



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

Be it remembered that on Monday the 14th day of November 2022 at 9:02 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 - **absent**

Recorded by Alison Haley, County Clerk.

1. Call to Order.

2. Invocation given by Pastor Bob Pace, Grace Lutheran Church.

3. Pledges of Allegiances.

4. Acknowledge I.M.P.A.C.T.S. of the Month, Fifi Sanchez, from Courthouse Security.

Presented by Robert Segura, HR Director. Lt. Alma Acosta and Lt. Tommy Davis read their nominations for Fifi Sanchez, from Courthouse Security.

Motion that we acknowledge I.M.P.A.C.T.S. of the month, Fifi Sanchez, from Courthouse Security.

Motion by: Sanchez
For: All (4) present

Second by: Donnelly
Against: None

Exhibit: 15
Abstaining:

5. Discuss and take action on stipend for E'Lois Strong handling administrative procedures for Magistrations performed by District and County Court at Law Judges.

Presented by Judge David Rogers, 142nd District Court. The new legislature has changed the Bail Bond rules. The District Judges now magistrate people ever Monday, Wednesday, Friday, and Sunday. Requesting a \$6,000.00 stipend for E'Lois Strong. Veronica Morales, Auditor joined the conversation. There are funds in salary contingency.

Motion that we approve the stipend for E'Lois Strong handling administrative procedures for magistrations performed by District and County Court at Law Judges and the money to come out of the Combined District Courts budget in salary contingency effective 11/14/2022 in the amount of \$6,000.00.

Motion by: Sanchez
For: All (4) present

Second by: Ramsey
Against: None

Exhibit: 16-18
Abstaining:

6. Discuss and take action on additional funds for FY2022 Autopsies.

Presented by Judge John Barton, Justice of the Peace Precinct 4. Need an additional \$5,000.00 to cover FY2022 invoices.

Motion that we take \$4,600.00 from contingency.

Motion by: Donnelly
For: All (4) present

Second by: Ramsey
Against: None

Exhibit: 19
Abstaining:

7. Discuss and take action on agreements and payment of budgeted funds to approved non-profit organizations.

Jenny Hilton, County Court Administrator presented the three agreements for Casa de Amigos, Humane Coalition, and Reflection Ministries. Judge Johnson stated the additional \$50,000.00 for the Humane Coalition are to put some cages on the outside of their facility.

Motion to approve the nonprofit organization contributions.

Motion by: Donnelly Second by: Ramsey Exhibit: 20-40
For: All (4) present Against: None Abstaining:

8. Discuss and take action on GovOS Remote Marriage License Application Software.

Presented by Alison Haley, County Clerk. \$16,000.00 from 226-260-00 Records Management fund. There is a line-item transfer

Motion to approve the Remote Marriage License agreement and addendum with GovOS and moving \$20,000.00 from Professional Services to Software.

Motion by: Ramsey Second by: Donnelly Exhibit: 41-55
For: All (4) present Against: None Abstaining:

9. Discuss and take action on User License Agreement for an online vital records request application with Permitium, LLC.

Presented by Alison Haley, County Clerk. This is no cost to the County.

Motion that we approve the User License Agreement for online vital records request application.

Motion by: Donnelly Second by: Sanchez Exhibit: 56-66
For: All (4) present Against: None Abstaining:

10. Discuss and take action on agreement for Kofile Preservation Project.

Presented by Alison Haley, County Clerk. The price has increased and will extend to a 4-year project.

Motion to increase the price for the Kofile preservation project and move it to a 4-year payout.

Motion by: Ramsey Second by: Donnelly Exhibit: 67-71
For: All (4) present Against: None Abstaining:

11. Discuss and take action on court minutes from October 24, 2022.

Presented by Alison Haley, County Clerk.

Motion to approve the minutes from October 24, 2022.

Motion by: Sanchez Second by: Donnelly Exhibit: 72
For: All (4) present Against: None Abstaining:

12. Discuss and take action on personnel memoranda.

Presented by Mitzi Baker, Treasurer.

Motion to approve the payroll summary for November 14th.

Motion by: Ramsey Second by: Donnelly Exhibit: 73-74
For: All (4) present Against: None Abstaining:

13. Discuss and take action on Personnel Policy 6.05 regarding compensation during emergency closings.

Presented by Mitzi Baker, Treasurer. Requesting clarification on policy for emergency closings. Would like to add the words full time.

Motion that we approve this change to the policy 6.05 effective immediately.

Motion by: Donnelly
For: All (4) present

Second by: Ramsey
Against: None

Exhibit: 75-76
Abstaining:

14. Discuss and take action on Personnel Policy 6.08 regarding State and Federal Task Force officers and paying their current comp time balance to zero.

Presented by Mitzi Baker, Treasurer. There are 3 employees that work for the State and Federal Task Force. There are 2 for the SO and 1 with the DA. They have been paying them like patrol. The grants do not want to reimburse the comp time. Instead of banking their comp time we would like to pay them straight time between the hours of 80 and 86 and time and a half over that. This way the grants will pay their full salary. In the policy they have added to 6.08 regarding State and Federal Task force officers. They would like to pay down the current officer's comp time to zero and put the new policy into effect.

Motion to change the Personnel Policy 6.08 regarding State and Federal Task Force officers and paying their current comp time balance to zero.

Motion by: Sanchez
For: All (4) present

Second by: Donnelly
Against: None

Exhibit: 77-79
Abstaining:

15. Acknowledge Quarterly Sick Leave Pool Report.

Presented by Mitzi Baker, Treasurer.

Motion to acknowledge the quarterly sick leave report.

Motion by: Ramsey
For: All (4)

Second by: Donnelly
Against: None

Exhibit: 80-81
Abstaining:

16. Acknowledge Quarterly Investment Report.

Presented by Mitzi Baker, Treasurer. This is for the quarter ending 9/30.

Motion to acknowledge the quarterly investment report.

Motion by: Sanchez
For: All (4) present

Second by: Ramsey
Against: None

Exhibit: 82-88
Abstaining:

17. Discuss and take action on line item transfers.

Presented by Veronica Morales, Auditor. There were some exceptions to the line item transfers for FY2022. There were some exceptions to the line item transfers for FY2023. The additional line-item transfer for \$6,000.00 for stipend approved in item 5. LIT #516 moving money from education and training to contract services, however we would like to change that to shredding services.

Motion that we approve the line-item transfers including the \$6,000.00 from salary contingency to the District Judges combined budget and #516 that should be to 5675 shredding.

Motion by: Donnelly
For: All (4) present

Second by: Ramsey
Against: None

Exhibit: 89-136
Abstaining:

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

Presented by Veronica Morales, Auditor. There were some exceptions to the bills.

Motion that we pay all bills and the exceptions.

Motion by: Donnelly Second by: Sanchez Exhibit: 137-146
For: All (4) present Against: None Abstaining:

Recalled after Executive Session.

There were 9 bills brought to the Courts attention. Most are blanket po's. We are delinquent with some of the vendors as of this point. There were insufficient funds to cover the invoices.

Motion that we approve these other 9 invoices for the Law Library that were presented by the Auditor.

Motion by: Sanchez Second by: Ramsey Exhibit:
For: All (3) present Against: None Abstaining:

19. Discuss and take action on resolution providing for the redemption of certain outstanding Midland County, Texas, General Obligation Refunding Bonds, Series 2016 and resolving other matters incident and related to the redemption of such obligations.

Presented by Veronica Morales, Auditor. This is paying 2 of the maturities for the obligation bonds 2026 for \$1,555,000.00 and 2027 for \$1,600,000.00 for a total of \$3,155,000.00 plus any fees incurred. This would leave only 3 more maturities to pay. There is one of those fees being paid this year. The savings is \$379,000.00 in interest. The associated fees last year were about \$2,000.00.

Motion to approve the redemption of certain outstanding Midland County, Texas, General obligation refunding bonds, series 2016 and resolving other matters incident and related to the redemption of such obligations for the year of 2026 and 2027 in the amount of \$1,555,000.00 the other \$1,600,000.00 which totals \$3,155,000.00 with a saving in interest at \$379,000.00.

Motion by: Sanchez Second by: Johnson Exhibit: 147-153
For: Johnson, Sanchez Against: Ramsey Abstaining: Donnelly

20. Discuss and take action on out-of-state travel for Tate Owen to attend FEMA's MPI Training in Anniston, AL, December 4 – 9, 2022.

Presented by Tate Owen, PIO. FEMA pays for it and meals are provided.

Motion to approve the out-of-state travel to attend the FEMA MPI training.

Motion by: Ramsey Second by: Donnelly Exhibit: 154-157
For: All (4) present Against: None Abstaining:

21. Discuss and take action on use of Horseshoe for Texas A&M AgriLife Extension for swine validation and professional pesticide applicators.

Presented by Joe Kelley, President Horseshoe Hospitality. These are two different events. Continuing Education would like to use the education room for an all-day event on December 6. They have a swine validation event set for 2 different dates.

Motion to waive the rent for livestock barn on November 17th and 21st for the Texas A&M AgriLife extension for swine validation.

Motion by: Ramsey Second by: Donnelly Exhibit: 158-159
For: All (4) present Against: None Abstaining:

Item 21 continued.

Motion that we allow AgriLife use the Horseshoe on December 6.

Motion by: Donnelly
For: All (4) present

Second by: Sanchez
Against: None

Exhibit: 160
Abstaining:

22. Discuss and take action on use of Horseshoe for Texas Highway Patrol to train officers.

Presented by Joe Kelley, Horseshoe Hospitality. This request came through Sheriff Criner. Texas Highway Patrol would like to use the education room February 27 through March 3rd.

Motion waiving the rent for Texas Highway Patrol to use the Horseshoe education room February 27 through March 3rd.

Motion by: Ramsey
For: All (4) present

Second by: Sanchez
Against: None

Exhibit: 161-162
Abstaining:

23. Acknowledge Summary of All Collections for the Tax Office.

Presented by Karen Hood, Tax Assessor Collector. This is the year end.

Motion to acknowledge the summary of all collections for September 2022.

Motion by: Ramsey
For: All (4) present

Second by: Donnelly
Against: None

Exhibit: 163-164
Abstaining:

24. Discuss and take action on repair or replacement of vehicle for AgriLife Extension Office.

Presented by Abigale Pritchett, Family and Community Health Agent. The engine in her 2011 Expedition froze up. Elle Bedoy, Facilities Fleet Contract Administrator stated the vehicle is valued at \$3,000.00 and the estimated repairs are \$12,000.00. Kristy Engeldahl, Purchasing Agent commented on the two quotes she received. 2023 Suburban and a 2023 Tahoe. County Judge Johnson asked if they could offer milage reimbursement.

Motion that we purchase this Tahoe for \$41,500.00 out of contingency.

Motion by: Donnelly
For: All (4) present

Second by: Ramsey
Against: None

Exhibit: 165-171
Abstaining:

25. Discuss and take action allowing City of Midland to use parking lot at Library at the Plaza for set up and staging of the annual Christmas Parade.

Presented by Matt Glaser, Associate Library Director.

Motion to allow the City of Midland to use our Library at the Plaza parking lot for staging of the annual Christmas Parade.

Motion by: Ramsey
For: All (4) present

Second by: Donnelly
Against: None

Exhibit: 172-174
Abstaining:

26. Discuss and take action on application for World on the Move 2022 Grant.

Presented by Matt Glaser, Associate Library Director. They would like to have this for Summer of 2024 or 2025. This will be free of charge.

Motion that we approve the application for the ALA Public Programs Office.

Motion by: Donnelly Second by: Sanchez Exhibit: 175-189
For: All (4) present Against: None Abstaining:

27. Discuss and take action on fire protection agreement with Greenwood Volunteer Fire Department.

Presented by Justin Bunch, Emergency Management Coordinator. They have submitted the required paperwork.

Motion that we approve the fire protection agreement contract with Greenwood Volunteer Fire Department.

Motion by: Donnelly Second by: Ramsey Exhibit: 190-205
For: All (4) present Against: None Abstaining:

28. Acknowledge damage and fleet accident reports for October 2022.

Presented by Ken Colston, Risk Manager.

Motion to acknowledge the damage and fleet accident report for October 2022.

Motion by: Ramsey Second by: Donnelly Exhibit: 206-212
For: All (4) present Against: None Abstaining:

29. Discuss and take action on purchase of two Kawasaki Mules.

Presented by David Sapp, Cemetery Director. These are budgeted.

Motion to approve the two Kawasaki Mules.

Motion by: Sanchez Second by: Donnelly Exhibit: 213
For: All (4) present Against: None Abstaining:

30. Discuss and take action on purchase of Hunter Tire Balancer.

Presented by Elle Bedoy, Facilities Fleet Contract Administrator. This is a budgeted item.

Motion to approve the purchase of the Hunter tire balancer.

Motion by: Sanchez Second by: Ramsey Exhibit: 214-216
For: All (4) present Against: None Abstaining:

31. Discuss and take action on purchase of Hunter Tire Changer.

Presented by Elle Bedoy, Facilities Fleet Contract Administrator. This is a budgeted item.

Motion to purchase the new Hunter tire changer.

Motion by: Ramsey Second by: Donnelly Exhibit: 217-219
For: All (4) present Against: None Abstaining:

32. Discuss and take action on purchase of Diesel laptop.

Presented by Elle Bedoy, Facilities Fleet Contract Administrator. This is a budgeted item.

Motion to approve the purchase of the Diesel laptop.

Motion by: Sanchez Second by: Donnelly Exhibit: 220-223
For: All (4) present Against: None Abstaining:

33. Discuss and take action storing bike racks (barriers) for Midland Downtown Park Conservancy at the Horseshoe.

Presented by Eddie Melendez, Facilities Director. Russell Malm, County Attorney joined the conversation. We are currently helping a nonprofit. They have agreed to execute a release. We are exceeding our authority by allowing non-profit to store items at the Horseshoe. Stephanie Martin, Executive Director for the Downtown Park Conservancy addressed the Court. Joe Kelley, President of Horseshoe Hospitality Services, LLC. answered the Courts questions and stated the barriers have been stored for the past 3-4 years. He apologized if he overstepped by agreeing to store the bike racks. He understands the concern of liability. Commissioner Ramsey and Donnelly discussed a written agreement. No action taken. Exhibit: 224-226

34. Discuss and take action on freezer unit for cold storage at 509 Loraine.

Presented by Eddie Melendez, Facilities Director. This is for additional body storage. Judge Barton, Justice of the Peace Precinct 4 joined the conversation. This is to avoid cross contamination. Tabled for more information.

35. Discuss and take action on purchase of cold storage generator at 509 Loraine.

Presented by Eddie Melendez, Facilities Director. This is not a budgeted item.

Motion that we purchase the cold storage generator for 509 Loraine and \$36,000.00 to come out of contingency.

Motion by: Donnelly Second by: Sanchez Exhibit: 227-232
For: All (4) present Against: None Abstaining:

36. Discuss and take action on purchase of Netwrix Auditor Software.

Presented by Javier Chacon, IT Director. This is a budgeted item.

Motion that we purchase the Netwrix Auditor.

Motion by: Donnelly Second by: Ramsey Exhibit: 233-235
For: All (4) present Against: None Abstaining:

37. Discuss and take action on interlocal agreement with City of Midland for sharing radio resources.

Presented by Javier Chacon, IT Director. Commissioner Donnelly stated this is a great situation.

Motion that we approve to have the Judge sign the Interlocal agreement with City of Midland for communications equipment.

Motion by: Donnelly Second by: Ramsey Exhibit: 236-240
For: All (4) present Against: None Abstaining:

38. Discuss and take action on Ricoh Lease Agreements.

Presented by Kristy Engeldahl, Purchasing Agent. Most of the Ricoh lease agreements for the 2023 Fiscal Year. County Clerk, Drug Court, Treasurer, Emergency Management, Horseshoe, and SO Detention.

Motion to have the Judge sign the Ricoh lease agreements.

Motion by: Ramsey Second by: Donnelly Exhibit: 241-293
For: All (4) present Against: None Abstaining:

39. Discuss and take action on Culligan Bottle Service Agreements for Law Library.

Presented by Kristy Engeldahl, Purchasing Agent.

Motion to allow the County Judge to sign the Culligan bottle service agreement for Law Library.

Motion by: Donnelly Second by: Sanchez Exhibit: 294-296
For: All (4) present Against: None Abstaining:

40. Discuss and take action on resolution nominating Commissioner Scott Ramsey to the Board of Directors of the Texas Conference of Urban Counties.

I'll make the resolution to nominate Scott Ramsey to the unexpired term of the Texas Conference of Urban Counties Board of Directors.

Motion by: Donnelly Second by: Sanchez Exhibit: 297-298
For: All (4) present Against: None Abstaining:

*10:26am take a break and then go into Executive Session.
11:04am back into Regular Session.*

The following members were present:

Scott Ramsey, County Commissioner Precinct No. 1;
Robin Donnelly, County Commissioner Precinct No. 2; - **chaired**.
Luis D. Sanchez, County Commissioner Precinct No. 3;

41. Discuss and take action on Encroachment Agreement at CR 1232 Phase 3 with Enterprise.

Presented by Andrew Avis, Public Works Director.

Motion that we approve the encroachment agreement at CR 1232 phase 3 with Enterprise.

Motion by: Sanchez Second by: Ramsey Exhibit: 299-314
For: All (3) present Against: None Abstaining:

42. Discuss and take action on RFQ and RFP as a 2-step process for procuring Construction Manager-at-Risk (CMAR) for new jail.

Presented by Andrew Avis, Public Works Director.

Motion to go out for RFQ and RFP as a 2-step process for procurement of a Construction Manager-at-risk for the new jail.

Motion by: Ramsey Second by: Sanchez Exhibit: 315-371
For: All (3) present Against: None Abstaining:

43. Discuss and take action establishing committee for RFQ and RFP response regarding Construction Manager-at-Risk (CMAR) for new jail.

Andrew Avis, Public Works Director suggested the committee members be from Purchasing, Facilities, Public Works, and the Architect. The architect will not have a vote. They discussed a third party to be named with design and construction background, possibly an attorney. Eddie Melendez, Facilities Director joined the conversation.

Motion to form a committee for evaluation for RFQ and RFP as far as a Construction Manager-at-risk for the jail.

Motion by: Ramsey
For: All (3) present

Second by: Sanchez
Against: None

Exhibit: 372
Abstaining:

44. Discuss and take action on interlocal agreements with City of Midland for road construction projects.

Presented by Andrew Avis, Public Works Director.

Motion that we approve the interlocal agreements with the City of Midland for road construction projects.

Motion by: Sanchez
For: All (3) present

Second by: Ramsey
Against: None

Exhibit: 373-381
Abstaining:

45. Discuss and take action on change order to Reece Albert for payment and performance bond premium for CR 1210 project.

Presented by Andrew Avis, Public Works Director.

Motion that we approve the change order to Reece Albert for payment and performance bond premium for the CR 1210 project.

Motion by: Sanchez
For: All (3) present

Second by: Ramsey
Against: None

Exhibit: 382-384
Abstaining:

46. Discuss and take action on warranty deed and payment for purchase of Right-of-Way.

Presented by Andrew Avis, Public Works Director.

Motion authorizing the Judge to sign the warranty deed for the Sanchez property for right of way.

Motion by: Ramsey
For: All (3) present

Second by: Sanchez
Against: None

Exhibit: 385-433
Abstaining:

47. Discuss and take action on alternative water sources at potential new jail facility.

Presented by Andrew Avis, Public Works Director. Water supply for that facility. Mr. Avis stated that we need to start very soon. Requesting the ability to investigate an alternative water source. Commissioner Ramsey stated that we do not have a funding source for this project.

Motion to investigate and negotiate to locate specific water source alternatives.

Motion by: Ramsey
For: All (3) present

Second by: Sanchez
Against: None

Exhibit: 434
Abstaining:

48. Discuss and take action on Task Work Order for Parkhill to design services for 11th floor buildout of Courthouse.

Andrew Avis, Public Works Director. The second half of the 11th floor design. Ashlee Coco, from Parkhill stated the design percentage fee is 10.19% of the projected construction cost. \$255,000.00.

Motion authorizing the task work order for Parkhill to execute design services for the 11th floor buildout.

Motion by: Ramsey
For: All (3) present

Second by: Sanchez
Against: None

Exhibit: 435-437
Abstaining:

I would like to add on to my motion a line-item transfer from 605 capital projects to 605 11th floor buildout in the amount of \$2.5 million.

Motion by: Ramsey
For: All (3) present

Second by: Sanchez
Against: None

Exhibit: 435-437
Abstaining:

49. Discuss and take action establishing guidelines and criteria governing tax abatement agreements.

Russell Malm, County Attorney stated we need to readopt these guidelines for tax abatements. They are the same ones we have used in the past.

Motion establishing guidelines and criteria governing tax abatement agreements.

Motion by: Ramsey
For: All (3) present

Second by: Sanchez
Against: None

Exhibit: 438-443
Abstaining:

50. Discuss and take action using USI as broker of record for Midland County.

Presented by Rob Pridemore with USI. Move to Broker of record. This would provide a savings over \$55,000.00. Tabled for the next session.

51. Receive update on employee survey for Holiday lunch.

Presented by Robert Segura, HR Director. The recommendation is for 11:00-1:00pm.
Exhibit: 444

52. Update on Grant Writer position.

Executive session. No action.

53. 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. Tyler Milam on CR 1210.
2. Gumaro Gomez on SCR 1120
3. Franklin Construction on NCR 1105
4. SB Homes Midland, LLC on SCR 1054

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

1. Environmental Disposal Systems, LLC on Loop 250 and Antelope Trail.
2. Oncor Electric Delivery Company on WCR 130.

3. Oncor Electric Delivery Company on WCR 120 and Cotton Flat Rd.
4. Oncor Electric Delivery on WCR 320.
5. Oncor Electric Delivery on WCR 320.
6. Pioneer Natural Resources on SCR 1065.
7. Pioneer Natural Resources on SCR 1065.
8. Pioneer Natural Resources on WCR 173.
9. Pioneer Natural Resources on WCR 173.
10. Pioneer Natural Resources on WCR 173.
11. Flock Safety on various proposed locations in Precinct 1.
12. Flock Safety on various proposed locations in Precinct 2.
13. Flock Safety on various proposed locations in Precinct 3.

Motion to approve all.

Motion by: Sanchez
For: All (3) present

Second by: Ramsey
Against: None

Exhibit: 445-532
Abstaining:

Recall item 18

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

55. Conduct Executive session pursuant to Texas Government Code Section 551.074 to discuss personnel matters.

56. Adjourn.

Motion to adjourn.

Motion by: Ramsey
For: All (3) present

Second by: Donnelly
Against: None

Exhibit:
Abstaining:

Adjourn at 11:44am

A Meeting of the Midland County Commissioners Court will be held on Monday, November 28, 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 November 14, 2022.





Alison Haley, County Clerk