



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

Be it remembered that on Monday the 26th day of April, 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 Ryan Rampton, Golf Course Road Church of Christ.

3. Pledges of Allegiances.

4. Acknowledge retirement of Ruth Beaty with Library.

Robert Segura, HR Director stated that Ruth Beaty was retiring from the Sheriff's Department.

Motion to acknowledge.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 15
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

5. Acknowledge retirement of Lety Hernandez with County Attorney.

Presented by Robert Segura, HR Director. Russell Malm, County Attorney mentioned Ms. Hernandez history with the County.

Motion to acknowledge retirement of Lety Hernandez.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 16
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

6. Acknowledge April's I.M.P.A.C.T.S. of the Month Honoree, Kelly Brashear, with the Library.

Presented by Robert Segura, HR Director. Brandie Cisneros, Library Administrative Secretary read Kelly Brashear's nomination.

Motion to acknowledge I.M.P.A.C.T.S. of the month honoree, Kelly Brashear.

Motion by: Ramsey	Second by: Sanchez	Exhibit: 17
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

7. Acknowledge Judge David Cobos receiving the T.A. Vines Award.

Tabled.

8. Acknowledge collections for JP 2 and 4.

Presented by Judge John Barton, Justice of the Peace Precinct 4.

Motion to acknowledge.

Motion by: Prude	Second by: Sanchez	Exhibit: 18-38
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

9. Discuss and take action hiring bailiff for 238th District Court.

Presented by Judge Elizabeth Leonard. Would like to appoint Kyle Sullivan as the new bailiff for the 238th District Court beginning Friday, April 30th and starting at a grade and step 18.8.

Motion to approve the start date for this coming Friday (April 30, 2021) for the bailiff for the 238th (District Court).

Motion by: Prude	Second by: Donnelly	Exhibit: 39-40
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

10. Acknowledge Extension volunteers for their contribution to Extension programming in Midland County.

Presented by Abigail Pritchard, CEA-FCH. April is National Volunteer Month. Abigail Pritchard wanted to thank the many volunteers that serve the Midland County Extension program. Jeanette Castanon thanked the master gardeners for their help. Steven Paz, Extension Agent acknowledged the volunteers and answered the Courts questions.

Motion to acknowledge the report from the Extension program.

Motion by: Prude	Second by: Donnelly	Exhibit: 41
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

11. Discuss and take action on court minutes from April 12 &16, 2021.

Presented by Alison Haley, County Clerk.

Motion to approve.

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

12. Discuss and take action on court fees for County and District Clerks' Offices.

Alison Haley, County Clerk presented the County and District Clerks' fees for March 2021.

Motion to acknowledge the court fees.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 42-56
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

13. Discuss and take action on preservation project for County Clerk's Office.

Presented by Alison Haley, County Clerk. Records Preservation fund in the amount of \$66,528.75 will be used for the books listed.

Motion to approve preservation project as presented.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 57-69
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

14. Discuss and take action on personnel memoranda.

Motion to approve the personnel memoranda.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 70
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

15. Discuss and take action on line item transfers.

Presented by Veronica Morales, Auditor. There were a few brought to the Courts attention. There was a correction to no. 5143 for the Drug court.

Motion to approve line-item transfers.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 71-89
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

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

Presented by Veronica Morales, Auditor. No wire transfers. There were a few exceptions discussed. There were a few additional bills for Cain Electrical Supply, CED of Midland, Morsco Supply, LLC and WW Grainger, Inc.

Motion to approve all bills including those just presented.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 90-98
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

17. Discuss and take action on budget amendment decreasing CTIF's FY2021 budget.

Presented by Veronica Morales, Auditor. Decrease the amount available in the budget to make sure we don't overspend the grant funds.

Motion that we approve the budget amendment decreasing the CTIF's FY2021 budget by \$4,301,941.64.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 99-101
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

18. Discuss and take action authorizing County Judge to sign Texas Commission on the Arts Grants.

Presented by Debbie Garza, Library Director. Would like to contract with Elizabeth Ellis, Lucas Miller and Outspoken Bean. Veronica Morales, Auditor stated it is three different grants.

Motion to approve the County Judge to sign the three contracts and grants.

Motion by: Donnelly	Second by: Prude	Exhibit: 102-118
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

19. Acknowledge Julie Pearson as Assistant Director III and Ann Rector as Assistant Director IV.

Debbie Garza, Library Director introduced Julie Pearson as Assistant Director III and Ann Rector as Assistant Director IV.

Motion to acknowledge Julie Pearson as Assistant Director III and Ann Rector as Assistant Director IV.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 119
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

20. Discuss and take action on Midland County Public Libraries updated meeting room policy.

Presented by Debbie Garza, Library Director. The new language includes both locations. Commissioner Sanchez asked how the policy will be enforced. Ann Rector, Assistant Director IV stated that if they could not handle the situation, they would contact the Sheriff's office.

Motion to approve the Midland County Public Libraries updated meeting room policy.

Motion by: Sanchez	Second by: Prude	Exhibit: 120-123
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

21. Acknowledge Summary of All Collections for March 2021 for Tax Office.

Presented by Karen Hood, Tax Assessor Collector.

Motion to acknowledge the summary of all collections for March 2021.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 124-125
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

22. Discuss and take action on use of Horseshoe for Midland County Sheriff Mounted Patrol School on May 17-21, 2021.

Presented by Joe Kelley, President of Horseshoe Hospitality Services LLC. This has been an annual week-long event.

Motion to waive the rent and fees for Midland County Mounted Patrol School at the Horseshoe arena on May 17-21, 2021.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 126
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

23. Discuss and take action on use of Horseshoe for DPS Child Safety Seat Meeting on May 10-14, 2021.

Presented by Joe Kelley, President of Horseshoe Hospitality Services LLC. This was requested through the Sheriff's Office. Sheriff Criner stated that this was training the trainers.

Motion to approve the use and waive the fees for the Horseshoe for DP's Child Safety Seat meeting on May 10-14, 2021.

Motion by: Prude	Second by: Sanchez	Exhibit: 127
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

24. Discuss and take action on use of Horseshoe for Midland County Drug Court Graduation on May 10, 2021.

Presented by Joe Kelley, President of Horseshoe Hospitality Services LLC. and Judge Elizabeth Rainey, Drug Court.

Motion to waive the fees and allow use of the Horseshoe for the Midland County Drug Court Graduation on May 10, 2021.

Motion by: Prude	Second by: Donnelly	Exhibit: 128
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

25. Discuss change in job description for personnel in Sheriff's Office.

Presented by Sheriff Criner. The Crime Scene unit forensic investigator.

Motion that we change the job description for personnel in Sheriff's Office for the Crime Scene Unit Investigator from a 19 to a 17 and that it become a non-commissioned position.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 129
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

26. Discuss overtime pay in Sheriff's Office.

Presented by Sheriff Criner. Overtime pay does not start until 120 hours. They do have the funds in the budget. Robert Segura, HR director contributed to the conversation. Commissioner Donnelly stated his concerns about incentivizing overtime. The amounts in front of you have built up over the years. Sheriff Criner stated they are keeping a close eye on overtime. Veronica Morales, Auditor discussed the funds and cautioned the Court on changing the policy mid-year. County Judge Johnson mentioned that there was \$300,000.00 budgeted into salary contingency. Commissioner Sanchez asked for a comparison study to give us a clearer picture. It looks like it is close to \$80,000.00 if everyone was paid down to zero. These numbers were not provided by the Treasurer's office. No action taken.

Exhibit: 130-138

27. Acknowledge Midland County Sheriff's Office March 2021 Report.

Presented by Sheriff Criner. The Court thanked Sheriff Criner for the information presented.

Motion to acknowledge Midland County Sheriff's Office March 2021 report.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 139-144
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

28. Discuss and take action on Interlocal Agreement with the Texas Public Entity Group Plus (TPEG+).

Presented by Ken Colston, Risk management and Rob Pridemore, USI. TPEG+ is requesting someone to be put on the board to represent Midland County.

Motion to approve the Interlocal Agreement with Texas Public Entity Group Plus.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 145-183
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

29. Discuss and take action on repair estimate for Unit 10413 in the amount of \$18,389.09.

Presented by Ken Colston, Risk Management. This was the front end loader that rolled over. This happened in November 2020. This will complete this unit.

Motion that we approve the repair estimate for unit 10413 in the amount of \$18,389.09.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 184-185
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

30. Discuss and take action on repair estimate for Unit 15598 in the amount of \$10,063.69.

Presented by Ken Colston, Risk Management. This unit was involved in an accident. We have a \$5,000.00 deductible on this.

Motion to repair unit 15598 cost estimate of \$10,063.69.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 186-192
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

31. Discuss and take action on service agreement with Sterlington Medical for management and maintenance of the County's AED's.

Presented by Ken Colston, Risk Management. Russell Malm, County Attorney commented on the contract. There was a separate discussion about finding someone to provide training. Tabled for more information.

*10:35am take a 10-minute break.
10:53am back into regular session.*

32. Discuss and take action authorizing County Judge to sign Kyocera Lease Agreement.

Presented by Kristy Hyatt, Purchasing Agent. Justice of the Peace Precinct 2 and 4 has a current machine lease coming to an end. The new machine lease will be \$393.67 per /mo for 60 months (current price is \$614.34), using the State of Texas DIR Cooperative Purchasing Contract.

Motion to approve the signing of the Kyocera Lease Agreement by the County Judge.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 193-197
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

33. Discuss and take action on purchase of camera for Bearcat.

Presented by Kristy Hyatt, Purchasing Agent. This is a budgeted item. We have a quote from Lenco Armored Vehicles in the amount of \$20,350.00 using the HGAC Cooperative Purchasing Contract.

Motion that we purchase the camera for Bearcat.

Motion by: Sanchez Second by: Ramsey Exhibit: 198-199
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

34. Discuss and take action on Hope Initiative Consulting as a vendor.

Presented by Kristy Hyatt, Purchasing Agent. Juvenile is wanting to add Hope Initiative Consulting as a vendor. Hope Initiative has indicated that they do have an employee related to Amanda Britton, a Midland County employee. Because of this relationship, I want to bring it to the court for approval. They are a counseling and consulting organization. They are out of Lubbock, Texas.

Motion that we approve Hope Initiative Consulting LLC as a vendor, and if you will (Purchasing) monitor that for us.

Motion by: Donnelly Second by: Ramsey Exhibit: 200-201
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

35. Discuss and take action canceling service/lease with Kinetico for County Auditor, County Attorney, Sheriff’s Office Detention, and County Clerk.

Presented by Kristy Hyatt, Purchasing Agent. These departments would like to cancel the R/O lease and “service” with Kinetico. SO Detention is only cancelling the system that they had in what was once their training classroom and now has become the gym and no place for a R/O. We have sent the required 60 day notice that we intend to cancel.

Motion canceling service/lease agreement with Kinetico for County Auditor, County Attorney, Sheriff’s Office Detention, and County Clerk.

Motion by: Ramsey Second by: Donnelly Exhibit: 202
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

36. Discuss and take action authorizing County Judge to sign Culligan Bottle Service Agreements.

Presented by Kristy Hyatt, Purchasing Agent. These departments will buy their bottle dispensers and we will only have bottle service from Culligan.

Motion that we have the County Judge sign Culligan bottle service agreement for County Auditor, County Attorney and County Clerk.

Motion by: Donnelly Second by: Ramsey Exhibit: 203
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

37. Discuss and take action authorizing County Judge to sign Deed to ROW associated with CR 1250 Backage Road Construction.

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

Motion authorizing the County Judge to sign the deed to Right Of Way associated with CR 1250 Backage Road Construction.

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

Second by: Donnelly
Against:

Exhibit: 204-221
Abstaining:

38. Discuss and take action authorizing County Judge to sign the ONCOR agreement associated with overhead infrastructure modifications at the 1250 Backage Road Project.

Presented by Andrew Avis, Public Works Director.

Motion to authorize the County Judge to sign the ONCOR agreement associated with the overhead infrastructure modification at the 1250 Backage road project which is for the \$45,646.72.

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

Second by: Sanchez
Against:

Exhibit: 222-225
Abstaining:

39. Discuss and take action on revised Parkhill, Smith & Cooper contract for scope of work at 1250 Backage Road.

Presented by Andrew Avis, Public Works Director.

Motion to approve the revised Parkhill, Smith & Cooper contract for the scope of work at 1250 Backage road.

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

Second by: Sanchez
Against:

Exhibit: 226-238
Abstaining:

40. Discuss and take action authorizing expenditure related to Sparklight overhead infrastructure at 1250 Backage road project.

Presented by Andrew Avis, Public Works Director.

Motion that we authorize expenditure related to Sparklight overhead infrastructure at the 1250 Backage Road Project.

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

Second by: Donnelly
Against:

Exhibit: 239-240
Abstaining:

41. Receive presentation on ARC – GIS system created by Dunaway Associates.

Presented by Andrew Avis, Public Works Director and Jason Kelliher, PE with Dunaway and Associates. This will assist in tracking driveway permits.

No action taken.

Exhibit: 241-253

42. Discuss and take action on requests from Greenwood Church for County to vacate an easement adjacent to their property for private use.

Presented by Commissioner Donnelly and Andrew Avis, Public Works Director. Russell Malm, County Attorney expressed his concerns and suggested waiting to get more information.

Motion that we vacate the easement adjacent to the Greenwood Church from public use to private use.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 254-258
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

43. Discuss and take action on replat of Flat Iron Subdivision.

Presented by Andrew Avis, Public Works Director.

Motion that we approve the replat of Flat Iron Subdivision.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 259-262
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

44. Discuss and take action on plat of Rose Addition.

Presented by Andrew Avis, Public Works Director. This is a new plat.

Motion that we approve the Rose addition plat.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 263-273
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

45. Discuss and take action allowing Purchasing and Public Works to release project for bid.

Presented by Andrew Avis, Public Works Director. The new projects were discussed.

Motion that we approve to allow Purchasing and Public Works to release projects for bid for the following: 1232 CLOMR (CTIF)-bids due May 20th, 1270 phase 1-bids due May 20th, 1232 phase 3 (CTIF)-bids due August LOSA at State Highway 158, Industrial-bids due July and also working with the City and creating an interlocal agreement, Yukon (CTIF)-bids due June, 1250 Backage road-bids due July and interlocal agreement with the city.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 274-275
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

46. Discuss and take action on pricing of concessions at Horseshoe.

County Judge Johnson stated that he would like to allow and support our youth in the city that have rented the facility and in their set up and participation be allowed to bring bottled water in for their use and their use only. Commissioner Ramsey stated the County and Horseshoe have for year's utilized policies for what can and cannot be brought into our public event center. These policies are for the safety and security of all who use the facility and he sees no reason to alter the policies at this time. Commissioner Sanchez stated his concerns that people setting up events should be able to bring in water. Mr. Joe Kelley, President Horseshoe stated people setting up are allowed to bring drinks in. County Judge stated that he would like participants to be allowed to bring water in. Mr. Kelly stated that sporting events like volleyball and gymnastics the competitors are allowed to bring in water bottles. Commissioner

Sanchez stated that he would like it to be the same for all groups. Joe Kelley doesn't think that would be a good idea. Commissioner Donnelly asked what the concessions at Grande Stadium are. There was some discussion about surveys that are turned in after an event. Commissioner Ramsey stated the concern of alcohol being brought in place of water. They discussed the \$1.00 per bottle fee. They can bring in a bottle of water and pay \$1 per bottle. There was some discussion about these policies be in writing. Veronica Morales, Auditor joined the conversation. Commissioner Donnelly put a motion forward that was not seconded. Commissioner Sanchez put forth a motion that was not seconded. County Attorney, Russell Malm suggested that he and Mr. Kelly work on some new language and submit it to everyone (court members) for their approval. The County Judge Johnson stated his frustration with the contract. Commissioner Sanchez stated he would like the information to describe what a youth event is. No action taken.

47. Discuss and take action canceling Sprouse, Shrader, Smith Attorneys at Law contract with Midland County and/or Judge Terry Johnson.

Motion to go into executive session for item 47.

Motion by: Johnson	Second by: Sanchez	Exhibit: 276-324
For: Johnson, Sanchez Prude	Against: Ramsey, Donnelly	Abstaining:

Recalled

Commissioner Ramsey read aloud a time-line of event for obtaining information from County Judge Johnson in reference to the Sprouse, Shrader, Smith contract. This lawfirm has been used by the County Judge at the cost of over \$8,000.00.

Motion to terminate the Sprouse Shrader Smith law firm contract effective today.

Motion by: Ramsey	Second by: Prude	Exhibit: 276-324
For: Ramsey, Donnelly, Prude	Against: Johnson	Abstaining: Sanchez

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

Permit to Construct Driveway Facilities on County Right of way:

1. C Concrete on WCR 60

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

1. Crownquest Operating on CR 200.
2. Crownquest Operating on CR 200.
3. Oncor Electric Service Delivery on ECR 113.

Motion to approve all of these.

Motion by: Prude	Second by: Sanchez	Exhibit: 325-338
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

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

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

12:20pm go into executive session
12:45pm back into regular session.

Recall item 47

51. Adjourn.

Motion to adjourn.

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

Second by: Sanchez
Against:

Exhibit:
Abstaining:

Adjourn at 12:50p.m.

A Meeting of the Commissioners Court will be held on Monday, May 10, 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 April 26, 2021.





Alison Haley, County Clerk