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FILED FOR RECORD
KRYSTAL VALDEZ
ELLIS COUNTY CLERK

RANDY STINSON
Commissioner Pct. #1

TODD LITTLE
County Judge

LOUIS PONDER
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, May 28th, 2024, 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**, a quorum of the Court will be physically present. During this meeting time the following will be discussed and considered:

OPENING COURT

The County Judge will call the meeting to order, declare quorum if present, and declare that notices have been legally posted, pursuant to the Open Meetings Act, 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.

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 – Consideration and action:

Administrative:

A.1 Approval of regular bills, payroll, and officers' reports. – *County Treasurer Cheryl Chambers*

A.2 Approval of the 1st Quarter 2024 County Investment Report. – *County Treasurer Cheryl Chambers*

A.3 Approval of the Commissioners' Court regular meeting minutes from May 14th, 2024. – *County Clerk Krystal Valdez*

A.4 Acceptance of a tabulated report of the county's receipts and disbursements of funds from May 4th, 2024 – May 17th, 2024, pursuant to Local Government Code §114.024. – *County Auditor Staci Parr*

A.5 Acceptance of the Justice of the Peace, Precinct 1 monthly report for April 2024 to satisfy Local Government Code §114.044. – *The Honorable Chris Macon, Justice of the Peace, Precinct 1*

A.6 Acceptance 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 Approval of the Department of Development's (DoD) monthly financial report for April 2024, as required by Chapter 114.044 of the Texas Local Government Code. – *Department of Development Director Alberto Mares*

A.8 Approval of 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 Approval 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 Acceptance of juror donations by Veterans Services in the amount of $3,613.^{00}$ as unanticipated revenue. Request special budget of unanticipated revenue:

- Increase 001-0070-506550 (Juror Donations – Veterans 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 Acceptance 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 FY24 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 FY24 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]

REGULAR AGENDA – Discussion, Consideration and Action

Department of Development:

1.1 Discussion, consideration, and action to accept a performance bond for the proposed 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

1.2 Discussion, consideration, and action to accept 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.

1.3 Discussion, consideration, and action on 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 Pena Survey, Abstract No. 3, in the extraterritorial jurisdiction (ETJ) of the City of Ennis, Road and Bridge Precinct No. 1.

1.4 Discussion, consideration, and action upon 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.

1.5 Discussion, consideration, and action on a variance request to Volume I, Section IV (A) of the Subdivision & Development Standards regarding the minimum public road frontage 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.

1.6 Discussion, consideration, and action to ratify 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.

1.7 Discussion, consideration, and action on 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.

1.8 Discussion, consideration, and action on 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.

1.9 Discussion, consideration, and action on 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.

1.10 Discussion, consideration, and action on 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 No. 2.

1.11 Discussion, consideration, and action on 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.

1.12 Discussion, consideration, and action to ratify 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.

Purchasing

2.1 Discussion, consideration, and action to award Bid Number RFB-2024-004 Everyday Use and Emergency Bottled Water to Blue Triton Brands, Inc. dba ReadyRefresh Waters (primary), Simba Logistics, LLC (secondary), and Essence Bottling, Inc. (tertiary).

2.2 Discussion, consideration, and action on an exemption under either Local Government Code Sections 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.

2.3 Discussion, consideration, and approval 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.

2.4 Discussion, consideration, and approval to purchase a Genie GTH-5519 Telehandler from American Material Handling, Inc. in an amount of $72,100.^{00}$ using BuyBoard Contract #657-21.

2.5 Discussion, consideration, and action 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.

2.6 Discussion, consideration, and approval 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.

Administrative:

3.1 Presentation by Meeder Public Funds regarding the Ellis County 2024 Quarter 1 Investment Report.
– County Treasurer Cheryl Chambers

3.2 Discussion, consideration, and approval to appoint Commissioner Lane Grayson to the Regional Transportation Council representing Ellis and Kaufman Counties – *County Judge Todd Little*

3.3 Discussion, consideration, and approval 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}. – *County Judge Todd Little*

3.4 Discussion, consideration, and approval 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*

3.5 Discussion, consideration, and approval 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*

3.6 Discussion, consideration, and approval 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*

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.

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 (MUD's).

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 Texas Government Code §551.072, to 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.

4.4 Pursuant to Texas Government Code §551.071(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.

ADJOURNMENT OF EXECUTIVE SESSION

ADJOURNMENT OF REGULAR MEETING

Signed the 24th day of May 2024 –

Todd Little, Ellis County Judge

I, the undersigned, County Clerk Ellis County, 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 24th day of May, 2024 at 3:23 p.m.

Krystal Valdez, County Clerk