



Ector County Commissioners Court

March 28, 2023

10:00 A.M.

COMMISSIONERS COURTROOM, ECTOR COUNTY ADMINISTRATION BUILDING ANNEX, ROOM 120

1010 EAST 8TH STREET, ODESSA, TEXAS

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**ATTENDANCE**

Dustin Fawcett, County Judge  
Mike Gardner, Commissioner Precinct #1  
Greg Simmons, Commissioner Precinct #2  
Don Stringer, Commissioner Precinct #3  
Billy Hall, Commissioner Precinct #4  
Minutes taken by Jennifer Martin, County Clerk

**CALL TO ORDER**

The meeting was called to order at 10:04 a.m. by Judge Fawcett.

**INVOCATION**

The invocation was led by Minister Doug Doyle, West University Church of Christ.

**PLEDGE OF ALLEGIANCE**

Commissioner Hall led the pledge of allegiance to the United States flag and the pledge of allegiance to the Texas flag.

**SPECIAL PRESENTATIONS/REQUESTS/RESOLUTIONS**

1. ConnEctor, Dustin Fawcett - County Judge

To consider, discuss, and take any necessary action to receive a presentation from ConnEctor Taskforce regarding information on the next steps for the Ector County Broadband Office to include a funding request.

Minutes Attachments

1. Item #1.pdf

**NO ACTION WAS TAKEN ON THIS ITEM**

2. Gale Cengage Excel Adult High School, Howard C. Marks - Library

To consider, discuss, and take any necessary action regarding the Gale Cengage Excel Adult High School scholarships, and to approve the community proposal letter.

Minutes Attachments

1. Item #2.pdf

Howard Marks addressed the court. Mr. Marks suggested taking the idea to business owners and oil companies to get scholarships. Commissioner Gardner made a motion to approve the community proposal letter; a second was made by Commissioner Hall. MOTION PASSED 5 - 0

3. National Crime Victims' Rights Week, Dustin Fawcett - County Judge

To consider, discuss, and take any necessary action to approve a Proclamation declaring April 23<sup>rd</sup>-29<sup>th</sup>, 2023 as National Crime Victims' Rights Week, and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #3.pdf

A motion was made by Commissioner Simmons to approve a Proclamation declaring April 23<sup>rd</sup>-29<sup>th</sup>, 2023 as National Crime Victims' Rights Week, and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. MOTION PASSED 5 - 0

**PLANNING AND DEVELOPMENT**

4. Pleasant Farms Subdivision, Eddie Landrum - Planning and Development

To consider, discuss, and take any necessary action on a Replat of Lot 4, Block 30, Pleasant Farms, 3<sup>rd</sup> Filing, (Prec. #4), and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #4.pdf

Commissioner Simmons made a motion to approve a Replat of Lot 4, Block 30, Pleasant Farms, 3<sup>rd</sup> Filing, (Prec. #4), and authorize the County Judge to sign all documents associated with this agenda item; a second was made by Commissioner Hall. MOTION PASSED 5-0

**CONTRACTS/AGREEMENTS/GRANTS**

5. Internet Service - Annex, Mario Ornelas – Information Technology

To consider, discuss, and take any necessary action regarding the 1-Gig internet upgrade for the west side Annex, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #5.pdf

A motion was made by Commissioner Hall to approve the 1-Gig internet upgrade for the west side Annex, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. MOTION PASSED 5 - 0

6. Ector County Utility District - RFQ, Lucy Soto – Purchasing and Debi Hays - ECUD General Manager

To consider, discuss, and take any necessary action regarding specifications on the Request for Qualifications for Engineering Services for the Ector County Utility District (ECUD) Water Distribution Project, and authorize the County Judge and the ECUD Board General Manager to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #6.pdf

Commissioner Hall made a motion to approve specifications on the Request for Qualifications for Engineering Services for the Ector County Utility District (ECUD) Water Distribution Project, and authorize the County Judge and the ECUD Board General Manager to sign all documents associated with this agenda item; a second was made by Commissioner Gardner. MOTION PASSED 5 - 0

7. HOK Change Order, Lucy Soto – Purchasing Billy Carrigan - Building Maintenance

To consider, discuss, and take any necessary action to approve a Change Order to the agreement between Ector County and HOK for Architectural Services for the new Juvenile Justice Center, and approve a budget amendment to 2020 Capital Projects Fund, Professional Services, 039-990-5307, from Unreserved Fund Balance, 039-3310, for \$56,834, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #7.pdf

A motion was made by Commissioner Simmons to approve a Change Order to the agreement between Ector County and HOK for Architectural Services for the new Juvenile Justice Center, and approve a budget amendment to 2020 Capital Projects Fund, Professional Services, 039-990-5307, from Unreserved Fund Balance, 039-3310, for \$56,834, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; Commissioner Hall seconded the motion. MOTION PASSED 5 - 0

8. ECISD - Interlocal Agreement, Lucy Soto – Purchasing Steven Davis – Public Works

To consider, discuss, and take any necessary action to approve an Interlocal Agreement for the exchange of properties with ECISD and to approve an order exempting the purchase of land, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. 20230421131132.pdf

Commissioner Stringer made a motion to approve an Interlocal Agreement for the exchange of properties with ECISD and to approve an order exempting the purchase of land, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; a second was made by Commissioner Hall. MOTION PASSED 5 - 0

9. Parkhill - Agreement, Lucy Soto – Purchasing Howard Marks - Library

To consider, discuss, and take any necessary action regarding the Architectural Services Agreement with Parkhill for the design and building oversight of the County Library, and authorize the County Judge, County Auditor, and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #9.pdf

A motion was made by Commissioner Simmons to approve the Architectural Services Agreement with Parkhill for the design and building oversight of the County Library with the previously discussed changes, and authorize the County Judge, County Auditor, and County Clerk to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. MOTION PASSED 5 - 0

**BUDGET/FINANCIAL**

10. Treasurer's Report, Cleopatra Callaway – County Treasurer

To consider, discuss, and take any necessary action regarding the Ector County Monthly Treasurer's Reports for December 2022, January 2023, and February 2023, and authorize the County Judge and County Commissioners to sign all documents associated with this agenda item. In addition, requesting that the reports be archived with the official minutes of this meeting.

Minutes Attachments

1. Item #10.pdf

Commissioner Simmons made a motion to approve the Ector County Monthly Treasurer's Reports for December 2022, January 2023, and February 2023, and authorize the County Judge and County Commissioners to sign all documents associated with this agenda item. In addition, requesting that the reports be archived with the official minutes of this meeting; a second was made by Commissioner Hall. MOTION PASSED 5-0

11. Ivy Group - Invoice, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve payment for a FY 2022 invoice to the Ivy Group, in regards to the Commissioners' Court presentation from June 28<sup>th</sup>, 2022.

Minutes Attachments

1. Item #11.pdf

**ITEM WITHDRAWN**

12. Line Item Transfers, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Library, Professional Dues/ Fees, 001-690-5302 from Periodicals, 001-690-5200 for \$1,000, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #12.pdf

A motion was made by Commissioner Stringer to approve a line item transfer to General Fund, Library, Professional Dues/Fees, 001-690-5302 from Periodicals, 001-690-5200 for \$1,000, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; Commissioner Hall seconded the motion. MOTION PASSED 5-0

13. Budget Amendments, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve a budget amendment to General Fund, Library, New Books, 001-690-5201 for \$1,706, to Subscriptions, 001-690-5207 for \$1,100 and to Donated Revenues, 001-4171 for \$2,806, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #13.pdf

Commissioner Stringer made a motion to approve a budget amendment to General Fund, Library, New Books, 001-690-5201 for \$1,706, to Subscriptions, 001-690-5207 for \$1,100 and to Donated Revenues, 001-4171 for \$2,806, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; a second was made by Commissioner Simmons. MOTION PASSED 5-0

14. Budget Amendments, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve a budget amendment to General Fund, Justice of the Peace, Precinct 3, Departmental Furniture & Equipment, 001-203-5199 from Unreserved Fund Balance, 001-3310 for \$5,000, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #14.pdf

Judge Bowen addressed the court to explain the need for the funds.

A motion was made by Commissioner Simmons to approve a budget amendment to General Fund, Justice of the Peace, Precinct 3, Departmental Furniture & Equipment, 001-203-5199 from Unreserved Fund Balance, 001-3310 for \$5,000, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. MOTION PASSED 5-0

15. Line Item Transfers, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Justice of the Peace, Precinct 4, Educational Travel, 001-204-5161 from Postage, 001-204-5193 for \$1,500, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #15.pdf

Commissioner Stringer made a motion to approve a line item transfer to General Fund, Justice of the Peace, Precinct 4, Educational Travel, 001-204-5161 from Postage, 001-204-5193 for \$1,500, and authorize the County Judge and County Clerk to sign all

documents associated with this agenda item; a second was made by Commissioner Simmons. MOTION PASSED 5-0

16. Budget Amendments, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve a budget amendment to General Fund, Justice of the Peace, Precinct 4, Departmental Furniture & Equipment, 001-204-5199 from Unreserved Fund Balance, 001-3310 for \$2,500, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item

Minutes Attachments

1. Item #16.pdf

A motion was made by Commissioner Hall to approve a budget amendment to General Fund, Justice of the Peace, Precinct 4, Departmental Furniture & Equipment, 001-204-5199 from Unreserved Fund Balance, 001-3310 for \$2,500, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

17. Line Item Transfers, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve a line item transfer to Airport Fund, Educational Travel, 042-870-5161 from Electricity, 042-870-5352 for \$2,600, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #17.pdf

Commissioner Stringer made a motion to approve a line item transfer to Airport Fund, Educational Travel, 042-870-5161 from Electricity, 042-870-5352 for \$2,600, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; a second was made by Commissioner Simmons. MOTION PASSED 5-0

18. Budget Amendments, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve a budget amendment to District Clerk Records Management Fund, Contract Services, 022-110-5309 from Unreserved Fund Balance, 022-3310 for \$80,000, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Item #18.pdf

A motion was made by Commissioner Simmons to approve a budget amendment to District Clerk Records Management Fund, Contract Services, 022-110-5309 from Unreserved Fund Balance, 022-3310 for \$80,000, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; Commissioner Hall seconded the motion. MOTION PASSED 5-0

19. Annual Comprehensive Financial Report, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to accept the Annual Comprehensive Financial Report for the year ending September 30<sup>th</sup>, 2022.

Minutes Attachments

1. Item #19.pdf

Commissioner Hall made a motion to accept the Annual Comprehensive Financial Report for the year ending September 30<sup>th</sup>, 2022; a second was made by Commissioner Simmons. MOTION PASSED 5-0

20. Accounts Payable Report, Randy Donner - County Auditor

To consider, discuss, and take any necessary action to approve the Accounts Payable Fund Requirements Report for March 28<sup>th</sup>, 2023, and review County financial statements and reports.

Minutes Attachments

1. Item #20.pdf

A motion was made by Commissioner Gardner to the Accounts Payable Fund Requirements Report for March 28th, 2023, and review County financial statements and reports; Commissioner Hall seconded the motion. MOTION PASSED 5-0

10:37 A.M.

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

12:08 P.M.

A motion was made by Commissioner Gardner to reconvene from Executive Session: Commissioner Simmons seconded the motion. MOTION PASSED 5-0

**EXECUTIVE SESSION**

21. Legal Matters, Dustin Fawcett - County Judge

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

Minutes Attachments

1. Item #21.pdf

Commissioner Simmons made a motion to engage outside counsel on the Pawpaw litigation; a second was made by Commissioner Stringer. MOTION PASSED 5-0

A motion was made by Commissioner Simmons to retain Chuck Kimbrough with Bickerstaff, Heath, Delgado, Acosta LLP to review the game room ordinances; Commissioner Gardner seconded the motion. MOTION PASSED 5-0

22. Real Estate, Dustin Fawcett - County Judge

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

Minutes Attachments

1. Item #22.pdf

**NO ACTION WAS TAKEN ON THIS ITEM**

23. Personnel Matters, Dustin Fawcett - County Judge

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

Minutes Attachments

1. Item #23.pdf

**NO ACTION WAS TAKEN ON THIS ITEM**

**ADJOURN**

**12:10 P.M.**

With no further business to discuss, Commissioner Stringer made a motion with a second by Commissioner Simmons 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 March 28, 2023.

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.

May 01, 2023 at 08:39 AM

A handwritten signature in blue ink that reads "Jennifer Martin". The signature is written in a cursive style with a large initial "J".

Jennifer Martin, Ector County Clerk