



Ector County Commissioners' Court

December 05, 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 Jennifer Martin, County Clerk

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

INVOCATION- COMMISSIONER DON STRINGER

The invocation was led by Commissioner Stringer.

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. Kellus Turner Park Art Donation , Mike Gardner- Commissioner, Pct. #1

To consider, discuss, and take any necessary action to accept an art donation for Kellus Turner Park.

Commissioner Hall made a motion to accept an art donation for Kellus Turner Park; a second was made by Commissioner Gardner. MOTION PASSED 5-0

2. Donation, Mike Griffis- Sheriff

To consider, discuss, and take any necessary action to approve a \$300.00 donation from Hubbard-Kelly Funeral Home to the Ector County Sheriff's Office.

A motion was made by Commissioner Stringer to approve a \$300.00 donation from Hubbard-Kelly Funeral Home to the Ector County Sheriff's Office; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

PUBLIC HEARING AND RELATED DISCUSSION AND POTENTIAL ACTION

3. 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 an 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 the 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.

Cameron Morgan, Tax Consultant for Samsung and also Cameron with Samsung addressed the court to explain the project and to answer questions from the public.

The following members of the public also addressed the court during the public hearing:

Keith Cole - 361 N Rita Ave, Odessa, Texas

Michell "Lee" Spinks - 1716 Roadrunner Ave, Odessa, Texas

Kris Crow - 2388 Bainbridge Drive, Odessa, Texas

Larry Robinson - Odessa, Texas

Shirley Kelley - 4741 N. Flamingo, Odessa, Texas

After discussion, Judge Fawcett made a motion to approve the 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 an 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 the 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; a second was made by Commissioner Gardner. MOTION PASSED 5-0

CONTRACTS/AGREEMENTS/GRANTS

4. Guardian Security Solutions- Jail Camera Additions, Mike Griffis- Sheriff

To consider, discuss, and take any necessary action to approve Guardian Security Solutions Proposal # 11068 for additional camera installation at the Ector County Jail, and authorize the County Judge to sign all documents associated with this agenda item.

A motion was made by Commissioner Gardner to approve Guardian Security Solutions Proposal #11068 for additional camera installation at the Ector County Jail, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

5. MOU Update: Meals on Wheels, Lucy Soto- Purchasing, Mary Salaz- Senior Centers Director

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

Commissioner Simmons made a motion to approve an updated Memorandum of Understanding between Ector County and Meals on Wheels for the provision of meals for the Ector County Senior Centers; a second was made by Commissioner Hall. MOTION PASSED 5-0

6. MOU Interlocal Agreement, Dustin Fawcett- Ector County Judge

To consider, discuss, and take any necessary action regarding an MOU Interlocal Agreement between Ector County and the City of Odessa, and authorize the County Judge, County Clerk, and County Attorney to sign all documents associated with this agenda item.

Judge Fawcett explained the interlocal agreement to the audience and provided history of how the Sales Tax Assistance District came to fruition.

Kris Crow - 2388 Bainbridge Dr, Odessa, Texas, also addressed the court in favor of the agreement.

A motion was made by Commissioner Gardner to approve an MOU Interlocal Agreement between Ector County and the City of Odessa for a five (5) year term, and authorize the County Judge, County Clerk, and County Attorney to sign all documents associated with this agenda item. MOTION PASSED 3-2 (Commissioner Simmons and Commissioner Stringer voted against)

PLANNING AND DEVELOPMENT

7. 50' ROW Dedication, Eddie Landrum- Planning and Development Director

To consider, discuss, and take any necessary action regarding a 50' ROW Dedication located in Section 40, Block 43, Precinct 4, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Pena Obdulia Pompa Summons.pdf
2. Cabrera Osmany Summons.pdf
3. Diamondvision Summons_Part1.pdf
4. DoubleK Drilling Summons.pdf

Commissioner Gardner made a motion to approve a 50' ROW Dedication located in Section 40, Block 43, Precinct 4, and authorize the County Judge to sign all documents association with this agenda item; a second was made by Commissioner Hall. MOTION PASSED 5-0

8. Hogares De Rancho-Phase II, Eddie Landrum- Planning and Development Director

To consider, discuss, and take any necessary action regarding Hogares De Rancho- Phase II, a subdivision of 132.50 acres located in Section 36, Block 44, Precinct 1, and authorize the County Judge to sign all documents associated with this agenda item.

A motion was made by Commissioner Gardner to approve Hogares De Rancho- Phase II, a subdivision of 132.50 acres located in Section 36, Block 44, Precinct 1, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Hall seconded the motion. MOTION PASSED 5-0

BUDGET/FINANCIAL

9. Sheriff's Office: Portable Training Facilities, Mike Griffis- Sheriff

To consider, discuss, and take any necessary action to approve the purchase of two PTF-TAN Portable Training Facilities, fifteen Glock 19/45 Gen 5 MMR MOS kits (P2), fifteen AR-15 5.56 MMR/BLANK kits and magazines, 2,700 5.56 MMR, and 5,000 9mm NMR totaling \$42,500.96 for the Sheriff's Office; this purchase includes freight costs and will be purchased using Sheriff's Office Account # 083-360-5507.

ITEM WITHDRAWN

10. Budget Amendment Request: Sheriff's Office, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve an FY 2024 budget amendment to General Fund, Sheriff's Office, Law Enforcement Supplies, 001-360-5183 for \$28,327.00, and to Donated Revenues, 001-4171 for \$28,327.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

ITEM WITHDRAWN

11. Budget Amendment Request: Jail, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve an FY 2024 budget amendment to Sales Tax Fund, Jail, Motor Vehicle Equipment, 005-420-5505 for \$943.00, and to Donated Revenues, 005-4171 for \$943.00, and authorize the County Judge and County Clerk to sign all

documents associated with this agenda item.

Commissioner Hall made a motion to approve an FY 2024 budget amendment to Sales Tax Fund, Jail, Motor Vehicle Equipment, 005-420-5505 for \$943.00, and to Donated Revenues, 005-4171 for \$943.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item; a second was made by Commissioner Gardner. MOTION PASSED 5-0.

12. Budget Amendment Request: County Court at Law #1, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve an FY 2024 budget amendment to General Fund, County Court at Law 1, Office Supplies, 001-140-5171 from Unreserved Fund Balance, 001-3310 for \$208.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

A motion was made by Commissioner Simmons to approve an FY 2024 budget amendment to General Fund, County Court at Law 1, Office Supplies, 001-140-5171 from Unreserved Fund Balance, 001-3310 for \$208.00, 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

13. 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 December 5th, 2023, and review County financial statements and reports.

Minutes Attachments

1. GENERAL CURRENT 12 06 23.pdf
2. GENERAL NEXT 12 05 23.pdf
3. TRUST NEXT BUDGET 12 05 23.pdf

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

10:58 A.M.

A motion to adjourn to Executive Session was made by Commissioner Stringer; Commissioner Hall seconded the motion. MOTION PASSED 5-0

12:19 P.M.

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

After Executive Session the following members of the public addressed the court to plead for assistance regarding the mismanagement and service from Ector County Utility District:

Sylvia Garcia - 4717 Angus Rd, Odessa, Texas

Michelle Spinks

Jeff Russell - 1703 Redbud, Odessa, Texas

Shirley Kelley

John Kelley

Keith Cole

Patti Kappauf

Will Kappauf

Lee McClendon, Ector County Attorney stated that the advice received during Executive Session is a matter of attorney client privilege so no details of the meeting would be made public.

Commissioner Simmons stated the court does believe the complaints are valid and the court has concerns but they have been advised that the court has no jurisdiction. He went on to explain that the Commissioner's Court is not a court of finding so it must go through District Court.

Jeff Russell questioned the court to see if the Attorney General had responded to questions asked of

them to which Judge Fawcett stated that he has not heard back but will likely request an official Attorney General Opinion.

Commissioner Simmons stated that the people who are running for a place on the board are the ones who have standing because if ECUD does not hold an election in May then those people can go back to the District Court judge and enjoin the case.

Patti Kappauf replied to Commissioner Simmons stating that the transcript from the case states that the District Court judge said they could go to Commissioner Court.

EXECUTIVE SESSION

14. Legal Matters, Shelby Rigtrup

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

NO ACTION WAS TAKEN ON THIS ITEM

15. Legal Matters, Lee McClendon- County Attorney

An executive/closed session meeting will occur pursuant to Section 551.071(1)(2) of the Texas Government Code (consultation with attorneys), for the Commissioners' Court to consult with and seek advice from its attorneys regarding the following matters: (a) interlocal governmental matters and/or administrative issues (including scope of authority) by or between the County and a special district created under Texas law, and (b) any other agenda item described in this meeting agenda.

NO ACTION WAS TAKEN ON THIS ITEM

16. Real Estate, Shelby Rigtrup

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

Time: 1:01 P.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.

December 18, 2023 at 02:28 PM



Jennifer Martin, Ector County Clerk