



Ector County Commissioners' Court

November 19, 2024

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**

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

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

**INVOCATION- REVEREND STEVE MOSS: FIRST METHODIST CHURCH ODESSA**

The invocation was led by Reverend Steve Moss, First Methodist Church Odessa.

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

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

**SPECIAL PRESENTATIONS/REQUESTS/RESOLUTIONS**

1. Public Participation/Comments, Shelby Rigtrup- Public Information Officer

To receive public comments on non-agenda related items.

There was no public participation.

2. Presentation, John Henderson- Commissioners' Court Attorney and Grant Writer

To consider, discuss, and take any necessary action to receive a *presentation* from the Texas PACE Authority regarding implementing this program in Ector County, Texas.

Stephen Minick, Program Director for the Texas PACE Authority, addressed the court to explain the program.

**NO ACTION WAS TAKEN ON THIS ITEM**

3. Vector Fleet Yearly Report & Check Acceptance, Lucy Soto- Purchasing Director, Jeffrey Avery- Public Works Director

To consider, discuss, and take any necessary action to *receive* a yearly report from Vector Fleet Management, and *approve* the acceptance of a check from the *Cost Savings Sharing Plan*, and authorize the County Judge to sign all documents associated with this agenda item.

A presentation was given by representatives of Vector Fleet Management. They also discussed the amount of the check that would be received by Ector County.

**NO ACTION WAS TAKEN ON THIS ITEM**

4. Food For Fines, Howard Marks- Library Director

To consider, discuss, and take any necessary action to *approve* "Food for Fines" at the Ector County Library for the month of December 2024.

After discussion, Commissioner Gardner made a motion to approve "Food for Fines" at the Ector County Library for the month of December 2024; a second was made by Judge Fawcett. MOTION FAILED 2-2 with 1 abstention (Commissioner Stringer and Commissioner Hall voted against the motion, Commissioner Simmons abstained)

5. Vehicle Total Loss Declaration, Sam Brijalba- HR Safety/Risk Coordinator

To consider, discuss, and take any necessary action regarding a *Total Loss Declaration* per TAC regarding Unit #1245 - Ector County Sheriff's Office - 2021 Dodge Charger Police Fleet 4-Door Sedan - Exterior Color: Pitch Black - TXLP #: RVS5307 - VIN #: 2C3CDXAT2MH668441 - TAC Claim #: APD20241525-2, and authorize the County Judge to sign all documents associated with this agenda item; it is also requested that the Commissioners' Court declare this item as "Salvage Property" and dispose of said item per Section 263.151, Texas Government Code, and remove from County inventory.

A motion was made by Commissioner Hall to approve a *Total Loss Declaration* per TAC regarding Unit #1245 - Ector County Sheriff's Office - 2021 Dodge Charger Police Fleet 4-Door Sedan - Exterior Color: Pitch Black - TXLP #: RVS5307 - VIN #: 2C3CDXAT2MH668441 - TAC Claim #: APD20241525-2, and authorize the County Judge to sign all documents associated with this agenda item; it is also requested that the Commissioners' Court declare this item as "Salvage Property" and dispose of said item per Section 263.151, Texas Government Code, and remove from County inventory; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

6. Resolution , Shelby Rigtrup- Public Information Officer, John Henderson- Commissioners' Court Attorney/Grant Writer

To consider, discuss, and take any necessary action to *approve* a *Resolution* casting the Ector County Commissioners' Court votes for the members of the Board of Directors of the Ector County Appraisal District, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #6.pdf

Commissioner Simmons made a motion to approve a resolution casting the Ector County Commissioners' Court votes for the members of the Board of Directors of the Ector County Appraisal District by dividing the county's 1005 votes equally with 201 votes going to each of the five candidates; a second was made by Commissioner Gardner. MOTION PASSED 5-0

7. Resolution: Ector County Library Fund Dedication, Shelby Rigtrup- Public Information Officer

To consider, discuss, and take any necessary action to commit \$10,000,000.00 from Fiscal Year 2025 Fund Balance for the construction of a new Ector County Library and additional dedicated funds and in-kind services to bring the project to completion, and authorize the County Judge, County Clerk, and County Commissioners to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #7.pdf

A motion was made by Commissioner Stringer to approve to commit \$10,000,000.00 from

Fiscal Year 2025 Fund Balance for the construction of a new Ector County Library and additional dedicated funds and in-kind services to bring the project to completion; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

#### AWARD OF BIDS/PROPOSALS

8. Oil & Gas Lease Agreement, Lucy Soto- Purchasing Director, Lee McClendon- County Attorney

To consider, discuss, and take any necessary action to *approve* an *Oil and Gas Lease Agreement* with David H. Arrington Oil Company, LLC., in accordance with the bid proposal received from and awarded to said company for the approximately 66.686 net mineral acres, more or less, of property owned by Ector County, Texas, located in and being part of Section 39, Block 42, Township 2 South, T&P Railway Company Survey, in Ector County, Texas, and authorize the County Judge to sign all documents associated with this agenda item.

#### ITEM WITHDRAWN

#### CONTRACTS/AGREEMENTS/GRANTS

9. Completion & Acceptance: White-Pool House Parking Lot, Lucy Soto- Purchasing Director, Jeffrey Avery- Public Works Director

To consider, discuss, and take any necessary action to *accept* the *Completion and Acceptance of Construction in the Public Right of Way* for the White-Pool House Parking Lot, and authorize the County Judge to sign all documents associated with this agenda item.

#### Minutes Attachments

1. Agenda Item #9.pdf

Ms. Holcomb addressed the court to give an update on the White Pool House attendance and recent projects that have taken place. She also thanked the court and other individuals and departments who helped along the way. Commissioner Simmons made a motion to accept the Completion and Acceptance of Construction in the Public Right of Way for the White-Pool House parking lot; a second was made by Commissioner Hall. MOTION PASSED 5-0

10. Professional Services Agreement: Hazard Mitigation Plan, John Henderson- Commissioners' Court Attorney and Grant Writer

To consider, discuss, and take any necessary action to *approve* the *Professional Services Agreement* by and between Ector County, Texas, and H2O Partners, regarding the completion of a *Hazard Mitigation Plan* for Ector County, Texas, and authorize the County Judge to sign all documents associated with this agenda item; this *Hazard Mitigation Plan* is required by FEMA in order to recover future grant assistance.

#### Minutes Attachments

1. Agenda Item #10.pdf

A motion was made by Commissioner Gardner to *approve* the *Professional Services Agreement* by and between Ector County, Texas, and H2O Partners, regarding the completion of a *Hazard Mitigation Plan* for Ector County, Texas; Commissioner Hall seconded the motion. MOTION PASSED 5-0

11. Purchase Exemption Order, John Henderson- Commissioners' Court Attorney and Grant Writer

To consider, discuss, and take any necessary action to *approve* an *Order* exempting the purchase of the Eagle TT-8 AWD Tug from Pilot John International, from the required purchasing rules, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

#### Minutes Attachments

1. Agenda Item #11.pdf

Commissioner Gardner made a motion to approve an *Order* exempting the purchase of the Eagle TT-8 AWD Tug from Pilot John International, from the required purchasing rules. The motion died due to lack of a second.

After further discussion and explanations from Commissioner Stringer, John Henderson, Jon Crain and Jeff Avery, Commissioner Gardner made another motion to approve the agenda item; a second was made by Judge Fawcett. MOTION PASSED 4-1 (Commissioner Stringer voted against the motion.)

12. Fuel Tax License Application, John Henderson- Commissioners' Court Attorney and Grant Writer

To consider, discuss, and take any necessary action to *approve* the *Texas Application for Fuel Tax License* for the Ector County/Odessa Schlemeyer Field Airport, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #12.pdf

A motion was made by Commissioner Simmons to approve the *Texas Application for Fuel Tax License* for the Ector County/Odessa Schlemeyer Field Airport; Commissioner Hall seconded the motion. MOTION PASSED 5-0

13. Easement & ROW Agreement, John Henderson- Commissioners' Court Attorney and Grant Writer

To consider, discuss, and take any necessary action to *approve* the *Easement and Right of Way Agreement* by and between Ector County, Texas, and DCD Operating Company, LP., regarding a certain easement located upon the Ector County/Odessa Schlemeyer Field Airport, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #13.pdf

John Henderson stated there was a correction that needed to be made which was a change from the wording DCD Operating Company, LP to DCP Operating Company, LP. Commissioner Simmons made a motion to approve the *Easement and Right of Way Agreement* by and between Ector County, Texas, and DCP Operating Company, LP., regarding a certain easement located upon the Ector County/Odessa Schlemeyer Field Airport; a second was made by Commissioner Hall. MOTION PASSED 5-0

14. TAC Worker's Compensation Insurance Policy Renewal, Roger Primera- Human Resources Director, Lucy Soto- Purchasing Director

To consider, discuss, and take any necessary action regarding the *renewal* of the *Worker's Compensation Insurance Policy* with TAC (Texas Association of Counties), coverage #WC-0680-20250101-1, and authorize the County Judge to sign all documents associated with this agenda item.

A motion was made by Commissioner Hall to approve the renewal of the Worker's Compensation Insurance Policy with TAC (Texas Association of Counties), coverage #WC-0680-20250101-1; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

15. WEX Fuel Card Request, Lucy Soto- Purchasing Director, Jeffrey Avery- Public Works Director

To consider, discuss, and take any necessary action to *approve* the use of the *Sourcwell Cooperative Contract*, contract # 080620-WEX, for fuel card services, and authorize the County Judge to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #15.pdf

Commissioner Gardner made a motion to approve the use of the Sourcwell Cooperative Contract, contract #080620-WEX, for fuel card services; a second was made by Commissioner Hall. MOTION PASSED 5-0

16. MOU: Ector County Health Department/ECISD, Eunice Ibarra- Health Department

To consider, discuss, and take any necessary action to authorize a Memorandum of Understanding (MOU) by and between the Ector County Health Department and ECISD regarding

mass prophylaxis dispensing in order to enhance its ability to respond to a catastrophic biological incident or other communicable threat of epidemic proportion, and authorize Brnady Garcia, Health Department Director, to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #16.pdf

A motion was made by Commissioner Hall to authorize a Memorandum of Understanding (MOU) by and between the Ector County Health Department and ECISD regarding mass prophylaxis dispensing in order to enhance its ability to respond to a catastrophic biological incident or other communicable threat of epidemic proportion; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

#### PERSONNEL REQUESTS

##### 17. Personnel Change In Status Request, Misty Hull- District Attorney Administrative Assistant

To consider, discuss, and take any necessary action to make a *change in status*, including a salary change, for an attorney who recently passed the Texas State Bar Exam, and authorize the County Judge to sign all documents associated with this agenda item; the requested step change is a step 5.

Commissioner Stringer made a motion to approve a *change in status*, including a salary change, for an attorney who recently passed the Texas State Bar Exam; a second was made by Commissioner Gardner. MOTION PASSED 5-0

##### 18. Youth Diversion Fund, Missi Walden- Justice of the Peace, Pct. #2

To consider, discuss, and take any necessary action to *approve* moving the *Juvenile Case Manager* salary from the JP2, account # 001-202-5103, to the Youth Diversion Fund account, and to create a budget including the salary, office supplies, postage, furniture & equipment, and educational travel along with other necessary line items, and authorize the County Judge to sign all documents associated with this agenda item.

Judge Walden addressed the court to explain why this request is being made. A motion was made by Commissioner Hall to approve moving the *Juvenile Case Manager* salary from the JP2, account # 001-202-5103, to the Youth Diversion Fund account, and to create a budget including the salary, office supplies, postage, furniture & equipment, and educational travel along with other necessary line items; Commissioner Gardner seconded the motion. MOTION PASSED 4-1 (Commissioner Simmons voted against the motion)

#### POLICIES/PROCEDURES

##### 19. Juvenile Case Manager Fee, Missi Walden- Justice of the Peace, Pct. #2

To consider, discuss, and take any necessary action to *approve* the collection of a *Juvenile Case Manager Fee* upon conviction of any offense in the amount of \$5.00 pursuant to CCM 102.0174, and authorize the County Judge to sign all documents associated with this agenda item.

#### ITEM WITHDRAWN

##### 20. Public Hearing: Takings Impact Assessment, Shelby Rigtrup- Public Information Officer, John Henderson- Commissioners' Court Attorney/Grant Writer

To consider, discuss, and take any necessary action to hold a *public hearing* pursuant to Chapter 2007 of the Texas Government Code regarding the *Takings Impact Assessment*, and to receive public comments regarding said assessment.

The public hearing started at 10:54 a.m.

There was no public comment so the meeting also closed at 10:54 a.m.

#### NO ACTION WAS TAKEN ON THIS ITEM

##### 21. Takings Impact Assessment, Shelby Rigtrup- Public Information Officer, John Henderson- Commissioners' Court Attorney/Grant Writer

To consider, discuss, and take any necessary action to *adopt* the *Takings Impact Assessment* pursuant to Chapter 2007, Texas Government Code, and authorize the County Judge, County Clerk, and County Commissioners to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #21.pdf

Jim Allison addressed the court to go over the reason for the Takings Impact Assessment. Commissioner Hall made a motion to *adopt* the *Takings Impact Assessment* pursuant to Chapter 2007, Texas Government Code; a second was made by Commissioner Gardner. MOTION PASSED 5-0

##### 22. Public Hearing: Ector County Game Room Regulations, Shelby Rigtrup- County Judge Admin. Assistant, John Henderson- Commissioners' Court Attorney & Grant Writer

To consider, discuss, and take any necessary action to hold a *public hearing* pursuant to Chapter 2007 of the Texas Government Code regarding the *adoption* of the *proposed Ector County Game Room Regulations*, and to receive public comments regarding said regulations.

The public hearing started at 10:56 a.m.

Mr. Allison went over the proposed game room regulations and the differences from the old ones.

Larry Robinson addressed the court with questions regarding the purpose of the new regulations and the courts intent.

The public hearing ended at 11:14 a.m.

##### 23. Ector County Game Room Regulations, Shelby Rigtrup- Public Information Officer, John Henderson- Commissioners' Court Attorney/Grant Writer

To consider, discuss, and take any necessary action to *adopt* the *Ector County Game Room Regulations* pursuant to Chapter 2007, Texas Government Code, and authorize any necessary party to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #23.pdf

Commissioner Stringer made a motion to *adopt* the *Ector County Game Room Regulations* pursuant to Chapter 2007, Texas Government Code; a second was made by Commissioner Gardner.

After further discussion, Commissioner Stringer amended his motion to adopt the Ector County Game Room Regulations with the change to the proposed regulations removing the Sheriff's Office from permitting and inspections and replacing them with the Development Services Department; a second was made by Commissioner Gardner. MOTION PASSED 5-0

## DEVELOPMENT SERVICES

##### 24. EC MHRC Development: 2554 W. Bell St., Eddie Landrum- Development Services Director

To consider, discuss, and take any necessary action regarding the *Ector County MHRC Development* to serve 2554 W. Bell Street, Precinct #4, being a 4.9718 acre tract located in Southwest Industrial Subdivision, Block 2, Lot 3, less 0.498 acre drill site, and authorize the County Judge to sign all documents associated with this agenda item.

#### Minutes Attachments

##### 1. Agenda Item #24.pdf

A motion was made by Commissioner Hall to approve the *Ector County MHRC Development* to

serve 2554 W. Bell Street, Precinct #4, being a 4.9718 acre tract located in Southwest Industrial Subdivision, Block 2, Lot 3, less 0.498 acre drill site; Commissioner Gardner seconded the motion. MOTION PASSED 5-0

25. Donation: Wacasey Addition, 1st Filing, Eddie Landrum- Development Services Director

To consider, discuss, and take any necessary action to *accept a donation* of W. Leaside St., W. Tisdale Rd., W. Longmeadow St., and Livenshire St., public roads within Wacasey Addition 1st Filing, being a 100.00 acre tract located in the Northwest Quarter of Section 34, Block 43, and authorize the County Judge to sign all documents associated with this agenda item.

Commissioner Gardner made a motion to *accept a donation* of W. Leaside St., W. Tisdale Rd., W. Longmeadow St., and Livenshire St., public roads within Wacasey Addition 1st Filing, being a 100.00 acre tract located in the Northwest Quarter of Section 34, Block 43; a second was made by Commissioner Hall. MOTION PASSED 5-0

26. Donation: Bullhead, 2nd Filing, Eddie Landrum- Development Services Director

To consider, discuss, and take any necessary action to *accept a donation* of W. Bullhead St., a public road within Bullhead 2nd Filing, being a plat of a 33.40 acre tract of land in Section 40, Block 42, and authorize the County Judge to sign all documents associated with this agenda item.

A motion was made by Commissioner Gardner to *accept a donation* of W. Bullhead St., a public road within Bullhead 2nd Filing, being a plat of a 33.40 acre tract of land in Section 40, Block 42; Commissioner Hall seconded the motion. MOTION PASSED 5-0

#### CONSENT AGENDA

27. Proposed Consent Agenda, Tristan Marquez- County Auditor

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

27a.) Line-Item Transfer- Airport:

To consider, discuss, and take any necessary action to approve a line-item transfer to Airport Fund, Special Departmental Equipment, 042-870-5507 from Botanical Supplies, 042-870-5189 for \$57,000.00, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #27a.pdf

Commissioner Hall made a motion to approve a line-item transfer to Airport Fund, Special Departmental Equipment, 042-870-5507 from Botanical Supplies, 042-870-5189 for \$57,000.00; a second was made by Commissioner Simmons. MOTION PASSED 4-1 (Commissioner Stringer voted against the motion)

#### BUDGET/FINANCIAL

28. Equipment Purchase Request, Amber Valles- Public Works Department Coordinator

To consider, discuss, and take any necessary action regarding the *purchase* of a New Caterpillar Model 420 AE4 Backhoe Loader with all standard equipment and the inclusion of a hammer attachment in the amount of \$131,665.25, with a trade-in allowance of \$25,000.00 and the extended warranty included in pricing for the Ector County Cemetery, and authorize the County Judge to sign all documents associated with this agenda item; the funding will come from account # 001-720-5507.

Minutes Attachments

1. Agenda Item #28.pdf

A motion was made by Commissioner Hall to approve the *purchase* of a New Caterpillar Model 420 AE4 Backhoe Loader with all standard equipment and the inclusion of a hammer attachment in the amount of \$131,665.25, with a trade-in allowance of \$25,000.00 and the extended warranty included in pricing for the Ector County Cemetery; Commissioner Gardner seconded the motion. MOTION PASSED 5-0

After Executive Session, Lucy Soto, Purchasing Director, addressed the court with a request to amend the agenda item. Commissioner Hall amended his motion to approve the agenda item as presented and to include the removal of unit #914 from the inventory and Commissioner Gardner amended his second. MOTION PASSED 5-0

29. Ector County Certificate of Obligation, Series 2024, Shelby Rigtrup- Public Information Officer

To consider, discuss, and take any necessary action regarding all matters incident and related to the *issuance and sale* of "Ector County, Texas, Certificate of Obligation, Series 2024", including the *adoption* of an order authorizing the issuance of such certificates of obligation, and authorize the County Judge and County Clerk to sign all documents associated with this agenda item.

Minutes Attachments

1. Agenda Item #29.pdf

Mr. Williford, Hilltop Securities addressed the court and summarized the purchase of the Certificates of Obligation.

Kristen Savant, Law Firm of Norton, Rose, Fulbright spoke to the court to assure them that they had met all legal requirements to purchase the certificates. She also gave a brief overview of the Order and other documents.

Public Participation:

Jeff Russell, 1703 Redbud, Odessa, TX - spoke against the agenda item.

Michele Greene Rogers, Attorney, 43 Lafayette Place, Midland, TX - spoke in favor of the agenda item.

Kriston Crow, 2380 Bainbridge Drive, Odessa, TX - spoke against the agenda item.

Samantha Russell, 1707 Redbud, Odessa, TX - spoke against the agenda item.

Larry Robinson - spoke against the agenda item.

Angela Gardner, 513 St. Mary's Circle, Odessa, TX - spoke in favor of the agenda item.

Commissioner Hall spoke regarding the difficult decision that has to be made and his reasons for supporting the agenda item.

A motion was made by Commissioner Stringer to adopt the Order authorizing issuance and sale of "Ector County, Texas, Certificates of Obligation, Series 2024" and resolving other matters incident and relating to the issuance and sale of certificates of obligation; Commissioner Gardner seconded the motion. MOTION PASSED 5-0

30. Financial Reports/Statements, Tristan Marquez- County Auditor

To consider, discuss, and take any necessary action to approve the *Accounts Payable Fund Requirements Report* for November 19th, 2024, and review County financial statements and reports.

Minutes Attachments

1. AP Department Payment Report - 2397.pdf

2. AP Department Payment Report - 2405.pdf

3. AP Department Payment Report - 2350.pdf

4. AP Department Payment Report - 2403.pdf

A motion was made by Commissioner Hall to approve the *Accounts Payable Fund Requirements Report* for November 19th, 2024, and review County financial statements and reports; Commissioner Simmons seconded the motion. MOTION PASSED 5-0

11:52 a.m.

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

12:57 p.m.



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

**EXECUTIVE SESSION**

31. Legal Matters, Shelby Rigtrup- Public Information Officer

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**

32. Real Estate, Shelby Rigtrup- Public Information Officer

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

Commissioner Simmons made a motion to authorize the County Judge to make the offer on real estate as discussed and proceed as directed in Executive Session; a second was made by Commissioner Stringer. MOTION PASSED 5-0

33. Personnel Matters, Shelby Rigtrup- Public Information Officer

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 Simmons. 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 meeting held on the above date.

December 30, 2024 at 04:19 PM



Jennifer Martin, Ector County Clerk