



Ector County Commissioners' Court

September 26, 2023

10:00 AM

Commissioners' Courtroom, Ector County Administration Building Annex, 1010 E. 8th St.,
Odessa, Texas

CALL TO ORDER- JUDGE DUSTIN FAWCETT

The meeting was called to order at 10:00 a.m.

INVOCATION- COMMISSIONER BILLY HALL

The invocation was led by Commissioner Hall

PLEDGE OF ALLEGIANCE- UNITED STATES AND TEXAS

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

SPECIAL PRESENTATIONS/REQUESTS/RESOLUTIONS

1. Proclamation: National 4-H Week, Steve Paz- County Agent/AgriLife Director

To consider, discuss, and take any necessary action to approve a Proclamation designating October 1st-7th, 2023 as National 4-H Week, and authorize the County Judge and County Commissioners to sign all documents associated with this agenda item.

Minutes Attachments

1. #1.pdf

The leadership team of the Ector County 4H club introduced themselves. Commissioner Simmons made a motion to approve a Proclamation designating October 1st-7th, 2023 as National 4-H Week, and authorize the County Judge and County Commissioners to sign all documents associated with this agenda item; a second was made by Commissioner Stringer.

MOTION PASSED 5-0

2. Downtown Treats on the Streets, Eunice Ibarra- Health Department

To consider, discuss, and take any necessary action to accept donations from Bobby Cox Co., Atmos Energy Corporation, and All-Brite LLC totaling \$350.00 for the Ector County Health Department; this donation was given for the purchase of candy to be given out during the Downtown Treats on the Streets Event during Halloween.

A motion was made by Commissioner Simmons to accept donations from Bobby Cox Co., Atmos Energy Corporation, and All-Brite LLC totaling \$350.00 for the Ector County Health Department. Commissioner Gardner seconded the motion. **MOTION PASSED 5-0**

3. Food Code and TEFER adoption, Eunice Ibarra- Health Department

To consider, discuss, and take any necessary action to adopt the 2022 FDA Food Code and the 2021 Texas Food Establishment Rules updates to the current rules and regulations that are used; these codes are the rules and regulations used when conducting food establishment inspections.

Commissioner Hall made a motion to approve the 2022 FDA Food Code and the 2021 Texas Food Establishment Rules updates to the current rules and regulations that are used; a second was made by Commissioner Simmons. **MOTION PASSED 5-0**

4. Resolution: Domestic Violence Awareness , Shelby Rigtrup- County Judge Admin

To consider, discuss, and take any necessary action to approve a Resolution designating October 2023 as Domestic Violence Awareness Month, and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. #4.pdf

A motion was made by Commissioner Stringer to approve a Resolution designating October 2023 as Domestic Violence Awareness Month, 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**

PUBLIC HEARING AND RELATED DISCUSSION AND POTENTIAL ACTION

5. Samsung C&T Renewables- Seragio BESS Battery Energy Storage System Project Tax Abatement, Lee McClendon- County Attorney

To conduct a public hearing and consider, discuss, and take any necessary action regarding an application by Samsung C&T Renewables, LLC for a proposed designation as a Reinvestment Zone under Chapter 312 of the Texas Tax Code consisting of a 584.40 acre tract in Section 5, Township 1 South, Block 43, T&P RR Co. Survey, Ector County, Texas (Ector County Appraisal District Parcel # 40190.00010.00000) and application for tax abatement under Chapter 312 of the Texas Tax Code, for construction of a battery energy storage system planned facility project of Seragio BESS, LLC to be developed by Samsung C&T Renewables, LLC; and to take any necessary action regarding approval of adoptions of resolutions and the tax abatement agreement with Seragio BESS, LLC / Samsung C&T Renewables, LLC, and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item.

Commissioner Simmons made a motion to deny an application by Samsung C&T Renewables, LLC for a proposed designation as a Reinvestment Zone under Chapter 312 of the Texas Tax Code consisting of a 584.40 acre tract in Section 5, Township 1 South, Block 43, T&P RR Co. Survey, Ector County, Texas (Ector County Appraisal District Parcel # 40190.00010.00000) and application for tax abatement under Chapter 312 of the Texas Tax Code, for construction of a battery energy storage system planned facility project of Seragio BESS, LLC to be developed by Samsung C&T Renewables, LLC; a second was made by Commissioner Stringer. **MOTION PASSED 4-0**

Judge Fawcett abstained from the vote

AWARD OF BIDS/PROPOSALS

6. 2023-2024 Policy Term Proposals, Sam Brijalba- HR Safety/Risk Coordinator

To consider, discuss, and take any necessary action regarding the 2023-2024 Policy Term Proposals, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. #6.pdf

After some discussion about the different proposed policies a motion was made by Commissioner Simmons to adopt TAC option 1; Commissioner Hall seconded the motion. **MOTION PASSED 5-0**

CONTRACTS/AGREEMENTS/GRANTS

7. MCH- Vector Fleet Agreement, Lucy Soto- Purchasing

To consider, discuss, and take any necessary action regarding the renewal of the Interlocal Agreement for Fleet Maintenance Services with Medical Center Hospital System (MCH), and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. #7.pdf

Commissioner Stringer made a motion to approve the renewal of the Interlocal Agreement for Fleet Maintenance Services with Medical Center Hospital System (MCH), and authorize the County Judge to sign all documents associated with this agenda item; a second was made by Commissioner Simmons. **MOTION PASSED 5-0**

8. Hardware-As-A-Subscription Agreement: Peacemaker Technologies, Lucy Soto- Purchasing, Mike Griffis- Sherrif, Wes Carta- Environmental Enforcement Director

To consider, discuss, and take any necessary action regarding a *Hardware-As-A-Subscription* Agreement with Peacemaker Technologies LLC, for the Ector County Sheriff's Office and the Environmental Enforcement Department for Fiscal Year 2023-2024 through the North Carolina Sheriff's Association Technology Procurement Program, and authorize the County Judge to sign all documents associated with this agenda.

Minutes Attachments

1. #8.pdf

A motion was made by Commissioner Stringer to approve a *Hardware-As-A-Subscription* Agreement with Peacemaker Technologies LLC, for the Ector County Sheriff's Office and the Environmental Enforcement Department for Fiscal Year 2023-2024 through the North Carolina Sheriff's Association Technology Procurement Program, and authorize the County Judge to sign all documents associated with this agenda; Commissioner Hall seconded the motion. **MOTION PASSED 5-0**

9. Landscape Architect Agreement, Lucy Soto- Purchasing, Marisela Campos- Public Works Assistant Director

To consider, discuss, and take any necessary action regarding a Landscape Architect Agreement with SP Design & Consulting, LLC to provide professional services for all Ector County public parks, and authorize the County Judge to sign all documents associated with this agenda.

Minutes Attachments

1. #9.pdf

Marisela Campos with Public Works addressed the court to explain the need for the consulting company to help with the parks. Commissioner Simmons made a motion to approve the Landscape Architect Agreement with SP Design & Consulting, LLC to provide professional services for all Ector County public parks, and authorize the County Judge to sign all documents associated with this agenda; a second was made by Commissioner Gardner. **MOTION PASSED 5-0**

10. Kellus Turner Playground Equipment Purchase, Lucy Soto- Purchasing, Marisela Campos- Public Works Assistant Director

To consider, discuss, and take any necessary action regarding the purchase of playground equipment for Kellus Turner Park from Exerplay through the BuyBoard Cooperative Purchasing Contract (679-22) in the amount of \$238,333.25.

A motion was made by Commissioner Simmons to approve the purchase of playground equipment for Kellus Turner Park from Exerplay through the BuyBoard Cooperative Purchasing Contract (679-22) in the amount of \$238,333.25; Commissioner Stringer seconded the motion. **MOTION PASSED 5-0**

11. Change Order #2- 42nd Street Improvements (FM 1936 to Knox Ave), Lucy Soto- Purchasing, Steven Davis- Public Works Director

To consider, discuss, and take any necessary action on Change Order #2 for the 42nd Street Improvement Project, and authorize the County Judge to sign all documents associated with this agenda item; the type of material used to pave the street will be changed from Stone Matrix Asphalt Rubber (SMARF) for a decrease of \$2,700,801.75 to Thin Overlay Mixture (TOM C) for a cost of \$2,377,747.65 resulting in an increase of \$323,054.10.

Minutes Attachments

1. #11.pdf

Judge Fawcett addressed the error in the verbiage of agenda item 11. The resulting amount was a decrease in the total not an increase. Commissioner Hall made a motion to approve Change Order #2 for the 42nd Street Improvement Project, and authorize the County Judge to sign all documents associated with this agenda item; a second was made by Commissioner Gardner. **MOTION PASSED 5-0**

12. SAVNS Grant Renewal, County Auditor's Office

To consider, discuss, and take any necessary action regarding the *First Contract Renewal Participating Entity Services* Agreement, contracted with Appriss Insights LLC, for the Statewide Automated Victim Notification Service (SAVNS), and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. #12.pdf

A motion was made by Commissioner Simmons to approve the *First Contract Renewal Participating Entity Services* Agreement, contracted with Appriss Insights LLC, for the Statewide Automated Victim Notification Service (SAVNS), and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. **MOTION PASSED 5-0**

13. IV-E Legal Contract Renewal, County Auditor's Office

To consider, discuss, and take any necessary action regarding the renewal of the Ector County Title IV-E Legal Contract #HHS000285100001 with the Department for Family and Protective Services beginning October 1, 2023, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. #13.pdf

Commissioner Gardner made a motion to approve the renewal of the Ector County Title IV-E Legal Contract #HHS000285100001 with the Department for Family and Protective Services beginning October 1, 2023, 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**

14. Aircraft Hangar and Ground Lease Renewal , Don Stringer, County Commissioner, Precinct #3

To consider, discuss, and take any necessary action to approve the renewal of the Aircraft Hangar and Ground Lease Agreement between Odessa-Schlemeyer Field Airport, James R. (Buzz) Hurt, and Ector County, Texas, for a 5-year extension at the current rate of \$0.15/sq. ft., and authorize the County Judge, County Attorney, and County Clerk to sign all documents associated with this agenda item.

ITEM WITHDRAWN

15. Corrections Software Solutions Contract Renewal , Shawn Callendar- Post Sentence Monitoring Director

To consider, discuss, and take any necessary action to renew the Professional Services Agreement between Ector County Post Sentence Monitoring and Corrections Software Solutions, LP, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. #15.pdf

A motion was made by Commissioner Simmons to approve the renewal of the Professional Services Agreement between Ector County Post Sentence Monitoring and Corrections Software Solutions, LP, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. **MOTION PASSED 5-0**

PLANNING AND DEVELOPMENT

16. ROW Permit: 435 S. Nita Sue, Eddie Landrum- Planning and Development Director

To consider, discuss, and take any necessary action regarding a ROW Permit and road cut at 435 S. Nita Sue. located in Precinct 1.

There was some discussion concerning cutting the roads to install water lines. Commissioner Hall made a motion to approve a ROW Permit and road cut at 435 S. Nita Sue located in Precinct 1; a second was made by Commissioner Gardner. **MOTION PASSED 5-0**

17. ROW Permit: N. Moss Ave and W University Blvd., Eddie Landrum- Planning and Development Director

To consider, discuss, and take any necessary action regarding a ROW Permit and road cut at N. Moss Ave and W. University Blvd. located in Precinct 1.

Tommy Ervin from ECUD addressed the court to explain why this road cut was needed and to ask for guidance from the court as to what ECUD is allowed to do when making cuts in roads for water lines. A motion was made by Commissioner Stringer to approve a ROW Permit and road cut at N. Moss Ave and W. University Blvd. located in Precinct 1; Commissioner Hall seconded the motion. **MOTION PASSED 5-0**

18. ROW Permit: 109 S Lori Ave., Eddie Landrum- Planning and Development Director

To consider, discuss, and take any necessary action regarding a ROW Permit and road cut on 109 S. Lori Ave. located in Precinct 1.

Commissioner Hall made a motion to approve a ROW Permit and road cut on 109 S. Lori Ave. located in Precinct 1; a second was made by Commissioner Gardner. **MOTION PASSED 5-0**

CONSENT AGENDA

19. Proposed Consent Agenda, County Auditor's Office

To consider, discuss, and take any necessary action regarding the following proposed Consent Agenda:

19a.) Line Item Transfer- County Court at Law 2: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, County Court at Law 2, Office Supplies, 001-150-5171 from District Court Jury, Contract Services, 001-210-5309 for \$7,550, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

19b.) Line Item Transfer- Justice of the Peace #3: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Justice of the Peace 3, Office Supplies, 001-203-5171 from Educational Travel, 001-203-5161 for \$1,100, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

19c.) Line Item Transfer- County Clerk: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, County Clerk, Contract Services, 001-160-5309 from Educational Travel, 001-160-5161 for \$250, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

19d.) Line Item Transfer- Medical Examiner: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Medical Examiner, Laboratory Services, 001-215-5308 from Educational Travel, 001-215-5161 for \$2,240, Departmental Furniture & Equipment for \$2,100, Small Tool Supplies for \$286, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

19e.) Line Item Transfer- Medical Examiner: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Medical Examiner, Professional Services, 001-215-5307 from Departmental Furniture & Equipment, 001-215-5199 for \$2,100, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

19f.) Line Item Transfer- Medical Examiner: To consider, discuss, and take any necessary action to

approve a line item transfer to General Fund, Medical Examiner, Investigation Expense, 001-215-5332 from Continuing Education, 001-215-5165 for \$500, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. #19.pdf

A motion was made by Commissioner Simmons to approve all line item transfers listed (19a-19f) and authorize the County Judge and County Clerk to sign all documents associated with these agenda items; Commissioner Gardner seconded the motion. **MOTION PASSED 5-0**

BUDGET/FINANCIAL

20. Financial Reports/Statements , Shelby Rigtrup- County Judge Admin

To consider, discuss, and take any necessary action to approve the Accounts Payable Fund Requirements Report for September 26th, 2023, and review County financial statements and reports.

Minutes Attachments

1. AP Department Payment Report - 6318.pdf
2. AP Department Payment Report - 6315.pdf

Commissioner Hall made a motion to approve the Accounts Payable Fund Requirements Report for September 26th, 2023, and review County financial statements and reports; a second was made by Commissioner Gardner. **MOTION PASSED 5-0**

11:00 a.m

A motion was made by Commissioner Gardner to adjourn into executive session. Commissioner Stringer seconded the motion. **MOTION PASSED 5-0**

11:35 a.m.

Commissioner Hall made a motion to reconvene with a second made by Commissioner Stringer. **MOTION PASSED 5-0**

EXECUTIVE SESSION

21. Legal Matters, Shelby Rigtrup- County Judge Admin

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

NO ACTION TAKEN

22. Real Estate, Shelby Rigtrup- County Judge Admin

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

A motion was made by Commissioner Simmons to approve the issues/transactions pursuant to Title 5, Chapter 551, Section 551.072, Texas Government Code; Commissioner Hall seconded the motion. **MOTION PASSED 5-0**

23. Personnel Matters, Shelby Rigtrup- County Judge Admin

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

NO ACTION TAKEN

ADJOURN

11:36 A.M.

A motion to adjourn was made by Commissioner Simmons; Commissioner Stringer seconded the motion.

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 held on the above date.

October 12, 2023 at 10:55 AM

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

Jennifer Martin, Ector County Clerk