



Ector County Commissioners' Court

October 10, 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  
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.

**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.

Prior to starting the agenda Judge Fawcett announced that there was a public participation form from Michelle E. Spinks who addressed the court. Ms. Spinks state that she had volunteered to assist with the renovation of Kellus Turner Park and that she wanted to point out areas of concern:

- 1) The park entity is being taxed for 3 buildings per ECAD and should only be two.
- 2) There are ATVs that are using the trail. She would like to have signage put out there and also would like to see tickets being issued to help stop this. She stated that it is a danger to citizens who try to utilize the walking trail.
- 3) Has a youth group who has volunteered to pressure wash the concession stand for painting preparation.

**SPECIAL PRESENTATIONS/REQUESTS/RESOLUTIONS**

1. Road Closure- Gardendale Community Halloween Bash, Greg Simmons, Commissioner Pct. #2

To consider, discuss, and take any necessary action to approve a road closure on Larkspur Ave from Gardendale Rd to Sunflower Ave for the Gardendale Community Halloween Bash on October 29th, 2023.

Commissioner Simmons made a motion to approve a road closure on Larkspur Ave from Gardendale Rd to Sunflower Ave for the Gardendale Community Halloween Bash on October 29th, 2023; a second was made by Commissioner Hall. MOTION PASSED 5-0

## 2. Resolution, Shelby Rigtrup- County Judge Admin

To consider, discuss, and take any necessary action to approve a Resolution authorizing County Grant Program Year 2024 regarding the Texas Department of Agriculture *Texans Feeding Texans Home-Delivered Meal Grant Program*, including a grant made to Meals on Wheels of Odessa, Inc. in the amount of \$5,661.00, and authorize the County Judge to sign all documents associated with this agenda item.

### Minutes Attachments

#### 1. Agenda Item #2.pdf

A motion was made by Commissioner Gardner approve a Resolution authorizing County Grant Program Year 2024 regarding the Texas Department of Agriculture *Texans Feeding Texans Home-Delivered Meal Grant Program*, including a grant made to Meals on Wheels of Odessa, Inc. in the amount of \$5,661.00, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Stringer seconded the motion. MOTION PASSED 5-0

## 3. Resolution , Shelby Rigtrup- County Judge Admin

To consider, discuss, and take any necessary action to approve a Resolution regarding the 2024 Ector County Indigent Defense Grant Program, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

### Minutes Attachments

#### 1. Agenda Item #3.pdf

Commissioner Gardner made a motion to approve a Resolution regarding the 2024 Ector County Indigent Defense Grant Program, 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

## CONTRACTS/AGREEMENTS/GRANTS

## 4. 2023-24 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.

### Minutes Attachments

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

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

## 5. Road Construction Inspection Services Agreement, Lucy Soto- Purchasing, Marisela Campos- Public Works Assistant Director

To consider, discuss, and take any necessary action regarding an agreement with West Texas Consultants for Road Construction Inspection Services, and authorize the County Judge to sign all documents associated with this agenda item.

### Minutes Attachments

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

Commissioner Stringer made a motion to approve an agreement with West Texas Consultants for Road Construction Inspection Services, 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

6. 2024 Area Agency on Aging Contractor Agreement, Lucy Soto- Purchasing, Mary Salaz- Senior Centers Director

To consider, discuss, and take any necessary action regarding the 2024 *Texas Area Agency on Aging* (Permian Basin Regional Planning Commission) Grant Agreement for Senior Meals, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #6.pdf

A motion was made by Commissioner Gardner to approve the 2024 *Texas Area Agency on Aging* (Permian Basin Regional Planning Commission) Grant Agreement for Senior Meals, and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

7. Hardware-As-A-Subscription Agreement- Peacemaker Technologies, Lucy Soto- Purchasing, Carl Rogers- Medical Examiner Director

To consider, discuss, and take any necessary action regarding the *Hardware-As-A-Subscription* Agreement with Peacemaker Technologies LLC, for the Ector County Medical Examiner 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 item.

Minutes Attachments

1. Agenda Item #7.pdf

Commissioner Hall made a motion to approve the *Hardware-As-A-Subscription* Agreement with Peacemaker Technologies LLC, for the Ector County Medical Examiner 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 item; a second was made by Commissioner Simmons. MOTION PASSED 5-0

8. ECUD Engineering Agreement, Lucy Soto- Purchasing, Debi Hays- ECUD General Manager

To consider, discuss and take any necessary action regarding the Engineering Services Agreement with Kimley-Horn for the ECUD Water Distribution Projects, under the general direction of the American Rescue Plan Act (ARPA), and authorize the County Judge to sign all documents associated with this agenda item; this agreement has been reviewed by the Ector County Attorney and GrantWorks.

Minutes Attachments

1. Agenda Item #8.pdf

Judge Fawcett addressed his concerns regarding the proposed agreement and the projects associated with the agenda item.

Demetrio Galindo of ECUD addressed the court to discuss the number of taps that are projected to be installed by the end of 2027. He also discussed the number of taps currently being installed.

Andrea Souflee of Grant Works addressed the court to state that the subrecipient agreement that was approved states the number of homes the water will get to.

A motion was made by Commissioner Gardner to approve the Engineering Services Agreement with Kimley-Horn for the ECUD Water Distribution Projects, under the general direction of the American Rescue Plan Act (ARPA), and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Stringer seconded the motion. MOTION PASSED 3-2

Voting for Motion

Commissioner Gardner  
Commissioner Simmons  
Commissioner Stringer

Voting Against Motion

Judge Fawcett  
Commissioner Hall

9. CAD System, Mike Griffis- Sheriff

To consider, discuss, and take any necessary action to approve the CAD System and Professional Services Agreement for dispatch, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #9.pdf

Commissioner Stringer made a motion to approve a CAD System and Professional Services Agreement for dispatch, 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

**PERSONNEL REQUESTS**

10. Emergency Communication District of Ector County, Mike Gardner- Commissioner, Pct. #1

To consider, discuss, and take any necessary action to reappoint George Anderson to the Ector County 911 Emergency Communication Board.

A motion was made by Commissioner Gardner to reappoint George Anderson to the Ector County 911 Emergency Communication Board; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

**POLICIES/PROCEDURES**

11. Animal Control, Mike Griffis- Sheriff

To consider, discuss, and take any necessary action regarding the approval of "overtime" instead of "comp time" for the Animal Control department.

After discussion and comments from Sheriff Griffis and Dana McWilliams, Commissioner Simmons made a motion to table; a second was made by Commissioner Stringer. MOTION PASSED 3-2

Voting for Motion

Commissioner Simmons  
Commissioner Stringer  
Commissioner Hall

Voting Against Motion

Judge Fawcett  
Commissioner Gardner

12. Point Assessment Scale- Vehicle Policy Revision Request, Sam Brijalba- HR Safety/Risk Coordinator

To consider, discuss, and take any necessary action regarding the request of revision to the Ector County Vehicle Policy in order to incorporate a *Point Assessment Scale* affording the assignment of additional points to the operator of a motor vehicle which would reflect the actual monetary loss associated with the motor vehicle accident/incident; this revision is being proposed by the Incident Review Committee.

A motion was made by Commissioner Simmons to approve a revision to the Ector County Vehicle Policy in order to incorporate a *Point Assessment Scale* affording the assignment of additional points to the operator of a motor vehicle which would reflect the actual monetary loss associated with the motor vehicle accident/incident; Commissioner Gardner seconded the motion. MOTION PASSED 5-0

**PLANNING AND DEVELOPMENT**

13. MHRC- M.A. RV Park: 3050 Lorrane Rd., Eddie Landrum- Planning and Development Director

To consider, discuss, and take any necessary action on MHRC plans for M.A. RV Park, located at

3050 Lorraine Rd. Lots I and G, Block 7, Sterling Park, 3rd filing being a 184.52 acre tract of land in Section 46, Block 42, T-2-5, and authorize County Judge to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #13.pdf

Commissioner Hall stated that the name of the road was misspelled and should be corrected Lorraine Rd. He also clarified with Eddie Landrum that the RV park will be two acres and the 184.52 is for the entire replat.

A motion was made by Commissioner Hall to approve (with modifications) the MHRC plans for M.A. RV Park, located at 3050 Lorraine Rd. Lots I and G, Block 7, Sterling Park, 3rd filing being a 184.52 acre tract of land in Section 46, Block 42, T-2-5, and authorize County Judge to sign all documents associated with this agenda item; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

### CONSENT AGENDA

#### 14. Proposed Consent Agenda, Tristan Marquez- County Auditor

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

##### 14a.) Line Item Transfer- Sheriff's Office:

To consider, discuss, and take any necessary action to approve a FY 2024 budget line item transfer to General Fund, Sheriff's Office, Contract Services, 001-360-5309 from Subscriptions, 001-360-5207 for \$4,187.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #14a.pdf

Commissioner Simmons made a motion to approve a FY 2024 budget line item transfer to General Fund, Sheriff's Office, Contract Services, 001-360-5309 from Subscriptions, 001-360-5207 for \$4,187.00, 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

### BUDGET/FINANCIAL

#### 15. Budget Amendment Request- Medical Examiner, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve a FY 2024 budget amendment to General Fund, Medical Examiner, Copier Lease Contract, 001-215-5284 for \$2,250.00, Non-Departmental Judicial, Copier Lease Contract, 001-220-5284 for \$6,059.00, Commissioner's Court, Copier Lease Contract, 001-020-5284 for \$1,947.00 from Unreserved Fund Balance, 001-3310 for a total of \$10,256.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #15.pdf

A motion was made by Commissioner Hall to approve a FY 2024 budget amendment to General Fund, Medical Examiner, Copier Lease Contract, 001-215-5284 for \$2,250.00, Non-Departmental Judicial, Copier Lease Contract, 001-220-5284 for \$6,059.00, Commissioner's Court, Copier Lease Contract, 001-020-5284 for \$1,947.00 from Unreserved Fund Balance, 001-3310 for a total of \$10,256.00, 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

#### 16. Budget Amendment Request- Planning & Development, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve a FY 2024 budget amendment to

Sales Tax Fund, Planning & Development, Copier Lease Contract, 005-025-5284 from Unreserved Fund Balance, 005-3310 for \$248.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #16.pdf

Commissioner Gardner made a motion to approve a FY 2024 budget amendment to Sales Tax Fund, Planning & Development, Copier Lease Contract, 005-025-5284 from Unreserved Fund Balance, 005-3310 for \$248.00, 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

17. Budget Amendment Request- Parks, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve a FY 2024 budget amendment to General Fund, Parks, Contract Services, 001-660-5309 from Unreserved Fund Balance, 001-3310 for \$18,000.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #17.pdf

A motion was made by Commissioner Hall to approve a FY 2024 budget amendment to General Fund, Parks, Contract Services, 001-660-5309 from Unreserved Fund Balance, 001-3310 for \$18,000.00, 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

18. Budget Amendment Request- Extension Agent, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve a FY 2024 budget amendment to General Fund, Extension Agent, Motor Vehicle Equipment, 001-780-5505 from Unreserved Fund Balance, 001-3310 for \$57,025.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #18.pdf

Commissioner Stringer made a motion to approve a FY 2024 budget amendment to General Fund, Extension Agent, Motor Vehicle Equipment, 001-780-5505 from Unreserved Fund Balance, 001-3310 for \$57,025.00, 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

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

To consider, discuss, and take any necessary action to approve a FY 2024 budget amendment to General Fund, Sheriff's Office, Equipment Maintenance & Repair, 001-360-5247 from Unreserved Fund Balance, 001-3310 for \$14,148.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #19.pdf

A motion was made by Commissioner Gardner to approve a FY 2024 budget amendment to General Fund, Sheriff's Office, Equipment Maintenance & Repair, 001-360-5247 from Unreserved Fund Balance, 001-3310 for \$14,148.00, 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

20. Budget Amendment Request- Jail, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve a FY 2024 budget amendment to General Fund, Jail, Equipment Maintenance & Repair, 001-420-5252 from Unreserved Fund

Balance, 001-3310 for \$138,000.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #20.pdf

Commissioner Gardner made a motion to approve a FY 2024 budget amendment to General Fund, Jail, Equipment Maintenance & Repair, 001-420-5252 from Unreserved Fund Balance, 001-3310 for \$138,000.00, 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

21. Monthly Treasurer's Reports, Cleopatra Callaway- County Treasurer

To consider, discuss, and take any necessary action regarding the Ector County Monthly Treasurer's Reports for June 2023, July 2023, and August 2023, and authorize the County Judge and County Commissioners to sign all documents associated with this agenda item. In addition, it is requested that the reports be archived with the official minutes of this meeting.

Minutes Attachments

1. Agenda Item #21.pdf

A motion was made by Commissioner Hall to approve the Ector County Monthly Treasurer's Reports for June 2023, July 2023, and August 2023, and authorize the County Judge and County Commissioners to sign all documents associated with this agenda item. In addition, it is requested that the reports be archived with the official minutes of this meeting; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

22. 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 October 10th, 2023, and review County financial statements and reports.

Minutes Attachments

1. CURRENT BUDGET GENERAL 10 10 23.pdf
2. CURRENT BUDGET TRUST 10 10 23.pdf
3. NEXT BUDGET GENERAL 10 10 23.pdf
4. NEXT BUDGET TRUST 10 10 23.pdf

Commissioner Simmons made a motion to approve the Accounts Payable Fund Requirements Report for October 10th, 2023, and review County financial statements and reports; a second was made by Commissioner Hall. MOTION PASSED 5-0

**DISCUSSION AND POTENTIAL ACTION**

23. Game Room Ordinance Related Issues, Lee McClendon- County Attorney

To consider, discuss, and take any necessary action regarding the appointment of license appeal board members in accordance with the Ector County Game Room Ordinance and Regulations and Chapter 234, Texas Local Government Code.

A motion was made by Commissioner Hall to table this agenda item until after discussion in Executive Session; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

Commissioner Gardner made a motion to bring the agenda item back to the table with a second by Commissioner Simmons. MOTION PASSED 5-0

Each member of the court appointed a person to sit on the Appeal Board for the Game Room Ordinance. The appointments were as follows:  
Commissioner Simmons appointed Jami Sellers  
Commissioner Gardner appointed Jesse Christesson  
Commissioner Stringer appointed Amy Rhodes  
Commissioner Hall appointed Brenda Montez  
Judge Fawcett appointed Tim Harry

Commissioner Simmons then made a motion to accept the nominations for the Appeal Board; a second was made by Commissioner Hall. MOTION PASSED 5-0

**10:39 A.M.**

Commissioner Stringer made a motion to adjourn to Executive Session; a second was made by Commissioner Hall. MOTION PASSED 5-0

**1:37 P.M.**

A motion to reconvene was made by Commissioner Hall; Commissioner Stringer. MOTION PASSED 5-0

## **EXECUTIVE SESSION**

### **24. 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.

### **25. Legal Matters, Lee McClendon- County Attorney**

An executive/closed session meeting will occur regarding the following matters: pursuant to Section 551.071(2) and 551.129 of the Texas Government Code (consultation with attorneys), for the Commissioners' Court to consult with and seek advice from its attorneys regarding legal and factual issues related to the Ector County Game Room Ordinance and Regulations and Chapter 234, Texas Local Government Code, and the appointment of license appeal board members in accordance with said Ordinance and Regulations and said provisions of Texas law.

### **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.

### **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.

Commissioner Simmons made a motion approve the GIS position increase of \$3,000 to accommodate the new hire and authorize Human Resources to correct the following errors that were made during the budget process:

- 1) the Maintenance positions that need to move downward from the current budget listing as discussed
- 2) correct the three employees discussed from the Sheriff's Office
- 3) make the changes as proposed by Post Sentence Monitoring
- 4) move the Elections employee discussed from step two to step three

A second was made by Commissioner Gardner. MOTION PASSED 5-0

A motion was made by Commissioner Simmons to extend an offer to John Henderson for the Attorney/Grant Writer position with a salary of \$110,000/yr plus car allowance as budgeted and to add \$2500 for a Continuing Education allowance, \$500 for Dues and Fees and a one time moving expense of up to \$5000; Commissioner Stringer seconded the motion. MOTION PASSED 5-0

### **28. Economic Development , Lee McClendon- County Attorney**

To consider, discuss/deliberate, and take any necessary action regarding Economic Development negotiations, pursuant to Title 5, Chapter 551, Section 551.087, Texas Government Code.

## **ADJOURN**

**1:43 P.M.**

Commissioner Hall made a motion to adjourn; 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 16, 2023 at 10:33 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