

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – JULY 23, 2024

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, JULY 23, 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 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 GRAYSON, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

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

RECOGNITIONS:

R.1 PRESENTATION OF THE HEROIC CITIZEN AWARD TO JADEN SEGURA PRESENTED BY ELLIS COUNTY COMMISSIONERS' COURT.

MINUTE ORDER 353.24 (R.2) APPROVING A RESOLUTION CALLING FOR LEGISLATION TO PROHIBIT THE APPLICATION OF BIOSOLIDS.

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

CONSENT AGENDA: MINUTE ORDER 354.24

ADMINISTRATIVE:

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

A.2 APPROVING THE COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM JULY 9, 2024. – *COUNTY CLERK KRYSTAL VALDEZ*

A.3 ACCEPTING OF THE JUSTICE OF THE PEACE, PRECINCT 2 MONTHLY REPORT FOR JUNE 2024, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – *JACKIE MILLER, JR., JUSTICE OF THE PEACE, PRECINCT 2*

A.4 ACCEPTING OF THE AUDIT REPORT OF THE FISCAL ACCOUNTS AND RECORDS OF EMERGENCY SERVICES DISTRICT #6 (WAXAHACHIE), PURSUANT TO HEALTH & SAFETY CODE §775.082. – *FIRE MARSHAL TIM BIRDWELL*

- A.5 ACCEPTING OF THE RESIGNATION OF DANNY LONG FROM ESD #2 (MIDLOTHIAN), EFFECTIVE IMMEDIATELY.
– FIRE MARSHAL TIM BIRDWELL
- A.6 ACCEPTING OF THE APPLICATION OF DORINDA SIMS TO REPLACE DANNY LONG, WHOSE TERM ENDS
DECEMBER 31ST, 2025, IN ESD #2 (MIDLOTHIAN). – FIRE MARSHAL TIM BIRDWELL
- A.7 ACCEPTING OF THE RESIGNATION OF JEREMY LAMPIER AND JODY TAYLOR FROM ESD #4 (RED OAK) AND
ESD #7 (BRISTOL), RESPECTIVELY, EFFECTIVE JULY 30TH, 2024. – FIRE MARSHAL TIM BIRDWELL
- A.8 ACCEPTING OF THE APPLICATION OF EDWARD MCFADDEN TO REPLACE JODY TAYLOR, WHOSE TERM ENDS
DECEMBER 31ST, 2024, IN ESD #7 (BRISTOL). – FIRE MARSHAL TIM BIRDWELL
- A.9 ACCEPTING OF RECERTIFICATION BY THE UNIVERSAL PUBLIC PROCUREMENT CERTIFICATION COUNCIL
(UPPCC) AS A CERTIFIED PUBLIC PROCUREMENT OFFICER AND COMPLETION OF CONTINUING EDUCATION
HOURS REQUIRED BY SEC. 262.011, LOCAL GOVERNMENT CODE FOR PURCHASING AGENT EJ HARBIN. –
PURCHASING AGENT EJ HARBIN
- A.10 ACCEPTING OF THE COUNTY AUDITOR’S MONTHLY REPORT FOR MAY 2024, PURSUANT TO LOCAL
GOVERNMENT CODE §114.025. – COUNTY AUDITOR STACI PARR
- A.11 ACCEPTING OF THE COUNTY AUDITOR’S MONTHLY REPORT FOR JUNE 2024, PURSUANT TO LOCAL
GOVERNMENT CODE §114.025. – COUNTY AUDITOR STACI PARR
- A.12 ACCEPTING OF THE JUNE 2024 CASH AUDIT REPORTS BY THE COUNTY AUDITOR, PURSUANT TO LOCAL
GOVERNMENT CODE §114.025. – COUNTY AUDITOR STACI PARR
- A.13 ACCEPTING OF A TABULATED REPORT OF THE COUNTY’S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM
JUNE 15TH, 2024 – JULY 12TH, 2024, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – COUNTY
AUDITOR STACI PARR
- A.14 ACCEPTING OF THE DEPARTMENT OF DEVELOPMENT’S MONTHLY FINANCIAL REPORT FOR JUNE 2024,
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.044. – DOD DIRECTOR ALBERTO MARES

FINANCIAL:

- F.1 FY2024 LINE-ITEM TRANSFER – BEHAVIORAL HEALTH COORDINATOR CAITLIN WILKINSON
DECREASE 001-0130-508580 (CONTRACT SERVICES) BY \$2,500.00
INCREASE 001-0130-508050 (CONFERENCE) BY \$2,500.00
- F.2 FY2024 LINE-ITEM TRANSFER – I.T. DIRECTOR JOCELYN KING
DECREASE 001-0035-508050 (CONFERENCE) BY \$2,000.00
INCREASE 001-0035-508010 (SUPPLIES) BY \$1,000.00
INCREASE 001-0035-508680 (CONTRACT SERVICES) BY \$3,000.00
- F.3 FY2024 LINE-ITEM TRANSFER – THE HONORABLE GENE CALVERT, JUDGE, COUNTY COURT AT LAW #2
DECREASE 001-0385-508820 (BOOKS) BY \$349.00
INCREASE 001-0385-508880 (COMPUTER SOFTWARE) BY \$349.00
- F.4 FY2024 LINE-ITEM TRANSFER – PRECINCT 2 COMMISSIONER LANE GRAYSON
DECREASE 010-0653-509150 (FM2 ASPHALT) BY \$20,000.00
INCREASE 010-0653-509090 (FM2 PARTS/REPAIRS) BY \$20,000.00

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

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

MINUTE ORDER 355.24 (1.1) APPROVING OF A VARIANCE REQUEST TO VOLUME I, SECTION IV (A) OF THE SUBDIVISION & DEVELOPMENT STANDARDS REGARDING THE MINIMUM PUBLIC ROAD FRONTAGE REQUIREMENTS FOR PARCEL ID 303983. THE ± 10.39-ACRE SITE IS LOCATED ± 1,840 FEET SOUTH OF THE INTERSECTION OF THUNDER ROAD AND FM 908, MILFORD, ROAD AND BRIDGE PRECINCT NO. 3, SUBJECT TO THE FOLLOWING CONDITIONS:

1. ANY FURTHER SUBDIVISION OF THIS PROPERTY SHALL REQUIRE A PLAT MEETING THOSE REGULATIONS IN EFFECT AT THE TIME OF PLATTING.
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.

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

MINUTE ORDER 356.24 (1.2) APPROVING VARIANCE REQUESTS FOR PARCEL ID No. 271638, 184443, 184434, 290304 FROM VOLUME III, SECTION II (F) & SECTION II (TABLE II-A) OF THE STANDARD CONSTRUCTION DETAILS TO ALLOW PLACEMENT OF UTILITY LINES WITHIN THE RIGHT-OF-WAY OF THE RENAISSANCE DEVELOPMENT PROJECT. 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, SUBJECT TO THE FOLLOWING CONDITIONS:

1. APPROVAL OF THE VARIANCE REQUEST TO VOLUME III, SECTION II (F) TO ALLOW THE PLACEMENT OF THE ROCKETT WATERLINES WITHIN THE 50-FOOT RIGHT-OF-WAY BY PLACING IT TWO (2) FEET BEHIND BACK OF CURB AS SHOWN IN EXHIBIT B (ALL OTHER ROCKETT WATERLINES IN OTHER RIGHTS-OF-WAY WILL BE LOCATED OUTSIDE OF THE RIGHT-OF-WAY).
2. APPROVAL OF THE VARIANCE REQUEST TO VOLUME III, SECTION II (F) TO ALLOW THE PLACEMENT OF THE PROPOSED SEWER LINE AT THE CENTER OF THE STREET AND PROPOSED STORM SEWER AT 8.5 FEET FROM THE BACK OF CURB FOR ALL RIGHTS-OF-WAY AS SHOWN IN EXHIBIT B.

PUBLIC COMMENT: CHRIS WALL, ENGINEER, JBI PARTNERS

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

MINUTE ORDER 357.24 (1.3) ACCEPTING PERFORMANCE BOND S-343302 IN THE AMOUNT OF \$3,840,570.00 ISSUED BY NGM INSURANCE COMPANY, FOR THE PROPOSED PEAKS AT LONE ELM SUBDIVISION. THE ± 206.271-ACRE SITE IS LOCATED ON THE NORTHEAST CORNER OF ANGUS ROAD AND HOYT ROAD, WAXAHACHIE, ROAD AND BRIDGE PRECINCT 3.

PUBLIC PARTICIPATION: JOSHUA TREES

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

MINUTE ORDER 358.24 (1.4) APPROVING A PLAT OF BAKERSFIELD ADDITION LOT 1R, 2R, AND LOT 3 BLOCK A, BEING A REPLAT OF BAKERSFIELD ADDITION LOT 1 AND 2, BLOCK A. THE ± 12.326-ACRE SITE IS LOCATED ± 3,875 FEET SOUTHWEST OF THE INTERSECTION OF BRIGMAN ROAD AND FM 916, PARTIALLY WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MAYPEARL, ROAD AND BRIDGE PRECINCT No. 3

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

PURCHASING

MINUTE ORDER 359.24 (2.1) APPROVING TO ADVERTISE AND SOLICIT A REQUEST FOR PROPOSALS FOR COMPREHENSIVE INMATE MEDICAL SERVICES INCLUDING POTENTIAL AUTHORIZATION OF A CONSULTANT.

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

MINUTE ORDER 360.24 (2.2) DECLARING THE FOLLOWING ITEMS AS SURPLUS ACCORDING TO LOCAL GOVERNMENT CODE, CHAPTER 263; AND AUTHORIZING THE SURPLUS SALE FUNDS TO GO BACK INTO THE VEHICLE FUND.

DESCRIPTION	MANUFACTURER	MODEL	YEAR	VIN
AUTOMOBILE	ACURA	MDX	2002	2HNYD18282H517476
TRUCK	FORD	F350	2000	1FTWW32FXE13652
TRUCK	CHEVROLET	AVALANCHE	2007	3GNEC12037G248059
TRUCK	CHEVROLET	SILVERADO	2003	1GCHK29UX3E218839
TRUCK	DODGE	RAM 1500	2012	1C6RD6KP3CS166473
SUV	FORD	K7D EXPLORER XLT	2013	1FM5K7D8XDGB71176
TRUCK	DODGE	RAM 1500	2012	1C6RD6KP5CS166474
TRUCK	CHEVROLET	SILVERADO	2011	3GCPCPEA9BG210367
TRUCK	CHEVROLET	C1500	2006	1GCEC19V26Z300340
SUV	CHEVROLET	TAHOE	2012	1GNSCAE02CR160516
TRUCK	CHEVROLET	SILVERADO	2015	1GCVKREC4FZ163276
TRUCK	FORD	F150	2010	1FTEW1CV2AFA07276
TRUCK	INTERNATIONAL	4700	1997	1HTSCAANOVH430820

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

ADMINISTRATIVE

NO ACTION (3.1) PRESENTATION REGARDING A POTENTIAL TAX ABATEMENT AGREEMENT WITH LOLOI, INC., LOCATED IN ENNIS. – JIM WEHMEIER, ENNIS DIRECTOR OF ECONOMIC DEVELOPMENT

NO ACTION (3.2) PRESENTATION REGARDING A POTENTIAL TAX ABATEMENT AGREEMENT WITH SOPREMA, INC., LOCATED IN ENNIS. – *JIM WEHMEIER, ENNIS DIRECTOR OF ECONOMIC DEVELOPMENT*

(TO AGENDA ITEM 3.4)

NO ACTION (3.4) UPDATES AND DISCUSSION REGARDING THE FISCAL YEAR 2025 BUDGET. – *COUNTY JUDGE TODD LITTLE AND CHIEF OF STAFF RYAN GARRETT*

MINUTE ORDER 361.24 (3.5) APPROVING TO INCREASE SALARIES, ALLOWANCES, AND OTHER EXPENSES FOR ELECTED OFFICIALS IN FISCAL YEAR 2025 FOR PUBLICATION IN ACCORDANCE WITH LOCAL GOVERNMENT CODE §152.013. – *COUNTY JUDGE TODD LITTLE & CHIEF OF STAFF RYAN GARRETT*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED WITH COMMISSIONER BUTLER VOTING NO

RECESS TO EXECUTIVE SESSION **4:35 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.

- 4.1 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 GOVERNMENT CODE §551.071 (1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING CAUSE NO. 114514, STYLED: CHARASHRI, NICHOLAS C. VS. GARRETT, ANDREW; LITTLE, DENNIS; BORDERS, CASEY; TURBEVILLE, RON; RODNEY, GUTHRIE; JONES, MIKE; MILLER, JACKIE.
- 4.3 PURSUANT TO GOVERNMENT CODE §551.071 (1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING COURT CASE NO. 4:24-CV-00368, STYLED COURTHOUSE NEWS SERVICE V. MICHAEL GOULD, IN HIS OFFICIAL CAPACITY AS COLLIN COUNTY DISTRICT CLERK, ET. AL.

- 4.4 PURSUANT TO GOVERNMENT CODE §551.0725, CONSULTATION WITH LEGAL COUNSEL REGARDING A CONTRACT BEING NEGOTIATED FOR RETENTION OF LEGAL SERVICES WITH WINSTEAD, P.C. RELATED TO TAX ABATEMENT CONTRACTS.
- 4.5 PURSUANT TO GOVERNMENT CODE §551.071 (1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING NEGOTIATIONS WITH ONCOR.
- 4.6 PURSUANT TO GOVERNMENT CODE §551.074, DELIBERATE THE EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE ELLIS COUNTY PURCHASING AGENT.

RECONVENED TO REGULAR SESSION 6:18 P.M.

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

(TO AGENDA ITEM 3.3)

NO ACTION (3.3) DISCUSSION, CONSIDERATION, AND ACTION TO RETAIN WINSTEAD P.C. FOR CONSULTATION ON TAX ABATEMENT AGREEMENTS AND GUIDELINES. – *COUNTY JUDGE TODD LITTLE*

(TO AGENDA ITEM 3.6)

MINUTE ORDER 362.24 (3.6) APPROVING THE REAPPOINTMENT OF E.J. HARBIN AS THE ELLIS COUNTY PURCHASING AGENT UNDER TEXAS LOCAL GOVERNMENT CODE 262.0115. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 363.24 (3.7) ACCEPTING OF THE \$5,000.00 BOND RENEWAL FOR PURCHASING AGENT EJ HARBIN, EFFECTIVE JULY 31ST, 2024. – *COUNTY JUDGE TODD LITTLE*

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

(3.8 SKIPPED NUMBER)

MINUTE ORDER 364.24 (3.9) ACCEPTING AN AGREEMENT FOR TERMINATION OF CONTRACT WITH WELLPATH FOR INMATE MEDICAL SERVICES, EFFECTIVE 10/15/2024. – *COUNTY JUDGE TODD LITTLE*

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

MINUTE ORDER 365.24 (3.10) APPROVING TO HIRE D. RANDALL MONTGOMERY & ASSOCIATES, P.L.L.C AS OUTSIDE COUNSEL TO REPRESENT ELLIS COUNTY AND MELANIE REED IN HER OFFICIAL CAPACITY IN THE LITIGATION MATTER CONCERNING COURT CASE No. 4:24-CV-00368, STYLED COURTHOUSE NEWS SERVICE V. MICHAEL GOULD, IN HIS OFFICIAL CAPACITY AS COLLIN COUNTY DISTRICT CLERK, ET. AL. APPROVING THE FOLLOWING RATES: D. RANDALL MONTGOMERY: \$225.00 PER HOUR; ASSOCIATE ATTORNEY: \$195.00 PER HOUR; LEGAL ASSISTANT: \$100.00 PER HOUR. —
COUNTY JUDGE TODD LITTLE

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

ADJOURNMENT 6:18 P.M.

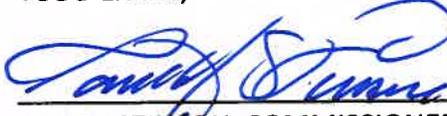
MOTION TO ADJOURN BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON JULY 23, 2024 ARE HEREBY APPROVED.

PRESIDING OFFICER:



TODD LITTLE, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LOUIS PONDER, COMMISSIONER, PCT 3

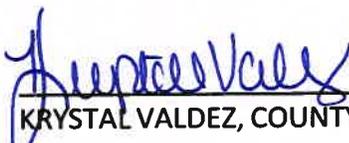


LANE GRAYSON, COMMISSIONER, PCT 2



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 6TH DAY OF AUGUST 2024.



KRISTAL VALDEZ, COUNTY CLERK

