



Ector County Commissioners' Court

December 14, 2023

10:00 AM

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

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**CALL TO ORDER- JUDGE DUSTIN FAWCETT**

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

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

**INVOCATION- COMMISSIONER BILLY HALL**

The invocation was led by Commissioner Hall.

**PLEDGE OF ALLEGIANCE- UNITED STATES AND TEXAS**

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

**SPECIAL PRESENTATIONS/REQUESTS/RESOLUTIONS**

1. Vendor Market Request, Shelby Rigtrup- County Judge Admin, Michele Lee- Kellus Turner Park Improvement Project

To consider, discuss, and take any necessary action to approve a *Vendor Market* at Kellus Turner Park, and authorize all vendor fees to be donated to the West Odessa Fire Department.

Michelle Spinks addressed the court in favor of the event.

Commissioner Gardner made a motion to approve a Vendor Market at Kellus Turner Park, and authorize all vendor fees to be donated to the West Odessa Fire Department; a second was made by Commissioner Hall. MOTION PASSED 4-0

2. 2023 Sole Source List, Lucy Soto- Purchasing

To consider, discuss, and take any necessary action regarding the 2023 Sole Source List.

A motion was made by Commissioner Hall to approve the 2023 Sole Source List; Commissioner Stringer seconded the motion. MOTION PASSED 4-0

3. SART Member List, Misty Hull- District Attorney Admin. Assistant

To consider, discuss, and take any necessary action to remove David Graham as an appointed member of the Ector County SART.

Commissioner Gardner made a motion to remove David Graham as an appointed member of the Ector County SART; a second was made by Commissioner Hall. MOTION PASSED 4-0

#### 4. Joint Resolution, Lisa Sertuche- Elections Director

To consider, discuss, and take any necessary action to approve the Joint Resolution between the Democratic Party and the Republican Party to hold a Joint General Primary Election to be held March 5, 2024, and a Joint Primary Runoff Election to be held on May 28th, 2024. This is to be contracted with the Ector County Elections Administrator, and authorize the County Judge, County Clerk, and County Commissioners to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #4.pdf

A motion was made by Commissioner Gardner to approve the Joint Resolution between the Democratic Party and the Republican Party to hold a Joint General Primary Election to be held March 5, 2024, and a Joint Primary Runoff Election to be held on May 28th, 2024. This is to be contracted with the Ector County Elections Administrator, and authorize the County Judge, County Clerk, and County Commissioners to sign all documents associated with this agenda item; Commissioner Stringer seconded the motion. MOTION PASSED 4-0

### **PUBLIC HEARING AND RELATED DISCUSSION AND POTENTIAL ACTION**

#### 5. Resolution: Matheson Tri-Gas, Inc. Reinvestment Zone, Lee McClendon- County Attorney

To conduct a public hearing and consider, discuss and take any necessary action regarding an application by Matheson Tri-Gas, Inc. for a proposed designation as a Reinvestment Zone under Chapter 312 of the Texas Tax Code consisting of a 4.056 acre tract, lying within and being part of Section 3, Block 15, Public School Survey, Abstract 484, Ector County, Texas, with such tract being located in Precinct 4 of Ector County, Texas, for the intended use of construction of an Air Separation Unit (ASU) plant to increase their current production of gaseous oxygen, liquid oxygen, liquid nitrogen, and liquid argon; and to take any necessary action regarding approval of adoption of a Resolution for the designation of the said proposed Reinvestment Zone, and authorize the County Judge, County Commissioners and County Clerk to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #5.pdf

After Mike Lateur and Tony Schum from Kroll addressed the court to explain what this application is for, Commissioner Hall made a motion to approve the application by Matheson Tri-Gas, Inc. for a proposed designation as a Reinvestment Zone under Chapter 312 of the Texas Tax Code consisting of a 4.056 acre tract, lying within and being part of Section 3, Block 15, Public School Survey, Abstract 484, Ector County, Texas, with such tract being located in Precinct 4 of Ector County, Texas, for the intended use of construction of an Air Separation Unit (ASU) plant to increase their current production of gaseous oxygen, liquid oxygen, liquid nitrogen, and liquid argon; and to take any necessary action regarding approval of adoption of a Resolution for the designation of the said proposed Reinvestment Zone, and authorize the County Judge, County Commissioners and County Clerk to sign all documents associated with this agenda item; a second was made by Commissioner Gardner. MOTION PASSED 4-0

### **CONTRACTS/AGREEMENTS/GRANTS**

#### 6. Telesystem VoIP Phone System, Mario Ornelas- Information Technology Director

To consider, discuss, and take any necessary action to approve a contract with Telesystem for the VoIP Phone System, and authorize the County Judge to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #6.pdf

Mario Ornelas addressed the court to explain the new phone system.

A motion was made by Commissioner Hall to approve a contract with Telesystem for the VoIP Phone System, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Stringer seconded the motion. MOTION PASSED 4-0

7. Grant Authorization , Dustin Fawcett- Ector County Judge

To consider, discuss, and take any necessary action to authorize the Commissioners' Court Attorney and Grant Writer to initiate an application for a *Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant*, and to further authorize him to initiate said application with the goal of funding a Master Plan for Ector County.

Commissioner Hall made a motion to authorize the Commissioners' Court Attorney and Grant Writer to initiate an application for a *Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant*, and to further authorize him to initiate said application with the goal of funding a Master Plan for Ector County; a second was made by Commissioner Gardner. MOTION PASSED 4-0

8. Ground Lease , Don Stringer- Commissioner, Pct. #3

To consider, discuss, and take any necessary action to approve an Assignment of Ground Lease by and between Larry Nunez and Laurence and Cassandra Oeth and Odessa-Schlemeyer Field Airport, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #8.pdf

A motion was made by Commissioner Stringer to approve an Assignment of Ground Lease by and between Larry Nunez and Laurence and Cassandra Oeth and Odessa-Schlemeyer Field Airport, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. MOTION PASSED 4-0

9. MOU- 1PointFive USA, LLC- Potential Development of Additional Projects and Supporting Facilities and Potential Chapter 312 Tax Abatement, Lee McClendon- County Attorney

To consider, discuss, and take any necessary action regarding a *Memorandum of Understanding* between Ector County and 1PointFive USA, LLC, to explore the potential development of additional projects and additional projects supporting facilities for direct air capture (DAC) facilities and the potential entry into related Chapter 312 Tax Abatement Agreements as incentives for such development, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #9.pdf

Commissioner Gardner made a motion to approve a *Memorandum of Understanding* between Ector County and 1PointFive USA, LLC, to explore the potential development of additional projects and additional projects supporting facilities for direct air capture (DAC) facilities and the potential entry into related Chapter 312 Tax Abatement Agreements as incentives for such development, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; a second was made by Commissioner Stringer. MOTION PASSED 4-0

## PLANNING AND DEVELOPMENT

10. Replat: Pleasant Farms Subdivision, Eddie Landrum- Planning and Development Director

To consider, discuss, and take any necessary action regarding a Replat of Lot 6, BLock 10, Pleasant Farms Subdivision, Precinct 4, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #10.pdf

A motion was made by Commissioner Hall to approve a Replat of Lot 6, BLock 10, Pleasant Farms Subdivision, Precinct 4, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. MOTION PASSED 4-0

## **BUDGET/FINANCIAL**

### **11. Final Fiscal Year Line Item Transfers, Tristan Marquez- County Auditor**

To consider, discuss, and take any necessary action to approve the final line item transfers for fiscal year 2023 and to authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

#### **Minutes Attachments**

##### **1. Agenda Item #11.pdf**

Commissioner Stringer made a motion to approve the final line item transfers for fiscal year 2023 and to 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 4-0

### **12. Final Fiscal Year Budget Amendments, Tristan Marquez- County Auditor**

To consider, discuss, and take any necessary action to approve the final year-end budget amendments for fiscal year 2023, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

A motion was made by Commissioner Hall to approve the final year-end budget amendments for fiscal year 2023, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; Commissioner Stringer seconded the motion. MOTION PASSED 4-0

### **13. Outstanding Budget Amendments, Tristan Marquez- County Auditor**

To consider, discuss, and take any necessary action to approve various budget amendments for the carry forward of outstanding encumbrances from FY 2023 to FY 2024, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Commissioner Hall made a motion to approve various budget amendments for the carry forward of outstanding encumbrances from FY 2023 to FY 2024, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; a second was made by Commissioner Stringer. MOTION PASSED 4-0

### **14. Financial Reports/Statements, Tristan Marquez- County Auditor**

To consider, discuss, and take any necessary action to approve the Accounts Payable Fund Requirements Report for December 14th, 2023, and review County financial statements and reports.

#### **Minutes Attachments**

- 1. Gen Budget Current 12 14 23.pdf**
- 2. Gen Next Budget 12 14 23.pdf**
- 3. Trust Dept Report Current Budget 12 14 23.pdf**
- 4. Trust Next Budget 12 14 23.pdf**

A motion was made by Commissioner Gardner to approve the Accounts Payable Fund Requirements Report for December 14th, 2023, and review County financial statements and reports; Commissioner Stringer seconded the motion. MOTION PASSED 4-0

**10:20 a.m.**

Commissioner Stringer made a motion to adjourn to Executive Session with a second by Commissioner Hall. MOTION PASSED 4-0

**11:21 a.m.**

A motion was made by Commissioner Hall to reconvene from Executive Session; Commissioner Stringer seconded the motion. MOTION PASSED 4-0

## **EXECUTIVE SESSION**

15. 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.

Commissioner Gardner made a motion to authorize Aaron Martin, Coliseum Director, to continue the negotiations regarding the Odessa Jackalopes contract and the monetary arrears owed to Ector County and to bring the results of the negotiations back to the court; a second was made by Commissioner Hall. MOTION PASSED 4-0

16. 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.

**NO ACTION WAS TAKEN ON THIS ITEM**

17. 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 WAS TAKEN ON THIS ITEM**

**ADJOURN**

Shirley Kelley addressed the court regarding ECUD.  
John Kelley addressed the court regarding ECUD.

**Time: 11:27 a.m.**

With no further business to discuss a motion to adjourn was made by Commissioner Stringer with a second by Commissioner Hall.

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.

January 08, 2024 at 04:49 PM



Jennifer Martin, Ector County Clerk