



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

Be it remembered that on Monday the 27th day of September, 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 Kyle Rodgers, Stonegate Fellowship.

3. Pledges of Allegiances.

4. Conduct Executive session to consult with legal counsel regarding pending and prospective litigation and other matters authorized by Texas Government Code Section 551.071.

Go into Executive session at 9:03am to discuss item 51 and 52

9:42am back into Regular session.

Call item 13 and 50

5. Receive presentation from Pat McDaniel regarding Fairview Cemetery.

Presented by Pat McDaniel, Chairman of the Midland County Historical Commission. The County Judge invited the public to speak. Mr. McDaniel stated that Fairview Cemetery is an asset that needs to be taken care of. June Cowden of Midland spoke about the poor condition of Fairview Cemetery and encouraged the Court to acknowledge the needs of the cemetery and do their duty. Elaine McGruder spoke on the poor condition of the irrigation system at the cemetery. Linda Cowden spoke as a 5th generation Midlander expressing that Midlands founding fathers are buried in this cemetery, and they deserve to be treated better. John Scarborough, 5th generation Midlander asked for the Courts support to help the cemetery. Eddie Melendez, Facilities Director presented a quote from Turf specialties, Inc. for a new irrigation system. Water wells were discussed. Commissioner Sanchez asked Mr. Melendez to investigate replacing the whole system. Commissioner Ramsey discussed the trees that need to be replaced and suggested that we need a plan. Commissioner Prude stated that we need to take care of this during the upcoming budget year. County Attorney, Russell Malm joined the conversation. Mr. McDaniel stated that in 2009 he got the State of Texas to acknowledge the Fairview Cemetery as a historical cemetery. Veronica Morales, Auditor joined the conversation stating there is \$1.4 million in contingency. County Judge Johnson apologized to the group that came forward stating we need to take care of the cemetery. Commissioner Donnelly stated that the Court agrees to help the cemetery.

Exhibit: 15-20

6. Discuss and take action authorizing County Judge to sign the Cellebrite Agreement for FY2022.

Presented by Daniel Subia, IT \$99,783.43. Forensic cell phone software.

Motion that we authorize the County Judge to sign the Cellebrite agreement for FY2022.

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

Second by: Donnelly
Against:

Exhibit: 21-29
Abstaining:

7. Discuss and take action on Sheriff's and Constables' fees.

Presented by Sheriff Criner. The fees are the same as last year.

Motion to keep the fees the same for the Sheriff's and Constables civil services.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 30-32
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

8. Acknowledge the Midland County Sheriff's Office August 2021 Report.

Presented by Sheriff Criner.

Motion to acknowledge the Sheriff's Office August 2021 report with the correction being provide to us.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 33-34
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

9. Discuss and take action on donation in the amount of \$1,000.00 from Midland United Girls Softball Association for Sheriff's Office General Donation account.

Presented by Sheriff Criner. The Sheriff thanked MUGS.

Motion to acknowledge.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 35-38
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

10. Acknowledge September's I.M.P.A.C.T.S. of the Month Honoree, Rose Orona, from Human Resources.

Presented by Robert Segura, HR director.

Motion to acknowledge.

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

11. Acknowledge retirement of Sygale Hall from County Clerk's office.

Presented by Robert Segura, HR Director and Alison Haley, County Clerk

Motion to acknowledge the retirement of Sygale Hall.

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

12. Acknowledge Monthly Reports for JP 3.

Tabled

13. Discuss and take action on resolution for Senior Life.

Presented by Kathleen Kirwan-Haynie, Senior Life Executive Director. Texans feeding Texan’s grant requires them to have County support. County Judge Johnson read the resolution.

A resolution of the County of Midland Texas certifying that the county has made a grant to Senior Life Midland, an organization that provides home-delivered meals to homebound persons in the county who are elderly and/ or have a disability and certifying that the county has approved the organization's accounting system or fiscal agent. Whereas the Organization desires to apply for grant funds from the Texas Department of Agriculture to supplement and extend existing services for homebound persons in the County who are elderly and/ or have a disability, pursuant to the Home-Delivered Meal Grant Program (Program); and whereas, the Program rules require the County in which an organization is providing home delivered meal services to make a grant to the Organization, in order for the Organization to be eligible to receive Program grant funds; and whereas, the Program rules require the County to approve the Organization's accounting system or fiscal agent, in order for the Organization to be eligible to receive Program grant funds; and Whereas, the County recognizes Kathleen Kirwan-Haynie as an official of the Organization applying for a Home-Delivered Meal Grant from the Texas Department of Agriculture. Be it resolved by the County. The County hereby certifies that it has made a grant to the organization in the amount of \$75,000.000 to be used between the 1st day of 10th month of 2021 and the 30th day of 9th month in 2022. The County hereby certifies that the organization provides home-delivered meals to homebound person in the County who are elderly and or have a disability. The County hereby certifies that it has approve the organizations accounting system or fiscal agent which meets financial management system requirements as set forth in the Texas Grant Management Standards promulgated by the Texas Comptroller of Public Accounts. Introduced, read, and passed by the affirmative vote of the County on this 27th day of September 2021.

So, moved

Motion by: Donnelly	Second by: Sanchez	Exhibit: 41-44
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

Go to item 50

14. Discuss and take action on resolution for Indigent Defense Grant Program.

Presented by Veronica Morales, Auditor. \$127,007.00 grant.

Motion that we resolve and order the County Judge of this county as designated as the authorized official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Formula Grant program and all other necessary documents to accept said grant.

Motion by: Donnelly	Second by: Prude	Exhibit: 45-46
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

15. Discuss and take action on court minutes from August 23, 2021.

Presented by Alison Haley, County Clerk.

Motion to approve minutes from August 23, 2021.

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

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

Presented by Alison Haley, County Clerk.

Motion to acknowledge.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 47-60
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

17. Discuss and take action on personnel memoranda.

Presented by Mitzi Baker, Treasurer.

Motion to acknowledge the payroll change summary for September 27, 2021.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 61
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

18. Discuss and take action on line item transfers.

Presented by Veronica Morales, Auditor. There were a few exceptions mentioned.

Motion to approve all line item transfers.

Motion by: Prude	Second by: Sanchez	Exhibit: 62-92
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

Recalled

Veronica Morales, Auditor recalled addressing item 5 regarding Fairview cemetery.

Motion that we move \$600,000.00 from contingency to cemetery capital outlay.

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

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

Presented by Veronica Morales, Auditor. There were a few exceptions brought to the Courts attention. Kristy Engeldahl, Purchasing Agent joined the conversation about a forklift invoice from Vector. The Court chose to table the invoice for the forklift.

Motion to approve the bills and wire transfers (hold Vector/ASCO invoice).

Motion by: Sanchez	Second by: Donnelly	Exhibit: 93-100
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

20. Discuss and take action on all matters incident and related to providing for the redemption of certain outstanding obligations of the County, including the adoption of a resolution pertaining thereto.

Presented by Veronica Morales, Auditor. The Court had already agreed to pay these two bonds.

Motion to prepay the 2028 and the 2029 bonds.

Motion by: Prude	Second by: Sanchez	Exhibit: 101-103
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

11:10am take a 10 minute break.
11 :21 back into regular session.
Item 47

21. Discuss and take action on holiday celebration and voucher program.

Presented by Robert Segura, HR Director. They discussed the turkey voucher program. A luncheon was discussed. They discussed doing a survey to see how many people would like to receive a ham and or turkey and should we have a holiday celebration.

Motion that we approve the voucher program in the following way. One the voucher program on asking the employee whether or not they want to participate in the voucher program and number two asking the employee whether or not they want to participate in the holiday celebration.

Motion by: Sanchez	Second by: Ramsey	Exhibit: 104
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

22. Receive COVID update.

Presented by Robert Segura, HR Director. Exhibit:105-109

Call item 27 and 28.
11:45 take a lunch break to return at 1:30pm
1:31pm back in Regular session

23. Acknowledge Library donations.

Presented by Ann Rector, Assistant Library Director.

Motion to acknowledge Library donations.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 110-112
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

24. Discuss and take action on proclamation for Midland County Public Libraries.

Presented by Ann Rector, Assistant Library Director. 11th year to have this proclamation.

Motion to approve the proclamation.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 113-114
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

25. Discuss and take action on agreement between INDE LLC and Midland County Public Libraries for INDE BroadcastAR.

Presented by Ann Rector, Assistant Library Director.

Motion to approve agreement between INDE LLC and Midland County Public Libraries for the BroadcastAR event.

Motion by: Prude	Second by: Donnelly	Exhibit: 115-118
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

26. Discuss and take action on Texas Supports Libraries Grant Program Application.

Presented by Ann Rector, Assistant Library Director. This is a digital outreach program.

Motion to approve the Judges signature to the grant program Texas supports Libraries 2022.

Motion by: Donnelly	Second by: Ramsey	Exhibit: 119-121
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

27. Discuss and take action authorizing County Judge to sign the TLO contract.

Presented by Laura Nodolf, District Attorney. There is a slight increase in the cost.

Motion authorizing County Judge to sign the TLO contract at \$300.00 per month.

Motion by: Ramsey	Second by: Sanchez	Exhibit: 122-125
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

28. Discuss and take action on Interlocal Cooperation Contract between Midland County and DPS Lab.

Presented by Laura Nodolf, District Attorney. This is now a 4-year contract. This is a budgeted item.

Motion to approve the new interlocal cooperation contract between Midland County and DPS Lab.

Motion by: Prude	Second by: Sanchez	Exhibit: 126-130
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

29. Acknowledge Summary of All Collections for Tax Office.

Presented by Karen Hood, Tax Assessor Collector.

Motion to acknowledge summary of all collections for August 2021.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 131-132
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

30. Discuss and take action authorizing County Judge to sign Hazard Mitigation Planning Grant.

Presented by Jamie Jewett, Emergency Management Administrator.

Motion that we authorize the County Judge to sign the Hazard Mitigation planning grant.

Motion by: Sanchez	Second by: Donnelly	Exhibit: 133-153
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

31. Discuss and take action on agreement with Northeast Volunteer Fire Department.

Presented by Jamie Jewett, Emergency Management Administrator. Same plan as last year. Veronica Morales joined the conversation.

Motion to approve the agreement with Northeast Volunteer Fire Department.

Motion by: Ramsey Second by: Donnelly Exhibit: 154-160
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

32. Discuss and acknowledge damage and fleet accident reports for August 2021.

Presented by Ken Colston, Risk Manager.

Motion to acknowledge the fleet accident report.

Motion by: Ramsey Second by: Donnelly Exhibit: 161-167
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

33. Discuss and take action appointing Emergency Management Coordinator and Fire Marshal.

Presented by Jamie Jewett, Emergency Management Administrator and Ken Colston, Risk Manager.

Motion to appoint Emergency Management Coordinator and Fire Marshal as Justin Bunch.

Motion by: Donnelly Second by: Ramsey Exhibit: 168
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

34. Acknowledge rebate check from Ricoh.

Presented by Kristy Engeldahl, Purchasing Agent. Many of our Ricoh contracts that I have brought before you this fiscal year have included rebates. We received a check (\$3,750) for rebates for the machines for the following offices:
District Clerk - \$1,200.00, Purchasing - \$800.00, 142nd District Court - \$850.00, Facilities - \$850.00.

Motion to acknowledge the Ricoh rebate of \$.3,750.00.

Motion by: Ramsey Second by: Donnelly Exhibit: 169-173
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

35. Discuss and take action canceling lease agreement for Quadient Postage Machine at Courthouse.

Presented by Kristy Engeldahl, Purchasing Agent. This was not budgeted for.

Motion that we cancel the lease agreement for Quadient Courthouse Postage machine.

Motion by: Donnelly Second by: Sanchez Exhibit: 174
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

36. Discuss and take action canceling service/lease with Kinetico for Sheriff's Office CID.

Presented by Kristy Engeldahl, Purchasing Agent.

Motion that we cancel service/lease agreement with Kinetico for Sheriff's CID.

Motion by: Donnelly	Second by: Prude	Exhibit: 175
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

37. Discuss and take action authorizing County Judge to sign Culligan Bottle Service Agreements for Sheriff's Office CID.

Presented by Kristy Engeldahl, Purchasing Agent.

Motion to authorize the County Judge to sign Culligan Bottle Service Agreements for Sheriff's Office CID.

Motion by: Prude	Second by: Ramsey	Exhibit: 176-178
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

38. Discuss and take action authorizing County Judge to sign Southwest Solutions Maintenance Agreements for Lektrievers.

Presented by Kristy Engeldahl, Purchasing Agent. These are budgeted items.

Motion to authorize the County Judge to sign the Southwest Solutions Maintenance Agreements for Lektrievers.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 179-188
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

39. Discuss and take action authorizing County Judge to sign Exela Technologies/HOV Services Support and Maintenance Agreements for Scanners.

Presented by Kristy Engeldahl, Purchasing Agent. These are budgeted items.

Motion authorizing County Judge to sign the Exela Technologies/HOV Services Support and Maintenance Agreements for scanners.

Motion by: Prude	Second by: Sanchez	Exhibit: 189-225
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

40. Discuss and take action reassigning vehicles.

Presented by Kristy Engeldahl, Purchasing Agent.

Motion to approve the reassignment of vehicles.

Motion by: Ramsey	Second by: Donnelly	Exhibit: 226-227
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

41. Discuss and take action allowing Emergency Management use of county credit card.

Presented by Kristy Engeldahl, Purchasing Agent.

Motion to approve on allowing Emergency Management use of the county credit card.

Motion by: Sanchez	Second by: Ramsey	Exhibit: 228
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

42. Discuss and take action on purchase of air conditioners for Annex storage.

Presented by Kristy Engeldahl, Purchasing Agent. We have a quote from Anthony Mechanical in the amount of \$29,312.00 for 3 units. This is budgeted.

Motion to approve the purchase of the air conditioner units for Annex storage.

Motion by: Prude	Second by: Donnelly	Exhibit: 229-232
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

43. Discuss and take action on RFP for Roof Abatement of 509 N. Loraine.

Presented by Kristy Engeldahl, Purchasing Agent.

Motion that we go out for RFP for roof abatement of 509 N. Loraine.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 233
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

44. Discuss and take action authorizing County Judge to sign Vandergriff Contract for Architecture Services for 509 N. Loraine renovation.

Presented by Kristy Engeldahl, Purchasing Agent

Motion that we authorize the County Judge to sign Vandergriff Contract for Architecture Services for 509 N. Loraine renovation.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 234-239
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

45. Discuss and take action on Gratitude Square.

Presented by Kristy Engeldahl, Purchasing Agent. David Sapp has indicated that some work still needs to be done but money is needed to get those things done. Currently there is \$1,400 in the donation fund and \$2,323.58 in the capital projects fund. The following services still need to be purchased:
Install flag poles \$5,850.00 and install bollards \$1,125.00
This totals \$6,975.00, we have \$3,723.58, which means that \$3,252 is needed from contingency. There is also a request for 2 banners.

Motion that we approve the flag poles, bollards and banners as a temporary deal and we take the \$3,252.00 from contingency.

Motion by: Donnelly	Second by: Sanchez	Exhibit: 240-243
For: Johnson, Ramsey, Donnelly, Sanchez, Prude	Against:	Abstaining:

46. Discuss and take action on award for RFP 21MCO582 Industrial Paving Project.

Presented by Kristy Engeldahl, Purchasing Agent and Andrew Avis, Public Works Director. This is the Industrial paving project from Loop 250 to Midkiff. This will be shared cost with the City of Midland (to be negotiated and finalized with a MOU). We will be using general funds.

Motion to award RFP 21MCO582 Industrial paving project to Reece Albert in the amount \$2,657,433.00.

Motion by: Ramsey Second by: Prude Exhibit:244-246
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

Recall item 18

47. Discuss and take action providing variances to the lot frontage dimensions in proposed development.

Presented by Andrew Avis, Public Works Director. They are 1 acre lots. This is CR120.

Motion that we accept the variances to the lot frontage dimensions required under our subdivision rules and approve the plating of this.

Motion by: Donnelly Second by: Ramsey Exhibit: 247-249
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

Back to item 21

48. Discuss and take action on policies, procedures, and job description(s) for Public Works.

Hold for Executive Session. No action.

49. Discuss and take action on position in Facilities and corresponding salary.

Hold for Executive Session.

Motion that we hire a HVAC specialist with a TAC license at a 17.2 being a facilities HVAC specialist subject to review of the job description and commencing on the date of first employment if the candidate takes the job.

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

50. Receive and discuss Initial Assessment regarding whether redistricting is required for commissioner precincts considering the new 2020 census data; and, if so, discuss and consider adoption of redistricting criteria to apply to development of new redistricting plans, and guidelines for public participation in the redistricting process.

Presented by David Mendez, Bickerstaff, Heath, Delgado, Acosta, LLP. There was a lengthy presentation.

Motion that we approve the adoption of redistricting criteria to apply to development of new redistricting plans.

Motion by: Sanchez Second by: Ramsey Exhibit: 250-273
For: Johnson, Ramsey, Against: Abstaining:
Donnelly, Sanchez, Prude

Motion that we approve the guidelines for public participation in the redistricting process.

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

Second by: Ramsey
Against:

Exhibit: 250-273
Abstaining:

Back to item #5

51. Discuss and take action on mailer to County residents explaining County Assistance District.

Held for executive session. No action.

52. Discuss and take action on Memorandum of Understanding with Midland and Odessa concerning Commissioners Court desire to transfer CAD sales tax upon future annexations.

Held for 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.

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

1. XTO Holdings, LLC on CR320
2. Double Drop Resources, LLC on NCR 1090
3. Navitas Midstream Midland Basin, LLC on SCR 1050
4. Rural Telecommunications of America, Inc. on SCR 1086
5. Oncor Electric delivery Company on ECR 140

Motion to pass these.

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

Second by: Sanchez
Against:

Exhibit: 274-295
Abstaining:

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

*Go into executive session at 2:08pm
2:49pm back into Regular session
Item 49*

55. Adjourn.

Motion to adjourn.

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

Second by: Ramsey
Against:

Exhibit:
Abstaining:

Adjourn at 2:50pm

A Meeting of the Commissioners Court will be held on Monday, October 11, 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 September 27, 2021.



Alison Haley

Alison Haley, County Clerk