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FILED FOR RECORD
KRYSTAL VALDEZ
ELLIS COUNTY CLERK

RANDY STINSON
Commissioner Pct. #1

TODD LITTLE
County Judge

PAUL PERRY
Commissioner Pct. #3

LANE GRAYSON
Commissioner Pct. #2

Krystal Valdez
Ellis County Clerk

KYLE BUTLER
Commissioner Pct. #4

**NOTICE OF REGULAR MEETING
ELLIS COUNTY COMMISSIONERS COURT**

Notice is hereby given that a meeting of the Ellis County Commissioners' Court will be held on **Tuesday, November 15th, 2022, at 2:00 P.M. in the Commissioners' Courtroom (2nd floor) of the Historic Ellis County Courthouse, located at 101 W. Main Street, Waxahachie, Texas**, at which time the following will be discussed and considered:

OPENING COURT

County Judge will call meeting to order, declare quorum if present, and declare notices legally posted pursuant to the Open Meetings Act, Texas Government Code Chapter 551.

Motion to open meeting

Invocation and Pledge of Allegiance – *County Judge Todd Little*

PUBLIC COMMENT – Members of the public will have the opportunity to make their comments at the time the agenda item is being addressed.

CONSENT AGENDA – Consideration and action:

Administrative:

- A.1 Approval of Regular Bills, Payroll, and Officers' Reports. – *County Treasurer Cheryl Chambers*
- A.2 Approval of the Monthly Treasurer's Report for August 2022. – *County Treasurer Cheryl Chambers*
- A.3 Approval of the Monthly Treasurer's Report for September 2022. – *County Treasurer Cheryl Chambers*
- A.4 Approval of Commissioners' Court Special Meeting Minutes from November 1, 2022. – *County Clerk Krystal Valdez*

- A.5 Approval for Human Resources to participate in the Texas Association of Counties (TAC) cybersecurity training program and for the County Judge to sign the agreement. – *Human Resources Director Theresa Taylor*
- A.6 Approval of the application of Carrie Boyd to replace Vice President Stephen Isbell, whose term ends in December 2022, and to renew for a term ending in December 2024 for ESD #8 (Avalon). – *Fire Marshal Tim Birdwell*
- A.7 Acceptance of the \$10,000 surety bond for Fire Marshal Tim Birdwell. – *Fire Marshal Tim Birdwell*
- A.8 Acceptance of the Justice of the Peace, Precinct 1 monthly report to satisfy Texas Local Government Code §114.044. – *Precinct 1 Justice of the Peace Chris Macon*

Financial:

- F.1 Approval to award \$56,000 to the Meals on Wheels County Grant Program for the FY23 annual contribution. – *County Judge Todd Little*
- F.2 Acceptance of the Ellis County Ag Extension Monthly Report for October 2022, pursuant to Texas Local Government Code §114.044. – *Texas A&M AgriLife Extension Service Director Mark Arnold*
- F.3 Acceptance of the September 2022 Cities Readiness Initiative Reimbursement in the amount of \$6,335.99 as unanticipated revenue. Pursuant to Texas Local Government Code §111.0108, unanticipated revenue certified by County Auditor. – *County Auditor Janet Martin*
- F.4 FY23 Line-Item Transfer. – *Precinct 3 Commissioner Paul Perry*
Decrease 005-0703-570000 (RB3 Contingency) by \$2,675.00
Increase 005-0703-509160 (RB3 Insurance) by \$2,675.00
- F.5 FY23 Line-Item Transfer. – *Engineering Director Ted Kantor*
Decrease 001-0375-508010 (Supplies) by \$1,000.00
Increase 001-0375-508680 (Contract Services) by \$1,000.00
- F.6 Discussion, consideration, and approval to increase employee pay for three employees to correct the COLA calculation:
- Katie Dophied: Annual Increase of \$209.16
 - Terri Kline: Annual Increase of \$323.31
 - Ellsworth Huling IV: Annual Increase of \$323.31

Corrections will be made retroactive back to October 1, 2022. The Line-Item Transfer Form includes salary, FICA, and TCDRS.

REGULAR AGENDA – Discussion, Consideration and Action:

Department of Development:

- 1.1 Discussion, consideration, and action on a final plat of Ferris Ranch, Phase 2. The property contains ± 52.079 acres in the R. de la Pena Survey, Abstract No. 3, located ± 995 feet south of the intersection of FM 660 and Geronimo Street, Ferris, Road and Bridge Precinct No. 1.
- 1.2 Discussion, consideration, and action on a final plat of South Farm Estates. The property contains ± 25.140 acres in the R. de la Pena Survey, Abstract No. 3, located on the north side of Almand Road, ± 1,120 feet south of the intersection of Palmyra Road and Almand Road, Palmer, Road and Bridge Precinct No. 1.
- 1.3 Discussion, consideration, and action on a final plat of Ace Acres. The property contains ± 10.00 acres in the Madison M. Davis Survey, Abstract No. 284, located on the west side of JT Ranch Road, ± 1,665 feet southwest of the intersection of JT Ranch Road and FM 1182, in the extraterritorial jurisdiction (ETJ) of the City of Ennis, Road and Bridge Precinct No. 2.
- 1.4 Discussion, consideration, and action on a final plat of Hornik Ranchette. The property contains ± 6.161 acres in the Thomas M. Rowe Survey, Abstract No. 890, located on the north side of Hornik Road, ± 3,255 feet east of the intersection of Hornik Road and Valek Road, in the extraterritorial jurisdiction (ETJ) of the City of Ennis, Road and Bridge Precinct No. 2.
- 1.5 Discussion, consideration, and action on a final plat of Jackson Addition, Phase 2, Lot 1, Block A. The property contains ± 5.522 acres of land in the J.M. Kinchen Survey, Abstract No. 598, located on the south side of Ozro Road, ± 3,925 feet west of the intersection of Ozro Road and FM 157, Venus, Road and Bridge Precinct No. 3.
- 1.6 Discussion, consideration, and action on a plat of Arnold Addition. The property contains ± 3.746 acres of land in the W.C. Berry Survey, Abstract No. 73, located on the east side of Little Branch Road, ± 405 feet south of the intersection of Little Branch Road and Davenport Drive, in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, Road and Bridge Precinct No. 4.

Purchasing

- 2.1 Discussion, consideration, and approval to continue purchase of EZ Street proprietary polymer cold asphalt mix on an as-needed basis for Precincts 1, 2, 3, and 4 from Atlas Asphalt, Incorporated, utilizing the exemption granted under Texas Local Government Code §262.024; Minute Order 108.20.
- 2.2 Discussion, consideration, and approval of the Master Service Agreement with AT&T Local Government Solutions for communication services at county-wide facilities.
- 2.3 Discussion, consideration, and approval for a change order to repair light fixtures at the Ellis County Jail due to storm damage in an amount of \$3,281.00 using Armstrong Commercial Construction, LLC.
- 2.4 Authorization to advertise and solicit Request for Proposal for Emergency Command Vehicle.

Administrative:

- 3.1 Consideration and approval of the payment of FY2022 Premium Pay and Compensatory Time. Time to be paid includes time earned from October 1, 2021, through September 30, 2022. Payout will be made on or about November 30, 2022. American Rescue Plan Act funding will cover approximately \$480,267.53, and the General Fund will cover approximately \$31,993.75. – *County Auditor Janet Martin*
- 3.2 Presentation and approval of the 3rd Quarter 2022 Investment Report. – *County Treasurer Cheryl Chambers*
- 3.3 Discussion, consideration, and approval for the County Judge to sign the “Agreement to Contribute Right of Way Funds” with TxDOT for ECSJ 0596-04-047 FM 878 at Bone Branch. The cost of Ellis County participation for this project is \$8,104.80. – *Engineering Director Ted Kantor*
- 3.4 Discussion, consideration, and action to amend the resolution passed as Minute Order 312.20 by removing Structure AA-0195-001 (a bridge on Auburn Road over Chambers Creek) and replacing it with Structure AA-0887-001 (a bridge on Bill Lewis Road over Chambers Creek tributary). – *County Engineer Ted Kantor*
- 3.5 Discussion and consideration of an Amendment to a Tax Abatement Agreement (Minute Order No. 314.19 dated July 16, 2019) with Alamo Mission LLC, owner and applicant, for property located in Reinvestment Zone No. 9, City of Red Oak, Texas (consolidating and modestly expanding former Reinvestment Zones 5 and 6). – *County Judge Todd Little*
- 3.6 Discussion, consideration, and approval of proceeding with sending written notice of material breach to American Medical Response (“AMR”) in response to breach of Contract and related issues with AMR. – *County Judge Todd Little*
- 3.7 Discussion, consideration, and approval of proceeding with sending written notice of claim on maintenance bond and demand regarding Murray Estates to developer, insurance company and others involved in the construction and development of the subdivision due to drainage issues that do not meet the standards for County acceptance, and to proceed with litigation if the issues are not resolved or if the demands are not met. – *County Judge Todd Little*
- 3.8 Discussion, consideration, and approval authorizing the Ellis County and District Attorney’s Office, and in conjunction with the Department of Development and Engineering, to send written notice of claims on maintenance bonds and demands to insurance companies, developers, and parties involved in the construction and development of subdivisions and other construction projects requiring maintenance bonds under County requirements when developments and construction projects fail to meet the standards for County acceptance. Such approval would allow for notices of claims and demands to be sent without presenting to the full Court each time. – *County & District Attorney Ann Montgomery*

RECESS TO CONVENE TO 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 Chapter 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 Chapter 551.

- E.1 Pursuant to Texas Government Code §551.071(1), consultation with legal counsel regarding pending litigation matter styled as *Traci R. Jones and Sharon M. Cotton v. Randy Stinson, Ellis County, Commissioner Precinct 1, Lane Grayson, Ellis County Commissioner, Precinct 2, Paul Perry, Ellis County Commissioner, Precinct 3, Kyle Butler, Ellis County Commissioner, Precinct 4, Todd Little, County Judge, Krystal Valdez, Ellis County Clerk*, Cause No. 108946, in the 40th Judicial District, Ellis County, and related Emergency Relief Motions filed in the appellate courts.
- E.2 Pursuant to Texas Government Code §551.071(1), consultation with legal counsel regarding pending or contemplated litigation concerning AMR contract and specifically regarding approval of proceeding with sending written notice of material breach to AMR in response to breach of contract and related issues with AMR.
- E.3 Pursuant to Texas Government Code §551.071(1), consultation with legal counsel regarding pending or contemplated litigation concerning industrial accident at leased farmland on the Ellis County Farm premises.
- E.4 Pursuant to Texas Government Code §551.071(1), consultation with legal counsel regarding pending litigation matter styled as *Ellis County, Texas v. Payne Concrete Inc., Fox Enterprises, LLC, DBA Fox Development, LP, NGM Insurance Company, Smith Contracting, Inc., John Houston Custom Homes, Elmwood Custom Homes, Canyon Creek Construction*, Cause No. 109725, in the 40th Judicial District, Ellis County.
- E.5 Pursuant to Texas Government Code §551.071(1), consultation with legal counsel regarding contemplated litigation related to Murray Estates subdivision and specifically, a claim on the maintenance bond of the developer, as well as others involved in the construction and development of the subdivision, due to drainage issues that do not meet the standards for County acceptance of the roads.
- E.6 Pursuant to Texas Government Code §551.071(1), consultation with legal counsel regarding pending and contemplated litigation matters at TCEQ and SOAH concerning Texas Pollutant Discharge Elimination Systems permits (TPDES) and petitions for the creation of municipal utility districts (MUD), including but not limited to the Shankle Road MUD, Lakeview MUDs, Highland Lakes Muds, Waxahachie Creek aka FM 984 MUDs and Ellis Rand MUDs.

ADJOURNMENT OF EXECUTIVE SESSION

ADJOURNMENT OF REGULAR MEETING

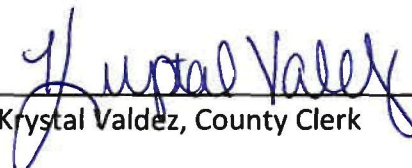
Signed this the 10th day of November 2022



Todd Little, Ellis County Judge

I, the undersigned, County Clerk of the Ellis County Commissioners' Court do hereby certify that the above Notice of Meeting of the Ellis County Commissioners' Court is a true and correct copy of said Notice, that I received said Notice, and it was posted at the doors of the Ellis County Courthouse, a place readily accessible to the general public at all times on the 10th day of November, 2022 at 3:52 p.m.





Krystal Valdez, County Clerk

- The Commissioners' Court reserves the right to consider and take action on the above agenda items in any particular order.
- If you or your representative, have a disability that requires special arrangements and you plan to attend this public meeting, please contact the County Judge's Office at (972) 825-5011 within 72 hours of the meeting. Reasonable accommodations will be made to meet your needs at the meeting.