

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – SEPTEMBER 3, 2024

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, SEPTEMBER 3, 2024, 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

**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 PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE: *PRECINCT 1 COMMISSIONER RANDY STINSON*

**CONSENT AGENDA: MINUTE ORDER 408.24**

**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 AUGUST 20, 2024. – *COUNTY CLERK KRYSTAL VALDEZ*
- A.3 APPROVING THE COMMISSIONERS' COURT SPECIAL MEETING MINUTES FROM AUGUST 27, 2024. – *COUNTY CLERK KRYSTAL VALDEZ*
- A.4 APPROVING OF THE AUDIT REPORT FOR EMERGENCY SERVICES DISTRICT #2 (MIDLOTHIAN), PURSUANT TO HEALTH AND SAFETY CODE §775.082. – *FIRE MARSHAL TIM BIRDWELL*
- A.5 ACCEPTING OF THE TEXAS VETERANS COMMISSION FUND FOR THE VETERANS' ASSISTANCE GRANT AWARD IN THE AMOUNT OF \$110,000.00 AND AUTHORIZING THE COUNTY JUDGE'S SIGNATURE. THE GRANT PERIOD IS FROM JULY 1, 2024 TO JUNE 30, 2025. – *THE HONORABLE WILLIAM WALLACE, 378<sup>TH</sup> DISTRICT JUDGE, AND VETERANS TREATMENT COURT COORDINATOR BRENT DORROUGH*
- A.6 APPROVING TO APPOINT LISA HEINE TO THE LAKES REGIONAL COMMUNITY CENTER BOARD OF TRUSTEES FOR ANOTHER TWO-YEAR TERM ENDING IN SEPTEMBER 2026.– *COUNTY JUDGE TODD LITTLE*
- A.7 APPROVING OF THE DEPARTMENT OF DEVELOPMENT MONTHLY REPORT FOR JULY 2024, PURSUANT TO LOCAL GOVERNMENT CODE §114.044. – *DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES*

**FINANCIAL:**

- F.1 FY2024 LINE-ITEM TRANSFER – *COUNTY AUDITOR STACI PARR*

- DECREASE 001-0030-508620 (FISCAL SERVICE FEE) BY \$3,375.00  
 INCREASE 001-0030-508190 (COMPUTER EQUIPMENT) BY \$2,500.00  
 INCREASE 001-0030-507030 (TELEPHONE) BY \$300.00  
 INCREASE 001-0030-508050 (CONFERENCE) BY \$300.00  
 INCREASE 001-0030-508650 (EMPLOYMENT SCREENING) BY \$275.00
- F.2 FY2024 LINE-ITEM TRANSFER – *ELECTIONS ADMINISTRATOR JANA ONYON*  
 DECREASE 001-0210-508480 (PART-TIME ELECTION SALARIES) BY \$56,200.00  
 DECREASE 001-0210-506950 (FICA) BY \$5,000.00  
 INCREASE 001-0210-508020 (EQUIPMENT) BY \$55,000.00  
 INCREASE 001-0210-507030 (TELEPHONE) BY \$5,000.00  
 INCREASE 001-0210-508230 (LEGAL NOTICES) BY \$100.00  
 INCREASE 001-0210-508880 (COMPUTER SOFTWARE) BY \$1,100.00
- F.3 FY2024 LINE-ITEM TRANSFER – *PRECINCT 2 COMMISSIONER LANE GRAYSON*  
 DECREASE 010-0653-509100 (FM2 GAS/OIL) BY \$25,000.00  
 INCREASE 010-0653-509070 (TIRES) BY \$25,000.00
- F.4 FY2024 LINE-ITEM TRANSFER – *EMERGENCY MANAGEMENT COORDINATOR MICHAELA SANDEFER*  
 DECREASE 01-0430-509770 (PREPAREDNESS TRAINING) BY \$800.00  
 INCREASE 001-0430-509760 (PREPAREDNESS FAIR) BY \$800.00
- F.5 FY2024 LINE-ITEM TRANSFER – *I.T. DIRECTOR JOCELYN KING*  
 DECREASE 001-0035-508190 (COMPUTER EQUIPMENT) BY \$2,500.00  
 DECREASE 001-0035-508010 (SUPPLIES) BY \$5,000.00  
 DECREASE 001-0035-508880 (COMPUTER SOFTWARE) BY \$8,429.00  
 INCREASE 001-0035-508680 (CONTRACT SERVICES) BY \$15,929.00

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

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

**DEPARTMENT OF DEVELOPMENT**

**MINUTE ORDER 409.24** (1.1) APPROVING A REQUEST FOR A VARIANCE FOR PARCEL ID 183035 FROM SECTION IV (B) OF THE SUBDIVISION & DEVELOPMENT REGULATIONS TO ALLOW THIS PROPERTY TO DEVELOP WITH AN EXISTING STRUCTURE ENCREACHING INTO THE PROPOSED FRONT BUILDING LINE SETBACK AND FRONT DRAINAGE AND UTILITY EASEMENT. THE PROPERTY CONTAINS ± 0.86 ACRES OF LAND LOCATED AT THE NORTHEAST INTERSECTION OF HEMPHILL STREET AND EAST MAIN STREET, AVALON, ROAD AND BRIDGE PRECINCT NO. 2, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) ENCREACHMENT OF THE EXISTING STRUCTURE CAN ENCREACH INTO THE FRONT BUILDING LINE BETWEEN ± 10.5 FEET AND ± 13.5 FEET.
- 2) ENCREACHMENT OF THE EXISTING STRUCTURE INTO THE FRONT DRAINAGE & UTILITY EASEMENT BETWEEN ± 5.5 AND ± 8.5 FEET.
- 3) THE NON-CONFORMING EXISTING STRUCTURE MAY NOT BE ENLARGED OR EXPANDED, NOR SHALL IT BE STRUCTURALLY ALTERED, UNLESS SUCH ALTERATION CONVERTS SUCH STRUCTURE INTO CONFORMITY WITH THE EXISTING REGULATIONS IN EFFECT AT THAT TIME.

- 4) NONCONFORMING STRUCTURES SHALL NOT BE REBUILT IN CASE OF PARTIAL OR TOTAL DESTRUCTION EXCEEDING 50 PERCENT OF THEIR FAIR MARKET VALUE. IF ANY SUCH STRUCTURE IS DAMAGED OR DESTROYED TO THE EXTENT OF EXCEEDING MORE THAN 50 PERCENT OF ITS FAIR MARKET VALUE, IT SHALL NOT BE REBUILT EXCEPT IN CONFORMANCE WITH THE COUNTY'S ADOPTED SUBDIVISION REGULATIONS AT THE TIME OF APPLICATION.
- 5) APPROVAL OF THESE VARIANCE REQUESTS DOES NOT EXTEND TO MULTI-TENANT, MULTI-UNIT, OR ANY OTHER COMMERCIAL STRUCTURES OR BUSINESSES WITHOUT MEETING THE REQUIREMENTS IN EFFECT AT THAT TIME.
- 6) THE PROPERTY OWNER OR APPLICANT SHALL SUBMIT A PLAT IDENTICAL TO THE SURVEY PLAT PROVIDED FOR THE PROPERTY.
- 7) NO FURTHER SUBDIVISION OF THIS PROPERTY SHALL OCCUR UNTIL IT CAN MEET THE SUBDIVISION REQUIREMENTS IN EFFECT AT THAT TIME.

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

**MINUTE ORDER 410.24** (1.2) 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 181719. THIS ± 5.811-ACRE SITE IS LOCATED ± 3,450 FEET SOUTHWEST OF THE INTERSECTION OF EAST STATE HIGHWAY 34 AND FM 660, LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ENNIS, ROAD AND BRIDGE PRECINCT 2, 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 GRAYSON, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

**MINUTE ORDER 411.24** (1.3) APPROVING A PLAT OF CYNTHIA'S ADDITION, LOT 1, BLOCK A, BEING A REPLAT OF OLD TOWN INDIA, LOTS 9-17, 19 & 22. THE ± 1.174-ACRE SITE IS LOCATED ± 195 FEET SOUTH OF THE INTERSECTION OF FM 780 AND INDIA ROAD, FERRIS, ROAD AND BRIDGE PRECINCT No. 1.

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

**MINUTE ORDER 412.24** (1.4) RATIFYING STAFF ACTION ON A PLAT OF AUTWELL ESTATES, LOT 1. THE ± 6.002-ACRE SITE IS LOCATED NORTHEAST OF THE INTERSECTION OF JACKSON ROAD AND SMITH ROAD, SITUATED IN PART OF THE H. HILBURN SURVEY, ABSTRACT No. 475 AND THE M. CHEEK SURVEY ABSTRACT No. 219, MAYPEARL ROAD AND BRIDGE PRECINCT No. 3, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) ADD PHONE NUMBERS FOR PROPERTY OWNERS WITHIN THE OWNER'S CONTACT INFORMATION BLOCK ON THE PLAT.
- 2) LOT 1 DOES NOT NEED TO BE PLATTED BEING OVER 10 ACRES PER LOCAL GOVERNMENT CODE §232.
- 3) ADD THE DATE OF PREPARATION AND A GRAPHIC SCALE TO THE PLAT.

- 4) ADD "IN THE CITY OF MAYPEARL ETJ" AND ADD AN ETJ BOUNDARY LINE.
- 5) ADD AND LABEL THE BUILDING LINE SETBACK AND DRAINAGE AND UTILITY EASEMENTS TO THE PLAT.
- 6) REMOVE PRELIMINARY AND ADD FINAL TO THE PLAT TITLE BLOCK.
- 7) PLEASE PROVIDE A SIGNED APPLICATION FROM THE CARPENTERS.
- 8) REMOVE STRUCTURES FROM THE PLAT DRAWING.
- 9) THE LAST CALL WITHIN THE WRITTEN METES AND BOUNDS DESCRIPTION DOES NOT MATCH THE PLAT DRAWING (28.87 VS 30.10).
- 10) THE OVERALL ACREAGE WITHIN THE PLAT TITLE BLOCK DOES NOT MATCH THE PLAT DRAWING.
- 11) LABEL THE PIPELINE EASEMENT ON THE PLAT DRAWING.
- 12) VERIFY THE LINE TABLE. L2 AND L3 HAVE DIFFERENT DIRECTIONS AND SECONDS. THE LINE TABLE ALSO DOES NOT FOLLOW ACCURATE DIRECTIONS. (PLEASE CALL ME TO DISCUSS).
- 13) LABEL EACH LOT (LOT 1, LOT 2, ETC.) WITH THE OVERALL ACREAGE ON EACH DRAWING.

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

**MINUTE ORDER 413.24** (1.5) RATIFYING STAFF ACTION ON A PLAT OF NICHOLS ESTATE SUBDIVISION. THE ± 2.532-ACRE SITE IS LOCATED ± 365 FEET NORTHEAST OF THE INTERSECTION OF FM 308 AND THUNDER ROAD, SITUATED IN JOHN C LOGAN SURVEY, ABSTRACT 649, MILFORD, ROAD AND BRIDGE PRECINCT No. 3.

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

**MINUTE ORDER 414.24** (1.6) RATIFYING STAFF ACTION ON A PLAT OF GIGI'S CASTLE. THE ± 8.407-ACRE SITE IS LOCATED ± 1,200 FEET EAST OF THE INTERSECTION OF SMITH ROAD AND WIGGINS ROAD, SITUATED IN THE M. CHEEK SURVEY, ABSTRACT No. 219, MAYPEARL, ROAD AND BRIDGE PRECINCT No. 4, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) PROVIDE A PROBATED WILL, AFFIDAVIT OF HEIRSHIP OR AN UPDATED DEED WITHOUT WILLIAM SHAND.
- 2) PRIOR TO THE FILING OF THE PLAT, THE UPDATED DEED SHALL BE RECORDED IN THE COUNTY CLERK'S OFFICE TO REFLECT THE CURRENT OWNERSHIP AT THE TIME OF PLAT FILING.
- 3) UPDATE THE FEMA FLOODPLAIN NUMBER.

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

## **PURCHASING**

**MINUTE ORDER 415.24** (2.1) APPROVING TO PURCHASE A 36-INCH MULCHER HEAD FROM TIGER CORPORATION USING BUYBOARD CONTRACT No. 706-23 IN AN AMOUNT OF \$30,447.63 FOR ROAD & BRIDGE PRECINCT 1.

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

**MINUTE ORDER 416.24** (2.2) APPROVING AN INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY AND ELLIS COUNTY IN ACCORDANCE WITH THE INTERLOCAL COOPERATION ACT, CHAPTER 791 OF THE TEXAS GOVERNMENT CODE.

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

**MINUTE ORDER 417.24** (2.3) AUTHORIZING THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH SPG VENDING SOLUTIONS, LLC FOR FULL-SERVICE VENDING MACHINES SERVICES AWARDED JULY 9, 2024 (MINUTE ORDER 347.24). SUBJECT TO ADDING TO THE CONTRACT THE ELLIS COUNTY CENTRAL AND JP 2 BUILDINGS, AND AUTHORIZING THE COUNTY JUDGE TO SIGN IT SUBJECT TO LEGAL REVIEW AND APPROVAL.

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

**MINUTE ORDER 418.24** (2.4) AUTHORIZING THE PURCHASE OF A 2023 GRADALL XL 3100 V 4X2 EXCAVATOR FROM KIRBY SMITH MACHINERY, INC USING BUYBOARD CONTRACT 685-22 IN AN AMOUNT OF \$508,770.00 FOR COMMISSIONER, PRECINCT 3.

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

## **ADMINISTRATIVE**

**MINUTE ORDER 419.24** (3.1) APPROVING FOR THE COUNTY JUDGE TO SIGN THE NOTICE OF ELECTION FOR THE GENERAL AND SPECIAL ELECTIONS TO BE HELD ON NOVEMBER 5, 2024; AND APPROVING OF THE ELECTION DAY VOTE CENTERS. – *ELECTIONS ADMINISTRATOR JANA ONYON*

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

**MINUTE ORDER 420.24** (3.2) APPROVING FOR THE COUNTY JUDGE TO SIGN THE NOTICE OF ELECTION FOR THE ELLIS COUNTY EMERGENCY SERVICES DISTRICT NO. 10 ELECTION TO BE HELD ON NOVEMBER 5, 2024. – *ELECTIONS ADMINISTRATOR JANA ONYON*

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

**MINUTE ORDER 421.24** (3.3) APPROVING FOR THE COUNTY JUDGE TO SIGN THE NOTICE OF ELECTION FOR THE ELLIS COUNTY EMERGENCY SERVICES DISTRICT NO. 11 ELECTION TO BE HELD ON NOVEMBER 5, 2024. – *ELECTIONS ADMINISTRATOR JANA ONYON*

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

**MINUTE ORDER 422.24** (3.4) APPROVING FOR THE COUNTY JUDGE TO SIGN THE 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 5, 2024 PURSUANT TO THE AUTHORITY IN SECTION 271.002, OF CHAPTER 271, OF THE TEXAS ELECTION CODE. – *ELECTIONS ADMINISTRATOR JANA ONYON*

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

**MINUTE ORDER 423.24** (3.5) APPROVING FOR THE COUNTY JUDGE TO SEND A LETTER OF SUPPORT TO THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) FOR THE ENNIS AVENUE GRADE SEPARATION PROJECT TO APPLY FOR THE 2024 RAILROAD CROSSING ELIMINATION PROGRAM GRANT. – *COUNTY JUDGE TODD LITTLE*

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

**NO ACTION** (3.6) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE ONGOING 90-DAY BURN BAN IN ELLIS COUNTY. – *FIRE MARSHAL TIM BIRDWELL*

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

**RECESS TO EXECUTIVE SESSION** **2:55 P.M.**

MOTION TO RECESS BY COMMISSIONER STINSON, SECONDED BY COMMISSIONER PONDER, 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 §551.074, DELIBERATION ON THE DUTIES OF A PUBLIC EMPLOYEE, SPECIFICALLY ALBERTO MARES AS DIRECTOR OF THE DEPARTMENT OF DEVELOPMENT AND HIS DUTIES UNDER LOCAL GOVERNMENT CODE CHAPTER 232 AND THE LOCAL DEVELOPMENT REGULATIONS VOL. 1-3.

**RECONVENED TO REGULAR SESSION 3:55 P.M.**

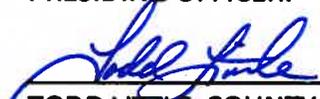
MOTION TO RECONVENE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**ADJOURNMENT 3:55 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON SEPTEMBER 3, 2024 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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TODD LITTLE, COUNTY JUDGE

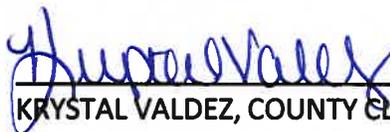
  
\_\_\_\_\_  
RANDY STINSON, COMMISSIONER, PCT 1

  
\_\_\_\_\_  
LANE GRAYSON, COMMISSIONER, PCT 2

  
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LOUIS PONDER, COMMISSIONER, PCT 3

  
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KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 10<sup>TH</sup> DAY OF SEPTEMBER 2024.

  
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KRystal VALDEZ, COUNTY CLERK

