

On this the 9th day of April, 2019, at 10:00 A.M. came on to be held a REGULAR meeting of the Ector County Commissioners' Court in the Commissioners' Courtroom, Ector County Administration Building Annex, 1010 E. 8th St., Odessa, Texas with the following members present:

Debi Hays, County Judge
Eddy Shelton, Commissioner Precinct #1
Greg Simmons, Commissioner Precinct #2
Dale Childers, Commissioner Precinct #3
Armando Rodriguez, Commissioner Precinct #4
Minutes taken by Jennifer Martin, County Clerk

when the following proceedings were had to-wit:

County Judge Debi Hays called the meeting to order at 10:00 A. M. with a quorum of the court present. The invocation was led by Commissioner Shelton. County Judge Debi Hays led the pledge of allegiance to the United States flag and the pledge of allegiance to the Texas flag.

SPECIAL PRESENTATIONS/REQUESTS/RESOLUTIONS

1. To approve a Resolution declaring April 7-13, 2019 as National Crime Victims' Rights Week and authorize the County Judge and County Commissioners to sign.
Debi Hays – County Judge

Commissioner Simmons made a motion to approve a Resolution declaring April 7-13, 2019 as National Crime Victims' Rights Week and authorize the County Judge and County Commissioners to sign; A second was made by Commissioner Rodriguez. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Rodriguez
<u>✓</u> Commissioner Simmons	

2. To consider and discuss all matters and issues related to a presentation from the County Transportation Ad Hoc Committee regarding the evaluation report for roadway issues in the County and to consider, discuss, and take any necessary action regarding a request to program the identified roadways in the report for three (3) years with FMLA Fund.
Evans Kessey – Highways & Streets

A motion to accept the report from the County Transportation Ad Hoc Committee regarding the evaluation report for roadway issues in the County and to consider, discuss, and take any necessary action regarding a request to program the identified roadways in the report for three (3) years with FMLA Fund; Commissioner Childers seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Rodriguez
<u>✓</u> Commissioner Simmons	

3. To consider, discuss, and take any necessary action regarding the dissolution or establishment of the County Transportation Ad-Hoc Committee following the said report.
Evans Kessey – Highways & Streets

Commissioner Shelton made a motion to approve the dissolution or establishment of the County Transportation Ad-Hoc Committee following the said report; A second was made by Commissioner Childers. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers
✓ Commissioner Rodriguez

4. To consider, discuss, and take any necessary action regarding a request to approve out of state travel for Highways & Streets Director and two (2) staff to attend iWorQ System Training and Seminar hosted by the iWorQ Systems, Inc. from July 29th to August 1, 2018 in Logan, Utah.
Evans Kessey – Highways & Streets

A motion was made by Commissioner Simmons to approve out of state travel for Highways & Streets Director and two (2) staff to attend iWorQ System Training and Seminar hosted by the iWorQ Systems, Inc. from July 29th to August 1, 2018 in Logan, Utah; Commissioner Childers seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers
✓ Commissioner Rodriguez

5. To consider, discuss, and take any necessary action on the County's 56th Widening Project.
David Peck – Project Manager

Commissioner Simmons made a motion to pay the invoice in the amount of \$6538.66 and communicate to the contractor that additional work will not be authorized from the county due to the annexation by the City of Odessa; A second was made by Commissioner Rodriguez. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers
✓ Commissioner Rodriguez

AWARD OF BIDS/PROPOSALS

6. To consider, discuss, award, reject, and take any necessary action regarding the purchase of a Truck for the Environmental Enforcement Department; approve a budget amendment for an additional amount required from Equipment Services Fund, Motor Vehicle Repairs and Maintenance, 051-770-5251 to Equipment Services Fund, Motor Vehicle Equipment, 051-770-5505 in the amount of \$25,158 and authorize the County Judge to sign.
Kenneth Lind – Purchasing
Evans Kessey – Highways & Streets
Rickey George – Environmental Enforcement

ITEM WITHDRAWN

CONTRACTS/AGREEMENTS/GRANTS

7. To consider, discuss, approve, reject and take any necessary action regarding the extension of the Food Services Agreement with Summit Food Service for the Ector County Juvenile Probation and authorize the County Judge to sign.
Kenneth Lind – Purchasing

A motion was made by Commissioner Simmons to approve the extension of the Food Services Agreement with Summit Food Service for the Ector County Juvenile Probation and authorize the County Judge to sign; Commissioner Childers seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers
✓ Commissioner Rodriguez

8. To consider, discuss and take any necessary action regarding the continuation of Ector County's partnership with Midland Odessa Urban Transit District (MOUTD), dba EZ-Rider for Fiscal Year 2020 and authorize the County Judge to sign all documents associated with this document.
Donna Greaves – Senior Center

Commissioner Childers made a motion to approve the continuation of Ector County's partnership with Midland Odessa Urban Transit District (MOUTD), dba EZ-Rider for Fiscal Year 2020 and authorize the County Judge to sign all documents associated with this document; A second was made by Commissioner Shelton. **MOTION PASSED. 4-0**

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers

Abstained:

✓ Commissioner Rodriguez

9. To consider, discuss and take any necessary action regarding a revised AIA Agreement with JSA Architects for the redesign of the Jail booking area and to approve a budget amendment to Jail Expansion Fund, Professional Services, 047-420-5307 from Unreserved Fund Balance, 047-3310 in the amount of \$129,400 and authorize the County Judge to sign.
Charles Pierce – Building Maintenance

A motion was made by Commissioner Simmons to approve a revised AIA Agreement with JSA Architects for the redesign of the Jail booking area and to approve a budget amendment to Jail Expansion Fund, Professional Services, 047-420-5307 from Unreserved Fund Balance, 047-3310 in the amount of \$129,400 and authorize the County Judge to sign; Commissioner Rodriguez seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers

✓ Commissioner Rodriguez

10. To consider, discuss, and take any necessary action to approve a Memorandum of Understanding between Ector County and Johnson Controls, Inc.(JCI), in developing an Energy and Operating Efficiency business case and to clarify the responsibilities of both parties in developing the Preliminary Analysis at no financial cost to Ector County and authorize the County Judge to sign.
Charles Pierce – Building Maintenance

Commissioner Childers made a motion to approve a Memorandum of Understanding between Ector County and Johnson Controls, Inc.(JCI), in developing an Energy and Operating Efficiency business case and to clarify the responsibilities of both parties in developing the Preliminary Analysis at no financial cost to Ector County and authorize the County Judge to sign; A second was made by Commissioner Shelton.

MOTION PASSED. 3-2

Voting for Motion:

✓ Commissioner Shelton
✓ Commissioner Rodriguez

✓ Commissioner Childers

Voting Against Motion:

✓ Judge Hays
✓ Commissioner Simmons

11. To consider, discuss, and take any necessary action regarding a clarification letter for the Oberon Solar project from Ector County to grant access to all county roads and easements and to confirm there are no rules or ordinances that would require the project to obtain zoning approval to construct and operate the project, and authorize the County Judge to sign.
Debi Hays – County Judge

A motion was made by Commissioner Simmons to approve a clarification letter for the Oberon Solar project from Ector County to grant access to all county roads and easements and to confirm there are no rules or ordinances that would require the project to obtain zoning approval to construct and operate the project, and authorize the County Judge to sign; Judge Hays seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton ✓ Commissioner Childers
✓ Commissioner Simmons ✓ Commissioner Rodriguez

12. To consider, discuss, and take any necessary action regarding an Interlocal Cooperation Agreement between Ector County and Burnet County for Jail Services beginning October 1, 2018 through September 30, 2019 and authorize the County Judge to sign.
Mike Griffis – Sheriff

Commissioner Shelton made a motion to approve an Interlocal Cooperation Agreement between Ector County and Burnet County for Jail Services beginning October 1, 2018 through September 30, 2019 and authorize the County Judge to sign; A second was made by Commissioner Childers.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton ✓ Commissioner Childers
✓ Commissioner Simmons ✓ Commissioner Rodriguez.

13. To consider, discuss, and take any necessary action regarding the contract with the Lumber Jaxs Baseball Team, allowing use and maintenance for the baseball diamond at the Gardendale Park but indemnifying and holding Ector County harmless against any losses and damages through the attached Hold Harmless Agreement and authorize the County Judge to sign.
Debbie Clay – Commissioners Office

A motion was made by Commissioner Simmons to approve the contract with the Lumber Jaxs Baseball Team, allowing use and maintenance for the baseball diamond at the Gardendale Park but indemnifying and holding Ector County harmless against any losses and damages through the attached Hold Harmless Agreement and authorize the County Judge to sign; Judge Hays seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton ✓ Commissioner Childers
✓ Commissioner Simmons ✓ Commissioner Rodriguez

14. To consider, discuss, and take any necessary action on 1,171.60 Linear Feet/20-Foot-Wide Temporary Access Agreement and authorize the County Judge to sign.
David Peck – Projects Manager

Commissioner Childers made a motion to approve 1,171.60 Linear Feet/20-Foot-Wide Temporary Access Agreement and authorize the County Judge to sign; A second was made by Commissioner Rodriguez.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers
✓ Commissioner Rodriguez

INFORMATION TECHNOLOGY

15. To consider, discuss, approve, reject, and take any necessary action regarding the request to have all work orders turned into the Ector County I.T. Help Desk and to notify the vendor that only authorized Administrators in the I.T. Department can submit, escalate, and close work orders.
Mario Ornelas – Information Technology

A motion was made by Commissioner Childers to approve the request to have all work orders turned into the Ector County I.T. Help Desk and to notify the vendor that only authorized Administrators in the I.T. Department can submit, escalate, and close work orders; Commissioner Shelton seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers
✓ Commissioner Rodriguez

16. To consider, discuss, and take any necessary action regarding court reporters having a county issued PC/Laptops and to set a policy and or guidelines to ensure we are treating all court reporters equal.
Mario Ornelas – Information Technology

ITEM WITHDRAWN

PERSONNEL REQUESTS

17. To consider, discuss, and take any necessary action to hire an Investigator/Warrant Officer at a 201-14 due to his current level with the County and experience.
Dusty Gallivan – County Attorney

Commissioner Simmons made a motion to hire an Investigator/Warrant Officer at a 201-14 due to his current level with the County and experience; A second was made by Commissioner Rodriguez.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers
✓ Commissioner Rodriguez

POLICIES/PROCEDURES

18. To consider, discuss and take any necessary action to adopt the attached policy of payment of overtime for eligible non-exempt Law Enforcement Officers of the Sheriff's Department.
Patricia Patton – Human Resources

A motion was made by Commissioner Childers to adopt the attached policy of payment of overtime for eligible non-exempt Law Enforcement Officers of the Sheriff's Department; Commissioner Shelton seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays
✓ Commissioner Shelton
✓ Commissioner Simmons

✓ Commissioner Childers
✓ Commissioner Rodriguez

PUBLIC WORKS

19. To consider, discuss, and take any necessary action on a Replat of Lot 2, Block 23, Westridge Subdivision, 2nd Filing and authorize the County Judge to sign.
David Peck – Projects Manager

Commissioner Shelton made a motion to approve a Replat of Lot 2, Block 23, Westridge Subdivision, 2nd Filing and authorize the County Judge to sign; A second was made by Commissioner Childers.

MOTION PASSED. 5-0

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

20. To consider, discuss, and take any necessary action on Montgomery Subdivision being 2.39 Acre Tract of land out of Section 5, Block 41, T-1-S, T&P RY Co. Survey, Ector County, Texas and authorize the County Judge to sign.
David Peck – Projects Manager

A motion was made by Commissioner Simmons to approve Montgomery Subdivision being 2.39 Acre Tract of land out of Section 5, Block 41, T-1-S, T&P RY Co. Survey, Ector County, Texas and authorize the County Judge to sign; Commissioner Childers seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

21. To consider, discuss, and take any necessary action on Kelley 1.18 acre tract, situated in the T & P Railroad Company Survey, Section 8, Block 43 T2S, Abstract No. 658, City of Odessa, Ector County, Texas and authorize the County Judge to sign.
David Peck – Projects Manager

Commissioner Childers made a motion to approve Kelley 1.18 acre tract, situated in the T & P Railroad Company Survey, Section 8, Block 43 T2S, Abstract No. 658, City of Odessa, Ector County, Texas and authorize the County Judge to sign; A second was made by Commissioner Shelton. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

22. To consider, discuss, and take any necessary action for Ocean Front Property Workhorse MHRC on 9291 W. Murphy Street, Ector County, Texas and authorize the County Judge to sign.
David Peck – Projects Manager

A motion was made by Commissioner Childers to approve Ocean Front Property Workhorse MHRC on 9291 W. Murphy Street, Ector County, Texas and authorize the County Judge to sign; Commissioner Simmons seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

23. To consider, discuss, and take any necessary action for MHRC Development to serve 11364 W. University Blvd, Westland Subdivision, Lots 1, 2 & 3, Block 19, Ector County, Texas and authorize the County Judge to sign.
David Peck – Projects Manager

Commissioner Simmons made a motion to approve MHRC Development to serve 11364 W. University Blvd, Westland Subdivision, Lots 1, 2 & 3, Block 19, Ector County, Texas and authorize the County Judge to sign; A second was made by Commissioner Childers. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Rodriguez
<u>✓</u> Commissioner Simmons	

24. To consider, discuss, and take any necessary action for Apple RV Park MHRC Development to serve 16954 S. Windmill, Gage Acres, Lot 21, Block 2, Section 5, Ector County, Texas and authorize the County Judge to sign.
David Peck – Projects Manager

A motion was made by Commissioner Simmons to approve Apple RV Park MHRC Development to serve 16954 S. Windmill, Gage Acres, Lot 21, Block 2, Section 5, Ector County, Texas and authorize the County Judge to sign; Commissioner Childers seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Rodriguez
<u>✓</u> Commissioner Simmons	

CONSENT AGENDA

25. To review, consider, discuss, approve, and take any necessary action regarding the following proposed Consent Agenda:
- To consider, discuss, approve, and take any necessary action regarding a proposed line item transfer to FMLR Fund, Road Maintenance Department, Educational Travel, 002-810-5161 in the amount of \$2,000 from Road Maintenance Department, Safety Training & Supplies, 002-810-5401 in the amount of \$2,000 and to FMLA Fund, Traffic Operations Department, Educational Travel, 002-830-5161 in the amount of \$1,500 from Traffic Operations Department, Safety Training & Supplies, 002-830-5401 in the amount of \$1,500.
Evans Kessey – Highways & Streets

Commissioner Childers made a motion to approve a proposed line item transfer to FMLR Fund, Road Maintenance Department, Educational Travel, 002-810-5161 in the amount of \$2,000 from Road Maintenance Department, Safety Training & Supplies, 002-810-5401 in the amount of \$2,000 and to FMLA Fund, Traffic Operations Department, Educational Travel, 002-830-5161 in the amount of \$1,500 from Traffic Operations Department, Safety Training & Supplies, 002-830-5401 in the amount of \$1,500; A second was made by Commissioner Simmons. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Rodriguez
<u>✓</u> Commissioner Simmons	

BUDGET/FINANCIAL

26. To review, consider, discuss, approve, and take any necessary action regarding the Accounts Payable Fund Requirements Report for April 9, 2019, to review County financial statements and reports, and to authorize the County Judge to sign all documents associated with this agenda item.
David R. Austin – County Auditor

A motion was made by Commissioner Childers to approve the Accounts Payable Fund Requirements Report for April 9, 2019, to review County financial statements and reports, and to authorize the County Judge to sign all documents associated with this agenda item; Commissioner Simmons seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

Commissioner Simmons made a motion to adjourn into Executive Session with a second by Commissioner Childers. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

EXECUTIVE SESSION

27. To consider and discuss legal matters pursuant to Title 5, Chapter 551, Section 551.071, Texas Government Code.
Debi Hays – County Judge

NO ACTION WAS TAKEN ON THIS ITEM

28. To consider and discuss real estate issues/transactions pursuant to Title 5, Chapter 551, Section 551.072, Texas Government Code.
Debi Hays – County Judge

NO ACTION WAS TAKEN ON THIS ITEM

29. To consider and discuss personnel matters pursuant to Title 5, Chapter 551, Section 551.074, Texas Government Code.
Debi Hays – County Judge

NO ACTION WAS TAKEN ON THIS ITEM

30. To consider and discuss personnel matters (Tax Assessor-Collector) pursuant to Title 5, Chapter 551, Section 551.074, Texas Government Code.
Pat Patton – Human Resources

A motion was made by Commissioner Shelton to appoint Lindy Wright as Tax Assessor-Collector; Judge Hays seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

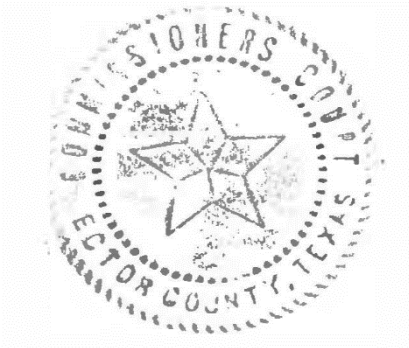
<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Shelton	<u>✓</u> Commissioner Childers
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

With no further business to discuss, Commissioner Childers made a motion with a second by Commissioner Rodriguez to adjourn to the call of the chair. **MOTION PASSED. 5-0**

THE STATE OF TEXAS

COUNTY OF ECTOR

I, Jennifer Martin, County Clerk, do hereby attest to the accuracy of the Commissioners Court Proceedings for the Regular Commissioners' Court meeting of April 9, 2019.



Jennifer Martin
JENNIFER MARTIN, COUNTY CLERK
ECTOR COUNTY, TEXAS