



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

Be it remembered that on Monday the 8th day of March, 2021 at 9:00a.m a meeting of the Commissioners Court was called to order in the Commissioner 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 Pastor Pat Bryant, Travis Baptist Church.

3. Pledges of Allegiances.

4. Discuss and take action on court minutes from February 26, 2021.

Presented by Alison Haley, County Clerk

Motion to approve.

Motion by: Prude
For: Johnson, Ramsey,
Donnelly, Sanchez, Prude

Second by: Sanchez
Against:

Exhibit:
Abstaining:

5. Discuss and take action authorizing County Judge to be appointed Special Commissioner of Fairview Cemetery for purpose of issuing deeds to lots in the Fairview Cemetery.

Presented by Alison Haley, County Clerk.

Motion that we approve the County Judge to be appointed Special Commissioner of Fairview Cemetery for purpose of issuing this special deed.

Motion by: Prude
For: Johnson, Ramsey,
Donnelly, Sanchez, Prude

Second by: Donnelly
Against:

Exhibit: 13-16
Abstaining:

6. Discuss and take action on plat for Vander Ranch Section 5.

Presented by Andrew Avis, Public Works Director and Jude DeBose, King 261, LLC. Out of Louisiana.

Motion that we approve the re-plat for Vander Ranch Section 5.

Motion by: Donnelly
For: Johnson, Ramsey,
Donnelly, Sanchez, Prude

Second by: Sanchez
Against:

Exhibit: 17-18
Abstaining:

7. Discuss and take action on request from Oncor for a change to the easement at the Horseshoe complex granted by the Commissioners Court on June 8, 2020.

Presented by Russell Malm, County Attorney and Chris Linsicombe, ROW Agent Oncor from Midland, Texas. Jimmy Hodges, Power Engineers from Midland answered some of the Courts questions.

Motion that we allow the request of Oncor to change the easement at the Horseshoe complex which was granted in Commissioners court on June 8, 2020 to make that change.

Motion by: Sanchez	Second by: Ramsey	Exhibit: 19-31
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

8. Conduct public hearing on installation of no parking signs on Francis Avenue between Cotton Flat and Industrial Loop.

Judge Johnson opened the public hearing on installation of no parking signs on Francis Avenue between Cotton Flat and Industrial Loop. No one came forward. The hearing was closed.

9. Discuss and take action on installation of no parking signs on Francis Avenue between Cotton Flat and Industrial Loop.

Presented by Ruben Mata, Road and Bridge Administrator.

Motion that we install no parking signs on Francis Avenue between Cotton Flat and Industrial Loop.

Motion by: Donnelly	Second by: Prude	Exhibit: 32-35
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

10. Conduct public hearing on installation of no parking signs on Geneva between Francis Avenue and Dead End.

Judge Johnson opened the public hearing on installation of no parking signs on Geneva between Francis Avenue and dead end. No one came forward. The hearing was closed.

11. Discuss and take action on installation of no parking signs on Geneva between Francis Avenue and Dead End.

Presented by Ruben Mata, Road and Bridge Administrator. Geneva is a caliche road.

Motion to install no parking signs on Geneva between Francis Avenue and dead end.

Motion by: Prude	Second by: Sanchez	Exhibit: 36-38
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

12. Conduct public hearing on installation of no parking signs on Elkins Road near Hwy 80.

Judge Johnson opened the public hearing on installation of no parking signs on Elkins Road near Hwy 80. No one came forward. The hearing was closed.

13. Discuss and take action on installation of no parking signs on Elkins Road near Hwy 80.

Presented by Ruben Mata, Road and Bridge Administrator and Commissioner Sanchez.

Motion that we install no parking signs on the County side of Elkins Road near Hwy 80.

Motion by: Sanchez Second by: Prude Exhibit: 39-43
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

14. Discuss and take action on agreement with Normandy Group.

Presented by Judge Terry Johnson. Commissioner Prude stated that he discussed this with Congressman August Pfluger and The City of Midland. Russell Malm, County Attorney stated that a formal agreement would need to be drawn up. Commissioner Donnelly stated his concerns. Commissioner Sanchez expressed his agreement with this. Commissioner Ramsey stated his concerns. Commissioner Prude stated he thought Mr. Bonilla and his team would be an asset to Midland County.

Motion subject to Russell Malm, County Attorney's agreement with the Normandy Group enter into a negotiation to begin their services for lobbying.

Motion by: Prude Second by: Sanchez Exhibit: 44-55
For: Johnson, Against: Donnelly, Abstaining:
Sanchez, Prude Ramsey

15. Discuss and take action on County Assistance Tax Districts.

Judge Terry Johnson stated this is an opportunity to make this available to the Citizens of this County. Commissioner Ramsey stated that they will be using taxpayer dollars to promote this and does not think this is a good idea. Largest tax increase. Judge Johnson and Russell Malm, County Attorney stated it is not legal to use taxpayer funds to promote this. Commissioner Ramsey stated he stands corrected. Commissioner Prude expressed how important this area will be for the world. We need to make sure our infrastructure is the best it can be. He continued to tout the accomplishments of Midland County and the ability to keep our tax rate so low. Commissioner Sanchez made a statement about this being a good decision.

Motion that we take the necessary steps to put a County Assistance Tax District in Midland County for 1.25 cent sales tax proposal to be put on the next election in November 2021 to allow the tax payers to vote yeah or nay on this project.

Motion by: Prude Second by: Sanchez Exhibit: 56-65
For: Johnson, Against: Donnelly, Abstaining:
Sanchez, Prude Ramsey

16. Discuss and take action on personnel memoranda.

Presented by Mitzi Baker, Treasurer.

Motion to acknowledge.

Motion by: Donnelly Second by: Ramsey Exhibit: 66
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

17. Acknowledge the Quarterly Investment Report.

Presented by Mitzi Baker, Treasurer. There was a discussion about interest rates.

Motion to acknowledge the quarterly investment report.

Motion by: Prude Second by: Donnelly Exhibit: 67-73
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

18. Acknowledge the Treasurer’s Monthly reports for November and December 2020.

Presented by Mitzi Baker, Treasurer.

Motion to acknowledge.

Motion by: Ramsey	Second by: Sanchez	Exhibit: 74-83
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

19. Discuss and take action authorizing County Judge to sign a 2-year extension on the county’s depository contract as allowed by statute.

Presented by Mitzi Baker, Treasurer. Commissioner Prude stated that he is on the advisory board for this bank.

Motion that we approve a renewal with Prosperity Bank for 2 years.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 84-87
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

20. Discuss and take action on resolution regarding SB 234/HB 749.

Presented by Commissioner Ramsey. The State is trying to restrict local government’s voice. Commissioner Donnelly explained the downside to this bill passing. After the motion there was more discussion.

Motion that we approve the language in this resolution regarding SB 234/HB 749.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 88-89
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

21. Discuss and take action on line item transfers.

Presented by Lisa Sessions, Senior Internal Auditor. There were no exceptions.

Motion to approve line-item transfers.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 90-96
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

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

Presented by Lisa Sessions, Senior Internal Auditor. There were several exceptions brought to the courts attention. There were some additional bills discussed. One for training and out of state-travel for Lt. John Henry. \$50.00 to TCUC for Commissioner Precinct 4. Danny’s Asphalt and Paving for CR150 \$310,469.98. There was one wire transfer for the District Clerks office.

Motion to pay all bills and wire transfers including the exceptions.

Motion by: Prude	Second by: Donnelly	Exhibit: 97-106
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

23. Discuss and take action on Tax Summary of All Collections for January 2021.

Presented by Karen Hood, Tax Assessor Collector. There was some discussion about lost revenue due to mandates passed during COVID-19.

Motion to acknowledge the Tax summary.

Motion by: Prude	Second by: Sanchez	Exhibit: 107-108
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

24. Discuss and take action on out-of-state travel for Judge Elizabeth Rainey, John Reese, Candace Ligon, Tim Flathers, Tyler Mayo, Shelby Corbell, Ashlea White, Allen Bell, and Rita Payan to attend NADCP Rise21 Conference in Washington, D.C., August 14-18, 2021.

Presented by Allen Bell, CSCD Director. This is budgeted.

Motion to approve out of State Travel for Judge Elizabeth Rainey, John Reese, Candace Ligon, Tim Flathers, Tyler Mayo, Shelby Corbell, Ashlea White, Allen Bell, and Rita Payan.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 109
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

25. Discuss and take action on Midland County Internship Program.

Presented by Robert Segura, HR Director. Jenny Hilton, County Judge Administrator and Lisa Sessions, Senior Internal Auditor answered the Courts questions. Last year was the first year we did not do this program due to COVID-19. Mr. Segura stated that he would be the driving force behind this project moving forward.

Motion to approve the Midland County Internship Program with funding coming from Commissioners Court part time salary.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 110
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

26. Discuss and take action on budget amendment for Solid Waste Grant.

Presented by Tim Telck, D.A.'s Environmental Investigator. \$12,000.00.

Motion to approve the budget amendment for solid waste grant.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 111-112
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

27. Discuss and take action authorizing County Judge to sign Transparent Language Renewal.

Presented by Debbie Garza, Library Director. This is a budgeted item.

Motion to authorize the County Judge to sign the Transparent Language renewal subject to the changes made by Russell Malm, County Attorney.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 113-115
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

28. Discuss and take action authorizing County Judge to sign FMH Grant contract.

Presented by Megan Buck, Associate Library Director. And Chris Stonedale, Executive Director of the Midland County Public Library Foundation.

Motion authorizing the County Judges signature on the FMH Grant contract.

Motion by: Ramsey Second by: Prude Exhibit: 116-117
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

29. Discuss and take action on donation in the amount of \$2,871.00 from the Rachel Lyman Trust.

Presented by Debbie Garza, Library Director.

Motion to approve the donation in the amount of \$2,871.00 from the Rachel Lyman Trust to go to genealogy.

Motion by: Sanchez Second by: Donnelly Exhibit: 118-120
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

30. Acknowledge Midland County Public Libraries Reopening Texas 100% plan.

Presented by Debbie Garza, Library Director.

Motion to acknowledge two of the world class national award winning libraries that are in Midland Texas for the Texas Reopening 100% plan.

Motion by: Prude Second by: Ramsey Exhibit: 121-122
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

31. Discuss and take action on out-of-state travel for Lt. John Henry to attend Hostage Negotiator Conference in Las Vegas, NV, March 28 – April 1, 2021.

Presented by SO Chief Deputy Benny Matlock.

Motion to approve out of state travel for Lt. John Henry to attend Hostage Negotiator Conference in Las Vegas.

Motion by: Prude Second by: Ramsey Exhibit: 123-137
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

32. Discuss and take action on donation in the amount of \$5,000.00 from Occidental Petroleum Corporation.

Presented by SO Chief Deputy Benny Matlock. This will be used for lap tops

Motion to acknowledge the \$5,000.00 donation from Occidental Petroleum Corporation.

Motion by: Ramsey Second by: Donnelly Exhibit: 138-141
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

33. Discuss and take action on budget amendment of donation in the amount of \$5,000.00.

Presented by SO Chief Deputy Benny Matlock.

Motion to approve the budget amendment for \$5,000.00 donation from Occidental Petroleum.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 142-144
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

34. Discuss and take action on donation of gym equipment valued at \$53,393.99 from Pioneer Natural Resources.

Presented by SO Chief Deputy Benny Matlock. Discussed a fit for duty program.

Motion to acknowledge the donation of gym equipment from Pioneer Natural Resources.

Motion by: Prude	Second by: Donnelly	Exhibit: 145-147
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

35. Discuss and take action on Civil and Warrants Monthly Fee Collection Report for February 2021.

Presented by SO Chief Deputy Benny Matlock.

Motion to acknowledge.

Motion by: Prude	Second by: Sanchez	Exhibit: 148-149
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

36. Discuss and take action installing dirt at Horseshoe Main Arena and purchase of additional sand for the Main Arena and Livestock Barn.

Presented by Kristy Engeldahl, Purchasing Agent. This is a budgeted item. We have a quote from Silverado Oilfield Services in the amount of \$21,991.51.

Motion to approve the install of the dirt at Horseshoe.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 150-152
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

37. Discuss and take action authorizing County Judge to sign Ricoh Lease Agreements.

Presented by Kristy Engeldahl, Purchasing Agent. Juvenile Probation, SO-C&W and SO-CID have current machine leases coming to an end. The rates are increasing slightly. These will all be for 36 months.

Motion to approve all Ricoh Lease agreements.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 153-177
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

38. Discuss and take action on award of RFP 21MCO572 Sheriff's Office Gym Equipment.

Presented by Kristy Engeldahl, Purchasing Agent. We received 5 bids, however, only 1 company bid the exact items that the Sheriff's Office was asking for. We also received some items donated by Pioneer, therefore, we will not need to purchase every item that we put out for solicitation. We recommend that the court award the purchase of the gym equipment to Fitness Specialist of Odessa. The Sheriff's Office will be using their donation funds for this purchase. None of the items are capital assets.

Motion that we award RFP 21MCO572 Sheriff's Office gym equipment to Fitness Specialist in the amount of \$80,306.49 and also to be able to take out items that we don't need.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 178-180
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

**39. Discuss and take action on payment of invoices for performance bond with Danny's Asphalt for the following projects:
a. CR 1150, Phase II; b. Cluster B; c. Cluster C; d. CR 130**

Presented by Andrew Avis, Public Works Director. \$18,399.00, \$21,527.00, \$24,887.50, \$10,280.60. Commissioner Donnelly stated that he agrees with getting performance bonds.

Motion to pay the invoices for performance bond with Danny's Asphalt for the following projects: CR 1150, phase II, Cluster B, Cluster C and CR 130.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 181-188
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

40. Discuss and take action on additional costs associated with altered traffic/bridge rail at WCR 127 Project.

Presented by Andrew Avis, Public Works Director. This has all been approved by Atmos.

Motion to approve the use of Capital Outlay Infrastructure funds to pay for the change in scope for this altered traffic/bridge rail at WCR 127.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 189-190
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

41. Discuss and take action on Parkhill Smith and Cooper Agreement for TWDB Grant-funded study.

Presented by Andrew Avis, Public Works Director. \$1,224.956.00. We applied for this 50% grant. Renee Franks with Parkhill Smith and Cooper joined the conversation.

Motion that we approve the contract with Parkhill Smith and Cooper to do this study as everybody has agreed that it is probably necessary and it would help development of these areas subject to the inclusion of the amendments to the contract the County Attorney has made.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 191-209
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

42. Discuss and take action on Cybersecurity Training Program.

Presented by Commissioner Prude. This is required by law. Tabled.

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

Permit to Construct Driveway Facilities on County Right of way:

- 1. DE3 Operating, LLC on SCR 1110
- 2. Endeavor Energy on CR 140
- 3. Fehrs Metal Building on CR 100

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

- 1. Pioneer Natural Resources USA, Inc. on NCR 1040
- 2. Highline water Services, LLC on SCR 1096
- 3. Pioneer Natural Resources USA, Inc. on SCR 150
- 4. DE3 Operating, LLC on ECR 170
- 5. DE3 Operating, LLC on SCR 1110

Motion to approve all the rest of these.

Motion by: Prude
For: Johnson, Ramsey,
Donnelly, Sanchez, Prude

Second by: Donnelly
Against:

Exhibit: 210-229
Abstaining:

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

11:02am take a break and then go into Executive session.

11:28am back into regular session.

45. Adjourn.

Motion to adjourn.

Motion by: Sanchez
For: Johnson, Ramsey,
Donnelly, Sanchez, Prude

Second by: Prude
Against:

Exhibit:
Abstaining:

Adjourn at 11:28a.m.

A Meeting of the Commissioners Court will be held on Monday, March 22, 2021 at 9:00a.m., in the Commissioners Courtroom, 500 North Loraine Street, Midland County Courthouse Commissioners Courtroom.

I, Alison Haley, County Clerk certify that this is an accurate accounting of the proceedings of the Commissioners Court meeting on March 8, 2021.



Alison Haley

 Alison Haley, County Clerk