



Ector County Commissioners' Court

September 12, 2023

10:00 AM

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

CALL TO ORDER- JUDGE DUSTIN FAWCETT

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 Barbara Brownlee, Chief Deputy County Clerk

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

INVOCATION- COMMISSIONER MIKE GARDNER

The invocation was led by Commissioner Gardner

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. Reappointment of Shaun Oglesby- Emergency Communications Board, Mike Gardner- Commissioner Pct. #1

To consider, discuss, and take any necessary action to reappoint Shaun Oglesby to the Emergency Communications Board.

A motion was made by Commissioner Gardner to reappoint Shaun Oglesby to the Emergency Communications Board. Commissioner Hall seconded the motion. **MOTION PASSED 5-0**

2. West Odessa Baptist Church Festival Road Closure, Mike Gardner- Commissioner Pct. #1

To consider, discuss, and take any necessary action to approve a road closure from West University down Flamingo Ave. to the West Odessa Baptist Church alley way for the West Odessa Baptist Church Festival on October 14th, 2023.

Commissioner Gardner made a motion to approve a road closure from West University down Flamingo Ave. to the West Odessa Baptist Church alley way for the West Odessa Baptist Church Festival on October 14th, 2023; a second was made by Commissioner Stringer.
MOTION PASSED 5-0

3. Travelers Total Loss Declaration- Unit #903, Sam Brijalba- HR Safety/Risk Coordinator

To consider, discuss, and take any necessary action regarding a *total loss declaration* per Travelers Insurance regarding Unit #903 – Ector County Building Maintenance – 2009 Ford Super Duty F-250 XL – License # Texas 1017764 – VIN #1FTNF20Y79EA51002, and requesting to declare this item as "*salvage property*", dispose of said item per Section 263.151, and remove from County inventory.

A motion was made by Commissioner Gardner to approve a *total loss declaration* per Travelers Insurance regarding Unit #903 – Ector County Building Maintenance – 2009 Ford Super Duty F-250 XL – License # Texas 1017764 – VIN #1FTNF20Y79EA51002, and requesting to declare this item as "*salvage property*", dispose of said item per Section 263.151, and remove from County inventory. Commissioner Hall seconded the motion. **MOTION PASSED 5-0**

4. Cell Phone Allowance, Steven Davis- Public Works Director

To consider, discuss, and take any necessary action to approve a monthly cell phone allowance for Department Coordinator Amber Valles to compensate for the work calls she currently takes using her personal cell phone including: work order requests, vehicle fuel requests, and other County department requests; this monthly allowance would be taken out of account # 002-810-5151.

Commissioner Gardner made a motion to approve a monthly cell phone allowance for Department Coordinator Amber Valles to compensate for the work calls she currently takes using her personal cell phone including: work order requests, vehicle fuel requests, and other County department requests; this monthly allowance would be taken out of account # 002-810-5151. The cost is \$300 per year; a second was made by Judge Fawcett. **MOTION FAILED 2-3**

Voting for Motion:

Judge Fawcett
Commissioner Gardner

Voting Against Motion

Commissioner Stringer
Commissioner Simmons
Commissioner Hall

5. Donation, Aaron Martin- Coliseum Director

To consider, discuss, and take any necessary action to accept the donation of a 6.5ft. Rascal Pro Arena Drag Implement by Bob Steakley for use in the Ector County Coliseum Horse Arena.

A motion was made by Commissioner Stringer to accept the donation of a 6.5ft. Rascal Pro Arena Drag Implement by Bob Steakley for use in the Ector County Coliseum Horse Arena. and add it to the county inventory; Commissioner Hall seconded the motion. **MOTION PASSED 5-0**

AWARD OF BIDS/PROPOSALS

6. Road Construction Inspection Services RFQ , Lucy Soto- Purchasing, Steven Davis- Public Works Director

To consider, discuss, and take any necessary action regarding the evaluation, ranking of Statements of Qualification, and the Request for Qualifications for Road Construction Inspection Services for Ector County's West 42nd Street Improvement Project, and authorize the start of negotiations for the inspection and testing of materials for this project.

Commissioner Hall made a motion to approve the evaluation, ranking of Statements of Qualification, and the Request for Qualifications for Road Construction Inspection Services for Ector County's West 42nd Street Improvement Project, and authorize the start of negotiations for the inspection and testing of materials for this project; a second was made by Commissioner Simmons. **MOTION PASSED 5-0**

CONTRACTS/AGREEMENTS/GRANTS

7. 2023-2024 Friends of the Library Grant, Howard Marks- Library Director

To consider, discuss, and take any necessary action to approve the acceptance of the *Friends of the Ector County Library Grant* for \$25,000.00, and authorize the County Judge to sign all documents associated with this agenda item; the Grant award is dated from October 2023 - September 2024, and will be used for any programming costs and any fees/supplies associated

with equipment, books, marketing, etc.

ITEM WITHDRAWN

8. Airless Paint Striping Truck- Public Works, Lucy Soto- Purchasing, Steve Davis- Public Works Director

To consider, discuss, and take any necessary action regarding the purchase of a TS-AL240 Airless Paint Striping Truck from EZ-Liner through a Sourcwell Cooperative Purchasing Contract using ARPA funds, and authorize the County Judge to sign all documents associated with this agenda item.

A motion was made by Commissioner Gardner to approve the purchase of a TS-AL240 Airless Paint Striping Truck from EZ-Liner through a Sourcwell Cooperative Purchasing Contract using ARPA funds as long as the funds are available and authorize the County Judge to sign all documents associated with this agenda item. Commissioner Simmons seconded the motion. **MOTION PASSED 5-0**

9. Medicare Advantage and Prescription Drug Plan Award, Lucy Soto- Purchasing, Dana McWilliams-HR Director

To consider, discuss, and take any necessary action regarding the award for Medicare Advantage and Prescription Drug Plan (RFP # 23-08-23-01) to Blue Cross Blue Shield.

Judge Fawcett stated that this agreement will save retirees almost 50% over what they currently pay. It is a 3 year contract. Commissioner Gardner asked if the new agreement would cover the same drugs as the old contract. Judge Fawcett said yes. Commissioner Hall made a motion to approve the Medicare Advantage and Prescription Drug Plan (RFP # 23-08-23-01) to Blue Cross Blue Shield; a second was made by Commissioner Gardner. **MOTION PASSED 5-0**

10. Vertosoft OpenGov Procurement Software Contract, Lucy Soto- Purchasing

To consider, discuss, and take any necessary action regarding a contract with Vertosoft for the purchase of OpenGov Procurement Software through a Texas DIR Cooperative Purchasing Contract using ARPA Funds; and authorize the County Judge to sign all documents associated with this agenda item.

A motion was made by Commissioner Simmons to approve the purchase of OpenGov Procurement Software through a Texas DIR Cooperative Purchasing Contract using ARPA Funds so long as funds are available and authorize the County Judge to sign all documents associated with this agenda item. Commissioner Stringer seconded the motion. **MOTION PASSED 5-0**

11. Oil & Gas Lease Request for Proposal Specifications, Lucy Soto- Purchasing, Lee McClendon-County Attorney

To consider, discuss, and take any necessary action on the *request for proposal specifications* for Oil & Gas Leases for various Ector County owned properties.

Commissioner Hall made a motion to approve the *request for proposal specifications* for Oil & Gas Leases for various Ector County owned properties; a second was made by Commissioner Simmons. **MOTION PASSED 5-0**

12. Memorandum of Understanding, Lucy Soto- Purchasing, Mary Salaz- Senior Centers Director

To consider, discuss, and take any necessary action on the *Memorandum of Understanding* between Ector County and Meals on Wheels for the provision of meals for the Ector County Senior Centers.

Minutes Attachments

1. agenda 12 9-12-23.pdf

A motion was made by Commissioner Simmons to approve the *Memorandum of Understanding* between Ector County and Meals on Wheels for the provision of meals for the Ector County Senior Centers. Commissioner Gardner seconded the motion. **MOTION PASSED 5-0**

13. Bickerstaff Heath Delgado Acosta LLP- General Legal Services Agreement Revision, Lee McClendon- County Attorney

To consider, discuss, and take any necessary action regarding the approval of revision to the Legal Services Engagement Agreement (a General Services Agreement) between Ector County, Texas, and the law firm of Bickerstaff Heath Delgado Acosta LLP to add the following matter as an authorized legal service matter under GSA Exhibit A/Scope of Services paragraphs (a) (12) and (b) (6): oil, gas, or other mineral ownership or development; and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. agenda 13 9-12-23.pdf

Commissioner Stringer made a motion to approve the revision to the Legal Services Engagement Agreement (a General Services Agreement) between Ector County, Texas, and the law firm of Bickerstaff Heath Delgado Acosta LLP to add the following matter as an authorized legal service matter under GSA Exhibit A/Scope of Services paragraphs (a) (12) and (b) (6): oil, gas, or other mineral ownership or development; 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 5-0**

14. Interlocal Agreement- The City of Odessa, Mike Griffis- Sheriff

To consider, discuss, and take any necessary action to renew our interlocal agreement with City of Odessa for the 2023 Byrne Justice Assistance Grant (JAG) for the purchase of ammo for the Ector County Sheriff's Office, and authorize the County Judge, County Clerk, and County Attorney to sign all documents associated with this agenda item.

Minutes Attachments

1. agenda 14 9-12-23.pdf

A motion was made by Commissioner Hall to approve the renewal of our interlocal agreement with City of Odessa for the 2023 Byrne Justice Assistance Grant (JAG) for the purchase of ammo for the Ector County Sheriff's Office, and authorize the County Judge, County Clerk, and County Attorney to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion. **MOTION PASSED 5-0**

15. LCA Contract, Debra Clay- Commissioners' Court Administrative Assistant

To consider, discuss, and take any necessary action on an amendment to the Engineering Services Contract between Landgraf, Crutcher, and Associates and Ector County, and authorize the County Judge, County Clerk, and County Attorney to sign all documents associated with this agenda item.

Minutes Attachments

1. agenda 15 9-12-23.pdf

Commissioner Gardner made a motion to approve an amendment to the Engineering Services Contract between Landgraf, Crutcher, and Associates and Ector County, and authorize the County Judge, County Clerk, and County Attorney to sign all documents associated with this agenda item; a second was made by Commissioner Simmons. **MOTION PASSED 5-0**

16. Aircraft Hangar and Ground Lease Renewal , Don Stringer- Commissioner Pct. #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 and County Clerk to sign all documents associated with this agenda item.

ITEM WITHDRAWN

PLANNING AND DEVELOPMENT

17. MHRC Application, Eddie Landrum- Planning & Development Director

To consider, discuss, and take any necessary action regarding an MHRC application for 365

Mercer Road, 1.216 acre, Sterling Park, Block 14, Lot 5, and authorize the County Judge to sign all documents associated with this agenda.

Minutes Attachments

1. agenda 17 9-12-23.pdf

A motion was made by Commissioner Gardner to approve the MHRC application for 365 Mercer Road, 1.216 acre, Sterling Park, Block 14, Lot 5, and authorize the County Judge to sign all documents associated with this agenda; Commissioner Hall seconded the motion. **MOTION PASSED 5-0**

CONSENT AGENDA

18. Proposed Consent Agenda, County Auditor's Office

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

18a.) Line Item Transfer- Library: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Library, Postage, 001-690-5193 from Educational Travel, 001-690-5161 for \$400.00, and Contract Services, 001-690-5309 for \$192.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

18b.) Line Item Transfer- County Treasurer's Office: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Treasurer, Educational Travel, 001-270-5161 from Office Supplies, 001-270-5171 for \$772.00, and Professional Dues & Fees, 001-270-5302 for \$460.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

18c.) Line Item Transfer- Justice of the Peace #1: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Justice of the Peace #1, Professional Dues & Fees, 001-201-5302 from Educational Travel, 001-201-5161 for \$75, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. agenda 18 9-12-23.pdf

Commissioner Simmons made a motion to approve the following proposed Consent Agenda items:

18a.) Line Item Transfer- Library: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Library, Postage, 001-690-5193 from Educational Travel, 001-690-5161 for \$400.00, and Contract Services, 001-690-5309 for \$192.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

18b.) Line Item Transfer- County Treasurer's Office: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Treasurer, Educational Travel, 001-270-5161 from Office Supplies, 001-270-5171 for \$772.00, and Professional Dues & Fees, 001-270-5302 for \$460.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

18c.) Line Item Transfer- Justice of the Peace #1: To consider, discuss, and take any necessary action to approve a line item transfer to General Fund, Justice of the Peace #1, Professional Dues & Fees, 001-201-5302 from Educational Travel, 001-201-5161 for \$75, 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**

BUDGET/FINANCIAL

19. 911 Emergency Communication District of Ector County Budget, Mike Gardner- Commissioner, Precinct #1

To consider, discuss, and take any necessary action to approve the 911 Emergency Communication District of Ector County's Budget for Fiscal Year 2023 - 2024, and authorize the County Judge to sign all documents associated with this agenda item.

A motion was made by Commissioner Gardner to approve the 911 Emergency Communication District of Ector County's Budget for Fiscal Year 2023 - 2024, 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**

20. Fiscal Year 2023-2024 Ector County Budget, Shelby Rigtrup- County Judge Admin

To consider, discuss, and take any necessary action to adopt the Ector County Budget for Fiscal Year 2023-2024, and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item.

Judge Fawcett made a motion to adopt the Ector County Budget for Fiscal Year 2023-2024, and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item. Motion failed due to lack of a second. After some discussion another motion was made by Commissioner Gardner to adopt the Ector County Budget for Fiscal Year 2023-2024, as is and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item. Judge Fawcett seconded the motion. **MOTION PASSED 3-2**

VOTING FOR MOTION

Judge Fawcett
Commissioner Gardner
Commissioner Hall

VOTING AGAINST MOTION

Commissioner Simmons
Commissioner Stringer

21. Public Hearing on Tax Rate, Shelby Rigtrup- County Judge Admin

To consider, discuss, and take any necessary action to conduct/hold a public hearing on the proposed tax rate for the Fiscal Year 2023-2024 Budget.

Commissioner Gardner said he would like to see the tax rate lowered. Judge Fawcett presented information that with leaving the tax rate the same as it was that the county would still make money and that according to his data from the Ector County Appraisal District that most home values in Ector county actually decreased over the last year and this would save the tax payers money. Lindy Wright addressed the court and said her property taxes actually did go up but only \$24 for the year and she was ok with paying the extra money if it means that the county will have extra money to get things done like some of the new buildings it needs. Judge Missi Walden also addressed the court and said she was ok with the tax rate and her taxes went up \$25 for the year.

22. Property Tax Increase , Shelby Rigtrup- County Judge Admin

To consider, discuss, and take any necessary action to ratify the property tax increase reflected in the Fiscal Year 2023-2024 Budget.

A motion was made by Judge Fawcett to approve the ratification of the property tax increase reflected in the Fiscal Year 2023-2024 Budget. Commissioner Hall seconded the motion. **MOTION PASSED 3-2**

VOTING FOR MOTION

Judge Fawcett
Commissioner Hall
Commissioner Gardner

VOTING AGAINST MOTION

Commissioner Simmons
Commissioner Stringer

23. Fiscal Year 2023-2024 Tax Rate, Shelby Rigtrup- County Judge Admin

To consider, discuss, and take any necessary action to adopt the 2023-2024 Fiscal Year Ad Valorem Tax Rate for Ector County, and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. agenda 23 9-12-23.pdf

Commissioner Hall made a motion to approve the 2023-2024 Fiscal Year Ad Valorem Tax Rate for Ector County, and authorize the County Judge, County Commissioners, and County Clerk to sign all documents associated with this agenda item a second was made by Judge Fawcett. **MOTION FAILED 2-3**

VOTING FOR MOTION

Commissioner Hall
Judge Fawcett

VOTING AGAINST MOTION

Commissioner Gardner
Commissioner Stringer
Commissioner Simmons

After some discussion a motion was made by Commissioner Gardner to lower the tax rate to .34 from .35. Judge Fawcett seconded the motion. **MOTION FAILED 2-3**

VOTING FOR MOTION

Commissioner Gardner
Judge Fawcett

VOTING AGAINST MOTION

Commissioner Hall
Commissioner Simmons
Commissioner Stringer

After further discussion Judge Fawcett made the following motion "I move that the property tax rate be increased by the adoption of a tax rate of \$0.35000, which is effectively an 18.58 percent increase in the tax rate. This tax rate has two components; a maintenance and operations rate of \$0.331223, and an interest and sinking rate of \$0.018777, which are each individually approved with the adoption of this rate." and approve the 2023-2024 Fiscal Year Ad Valorem Tax Rate for Ector County, 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 Hall. **MOTION PASSED 3-2**

VOTING FOR MOTION

Judge Fawcett
Commissioner Hall
Commissioner Gardner

VOTING AGAINST MOTION

Commissioner Stringer
Commissioner Simmons

24. 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 12th, 2023, and review County financial statements and reports.

Minutes Attachments

1. GENERAL CURRENT - AP Department Payment Report - 09 12 2023.pdf
2. TRUST DEPARTMENT REPORT 09 12 23.pdf

A motion was made by Commissioner Simmons to approve the Accounts Payable Fund Requirements Report for September 12th, 2023, and review County financial statements and reports; Commissioner Gardner seconded the motion. **MOTION PASSED 5-0**

EXECUTIVE SESSION

25. 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.

DID NOT MEET IN EXECUTIVE SESSION

26. 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.

DID NOT MEET IN EXECUTIVE SESSION

27. 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.

DID NOT MEET IN EXECUTIVE SESSION

ADJOURN

11:50 A.M.

A motion was made by Commissioner Stringer to adjourn. Commissioner Hall 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 05, 2023 at 10:15 AM



Jennifer Martin, Ector County Clerk