



MINUTES OF MEETING OF THE
COMMISSIONERS COURT OF MIDLAND COUNTY, TEXAS

Be it remembered that on Monday the 11th day of April 2022 at 9:00 a.m. a meeting of the Midland County Commissioners Court was called to order in the Commissioners Courtroom, located at the Midland County Courthouse, 500 North Loraine Street, Midland, Texas. The following members were present:

Terry Johnson, County Judge;
Scott Ramsey, County Commissioner Precinct No. 1;
Robin Donnelly, County Commissioner Precinct No. 2;
Luis D. Sanchez, County Commissioner Precinct No. 3;
Randy Prude, County Commissioner Precinct No. 4

Recorded by Alison Haley, County Clerk

1. Call to Order.

2. Invocation given by Commissioner Sanchez.

3. Pledges of Allegiances.

4. Discuss and take action on proclamation for Child Abuse Prevention Month.

Shelly Worrell, Chairman and Barbara Yarbrough, Board member of Midland County Child Welfare Board thanked the Court for the money they have donated in the past and explained some of the events they hold. County Judge Johnson presented the signed proclamation.

Motion that we approve the proclamation for Child Abuse Prevention Month.

Motion by: Prude
For: All (5)

Second by: Sanchez
Against: None

Exhibit: 14
Abstaining:

5. Discuss and take action on GHS renewal contract.

Presented by Judge David Cobos, Justice of the Peace Precinct 2. GHS collected over \$800,000.00 this past year for JP Precinct 2 and 4. Russell Malm, County Attorney stated there are a couple of changes that need to be made.

Motion that we approve the GHS renewal contract subject to Russell's (Russell Malm, County Attorney) review.

Motion by: Prude
For: All (5)

Second by: Donnelly
Against: None

Exhibit: 15-18
Abstaining:

6. Conduct Public Hearing on placement of yield sign at CR 1083 & CR 1084.

County Judge Johnson asked if there were any members of the public wishing to speak on placement of yield sign at CR 1083 and CR 1084. No one came forward.

7. Discuss and take action on placement of yield sign at CR 1083 & CR 1084.

Presented by Ruben Mata, Road and Bridge, Director of Administration. There is a potential for an accident at this location.

Motion that we place a yield sign at CR 1083 & CR 1084.

Motion by: Donnelly
For: All (5)

Second by: Ramsey
Against: None

Exhibit: 19-24
Abstaining:

8. Conduct Public Hearing on placement of 4-way stop sign at CR 1185 & CR 138.

County Judge Johnson asked if there were any members of the public wishing to speak on placement of 4 way stop sign at CR 1185 and CR 138. No one came forward.

9. Discuss and take action on placement of 4-way stop sign at CR 1185 & CR 138.

Presented by Ruben Mata, Road and Bridge Director of Administration. This is a request from the residents in the area.

Motion that we put a 4-way stop at the intersection of CR 1185 & ECR 138.

Motion by: Donnelly Second by: Ramsey Exhibit: 25-30
For: All (5) Against: None Abstaining:

10. Receive presentation on TWDB Flood Study Grant Project.

Andrew Avis, Public Works Director stated this is one of three required meetings. Rene Hawlee, Parkhill Smith and Cooper proceeded with the presentation. Tom Kerr, Public Works Director for the City of Odessa discussed their designs for Faudree Road. Exhibit: 31-51

11. Receive public comments on TWDB Flood Study Grant Project.

County Judge Johnson asked if there were any members of the public that wished to comment on TWDB flood study grant project. Tom Kerr, Public Works Director for the City of Odessa commended the County for the work and coordination. Exhibit: 52

12. Discuss and take action on court minutes from March 28, 2022.

Presented by Alison Haley, County Clerk.

Motion to approve the minutes from March 28, 2022.

Motion by: Ramsey Second by: Donnelly Exhibit: 53
For: All (5) Against: None Abstaining:

13. Acknowledge \$2.00 cash donation.

Presented by Alison Haley, County Clerk. Customer left a \$2.00 cash donation.

Motion to acknowledge the \$2.00 cash donation.

Motion by: Ramsey Second by: Donnelly Exhibit: 54-56
For: All (5) Against: None Abstaining:

14. Discuss and take action paying down all comp time to the limit allowed by Personnel Policy 6.08.

Presented by Mitzi Baker, Treasurer. Veronica Morales, Auditor asked if all the departments have sufficient dollars to pay the amounts. The Death investigator overtime line is \$4300.00 in the hole. There are funds in salaries to cover this.

Motion that we pay down all comp time to the 60 hours for the listed individuals.

Motion by: Donnelly Second by: Ramsey Exhibit: 57-58
For: All (5) Against: None Abstaining:

15. Acknowledge Treasurer’s Monthly report for February 2022.

Presented by Mitzi Baker, Treasurer.

Motion to acknowledge February’s Treasurer’s monthly report.

Motion by: Ramsey Second by: Donnelly Exhibit: 59-63
For: All (5) Against: None Abstaining:

16. Discuss and take action on personnel memoranda.

Presented by Mitzi Baker, Treasurer.

Motion to acknowledge the payroll change summary.

Motion by: Ramsey Second by: Donnelly Exhibit: 64
For: All (5) Against: None Abstaining:

Call item 57

17. Discuss and take action on line item transfers.

Presented by Veronica Morales, Auditor. There were a few line-item transfers brought to the Courts attention.

Motion to approve all line items.

Motion by: Donnelly Second by: Ramsey Exhibit: 65-80
For: All (5) Against: None Abstaining:

18. Discuss and take action on bills and wire transfers.

Presented by Veronica Morales, Auditor. There were a few exceptions to the bills discussed. There was one additional bill for Fed Ex for the Sheriff’s Office.

Motion to pay all bills.

Motion by: Ramsey Second by: Donnelly Exhibit: 81-87
For: All (5) Against: None Abstaining:

19. Acknowledge financial statements for October, November, and December 2021.

Presented by Veronica Morales, Auditor.

Motion to approve financial statements for October, November, and December 2021.

Motion by: Donnelly Second by: Sanchez Exhibit: 88-116
For: All (5) Against: None Abstaining:

20. Discuss and take action on budget amendment for TWDB Infrastructure Grant.

Presented by Veronica Morales, Auditor.

Motion to approve budget amendment to adjust budget for current year portion of the TWDB Infrastructure Grant.

Motion by: Donnelly Second by: Ramsey Exhibit: 117-118
For: All (5) Against: None Abstaining:

21. Acknowledge quarterly update for Warrant Services.

Presented by Chief Scott Casbeer, Warrant Services.

Motion to acknowledge the Warrant Service quarterly update.

Motion by: Ramsey Second by: Sanchez Exhibit: 119-126
For: All (5) Against: None Abstaining:

22. Discuss and take action on profit sharing agreement between Thriftbooks Global LLC and Midland County.

Presented by Ann Rector, Associate Library Director. Russell Malm, County Attorney stated there would be some minor changes to the contract.

Motion, subject to Russell's (Russell Malm, County Attorney) review for the profit-sharing agreement between Thriftbooks and Midland County Public Libraries.

Motion by: Donnelly Second by: Prude Exhibit: 127-132
For: All (5) Against: None Abstaining:

23. Discuss and take action allowing food truck vendors to set up at Centennial Library parking lot for Renaissance Faire on Saturday, September 24, 2022.

Presented by Ann Rector, Associate Library Director.

Motion allowing food trucks at the Centennial Library parking lot for the Renaissance Faire on September 24, 2022.

Motion by: Ramsey Second by: Prude Exhibit: 133-135
For: All (5) Against: None Abstaining:

24. Acknowledge Library donations.

Presented by Ann Rector, Associate Library Director.

Motion to accept donations.

Motion by: Donnelly Second by: Ramsey Exhibit: 136-137
For: All (5) Against: None Abstaining:

25. Discuss and take action on Optelec Clearview Plus Magnifier donation from B.A. Strickling.

Presented by Ann Rector, Associate Library Director. Veronica Morales, Auditor asked for the value of the donation. The original purchase price was \$3,195.00 in 2017.

Motion that we accept from B.A. Strickling the Optelec Clearview.

Motion by: Donnelly Second by: Ramsey Exhibit: 138-139
For: All (5) Against: None Abstaining:

26. Discuss and take action on out-of-state travel for Nancy Berdoza, Jose Mejia, E'lois Strong, Heather Henderson, and JoAnn Gonzalez to attend National Association of Court Management (NACM) Annual Conference in Milwaukee, WI, July 10-14, 2022.

Motion that we allow out-of-state travel to the National Association of Court Management subject to it being in the budget.

Motion by: Donnelly Second by: Ramsey Exhibit: 140-170
For: All (5) Against: None Abstaining:

27. Discuss and take action on Tate Owen attending TDEM Conference in San Antonio, TX, May 31- June 3, 2022.

Presented by Justin Bunch, Emergency Management Director and Tate Owen, PIO.

Motion to approve Tate Owen attending TDEM conference in San Antonio.

Motion by: Prude
For: All (5)

Second by: Johnson
Against: None

Exhibit: 171
Abstaining:

28. Discuss and take action on Operational Network Manager vacancy.

Presented by Robert Segura, HR Director. Currently have 6 applications.

Motion that we review and take action on the Operational Network manager.

Motion by: Donnelly
For: All (5)

Second by: Ramsey
Against: None

Exhibit: 172
Abstaining:

29. Discuss and take action on vehicle policy.

Presented by Robert Segura, HR Director. County Attorney, Russell Malm answered some of the Court's questions. Veronica Morales, Auditor mentioned the budget impact. Mitzi Baker, Treasurer joined the conversation. Eddie Melendez, Facilities Director addressed the Court's questions. The Commissioners discussed a distance that could be used as a rule of thumb. They discussed the Courthouse being the point of reference. Ruben Mata, Road and Bridge Director of Administration joined the conversation. Commissioner Sanchez discussed someone abusing the privilege of taking a vehicle home. Justin Bunch, Emergency Management Director joined the conversation. This would be a change to the current policy 11.04a. Commissioner Ramsey stated that they should draft a new policy and then bring that back to court. A 30-mile radius was discussed. A quarterly report on who would be taking the vehicle home provided to the court was also discussed. GPS policy was discussed. Tabled for a written policy. Exhibit: 173

30. Discuss and take action allowing parking spaces to be used for curbside voting at Annex, Centennial Library, and Library at the Plaza.

Presented by Carolyn Graves, Elections Administrator. They are having more and more curbside voting. Ruben Mata, Road and Bridge Director of Administration joined the conversation. They do have some temporary sign holders and they can print out some signs.

Motion that we allow parking spaces to be used for curbside voting.

Motion by: Ramsey
For: All (5)

Second by: Prude
Against: None

Exhibit: 174
Abstaining:

31. Discuss and take action on Notice of Joint Primary Runoff Election.

Presented by Carolyn Graves, HR Director. This is for the May 24th runoff election.

Motion to approve the notice of joint primary election runoff.

Motion by: Sanchez
For: All (5)

Second by: Donnelly
Against: None

Exhibit: 175-177
Abstaining:

32. Discuss and take action on donation of emergency response trailer from Pioneer Natural Resources.

Presented by Justin Bunch, Emergency Management Director. John Buck, Pioneer Natural Resources addressed the Court.

Motion that we accept the donation of emergency response trailer from Pioneer Natural Resources.

Motion by: Sanchez
For: All (5)

Second by: Donnelly
Against: None

Exhibit: 178-182
Abstaining:

Go to item 17

33. Discuss and take action on fireworks permit for Fiddlestick Farms for April 23, 2022.

Presented by Justin Bunch, Fire Marshall.

Motion that we allow fireworks permit for Fiddlestick Farms for April 23, 2022.

Motion by: Donnelly
For: All (5)

Second by: Ramsey
Against: None

Exhibit: 183-188
Abstaining:

34. Discuss and take action on purchase of spare fleet vehicle for Risk Management.

Presented by Justin Bunch, Emergency Management Director. Tabled for more information. Exhibit: 189-193

35. Discuss and take action reassigning vehicles.

Presented by Kristy Engeldahl, Purchasing Agent. Unit #15504; unit # 15508; unit # 15531; unit # 15532; and unit # 15475 are being turned into surplus.

Motion that we have these 5 units taken into surplus.

Motion by: Donnelly
For: All (5)

Second by: Sanchez
Against: None

Exhibit: 194-196
Abstaining:

36. Discuss and take action on surplus vehicles to Midland College.

Presented by Kristy Engeldahl, Purchasing Agent. Midland College has requested unit # 15504; unit # 15531, and unit # 15532. County Attorney, Russell Malm stated that we need to enter an interlocal agreement with Midland College.

Motion that we enter into an interlocal agreement with Midland College to convey these three units 15504, 15531 and 15532 to Midland College for their law enforcement and the law enforcement would be the public reason to do this.

Motion by: Donnelly
For: All (5)

Second by: Ramsey
Against: None

Exhibit: 197-201
Abstaining:

37. Discuss and take action allowing Public Works to utilize 2nd floor at 509 N. Loraine.

Presented by Eddie Melendez, Facilities Director. They have 1.6 million budgeted for this year.

Motion that we allow Public Works to utilize the 2nd floor at 509 N. Loraine.

Motion by: Sanchez
For: All (5)

Second by: Donnelly
Against: None

Exhibit: 202-228
Abstaining:

38. Discuss and take action on funds for invoice for Gratitude Square.

Presented by Diana Lopez, Facilities Office Administrator. Asking to use building maintenance budget to cover the \$6,975.00 invoice for Gratitude Square. Veronica Morales, Auditor joined the conversation.

Motion to transfer the funds from Facilities Maintenance for Gratitude Square invoice to Capital Projects in the amount of \$6,975.00.

Motion by: Ramsey Second by: Donnelly Exhibit: 229-230
For: All (5) Against: None Abstaining:

39. Discuss and take action on Maintenance Plan with Spillman.

Presented by Javier Chacon, Interim IT Director. Converting from Lenox to Windows for the Spillman software. This will help avoid outages. The first year will be free. The second year will be \$4,680.00 for maintenance.

Motion that we approve the maintenance plan with Spillman subject to Russell's (Russell Malm, County Attorney) approval.

Motion by: Donnelly Second by: Sanchez Exhibit: 231
For: All (5) Against: None Abstaining:

40. Discuss and take action on application for Flood Prevention Program through USDA Natural Resources Conservation Service (NRCS).

Presented by Commissioner Sanchez. This is a 20/80 split and could possibly be a 0/100 split.

Motion that we move forward to apply for Flood Prevention Program through USDA Natural Resources Conservation Services (NRCS).

Motion by: Sanchez Second by: Donnelly Exhibit: 232-233
For: All (5) Against: None Abstaining:

41. Discuss and take action on letter from City of Midland regarding Flood Plain Management duties.

Presented by Andrew Avis, Public Works Director. This will amend the current interlocal agreement. Not for plated developments in the ETJ. Commissioner Donnelly expresses his concern of the proposed 5-mile ETJ.

Motion that we authorize the County Judge to sign the amendment to the City County interlocal cooperation contract subject to Russell (Russell Malm, County Attorney) constructing a letter responding to the ETJ issue.

Motion by: Donnelly Second by: Ramsey Exhibit: 234-237
For: All (5) Against: None Abstaining:

42. Discuss and take action engaging professional services firm to negotiate scope and fee for intersection of SH 158 and FM 1213.

Presented by Andrew Avis, Public Works Director. Safety improvement for this area has been discussed. Commissioner Donnelly stated this needs to be addressed soon.

Motion that we allow the Public Works Department to engage professional services for initial design and reconstruction of 158 and CR 120.

Motion by: Donnelly Second by: Sanchez Exhibit: 238-239
For: All (5) Against: None Abstaining:

43. Discuss and take action on corrective deed for CR 120 Right of Way.

Presented by Andrew Avis, Public Works Director. One document had an error.

Motion authorizing the County Judge to sign the corrective deed associated with right of way at CR 120 extension at Antelope Trail.

Motion by: Ramsey Second by: Donnelly Exhibit: 240-243
For: All (5) Against: None Abstaining:

44. Discuss and take action on change orders with Dannys Paving.

Presented by Andrew Avis, Public Works Director. \$31,634.00 additional funds.

Motion that we approve the change orders with Dannys Paving.

Motion by: Sanchez Second by: Ramsey Exhibit: 244-253
For: All (5) Against: None Abstaining:

45. Discuss and take action on change order with Jones Bros.

Presented by Andrew Avis, Public Works Director. This is to address the street lighting. \$93,114.00 from CTIF.

Motion that we authorize the change order to Jones Bros. for altering streetlights at Yukon and 1788.

Motion by: Donnelly Second by: Ramsey Exhibit: 254-255
For: All (5) Against: None Abstaining:

46. Discuss and take action on change order with Reece Albert.

Presented by Andrew Avis, Public Works Director. \$14,450.00 capital outlay road and bridge.

Motion authorizing the change order at Industrial Ave for Reese Albert.

Motion by: Ramsey Second by: Donnelly Exhibit: 256-257
For: All (5) Against: None Abstaining:

47. Discuss and take action vacating portion of Right of Way for CR 1297 ½.

Presented by Andrew Avis, Public Works Director. This is in Precinct 4. There have been some structures built in our right of way. Brian Martin and Shannon Goldapp, Attorneys for West Texas Abstract addressed the Court. The structures were built in 2012.

Motion to approve vacating the portion being requested on the application of the right-of-way for CR 1297 ½.

Motion by: Prude Second by: Donnelly Exhibit: 258-306
For: All (5) Against: None Abstaining:

48. Discuss and take action on corrective deed for Yukon Road Right of Way.

Presented by Commissioner Donnelly and Andrew Avis, Public Works Director. Tabled.

49. Discuss and take action cancelling interlocal agreement with Midland County Fresh Water Supply District for drilling of test wells at Roark Ranch.

Presented by Russell Malm, County Attorney and Commissioner Donnelly.

Motion that we cancel the interlocal agreement with Midland County Fresh Water District #1 for the drilling of test wells at Roark Ranch.

Motion by: Donnelly
For: All (5)

Second by: Ramsey
Against: None

Exhibit: 307
Abstaining:

50. Discuss and take action on contract with Parkhill for drilling of test wells at Roark Ranch and related services.

Presented by Russell Malm, County Attorney.

Motion that we authorize the County Judge to sign contract with Parkhill for the drilling of test wells at Roark Ranch and related services.

Motion by: Donnelly
For: All (5)

Second by: Sanchez
Against: None

Exhibit: 308
Abstaining:

51. Discuss and take action authorizing County Attorney to hire legal assistant.

Presented by Russell Malm, County Attorney. There should be enough funds in current budget.

Motion to authorize the County Attorney to hire a legal assistant at a 14 1.

Motion by: Ramsey
For: All (5)

Second by: Sanchez
Against: None

Exhibit: 309
Abstaining:

52. Discuss and take action authorizing buildout of additional offices for County Attorney's Office.

Presented by Russell Malm, County Attorney. There are no funds. The estimate was for \$104,000.00 to do the build out.

Motion to we authorize the buildout of additional offices for the County Attorney's Office with \$68,000.00 coming out of contingency and moving \$37,000 from salary into building maintenance.

Motion by: Sanchez
For: All (5)

Second by: Donnelly
Against: None

Exhibit: 310-311
Abstaining:

53. Discuss and take action on declaration of disaster.

Tabled.

Exhibit: 312

54. Discuss and take action on road dedication for Dahlia Industrial Park.

Presented by Jessica Buchanan, Public Works Regulations Manager.

Motion that we authorize the beginning of the 1-year warranty period on roads in Dahlia Industrial Park.

Motion by: Donnelly
For: All (5)

Second by: Ramsey
Against: None

Exhibit: 313-317
Abstaining:

55. Discuss and take action on plat for Bates Airport, Section 5.

Presented by Jessica Buchanan, Public Works Regulations Manager.

Motion approving the updated Bates Airport section 5 plat.

Motion by: Ramsey
For: All (5)

Second by: Donnelly
Against: None

Exhibit: 318-322
Abstaining:

56. Take action on submitted applications for permits to use county right-of-way for utility and line installations, driveway construction, road dedication, and mailbox construction.

Permit to Construct Driveway Facilities on County Right of way:

- 1. APM Contractor Service on CR 1232

Request for designation of location for crossing of a Midland County Texas road:

- 1. DCOMM Inc. on SCR 1200
- 2. Oncor Electric Delivery on SCR 1210
- 3. Oncor Electric Delivery on WCR 140

Motion to pass all of these.

Motion by: Prude
For: All (5)

Second by: Donnelly
Against: None

Exhibit: 323-342
Abstaining:

57. Conduct Executive session pursuant to Texas Government Code Section 551.071 to consult with County Attorney regarding pending and prospective litigation and other matters.

*9:58am take a short break and then go into Executive Session.
10:54am back into Regular Session*

Call item 32

58. Adjourn.

Motion to adjourn.

Motion by: Ramsey
For: All (5)

Second by: Sanchez
Against: None

Exhibit:
Abstaining:

Adjourn at 12:35p.m.

A Meeting of the Midland County Commissioners Court will be held on Monday, April 25, 2022 on or after 9:00 a.m., in the Commissioners Courtroom, located at the Midland County Courthouse, 500 North Loraine Street, Midland, Texas.

I, Alison Haley, County Clerk certify that this is an accurate accounting of the proceedings of the Commissioners Court meeting on April 11, 2022.



Alison Haley

Alison Haley, County Clerk