

On this the 29<sup>th</sup> day of May, 2018, 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. 8<sup>th</sup> St., Odessa, Texas with the following members present:

Ron Eckert, 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 Linda Haney, County Clerk

when the following proceedings were had to-wit:

County Judge Ron Eckert called the meeting to order at 10:00 A. M. with a quorum of the court present.

The invocation was led by Commissioner Greg Simmons.

Commissioner Dale Childers 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 consider, discuss, approve, reject, and take any necessary action regarding a request to approve the extension of the March 8, 2018 Burn Ban in Ector County, authorizing the County Judge, County Commissioners, and other county officials and employees to sign all documents associated with this agenda item.  
Dale Childers – Commissioner Pct. 3

Commissioner Childers made a motion to extend the Burn Ban for 90 days; Judge Eckert seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Eckert  
✓ Commissioner Shelton                      ✓ Commissioner Simmons  
✓ Commissioner Childers                      ✓ Commissioner Rodriguez

2. To receive a presentation of the findings and recommendations from the Salary Committee, and to review, consider, and discuss the presentation and any issues affecting, concerning, and related to said presentation.  
Dusty Gallivan – County Attorney

Dusty Gallivan, County Attorney and Chairman of the Salary Review Committee provided court members with a handout and gave a power point presentation outlining the work of the committee and recommendations on improvements to the county's salary system. No action was required on the item.

3. To receive a report concerning the MHRC Plans that have been submitted since December 1, 2014 for all Precincts, and to review, consider, and discuss all issues and matters contained within or related to said report.  
David Peck – Project Manager

David Peck, Project Manager provided a report on MHRC Plans that have been approved by the Court. The report detailed information as to the name of the MHRC, location by precinct and the date of approval. Questions were raised as to the impact of MHRC's on economic development. No court action was required on the item.

4. To review, consider, discuss, reject, approve, and take any necessary action to authorize an asbestos study and report for all county-owned buildings located between 3<sup>rd</sup> and 4<sup>th</sup> Street on the east side of Texas, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
Charles Pierce – Building Maintenance

Item #4 was withdrawn.

5. To consider, discuss, approve, reject, and take any necessary action regarding the requested purchase and installation of a new Biometric Access entry system for the Sheriff's Office and the Jail at a cost of \$6,913.01 to be purchased out of account 047-420-5509 LEC Debt monies, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
Charles Pierce – Building Maintenance

Commissioner Childers made a motion to reject the purchase and installation of a new Biometric Access entry system for the Sheriff's Office and the Jail; Commissioner Shelton seconded the motion.

**MOTION PASSED. 5-0**

Voting for Motion:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Judge Eckert          |  |
| <input checked="" type="checkbox"/> Commissioner Shelton  | <input checked="" type="checkbox"/> Commissioner Simmons   |
| <input checked="" type="checkbox"/> Commissioner Childers | <input checked="" type="checkbox"/> Commissioner Rodriguez |

6. To review, consider, discuss, approve, reject, and take any necessary action regarding a proposed purchase of a Walk Behind Airless Pavement Striper for Parking Lot and other assigned areas of roadway striping, and to approve a proposed line item transfer to Equipment Services Fund, Special Department Equipment, 051-770-5507 from Equipment Services Fund, Motor Vehicle Equipment, 051-770-5505 for \$16,845, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
Evans Kessey – Highways and Streets

A motion was made by Commissioner Rodriguez with a second by Commissioner Childers to approve the purchase of a Walk Behind Airless Pavement Striper for Parking Lot and other assigned areas of roadway striping, and to approve a proposed line item transfer to Equipment Services Fund, Special Department Equipment, 051-770-5507 from Equipment Services Fund, Motor Vehicle Equipment, 051-770-5505 for \$16,845, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. **MOTION PASSED. 5-0**

Voting for Motion:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Judge Eckert          |  |
| <input checked="" type="checkbox"/> Commissioner Shelton  | <input checked="" type="checkbox"/> Commissioner Simmons   |
| <input checked="" type="checkbox"/> Commissioner Childers | <input checked="" type="checkbox"/> Commissioner Rodriguez |

7. To consider, discuss, approve, reject, and take any necessary action regarding the proposed paving of unpaved streets in Precinct 4 for 11.2 miles and to engage Landgraf, Crutcher, & Associates (LCA) to provide all necessary surveying and engineering services for the project for a fee not to exceed \$77,050 (Seventy-seven Thousand Fifty Dollars and Zero Cents), with the total estimated project cost being \$1,186,195 (One Million One Hundred Eighty-six Thousand One Hundred Ninety-five Dollars and Zero Cents), and to approve a proposed budget amendment to Capital Improvement, Road Maintenance, 045-990-5508 from Unreserved Fund Balance, 045-3310 in the amount of \$77,050, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Commissioner Rodriguez made a motion to approve the proposed paving of unpaved streets in Precinct 4 for 11.2 miles and to engage Landgraf, Crutcher, & Associates (LCA) to provide all necessary surveying and engineering services for the project for a fee not to exceed \$77,050, with the total estimated project cost being \$1,186,195. **Motion failed for lack of a second.**

### **AWARD OF BIDS/PROPOSALS**

8. To review, consider, discuss, approve, award, reject, and take any necessary action regarding the bid and Contract for the Ramp Grant 2017-2018, Signage Upgrade and Surge Suppression Projects, and to approve the proposed Budget Amendment to Capital Improvement Fund – County Airport, Ramp Grant Improvements, 046-870-5240 from Unreserved Fund Balance 046-3310 in the amount of \$10,578, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Kenneth Lind – Purchasing

A motion was made by Commissioner Childers with a second by Commissioner Shelton to approve and award the bid and contract for the Ramp Grant 2017-2018, Signage Upgrade and Surge Suppression Projects to F & W Electrical Contractors, Inc. for a cost of \$105,876 and to approve a Budget Amendment to Capital Improvement Fund – County Airport, Ramp Grant Improvements, 046-870-5240 from Unreserved Fund Balance 046-3310 in the amount of \$10,578, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. **MOTION PASSED. 5-0**

Voting for Motion:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Judge Eckert          |  |
| <input checked="" type="checkbox"/> Commissioner Shelton  | <input checked="" type="checkbox"/> Commissioner Simmons   |
| <input checked="" type="checkbox"/> Commissioner Childers | <input checked="" type="checkbox"/> Commissioner Rodriguez |

### **CONTRACTS/AGREEMENT/GRANTS**

9. To review, consider, discuss, approve, reject, and take any necessary action regarding the proposed Agreement with Reece Albert, Inc. for the Widening of 56<sup>th</sup> Street (from Billy Hext to Faudree) and the proposed Master Service Agreement with Reece Albert, Inc., authorizing the County Judge and other county officials and employees to sign said agreements and all other documents associated with this agenda item.

Kenneth Lind – Purchasing

Commissioner Simmons made a motion to approve the Agreement with Reece Albert, Inc. for the Widening of 56<sup>th</sup> Street (from Billy Hext to Faudree) and the Master Service Agreement with Reece Albert, Inc., authorizing the County Judge and other county officials and employees to sign said agreements and all other associated documents; Commissioner Shelton to approve the seconded the motion.

**MOTION PASSED. 5-0**

Voting for Motion:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Judge Eckert          |  |
| <input checked="" type="checkbox"/> Commissioner Shelton  | <input checked="" type="checkbox"/> Commissioner Simmons   |
| <input checked="" type="checkbox"/> Commissioner Childers | <input checked="" type="checkbox"/> Commissioner Rodriguez |

10. To review, consider, discuss, approve, reject, and take any necessary action regarding the proposed AIA Change Order #7, for the Jail Additions and Renovations Project, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Kenneth Lind – Purchasing

A motion was made by Commissioner Childers with a second by Commissioner Shelton for approval of the AIA Change Order #7, for the Jail Additions and Renovations Project, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

**MOTION PASSED. 5-0**

Voting for Motion:

- |                                |                                 |
|--------------------------------|---------------------------------|
| <u>✓</u> Judge Eckert          |                                 |
| <u>✓</u> Commissioner Shelton  | <u>✓</u> Commissioner Simmons   |
| <u>✓</u> Commissioner Childers | <u>✓</u> Commissioner Rodriguez |

**PERSONNEL REQUESTS**

11. To review, consider, discuss, reject, approve, and take any necessary action regarding a request to hire a previous employee who left at a Corporal Step 4 position and rehire back as a Jailer II/Deputy I, from step 1 to Step 4, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
Mike Griffis – Sheriff’s Office

Commissioner Simmons made a motion for approval to hire a previous employee who left at a Corporal Step 4 position and rehire back as a Jailer II/Deputy I, from step 1 to Step 4, authorizing the County Judge and other county officials and employees to sign all associated documents; Commissioner Childers seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

- |                                |                                 |
|--------------------------------|---------------------------------|
| <u>✓</u> Judge Eckert          |                                 |
| <u>✓</u> Commissioner Shelton  | <u>✓</u> Commissioner Simmons   |
| <u>✓</u> Commissioner Childers | <u>✓</u> Commissioner Rodriguez |

12. To review, consider, discuss, reject, approve, and take any necessary action regarding a request to hire a CPS Attorney at a Step 5 due to experience, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
Dusty Gallivan – County Attorney

A motion was made by Commissioner Childers with a second by Commissioner Rodriguez for approval to hire a CPS Attorney at a Step 5 due to experience, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. **MOTION PASSED. 5-0**

Voting for Motion:

- |                                |                                 |
|--------------------------------|---------------------------------|
| <u>✓</u> Judge Eckert          |                                 |
| <u>✓</u> Commissioner Shelton  | <u>✓</u> Commissioner Simmons   |
| <u>✓</u> Commissioner Childers | <u>✓</u> Commissioner Rodriguez |

**PUBLIC WORKS**

13. To review, consider, discuss, approve, and take any necessary action on the proposed Pampas Villas Subdivision being a 29.20 acre tract of land out of Section 5, Block 41, T-1-S T&P RY Co. Survey Ector County, Texas, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
David Peck – Project Manager

Commissioner Simmons made a motion for approval of the plat of Pampas Villas Subdivision being a 29.20 acre tract of land out of Section 5, Block 41, T-1-S T&P RY Co. Survey Ector County, Texas, authorizing the County Judge and other county officials and employees to sign all associated documents; Commissioner Shelton seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

Judge Eckert  
 Commissioner Shelton                       Commissioner Simmons  
 Commissioner Childers                       Commissioner Rodriguez

14. To review, consider, discuss, approve, and take any necessary action on the proposed Armendariz MHRC to be located at 10188 Westridge being a 1.75 acre tract out of Lot 4, Block 6, Westridge Subdivision, a subdivision of 647.44 acres of land in Sec. 16, Blk 43, T-2-S, T&P Ry. Co. Survey, Ector County, Texas, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
David Peck – Projects Manager

A motion was made by Commissioner Simmons with a second by Commissioner Shelton for approval of Armendariz MHRC to be located at 10188 Westridge being a 1.75 acre tract out of Lot 4, Block 6, Westridge Subdivision, a subdivision of 647.44 acres of land in Sec. 16, Blk 43, T-2-S, T&P Ry. Co. Survey, Ector County, Texas, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. **MOTION PASSED. 5-0**

Voting for Motion:

Judge Eckert  
 Commissioner Shelton                       Commissioner Simmons  
 Commissioner Childers                       Commissioner Rodriguez

15. To review, consider, discuss, approve, and take any necessary action on the proposed Vista de Leon Subdivision, being a Replat of Lot 8, Block 31, Clearwater Mesa, Section 2, and a Replat of Tract 6, Survey Plat of Section 35, being a subdivision of 38.51 acres in Section 35, Block 43, T-3-S, T&P Ry. Co. Survey, Ector County, Texas, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
David Peck – Project Manager

Commissioner Childers made a motion approval of the plat of Vista de Leon Subdivision, being a Replat of Lot 8, Block 31, Clearwater Mesa, Section 2, and a Replat of Tract 6, Survey Plat of Section 35, being a subdivision of 38.51 acres in Section 35, Block 43, T-3-S, T&P Ry. Co. Survey, Ector County, Texas, authorizing the County Judge and other county officials and employees to sign all associated documents; Commissioner Simmons seconded the motion. **MOTION PASSED. 4-1**

Voting for Motion:

Judge Eckert                                       Commissioner Shelton  
 Commissioner Simmons                       Commissioner Childers  
Voting against Motion:  
 Commissioner Rodriguez

## **SALE TO FORECLOSE ON PROPERTY**

16. To consider, discuss, approve, reject, authorize, and take any necessary action regarding the proposed sale of the property located in the Midway Country Estates Subdivision, Gardendale Texas for \$40,500 (Forth Thousand Five Hundred Dollars and Zero Cents), which is less than the market value specified in the judgment of foreclosure against the property and is also less than the total amount of judgments against the property, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
Ron Eckert – County Judge

A motion was made by Commissioner Childers with a second by Commissioner Rodriguez to approve the sale of the property located in the Midway Country Estates Subdivision, Gardendale Texas for \$40,500

(Forty Thousand Five Hundred Dollars and Zero Cents), which is less than the market value specified in the judgment of foreclosure against the property and is also less than the total amount of judgments against the property, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Eckert  
✓ Commissioner Shelton                      ✓ Commissioner Simmons  
✓ Commissioner Childers                      ✓ Commissioner Rodriguez

## LITIGATION MATTERS

17. To review, consider, discuss, and take any necessary action regarding the following pending lawsuit: *Albert Garza v. Mike Griffis, et al*, referenced in the Summons in a Civil Action as Civil Action No. MO: 18-cv-044 DC, referenced in the Order for Service and Advisory as Civil Action Number MO:18-CV-00044-DC, filed in the United States District Court Western District of Texas Midland-Odessa Division (Executive Session may first be held to deliberate regarding legal matters associated with this case as per agenda item 23 below, incorporated by reference herein, in accordance with Title 5, Chapter 551, Section 551.071 of the Texas Government Code; if executive session is held, no action will be taken in executive session and any action actually taken on this agenda item 17 will instead be taken in open session, following executive session, once business for open session has resumed).

Sam Brijalba – Human Resources

Commissioner Simmons made a motion to assign the lawsuit to Attorney, Denis Dennis and his law firm; Commissioner Childers seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Eckert  
✓ Commissioner Shelton                      ✓ Commissioner Simmons  
✓ Commissioner Childers                      ✓ Commissioner Rodriguez

## CONSENT AGENDA

18. To review, consider, discuss, approve, and take any necessary action regarding the following proposed Consent Agenda:
- a. To consider, discuss, approve, and take any necessary action regarding a proposed line item transfer to General Fund, Constables, Radio Maintenance and Repairs, 001-390-5250 from Non Departmental Other, Other General Expense, 001-950-5402 in the amount of \$110, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
David R. Austin – County Auditor

Commissioner Childers made a motion to approve a line item transfer to General Fund, Constables, Radio Maintenance and Repairs, 001-390-5250 from Non-Departmental Other, Other General Expense, 001-950-5402 in the amount of \$110, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item; Commissioner Rodriguez seconded the motion.

**MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Eckert  
✓ Commissioner Shelton                      ✓ Commissioner Simmons  
✓ Commissioner Childers                      ✓ Commissioner Rodriguez

- b. To consider, discuss, approve, and take any necessary action regarding a proposed line item transfer to Elections Fund, Educational Travel, 004-980-5161 from Elections Fund, Election Resources, 004-980-5172 for \$820, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
Elizabeth Sertuche – Elections

Item 18 (b) of the Consent Agenda was withdrawn.

## **BUDGET/FINANCIAL**

19. To review, consider, discuss, approve, and take any necessary action regarding a proposed budget amendment to Elections Fund, Election Income, 004-4094 and to Elections Fund, Legal Advertising, 004-980-5326, for \$4,300, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
Elizabeth Sertuche – Elections

Commissioner Simmons made a motion for approval of a budget amendment to Elections Fund, Election Income, 004-4094 and to Elections Fund, Legal Advertising, 004-980-5326, for \$4,300, authorizing the County Judge and other county officials and employees to sign all associated documents; Commissioner Childers seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Judge Eckert          |  |
| <input checked="" type="checkbox"/> Commissioner Shelton  | <input checked="" type="checkbox"/> Commissioner Simmons   |
| <input checked="" type="checkbox"/> Commissioner Childers | <input checked="" type="checkbox"/> Commissioner Rodriguez |

20. To review, consider, discuss, approve, and take any necessary action regarding a proposed budget amendment to Coliseum Capital Improvement Fund, Advertising, 043-860-5403 from Unreserved Fund Balance, 043-3310 in the amount of \$364; to County Capital Improvement Fund, Advertising, 044-990-5403 from Unreserved Fund Balance, 044-3310 in the amount of \$1,092; to Capital Projects Fund, Advertising, 045-990-5403 from Unreserved Fund Balance, 045-3310 in the amount of \$939; and to Airport Capital Improvement Fund, Advertising, 046-870-5403 from Unreserved Fund Balance, 046-3310 in the amount of \$894, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.  
David R. Austin – County Auditor

A motion was made by Commissioner Simmons with a second by Commissioner Childers for approval of a budget amendment to Coliseum Capital Improvement Fund, Advertising, 043-860-5403 from Unreserved Fund Balance, 043-3310 in the amount of \$364; to County Capital Improvement Fund, Advertising, 044-990-5403 from Unreserved Fund Balance, 044-3310 in the amount of \$1,092; to Capital Projects Fund, Advertising, 045-990-5403 from Unreserved Fund Balance, 045-3310 in the amount of \$939; and to Airport Capital Improvement Fund, Advertising, 046-870-5403 from Unreserved Fund Balance, 046-3310 in the amount of \$894, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. **MOTION PASSED. 5-0**

Voting for Motion:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Judge Eckert          |  |
| <input checked="" type="checkbox"/> Commissioner Shelton  | <input checked="" type="checkbox"/> Commissioner Simmons   |
| <input checked="" type="checkbox"/> Commissioner Childers | <input checked="" type="checkbox"/> Commissioner Rodriguez |

21. To review, receive, consider, discuss, approve, and take any necessary action regarding the Accounts Payable Fund Requirements Report for May 29, 2018, to review County financial statements and reports, and to authorize the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Commissioner Childers made a motion to approve the Accounts Payable Fund Requirements Report for May 29, 2018, 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:

Judge Eckert

Commissioner Shelton

Commissioner Simmons

Commissioner Childers

Commissioner Rodriguez

Reports may be viewed in the Ector County Auditor's Office during regular business.

**The court did not meet in Executive Session.**

**EXECUTIVE SESSION**

22. To consider and discuss legal matters pursuant to Title 5, Chapter 551, Section 551.071, Texas Government Code.

Ron Eckert – County Judge

The court did not meet in Executive Session.

23. To consider and discuss legal matters regarding the following pending lawsuit: *Albert Garza v. Mike Griffis, et al*, referenced in the Summons in a Civil Action as Civil Action No. MO: 18-cv-044 DC, referenced in the Order for Service and Advisory as Civil Action Number MO:18-CV-00044-DC, in the United States District Court Western District of Texas Midland-Odessa Division, pursuant to Title 5, Chapter 551, Section 551.071, Texas Government Code.

Ron Eckert – County Judge

The court did not meet in Executive Session.

24. To consider and discuss real estate issues/transactions pursuant to Title 5, Chapter 551, Section 551.072, Texas Government Code.

Ron Eckert – County Judge

The court did not meet in Executive Session.

25. To consider and discuss personnel matters pursuant to Title 5, Chapter 551, Section 551.074, Texas Government Code.

Ron Eckert – County Judge

The court did not meet in Executive Session.



**10:58 A.M**

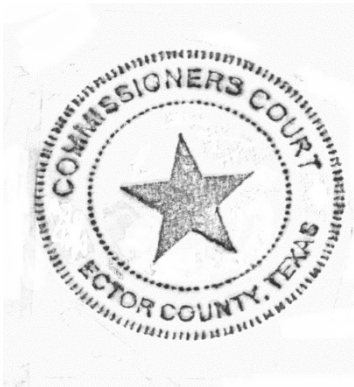
With no further business to discuss, Commissioner Childers made a motion with a second by Commissioner Simmons to adjourn to the call of the chair. **MOTION PASSED. 5-0**

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**THE STATE OF TEXAS**

**COUNTY OF ECTOR**

**I, Linda Haney, County Clerk, do hereby attest to the accuracy of the Commissioners Court Proceedings for the Regular Commissioners' Court meeting of May 29, 2018.**



*Linda Haney*  
\_\_\_\_\_  
**LINDA HANEY, COUNTY CLERK  
ECTOR COUNTY, TEXAS**