

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

BE IT REMEMBERED THAT ON THE 3rd DAY OF SEPTEMBER, 2008 AT 9:00 A.M. A SPECIAL MEETING OF THE COMMISSIONERS COURT WAS CALLED TO ORDER AT THE COMMISSIONERS COURT OF MIDLAND COUNTY, TEXAS. THE FOLLOWING MEMBERS WERE PRESENT:

MIKE BRADFORD – County Judge  
JIMMY SMITH – Commissioner, Precinct 1  
ROBIN DONNELLY-Commissioner, Precinct 2  
JULUIS BROOKS –Commissioner, Precinct 3  
RANDY PRUDE – Commissioner, Precinct 4

Recorded by: Cheryl Becker, Midland County Clerk

**1. Invocation.**

Invocation given by Cheryl Becker.

**2. Pledges of Allegiance.**

**3. Acknowledge the Dixie Dolls for earning Grand Champions at the State Meet.**

Commissioner Prude presents the Dixie Dolls with a Certificate of Recognition for their international dance competition in April. Thirteen routines were performed receiving first place in all routines, they also received Grand Champion. There were 25 teams competing, the competition was held in San Antonio.

**4. Acknowledge students who attended 4-H Congress in July.**

Kodie Hoover presents the 4-H Congress relaying that seven of our youth went to Austin in July. There were 281 bills submitted, of that five bills passed by these students and will be given to Governor Rick Perry to be submitted to the next Legislative Session.

Mary O'Bracken sponsored the Legalization of Horse Processing to Congress. Ken Ivy participated as a Senator. Lorena Ivy participated in the House her bill was the UIL participation for home school students. Nathan Hartley he argued against different bills. Shelby Ivy was in the House arguing for and against bills.

Commissioner Prude presents the Certificate in Recognition of their Outstanding Achievement in attending the 2008 4-H Congress.

**5. Acknowledge the August Employee of the Month, Jose Barron, from Facilities.**

Becky Cota presents information regarding Jose Barron Employee of the Month from Facilities. Commissioner Brooks presents the certificate to Jose, his cup and Rosa's certificate. Tim Harris relays that Jose is well accepted and does a fine job.

**6. Discuss and take action approving the minutes from August 11 and 20, 2008.**

Motion that we accept the minutes of the August 11 and 20 Commissioners meeting.

Motion by: Donnelly  
For: All

Second by: Bradford  
Against:

Exhibit:  
Abstaining:

**7. Discuss and take action on the Midland Emergency Communication District budget.**

Joyce Britcher presents the budget and relays that there are no requested increases in service fees maintaining the same budget from the last ten years. They are preparing for the internet protocol environment they are maintaining the wireless, voice over internet calls. Judge Bradford asks about her board and she relays that they are excellent and staying on top of everything. Judge Bradford asks if they anticipate any changes and she relays no.

Motion that we approve.

Motion by: Prude  
For: All

Second by: Brooks  
Against:

Exhibit: 462-466  
Abstaining:

**8. Discuss and take action on the appointment of Pat Moore to the Board of Managers of the Midland Emergency Communication District.**

Joyce Britcher relays that Pat was first appointed in 2002 bringing financial expertise to the board. Pat always thinks of the citizens in the County and has agreed to another two-year term.

Motion that we appoint Pat Moore to the Board of Managers of the Midland Emergency Communication District.

Motion by: Brooks  
For: All

Second by: Prude  
Against:

Exhibit:  
Abstaining:

**9. Discuss and take action authorizing the County Judge to sign contracts with Hays County, Gulf Coast Trades Center and Shoreline for placement of adjudicated juveniles.**

Adolfo Salcido relays these are contract renewals and Russell has not had a chance to review.

Move we accept the contracts with Hays County, Gulf Cost Trades Center and Shoreline subject to Russell Malm's acceptance of the language.

Motion by: Donnelly  
For: All

Second by: Brooks  
Against:

Exhibit: 467-488  
Abstaining:

**10. Discuss and take action authorizing the Purchasing Agent to advertise for bids on (A) Tractor Trailer Water Tanker and (B) New fleet vehicles.**

Bob Henderson presents the information regarding the bids on the tractor-trailer and Crown Victoria's for the new fleet vehicles.

Motion to authorize the Purchasing Agent to advertise for bids on the tractor-trailer water tanker and new fleet vehicles.

Motion by: Smith  
For: All

Second by: Brooks  
Against:

Exhibit:  
Abstaining:

**11. Discuss and take action authorizing the County Judge to sign a contract for Detention Medical Services.**

Sheriff Painter relays this is satisfactory and Russell Malm has a clause that needs to be added to the contract. The contract amount under Section 8 is \$596,057.36 based on 320 inmates a day. Sheriff Painter would like to calculate 306 inmates since there is only that amount of beds and anything over the 306 would be at a rate of 39 cents per day.

Motion that we approve with recommended changes by the Judge.

Motion by: Prude  
For: All

Second by: Brooks  
Against:

Exhibit: 489-507  
Abstaining:

**12. Discuss and take action determining the ranking of vendors for contract negotiations on RFID File Tracking System for County and District Clerks.**

Bob Henderson relays there were two proposals and the Clerks are leaning toward Fire Trail. On RFP's, price is not totally controlling they also rank them according to their approach to the job.

Motion that we approved the order of negotiation ranking Fire Trail number one and Southwest Solutions number two to negotiate for our tracking services.

Motion by: Prude  
For: All

Second by: Smith  
Against:

Exhibit: 508-509  
Abstaining:

**13. Acknowledge receipt of five .45 caliber pistols from the 1033 program.**

Sheriff Painter relays that the 1033 military surplus program had some 1911, .45 caliber pistols available. Sheriff Painter responded his office has been authorized to receive five of the pistols. Judge Bradford asks if these are extras and will they be assigned, Sheriff Painter relays they will be assigned.

Move to acknowledge and accept the five .45 caliber pistols from the 1033 program.

Motion by: Donnelly  
For: All

Second by: Prude  
Against:

Exhibit: 510-511  
Abstaining:

**14. Discuss and take action on purchase of Spillman group modules, products and hand-held hardware for inmate bar coding.**

Sheriff Painter relays that they are talking to the correct person at Spillman and they have a new price dropping it as much as they can, this is the final pricing. Judge Bradford relays that they are off \$1,161 on this new pricing asking the Auditor if she has looked at it and she replies yes and is ok with everything. With Protection Plus no-fault policy price they will be short \$3,535, Sheriff Painter relays he thinks they can take this out of the Bad Boy Blast money.

Motion that we approve the purchase of the Spillman group modules, product and hand-held hardware for inmate bar coding with addition of the no-fault policy if available to be paid out of the current budget from the Bad Boy Blast donation account.

Motion by: Smith  
For: All

Second by: Donnelly  
Against:

Exhibit:  
Abstaining:

**15. Discuss and take action on the purchase of DURO-LAST mechanically fastened roof system for the Central Detention Facility.**

Judge Bradford relays that the Central Detention facility has a roof problem and the DURO-LAST product has been on the market, these people have visited with the Sheriff and architects. Judge Bradford relays that they will have to bid this and asks the Sheriff if they can wait until the bond and he relays no. This will cover the entire roof sealing the top keeping it from leaking; the product has a 20-year guarantee. The amount is \$159,193.

Motion that we authorize the Purchasing Agent to advertise for the DURO-LAST mechanically fastened roof system for the Detention Facility funding out of Contingency.

Motion by: Prude  
For: All

Second by: Brooks  
Against:

Exhibit:  
Abstaining:

Commissioner Prude asks that if this is an emergency can they declare it an emergency, Russell Malm asks that we come back to this item. Sheriff Painter relays that they did go out for bids and received two bids; one was for \$400,000 and this bid for \$159,193.

**16. Discuss and take action on a member of the Sheriff's Office D.A.R.E. Program to attend a D.A.R.E. certification school in Richmond, Virginia, from October 27 – November 7, 2008.**

Sheriff Painter relays that Sgt. Steve Skaggs DARE officer in Greenwood retired and Sgt. Chris Fuentes has taken his place. This is the earliest school Sgt. Fuentes could attend.

Motion to approve.

Motion by: Prude  
For: All

Second by: Brooks  
Against:

Exhibit:  
Abstaining:

**17. Discuss and take action accepting the roads in the Los Colinas Subdivision.**

Felipe relays this subdivision is off of 120 North. Commissioner Donnelly asks if they have done the retaining ponds and Felipe replies no.

Move that we accept the Los Colinas Subdivision roads into our system subject to verification of construction and inspection of the retaining ponds for their platting.

Motion by: Donnelly  
For: All

Second by: Smith  
Against:

Exhibit: 512  
Abstaining:

**18. Discuss and take action setting the 2008 – 2009 Commissioners Court dates and locations.**

Judge Bradford relays that we will have a number of needs to move around the Courthouse, Annex, Library, Horseshoe Complex, and Road and Bridge.

Motion that we approve as written the County Holidays, Court Sessions and the five locations the Courthouse, Annex, Library, Horseshoe, and Road and Bridge.

Motion by: Prude  
For: All

Second by: Brooks  
Against:

Exhibit: 513  
Abstaining:

Judge Bradford reminds that December 22, 2008 we may need to move.

**19. Discuss and take action setting the 2009 Midland County Holidays.**

Motion that we approve as written the County Holidays, Court Sessions, the five locations the Courthouse, Annex, Library, Horseshoe, and Road and Bridge.

Motion by: Prude  
For: All

Second by: Brooks  
Against:

Exhibit: 514  
Abstaining:

**20. Discuss and take action on Heritage Building.**

Commissioner Smith relays that everything is going well.

**21. Receive reports from Midland County Elected Officials and Department Heads.**

Holly Ingmire relays that the Road and Bridge Department, last Thursday the City of Midland Fire Department at an awards banquet honored ten Road and Bridge employees at a banquet. Each employee received letters of recognition from the City for their work on March 14, 2008 fire. Felipe relays that they received a plaque and diner at Midland Country Club.

Choc Harris presents a report of his monthly report from Precinct 2 containing the animal control and environmental control report.

Exhibit: 515-516

Commissioner Prude relays that they are working on a way of helping the employees on their generic prescriptions waiting on a reply from the IRS as to how to treat this.

Judge Bradford relays that effective this Friday at 2:00 the elevator in the Courthouse will be closed for two weeks, they will be making other arrangements for juries. Tim Harris relays they will have to pull the generator off of the top of the elevator. This is under the normal maintenance at no cost to the County.

Break at 10:10 a.m. and back in session at 10:25 a.m.

Judge Bradford relays the report on cell phone usage is something that the IRS has forced on us we either come up with a plan or do away with it the phones. If we take the allowance and use for business and personal is it subject to open records Judge Bradford relays that there is divided opinion from the AG yes and no, the answer is probably yes. The second question is, if you have a Blackberry and you take the allowance you use it for business and personal but the email runs through the County server we would be subject to the email policy and open records. Sheriff Painter asks the Court to take into consideration that the amount they are paying now is on a government contract through AT&T so whatever allowance is going to be had would be a personal contract with AT&T and not a County or group contract. AT&T has offered a 15% discount on the personal plan.

**22. Discuss and take action on fleet accidents.**

Dale Little relays that last Friday two fleet accidents in the Sheriff's Office, an officer ran of the road while chasing a suspect and hit a fence post. Another Officer following up on an investigation someone back up and hit his front bumper. Both accidents were in the line of duty.

**23. Take action acknowledging personnel memoranda.**

Gypsy Aleman, Esequiel Gallegos, Frank Sexson, Darla Bushman, Chris Angley, Jimmy Mathis, Laura Dumas, Geneva Rodriguez, Cadie Gillett, Nicolaus Hernandez, Farris King, J. Dow Scott, Matthew Nicholas, Kathy Jennings-Brown, Oscar Rubalcava, Robert Coffield.

Motion to acknowledge.

Motion by: Prude  
For: All

Second by: Brooks  
Against:

Exhibit: 517  
Abstaining:

**24. Discuss and take action on budget line-item transfers.**

Horseshoe, Emergency Management, County Attorney-State, Midland County Sheriff's Office –CIU, District Attorney, Midland County Sheriff's Office-Administration, Midland County Sheriff's Office-Jail, Midland County Sheriff's Office –CIU, Horseshoe, 385<sup>th</sup> District Court, Midland County Sheriff's Office-Administration, JP-Pct. 3, Human Resources, Cemetery, Horseshoe, Constable Pct. 4, Library, 142<sup>nd</sup> District Court, District Attorney-General, Midland County Sheriff's Office-Jail, Constable Pct. 4, County Attorney-General, Road and Bridge, Tax Office –General Fund, Sheriff's Office-Donations.

Judge Bradford asks about item 17 regarding the Library equipment, Veronica relays that she was not sure what equipment the Librarian was trying to purchase. Judge Bradford asks the Court when approving please approve item 17 subject to his, Robin's and Veronica's additional discussion. Veronica also relays that she does have an additional item regarding the Bad Boy Blast account and transferring the funds for the Sheriff's scanner, this is item 25.

Motion that we approve all 25 line-item transfers with the secondary approval of the Judge on item 17.

Motion by: Prude  
For: All

Second by: Donnelly  
Against:

Exhibit: 518-542  
Abstaining:

**25. Discuss and take action on bills.**

Veronica does have some exceptions: Petrotell Communication, Scott A Morris, Facilities no PO for elevator for the standard inspection on all elevators in the County, JP Prct. 3 for printing, IT Department, bill for SunGard.

Motion to pay bills.

Motion by: Prude  
For: All

Second by: Donnelly  
Against:

Exhibit:  
Abstaining:

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

Request for Designation of Location for Crossing of a Midland County, Texas Road by Oncor Electric Delivery Company at 7503 SCR 1270.

Permit to Construction Driveway Facilities on County Right-of-Way by Jim Burnett at 3703 SCR 1314.

Permit to Construction Driveway Facilities on County Right-of-Way by Endeavor at ECR 160.

Permit to Construction Driveway Facilities on County Right-of-Way by Rene del Villa at SCR 1086.

Permit to Construction Driveway Facilities on County Right-of-Way by Bill Decker at SCR 1122.

Request for Designation of Location for Crossing of a Midland County, Texas Road by ATMOS Energy at 1109 WCR 130.

Motion to approve.

Motion by: Smith  
For: All

Second by: Prude  
Against:

Exhibit: 543-552  
Abstaining:

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

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

**29. Conduct Executive session pursuant to Texas Government Code Section 551.072 to deliberate the purchase, exchange, lease, or value of real property.**

**30. Conduct Executive session pursuant to Texas Government Code Section 551.076 to discuss security devices.**

**31. Take action on Executive Session matters.**

Motion to Adjourn.

Motion by: Donnelly

Second by: Smith

Exhibit:

For: All

Against:

Abstaining:

Adjourned at 10:40.

The next Regular meeting for the Commissioners Court will be held on MONDAY, September 22, 2008, at 9:00 a.m., in the Commissioners Courtroom, 2110 North A Street, Midland County Courthouse Annex.

I, Cheryl Becker, Midland County Clerk certify that this is an accurate accounting of the proceedings of the Commissioners Court meeting during the term of September, 2008.

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Cheryl Becker, Midland County Clerk