

On this the 11th day of December, 2017, 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:

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 10:02 A. M. with a quorum of the court present.

The invocation was led by Ron Eckert, County Judge.

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 review, consider, discuss, approve, reject, and take any necessary action regarding a request to allow Charles Pierce and Audrea Cravens to attend a training workshop for the new work order system in San Diego, California, to be held in March of 2018, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.
Charles Pierce – Building Maintenance

A motion was made by Commissioner Shelton with a second by Commissioner Childers to approve a request to allow Charles Pierce and Audrea Cravens to attend a training workshop for the new work order system in San Diego, California, to be held in March of 2018, 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

2. To consider, discuss, approve, and take any necessary action to allow the electricity to be turned off to the old bonding company building on 318 N. Texas Street, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.
Charles Pierce – Building Maintenance

Commissioner Simmons made a motion for approval to allow the electricity to be turned off to the old bonding company building on 318 N. Texas Street, 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

3. To review, consider, discuss, approve, and take any necessary action regarding a request to purchase one (1) emulsion storage tank and to approve a proposed line item transfer to Road Maintenance Fund, Special Department Equipment, 002-810-5507 from Road Maintenance, 002-810-5241 for

\$400,000, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Evans Kessey – Road Maintenance

A motion was made by Commissioner Simmons with a second by Commissioner Shelton to approve a request to purchase one (1) emulsion storage tank and to pay for the item from excess bond proceeds from the 2015 Bond Issuance. **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

4. To review, consider, discuss, and take any necessary action to approve the Joint Resolution between the Republican and Democratic Party to hold a Joint Primary Election to be held on March 6, 2018 and a Joint Runoff Election to be held May 22, 2018 and to be contracted with Ector County Elections Administrator and to approve the Early voting and Election Day polling locations, including the approval of Sherwood Church of Christ due to Sherwood Community Building being under construction, authorizing the County Judge and County Commissioners and other county officials and employees to sign all documents associated with this agenda item.
Elizabeth Sertuche – Elections Administrator

Commissioner Simmons made a motion for approval of the Joint Resolution between the Republican and Democratic Party to hold a Joint Primary Election to be held on March 6, 2018 and a Joint Runoff Election to be held May 22, 2018 and to be contracted with Ector County Elections Administrator and to approve the Early voting and Election Day polling locations, including the approval of Sherwood Church of Christ due to Sherwood Community Building being under construction, authorizing the County Judge and County Commissioners 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

5. To review, consider, discuss, accept, and take any other action regarding the resignation of the Building Maintenance Director, Octavio Carrillo, also known as OC Carrillo, effective December 31, 2017, and to express gratitude to him for his years of service and dedication to Ector County.
Ron Eckert – County Judge

A motion was made by Commissioner Simmons with a second by Commissioner Rodriguez to regretfully accept the resignation of the Building Maintenance Director, Octavio Carrillo, also known as OC Carrillo, effective December 31, 2017. **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

Octavio “O. C.” Carrillo has worked for the Ector County Maintenance for 32½ years. The court and audience members gave Mr. Carrillo a standing ovation to express gratitude to him for his years of dedicated service.

6. To review, consider, discuss, accept, and take any other action regarding the resignation of the Cemetery Director, Martha Fierro, effective December 31, 2017, and to express gratitude to her for her years of service and dedication to Ector County.

Commissioner Shelton made a motion to approve acceptance of the resignation of the Cemetery Director, Martha Fierro, effective December 31, 2017; Commissioner Rodriguez seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

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

Cemetery Director, Martha Fierro has worked for Ector County for 36 years. The court and audience members expressed appreciation to Ms. Fierro for her many years of service and dedication to Ector County by offering a standing ovation.

AWARDS OF BIDS/PROPOSALS

7. To review, consider, discuss, award, reject, and take any necessary action regarding the Proposal for the Law Enforcement Center – Additions and Renovations, 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 Simmons with a second by Commissioner Shelton to concur with the committee’s recommendation and move forward to award the Law Enforcement Center – Additions and Renovations project to Cooper Construction at a cost of \$18,900,000 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 Childers
- ✓ Commissioner Simmons
- ✓ Commissioner Rodriguez

CONTRACTS/AGREEMENT/GRANTS

8. To review, consider, discuss, approve, reject, and take any necessary action regarding a proposed Professional Services Agreement with JSA Architects for Roof Repairs, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.
Octavio Carrillo – Building Maintenance

Commissioner Shelton made a motion to approve a Professional Services Agreement with JSA Architects for Roof Repairs, 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:

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

9. To review, consider, discuss, approve, reject, and take any necessary action regarding the proposed Master Service Agreement with N Tune Music & Sound, Inc., authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.
Lucy Soto – Purchasing

A motion was made by Commissioner Simmons with a second by Commissioner Rodriguez for approval of the Master Service Agreement with N Tune Music & Sound, Inc., 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 |

10. To review, consider, discuss, approve, reject, and take any necessary action regarding the proposed Master Service Agreement with Lightning Protection Systems LLC dba VFC, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Lucy Soto – Purchasing

Commissioner Simmons made a motion for approval of the Master Service Agreement with Lightning Protection Systems LLC dba VFC, 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 |

PERSONNEL REQUESTS

11. To review, consider, discuss, approve, reject, and take any necessary action regarding a proposal to set starting pay for Director of Nursing at \$38.20 per hour, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Mike Griffis – Sheriff

A motion was made by Commissioner Simmons with a second by Commissioner Shelton for approval to set the starting pay for Director of Nursing at \$38.20 per hour, authorizing the County Judge and other county officials and employees to sign all associated documents. **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 |

PUBLIC WORKS

12. To review, consider, discuss, approve, and take any necessary action on a proposed Replat of Lot 3 and the North 83.25 ft. of Lot 2, Block 20, Plumanearly Subdivision 2nd filing, Ector County, Texas, authorizing the County Judge to sign all documents associated with this agenda item.

David Peck – Projects Manager

Commissioner Shelton made a motion for approval of the Replat of Lot 3 and the North 83.25 ft. of Lot 2, Block 20, Plumanearly Subdivision 2nd filing, Ector County, Texas, authorizing 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 Childers

✓ Commissioner Simmons
✓ Commissioner Rodriguez

LITIGATION MATTERS

13. To review, consider, discuss, approve, and take any necessary action regarding the proposed settlement and the terms and amounts of the proposed settlement of the following Ector County Environmental Enforcement case: *Ector County v. Commercial Metals Co.*, No. D-1-GN-16-001724, in the 201st District Court of Travis County, Texas, authorizing the County Judge, other county officials and employees, and private counsel to sign a settlement agreement and all other documents associated with this agenda item. (Executive Session may first be held to deliberate the proposed settlement and any other legal matters associated with this case as per agenda item 19 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 13 will instead be taken in open session, following executive session, once business for open session has resumed).
Daniel Ray – Environmental Enforcement

A motion was made by Commissioner Simmons with a second by Commissioner Rodriguez to table the item for discussion in Executive Session. **MOTION PASSED. 4-1**

Voting for Motion:

✓ Commissioner Shelton
✓ Commissioner Childers

✓ Commissioner Simmons
✓ Commissioner Rodriguez

Voting against Motion:

✓ Judge Eckert

BUDGET/FINANCIAL

14. To review, consider, discuss, approve, reject, and take any necessary action regarding various proposed amendments for the carry forward of outstanding encumbrances from FY 2017 to FY 2018, 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 for approval of various amendments for the carry forward of outstanding encumbrances from FY 2017 to FY 2018, authorizing the County Judge and other county officials and employees to sign all associated documents; Commissioner Simmons seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Eckert
✓ Commissioner Shelton
✓ Commissioner Childers

✓ Commissioner Simmons
✓ Commissioner Rodriguez

15. To review, consider, discuss, approve, reject, and take any necessary action regarding the proposed final year-end line item transfers for Fiscal Year 2017, 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 to approve final year-end line item transfers for Fiscal Year 2017, 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 Childers
- ✓ Commissioner Simmons
- ✓ Commissioner Rodriguez

16. To review, consider, discuss, approve, reject, and take any necessary action regarding the proposed final year-end budget amendments for Fiscal Year 2017, 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 for approval of the final year-end budget amendments for Fiscal Year 2017, 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 Childers
- ✓ Commissioner Simmons
- ✓ Commissioner Rodriguez

17. To review, consider, discuss, approve, and take any necessary action regarding the Accounts Payable Fund Requirements Report for December 11, 2017, 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

Commissioner Childers made a motion for approval of the Accounts Payable Fund Requirements Report for December 11, 2017, 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 Childers
- ✓ Commissioner Simmons
- ✓ Commissioner Rodriguez

10:20 A.M.

Commissioner Childers made a motion to retire to Executive Session; Commissioner Rodriguez seconded the motion. **MOTION PASSED. 5-0**

11:19 A.M.

A motion was made by Commissioner Childers with a second by Commissioner Shelton to resume the meeting in Open Session. **MOTION PASSED. 5-0**

EXECUTIVE SESSION

18. To consider and discuss legal matters pursuant to Title 5, Chapter 551, Section 551.071, Texas Government Code.
Ron Eckert – County Judge

No action on Item #18.

19. To consider and discuss legal matters (Environmental Enforcement) regarding the proposed settlement of the following Ector County Environmental Enforcement case: *Ector County v. Commercial Metals Co.*, No. D-1-GN-16-001724, in the 201st District Court of Travis County, Texas, including consideration and discussion of various legal issues associated with this case and the

terms of its proposed settlement, including the proposed settlement amounts, pursuant to Title 5, Chapter 551, Section 551.071, Texas Government Code.

Ron Eckert – County Judge

Commissioner Simmons made a motion with a second by Commissioner Shelton to authorize legal counsel to move forward with preparing and executing final settlement documentation and to present those to the State to follow their procedure in adjudication of the case. **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

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

Ron Eckert – County Judge

No action on Item #20.

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

Ron Eckert – County Judge

No action on Item #21.

22. To consider and discuss personnel matters, including the review, consideration, and discussion of applications for the Veterans Service Officer position, and the filling of the vacancy resulting from the retirement of the previous Veterans Service Officer, pursuant to Title 5, Chapter 551, Section 551.074, Texas Government Code.

Patricia Patton – Human Resources

A motion was made by Commissioner Simmons with a second by Commissioner Childers to authorize the Human Resources Department to set up interviews of applicants who have applied for the position and for the interviews to be held during Executive Session at the next regular session of the Commissioners' Court.

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

23. To consider and discuss any and all personnel matters relating to and resulting from the retirement of the present Cemetery Director, including the vacancy to result therefrom and the filling of said vacancy, pursuant to Title 5, Chapter 551, Section 551.074, Texas Government Code.

Patricia Patton – Human Resources

Commissioner Simmons made a motion to authorize the Human Resources Department to post the position for potential applicants and to proceed as directed in Executive Session; 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

24. To consider and discuss any and all personnel matters relating to and resulting from the retirement of the present Building Maintenance Director, including the vacancy to result therefrom and the filling of said vacancy, pursuant to Title 5, Chapter 551, Section 551.074, Texas Government Code.
Patricia Patton – Human Resources

A motion was made by Commissioner Simmons with a second by Commissioner Shelton to authorize the Human Resources Department to post the position to seek applicants to fill the position until applications can be reviewed and applicants interviewed and to appoint Charlie Pearce as the Interim Director beginning January 1, 2018. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Eckert

✓ Commissioner Shelton

✓ Commissioner Childers

✓ Commissioner Simmons

✓ Commissioner Rodriguez

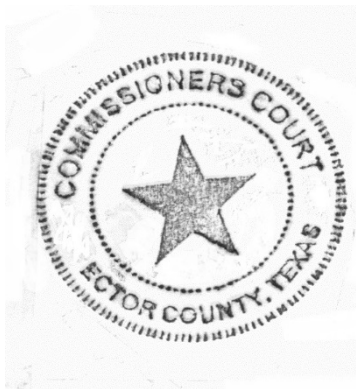
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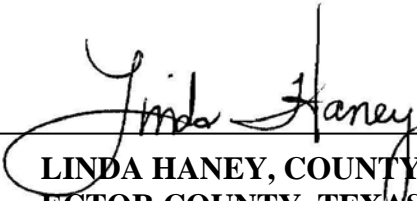
With no further business to discuss, Commissioner Childers made a motion with a second by Commissioner Shelton to adjourn to the call of the chair. **MOTION PASSED. 5-0**

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 December 11, 2017.





**LINDA HANEY, COUNTY CLERK
ECTOR COUNTY, TEXAS**