On this the 22nd day of January, 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. 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 10:01 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 receive an annual update from Texas A&M AgriLife Extension and to consider and discuss any issues related to said update.

Steve Paz – Texas A&M AgriLife Extension

Steven Paz, Agriculture & Natural Resources Extension Agent and Jeff Floyd, Horticulture Extension Agent with Texas A & M AgriLife Extension appeared before the court. A handout was provided to court members and both Mr. Paz and Mr. Floyd updated the court on recent activities within the department. No court action was required.

2. To review, receive, consider, discuss, approve, and take any necessary action on a presentation from Highways and Streets Department regarding proposed 2018 Summer Seal Coat Project, any issues associated with the proposed project requiring further inquiry, and any further issues raised by or relevant to said presentation, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Evans Kessey - Highways & Streets

Evans Kessey, Director of the Highways & Streets Department appeared before the court. Mr. Kessey provided a power point presentation detailing the Proposed Road Maintenance Projects planned for Summer, 2018. No court action was required.

3. To review, consider, discuss, approve, and take any necessary action regarding a request to sell South Odessa Street, Goldsmith, Texas, for \$8,000 (eight thousand dollars), authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. Ron Eckert – County Judge

Mark Flowers, Attorney at Law with Linebarger, Goggan Blair & Sampson, LLP appeared before the court to offer information regarding the request to sell the property located in Goldsmith at South Odessa Street.

A motion was made by Commissioner Simmons with a second by Commissioner Childers to accept the offer of \$8,000 for the property, authorizing the County Judge and other county officials and employees to sign all associated documents. **MOTION PASSED. 5-0**

Voting for Motion:

- ✓ Judge Eckert
- ✓ Commissioner Shelton
- Commissioner Simmons

- Commissioner Childers
- <u>✓</u> Commissioner Rodriguez
- 4. To consider, discuss, approve, reject, and take any necessary action regarding the pavement widening of 56th Street from the intersection at Billy Hext Road to the intersection of Yukon Road (approximately 1 mile) and to engage Landgraf, Crutcher & Associates (LCA) to provide all necessary surveying and engineering services for the project for a fee not to exceed \$98,600 (ninety-eight thousand six hundred dollars), with the total estimated project cost being \$1,084,200 (one million eighty-four thousand two hundred dollars), authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. Greg Simmons Commissioner Pct. 2

John Landgraf with Landgraf, Crutcher & Associates (LCA) appeared before the court. He reported that his firm would be working with the county on right of way work with Oncor, engineering and design of the roadway, bid specifications and project award. He reported that the work should begin at the end of May in order to be complete by the start of school.

Commissioner Simmons made a motion to approve regarding the pavement widening of 56th Street from the intersection at Billy Hext Road to the intersection of Yukon / Faudree Road (approximately 1 mile) and to engage Landgraf, Crutcher & Associates (LCA) to provide all necessary surveying and engineering services for the project for a fee not to exceed \$98,600 (ninety-eight thousand six hundred dollars), with the total estimated project cost being \$1,084,200 (one million eighty-four thousand two hundred dollars) to be paid from Fund 045 (Capital Projects Fund), authorizing the County Judge and other county officials and employees to sign all associated documents; Commissioner Shelton seconded the motion.

MOTION PASSED. 4-1

Voting for Motion:

✓ Judge Eckert

<u>✓</u> Commissioner Shelton

Commissioner Simmons

Commissioner Childers

Voting against Motion:

- ✓ Commissioner Rodriguez
- 5. To consider, discuss, approve, and take any necessary action to approve the proposed revised Game Room Ordinance, authorizing the County Judge and other county officials to sign all documents associated with this agenda item.

Dusty Gallivan – County Attorney

A motion was made by Commissioner Shelton with a second by Commissioner Childers to approve the proposed revised Game Room Ordinance, authorizing the County Judge and other county officials to sign all documents associated with this agenda item. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Eckert

<u>✓</u> Commissioner Shelton

Commissioner Simmons

✓ Commissioner Childers

<u>✓</u> Commissioner Rodriguez

AWARDS OF BIDS/PROPOSALS

6. To approve, reject, modify, or take any other action on the following proposal specification: Asphalt Emulsion Storage Tank System Replacement Project, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Kenneth Lind – Purchasing

Commissioner Childers made a motion for approval of the proposal specifications for the Asphalt Emulsion Storage Tank System Replacement Project, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item; Commissioner Shelton seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Eckert

 ✓ Commissioner Shelton
 ✓ Commissioner Simmons

 ✓ Commissioner Childers
 ✓ Commissioner Rodriguez

CONTRACTS/AGREEMENT/GRANTS

7. To consider, discuss, approve, and take any necessary action regarding an invitation by the Odessa Chamber of Commerce and zCivic, a division of Bar-Z Mobile Development of Austin, for Ector County to become a community partner on the first official Mobile App of Odessa, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Dale Childers – Commissioner Pct. 3

Renee Earls with the Odessa Chamber of Commerce and Aaron Martin, Coliseum Director appeared before the court to encourage the court to participate in the cost sharing and to utilize the mobile application.

A motion was made by Commissioner Childers with a second by Commissioner Rodriguez to approve acceptance of an invitation by the Odessa Chamber of Commerce and zCivic, a division of Bar-Z Mobile Development of Austin, for Ector County to become a community partner on the first official Mobile App of Odessa, at a cost of \$5,999 with funding from the Hotel/Motel Tax sales tax revenue, 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

8. To consider, discuss, approve, reject, and take any necessary action regarding a request to enter into an agreement with the Texas Department of Transportation to provide matching funds and other considerations for improvements of the intersection at Loop 338 and Ector County road, 56th Street, to include traffic signal improvements, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. Greg Simmons – Commissioner Pct. 2

Commissioner Simmons made a motion for approval of a request to enter into an agreement with the Texas Department of Transportation to provide matching funds (\$200,000 from Capital Projects Fund #045) and other considerations for improvements of the intersection at Loop 338 and Ector County road, 56th Street, to include traffic signal improvements, authorizing the County Judge and other county officials and employees to sign all documents; Commissioner Shelton seconded the motion. **MOTION PASSED. 4-1** Voting for Motion:

✓ Judge Eckert

✓ Commissioner Shelton

✓ Commissioner Simmons

✓ Commissioner Childers

Voting against Motion:

- <u>✓</u> Commissioner Rodriguez
- 9. To consider, discuss, approve, and take any necessary action regarding the proposed confirmation of services (COS) agreement with TimeClock PlusTM, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

 Pat Patton Human Resources

A motion was made by Commissioner Childers with a second by Commissioner Simmons for approval of the confirmation of services (COS) agreement with TimeClock PlusTM, 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

10. To consider, discuss, approve, and take any necessary action to accept the OAG Grant# 3489601 for the purchase of rifle resistant body armor for the Sheriff's Office, authorizing the County Judge and other county officials and employees to make and submit manually and/or electronically any signatures and submissions required on all forms and documents associated with this agenda item. Mike Griffis – Sheriff

Commissioner Simmons made a motion for approval to accept the OAG Grant# 3489601 for the purchase of rifle resistant body armor for the Sheriff's Office, authorizing the County Judge and other county officials and employees to make and submit manually and/or electronically any signatures and submissions required on all forms and documents associated with this agenda item; Commissioner Shelton seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Eckert

 ✓ Commissioner Shelton
 ✓ Commissioner Simmons

 ✓ Commissioner Childers
 ✓ Commissioner Rodriguez

PERSONNEL REQUESTS

11. To consider, discuss, approve, and take any necessary action regarding the requested payment of overtime for Sheriff's Office Deputies to assist with Detention Center in extreme circumstances, 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 to approve payment of overtime for Sheriff's Office Deputies to assist with Detention Center in extreme circumstances, 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

12. To consider, discuss, approve, and take any necessary action regarding supplementing the salary of the interim Cemetery Director with a monthly auto allowance of \$200.00 and a monthly cell phone allowance of \$50.00, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Pat Patton – Human Resources

Commissioner Simmons made a motion for approval to supplement the salary of the interim Cemetery Director with a monthly auto allowance of \$200.00 and a monthly cell phone allowance of \$50.00 to be

retroactive to January 1, 2018, 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 Simmons ✓ Commissioner Childers <u>✓</u> Commissioner Rodriguez

13. To consider, discuss, approve, and take any necessary action regarding a request to hire a Maintenance Technician I at a 709-05, which is the current budgeted amount based on previous experience with a State Agency, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Evans Kessey - County Airport

A motion was made by Commissioner Childers with a second by Commissioner Shelton for approval to hire a Maintenance Technician I at a 709-05, which is the current budgeted amount based on previous experience with a State Agency, 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 <u>✓</u> Commissioner Rodriguez

To consider, discuss, approve, and take any necessary action to hire a plumber at or up to a Step 5 14. depending on experience, 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 hire a plumber at or up to a Step 5 depending on experience, 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 Simmons <u>✓</u> Commissioner Rodriguez ✓ Commissioner Childers

15. To consider, discuss, approve, and take any necessary action to hire a master electrician at or up to a Step 5 depending on experience, 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 Simmons with a second by Commissioner Childers for approval to hire a master electrician at or up to a Step 5 depending on experience, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

The motion and second was amended to allow step increase to become effective immediately.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Eckert

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

To consider, review, discuss, approve, reject, and take any necessary action regarding a request to set 16. the starting pay for TVFC/Immunization Program Specialist and Outreach Coordinator at a Step 4,

authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Gino Solla – Health Department

Commissioner Simmons made a motion for approval to set the starting pay for TVFC/Immunization Program Specialist and Outreach Coordinator at a 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:

✓ Judge Eckert

✓ Commissioner Shelton
✓ Commissioner Childers

<u>✓</u> Commissioner Simmons

<u>✓</u> Commissioner Rodriguez

PUBLIC WORKS

17. To review, consider, discuss, approve, and take any necessary action on Western Hills Subdivision, 5th Filing Being a Subdivision of 1.85 Acres out of Section 18, Block 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 – Project Manager

A motion was made by Commissioner Shelton with a second by Commissioner Simmons for approval of Western Hills Subdivision, 5th Filing Being a Subdivision of 1.85 Acres out of Section 18, Block 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 Childers

<u>✓</u> Commissioner Simmons

✓ Commissioner Rodriguez

18. To review, consider, discuss, approve, and take any necessary action on a Replat of 5.56 Acres of Lot 1 and all of Lot 2, Block 18, Replat of Scharbauer City, 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 Shelton made a motion for approval of a Replat of 5.56 Acres of Lot 1 and all of Lot 2, Block 18, Replat of Scharbauer City, 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. 5-0

Voting for Motion:

✓ Judge Eckert

✓ Commissioner Shelton✓ Commissioner Childers

<u>✓</u> Commissioner Simmons

<u>✓</u> Commissioner Rodriguez

19. To review, consider, discuss, approve, and take any necessary action on a request to allow a property owner to build a road in the County Right of Way located within Section 29, Block 43, T-2-S, T&P Ry Co Survey, Ector County, Texas, associated with the proposed N.Vista Grande Ave.-Extension, and to allow the County Engineer to inspect the building process, 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 Shelton with a second by Commissioner Simmons for approval to allow a property owner to build a road in the County Right of Way located within Section 29, Block 43, T-2 S, T&P Ry Co Survey, Ector County, Texas, associated with the proposed N.Vista Grande Ave.-Extension, and to allow the County Engineer to inspect the building process, 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

<u>✓</u> Commissioner Childers

<u>✓ Commissioner Rodriguez</u>

LITIGATION MATTERS

20. To review, consider, discuss, and take any necessary action regarding the following pending lawsuit: Jose C. Torres v. Mike Griffis et al; Matthew Muehlbrad, Civil Action No. 7:17-CV-213-RAJ, 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 26 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 20 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 for approval to refer the pending lawsuit: Jose C. Torres v. Mike Griffis et al; Matthew Muehlbrad, Civil Action No. 7:17-CV-213-RAJ, in the United States District Court Western District of Texas Midland-Odessa Division to outside counsel 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

<u>✓</u> Commissioner Rodriguez

CONSENT AGENDA

- 21. 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 a. transfer to General Fund, District Clerk, Departmental Furniture & Equipment, 001-110-5199 for \$2,525, and to District Clerk, Office Supplies, 001-110-5171 for \$256 from District Clerk, Special Departmental Equipment, 001-110-5507 for \$2,781, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Clarissa Webster – District Clerk

b. To consider, discuss, approve, and take any necessary action regarding a proposed line item transfer to Airport Fund, Electrical Materials & Supplies, 042-870-5243 from Airport Fund, Operating Transfers Out, 042-870-5801 for \$8,220, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item. Evans Kessey – Airport

A motion was made by Commissioner Simmons with a second by Commissioner Childers to approve the Consent Agenda as presented. **MOTION PASSED. 5-0**

Voting	for	Mot	tion:
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✓ Judge Eckert

✓ Commissioner Shelton
✓ Commissioner Simmons
✓ Commissioner Childers
✓ Commissioner Rodriguez

BUDGET/FINANCIAL

22. To review, receive, consider, and discuss the fiscal year 2017 annual audit report of the Ector County Jail Commissary Account in accordance with Local Government Code Section 351.0415(d), 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 Simmons made a motion for approval of the fiscal year 2017 annual audit report of the Ector County Jail Commissary Account in accordance with Local Government Code Section 351.0415(d),; Commissioner Childers seconded the motion.

The motion and second was amended to receive the 2017 annual audit report of the Ector County Jail Commissary Account. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Eckert

 ✓ Commissioner Shelton
 ✓ Commissioner Simmons

 ✓ Commissioner Childers
 ✓ Commissioner Rodriguez

23. To consider, discuss, approve, reject, and take any necessary action regarding a proposed budget amendment up to \$2,500 to reattach the radio tower at the Gardendale Volunteer Fire Department Building, authorizing the County Judge and other county officials and employees to sign all documents associated with this agenda item.

Greg Simmons – Commissioner Pct. 2

A motion was made by Commissioner Simmons with a second by Commissioner Childers to authorize work to be done by registered professional with funding from the Building Maintenance Department and to refer the matter back to the insurance company for hail damage repair claim. **MOTION PASSED. 5-0** Voting for Motion:

✓ Judge Eckert

 ✓ Commissioner Shelton
 ✓ Commissioner Simmons

 ✓ Commissioner Childers
 ✓ Commissioner Rodriguez

24. To review, consider, discuss, approve, and take any necessary action regarding the Accounts Payable Fund Requirements Report for January 22, 2018, 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 January 22, 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
- <u>✓</u> Commissioner Shelton
- <u>✓</u> Commissioner Simmons
- <u>✓ Commissioner Childers</u> <u>✓ Commissioner Rodriguez</u>

11:02 A.M.

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

11:43 A.M.

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

EXECUTIVE SESSION

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

Ron Eckert - County Judge

Legal Matters-Opioid Epidemic

A motion was made by Commissioner Simmons with a second by Commissioner Childers to retain the law firm of Simon, Greenstone, Panatier, & Bartlett, PC from Dallas with Jeffrey Simon as lead counsel and Robert White, Attorney at Law as local counsel to represent the county. **MOTION PASSED. 4-0** Voting for Motion:

Commissioner Shelton

Commissioner Simmons

Commissioner Childers

<u>✓</u> Commissioner Rodriguez

Abstention from Vote:

✓ Judge Eckert

26. To consider and discuss legal matters regarding the following pending lawsuit: *Jose C. Torres v. Mike Griffis et al; Matthew Muehlbrad;* Civil Action No. 7:17-CV-213-RAJ, 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

Action on Item #26 was taken in General Session, refer to Item #20.

27. 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 to be taken.

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

Ron Eckert - County Judge

Commissioner Simmons made a motion to authorize the Human Resources Department to move forward with plans for discussion as directed in Executive Session; Commissioner Childers seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Eckert

- ✓ Commissioner Shelton
 ✓ Commissioner Childers

- ✓ Commissioner Simmons
 ✓ Commissioner Rodriguez

11:46 A.M

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 January 22, 2018.



LINDA HANEY, COUNTY CLERK ECTOR COUNTY, TEXAS