

**MONDAY, APRIL 15, 2013
COMMISSIONERS COURT MET IN REGULAR MEETING
AT 9:30 A.M.
WITH THE FOLLOWING MEMBERS PRESENT**

**HON. VERONICA ESCOBAR, PRESIDING
CARLOS LEON,
SERGIO LEWIS,
VINCENT PEREZ,
DANIEL R. HAGGERTY,**

**COUNTY JUDGE
COMMISSIONER, PCT. # 1
COMMISSIONER, PCT. # 2
COMMISSIONER, PCT. # 3
COMMISSIONER, PCT. # 4**

PATRICIA PIETZYK, DEPUTY CLERK

MEETING CONVENED

APRIL 15, 2013

MOTION # 1

On this day, Commissioners Court of El Paso County, Texas was called to order by the Deputy Clerk.

PLEDGE OF ALLEGIANCE

APRIL 15, 2013

MOTION # 2

On this day, Commissioners Court began with the Pledge of Allegiance.

**APPROVED - CONSENT AGENDA;
POSTPONED - ASSISTANT PURCHASING AGENT TO SOLICIT BIDS
FOR JANITORIAL SUPPLIES FOR COUNTY OF EL PASO**

APRIL 15, 2013

MOTION # 3

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Perez, it is the order of the Court to approve the following Consent Agenda items, including the deletions of Item # 13 and Addendum # 1, and to postpone for one week Item # 24 to approve and authorize the Assistant Purchasing Agent to solicit bids for Janitorial Supplies for the County of El Paso. Specifications approved by PRP on April 11, 2013.

7. Approve Minutes of the special meetings of September 19, 2012; March 21, 2013 and March 28, 2013.

Submitted by: , County Clerk's Office (915) 546-2071

8. Approve and authorize the appointment of Jose Limon to the Ethics Commission.

Submitted by: Commissioner Carlos Leon, Pct. 1 (915) 546-2014

9. Approve and authorize the re-appointment of Wayne Diggs to the El Paso County Risk Pool Board.

Submitted by: Commissioner Carlos Leon, Pct. 1 (915) 546-2014

10. Pursuant to the Texas Local Government Code, Section 115.021, audit and settle all accounts against the County shown on the attached listing and direct the payment of those accounts.

Submitted by: County Auditor Edward A. Dion, County Auditor's Office (915) 546-2040

11. Approve Amendment No. 20 to the County of El Paso's 2012-2013 operating budget. This budgetary amendment will increase Grants by \$1,660,151.04, as noted on the attachment, thus increasing the overall operating budget of \$292,230,068.83 to \$293,890,219.87.

Submitted by: County Auditor Edward A. Dion, County Auditor's Office (915) 546-2040

12. Pursuant to the Texas Local Government Code, Sections 114.023, 114.024, 114.025 and 114.026, please accept the interim financial report for the month ended March 2013. This report is located on the intranet at: www.epcounty.com/auditor/publications/default.htm

Submitted by: County Auditor Edward A. Dion, County Auditor's Office (915) 546-2040

14. Approve and authorize the Transportation Program of the Department of Family and Community Services to submit an application for continuation funding to the Texas Department of Transportation to serve as the Lead Agency for FY 14 Regional Transportation activities in an amount not to exceed \$88,000 and authorize the County Judge to sign appropriate documents to formalize the solicitation.

Submitted by: Director Rosemary V. Neill, Family and Community Services (915) 834-8201

15. Approve and authorize the County Judge to sign an Amendment to Professional Services Agreement for Implementation of the El Paso County Geothermal Project at Fort Bliss effective February 1, 2013, regardless of its date of execution, and ending on September 30, 2013 as part of the County's DOE Assistance Agreement to evaluate the commercial viability of geothermal resources on McGregor Test Range.

Submitted by: Director Rosemary V. Neill, Family and Community Services (915) 834-8201

17. Approve and authorize the County Purchasing Agent to solicit Requests for Proposals for the County of El Paso Health Benefits Plan Program to include: 125 Pre Tax Plan Administration, 132 Parking Plan Administration, TPA Claims Administration for Medical and Dental plans, Stop Loss Reinsurance, Managed Network Access, COBRA/HIPAA Administration, Pharmacy Benefit Management, Disease Management, Wellness Programs and Initiatives, Fitness and Employee Assistance programs, Retiree Medical Insurance, and Third Party Eligibility services.

Submitted by: Director Betsy C. Keller, SPHR, Human Resources Department (915) 546-2218

19. Approve and authorize the County Judge to sign, on behalf of the El Paso County Juvenile Probation Department, the Second Amendment to the Interlocal Agreement with the City of El Paso, on behalf of the El Paso Municipal Courts for juvenile case manager under Amendment Number Two for an award from the Texas Juvenile Justice Department, Grant S, for the 2012-2013 biennium. County Attorney's Office has reviewed and approved as to legal form 2013-0158.

Submitted by: Chief Juvenile Probation Officer Roger Martinez , Juvenile Probation Department (915) 849-2545

20. Approve and authorize the County Judge to sign the Agreement for TAD Server Fee and TotalAccess GuardServer Software License and Support Fee with BI Incorporated. The fee is \$1.15 per TAD Unit per active day. For four units the estimated cost for the rest of this fiscal year is \$600. The Purchasing Department has found that this vendor is a sole source vendor pursuant to Section §262.024 of the Texas Local Government Code. County Attorney's Office has reviewed and approved as to legal form (2013-0152).

Submitted by: Chief Juvenile Probation Officer Roger Martinez, Juvenile Probation Department (915) 849-2545

21. Approve the Certificates of Plat Compliance (under Texas Local Government Code Section 232.028(a), as provided on the attached listing.

Submitted by: Public Works Director Ernesto Carrizal III, P.E., Public Works Department (915) 546-2015

22. Approve and authorize the County Judge to sign the Contract for Design Engineering Services between El Paso County and EMC Engineers (2013-0167) in the amount of \$111,000.00. The Services will include the Engineering Design to Upgrade and Replace the Mechanical/Plumbing System in the County Courthouse. The contract has been reviewed and approved by the County Attorney's Office.

Submitted by: Public Works Director Ernesto Carrizal III, P.E., Public Works Department (915) 546-2015

23. Approve the 2013 Space Plan, as presented by the Public Works Department, in the monthly departmental meeting on March 21, 2013 and authorize the Public Works Department to proceed in implementing the plan, including modifying the plan as appropriate.

Submitted by: Public Works Director Ernesto Carrizal III, P.E., Public Works Department (915)546-2015

25. Approve and authorize the pick-up and removal of evidence and abandoned items from the Sheriff's Department - Evidence/Abandoned Division to the Purchasing Department. See attachment. Some of these items will be put up for a future auction. Submitted by: Assistant Purchasing Agent Joe Lopez, Purchasing Department (915) 546-2048

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**APPROVED - RESOLUTION RECOGNIZING
"NATIONAL COMMUNITY COLLEGE MONTH"**

APRIL 15, 2013

MOTION # 4 (Item # 1)

On this day, on motion of Commissioner Leon, seconded by Commissioner Haggerty, it is the order of the Court to adopt a resolution recognizing "National Community College Month" in El Paso County, Texas.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**APPROVED - RESOLUTION RECOGNIZING
HENDERSON MIDDLE SCHOOL CHESS TEAM**

APRIL 15, 2013

MOTION # 5 (Item # 2)

On this day, on motion of Commissioner Lewis, seconded by Commissioner Haggerty, it is the order of the Court to adopt a resolution recognizing the Henderson Middle School Chess Team.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**APPROVED - RESOLUTION RECOGNIZING
"GLOBAL YOUTH SERVICE WEEKEND"**

APRIL 15, 2013

MOTION # 6 (Item # 3)

On this day, on motion of Commissioner Lewis, seconded by Commissioner Haggerty, it is the order of the Court to adopt a resolution recognizing the weekend of Friday April 26th through Sunday April 28th, 2013 as Global Youth Service Weekend.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

APPROVED - RESOLUTION PROCLAIMING "POWERTALK 21DAY"

APRIL 15, 2013

MOTION # 7 (Item # 4)

On this day, on motion of County Judge Escobar, seconded by Commissioner Perez, it is the order of the Court to adopt a resolution proclaiming Sunday April 21, 2013 as "Powertalk 21Day" in El Paso County, Texas.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

APPROVED - RESOLUTION RECOGNIZING "HEALTHCARE DECISIONS DAY"

APRIL 15, 2013

MOTION # 8 (Item # 5)

On this day, on motion of County Judge Escobar, seconded by Commissioner Lewis, it is the order of the Court to adopt a resolution recognizing April 16, 2013 as "Healthcare Decisions Day" in El Paso County, Texas.

Jo Anne Bernal, County Attorney, County Attorney's Office, was present to accept the resolution.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**APPROVED - RESOLUTION RECOGNIZING
EL PASO WOMEN'S BAR ASSOCIATION FOR PROJECT FUTURE**

APRIL 15, 2013

MOTION # 9 (Addendum # 2)

On this day, on motion of Commissioner Leon, seconded by County Judge Escobar, it is the order of the Court to adopt a resolution recognizing El Paso Women's Bar Association for Project Future.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**APPROVED - AS CORRECTED, ALLOCATION OF FUNDING
FOR PROJECT FUTURE**

APRIL 15, 2013

MOTION # 10 (Addendum # 3)

On this day, on motion of Commissioner Leon, seconded by County Judge Escobar, regarding the agenda item, as corrected, to discuss and take appropriate action regarding Project Future, a work and Economic Development initiative of the El Paso Women's Bar Association in the set aside monies of \$10,000 to be utilized by Project Future in the 2013 program, it is the order of the Court to approve and authorize the second year allocation of funding from Account HR-6761 in the amount of \$10,000 for Project Future.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

PUBLIC COMMENT

APRIL 15, 2013

MOTION # 11 (Item # 6)

On this day, the following persons appeared before Commissioners Court to offer public comment.

Jack Bradford, concerned citizen, commented on taxes, the University Medical Center bond issuance, and the Tornillo - Guadalupe U.S. International Port of Entry and International Bridge.

Jorge Artalejo, concerned citizen, spoke regarding resolutions during Commissioners Court meetings and legislative issues.

Salvador Gomez, concerned citizen, commented on the University Medical Center bond issuance.

APPROVED - COUNTY TO OPPOSE H.B. 3117 AND H.B. 3119

APRIL 15, 2013

MOTION # 12 (Item # 27)

On this day, on motion of Commissioner Lewis, seconded by Commissioner Leon, it is the order of the Court that the County oppose HB 3117, relating to the authority of the attorney general to settle certain civil suits initiated by a local government. Further, to oppose HB 3119, relating to contingent fee contracts for representation of local governments in certain environmental enforcement actions.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**APPROVED - AS CORRECTED, SECOND AMENDMENT
TO MEMORANDUM OF AGREEMENT
WITH RUBY MOUNTAIN INC.
AND HEADQUARTERS, US ARMY GARRISON, FORT BLISS
FOR GEOTHERMAL RESOURCE CHARACTERIZATION PROJECT**

APRIL 15, 2013

MOTION # 13 (Item # 16)

On this day, on motion of Commissioner Perez, seconded by Commissioner Lewis, it is the order of the Court to approve the agenda item, as corrected, to approve and authorize the County Judge to sign Second Amendment to Memorandum of Agreement #W6CLAA-10181-171 between El Paso County and its Prime Subcontractor, Ruby Mountain Inc., (RMI) (Receiver) and Headquarters, US Army Garrison, Fort Bliss (Supplier), effective February 1, 2013, regardless of its date of execution, and ending on September 30, 2013 as part of a Geothermal Resource Characterization Project.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**DELETED - CUSTOMER INFORMATION AND CONTRACT SPECIFICATIONS
WITH TW TELECOM HOLDINGS INC. FOR INTERNET SERVICE
FOR INFORMATION TECHNOLOGY DEPARTMENT**

APRIL 15, 2013

MOTION # 14 (Item # 18)

On this day, on motion of County Judge Escobar, seconded by Commissioner Leon, it is the order of the Court to delete the agenda item to approve and authorize the County Judge to sign the Customer Information and Contract Specifications with TW Telecom Holdings Inc. on a three year term for internet service. Funds are available in CDP-6505 in the amount of \$4,876.00/month.

VOTE: YES – Judge Escobar, Leon, Perez
NOT PRESENT – Lewis, Haggerty

NO – None

**APPROVED - ORDER PROVIDING FOR THE DEFEASANCE AND REDEMPTION
OF CERTAIN OUTSTANDING "EL PASO COUNTY, TEXAS EAST MONTANA
WATERWORKS SYSTEM REVENUE BONDS (ECONOMICALLY DISTRESSED
AREAS ACCOUNT), SERIES 2000-A" AND RESOLVING OTHER MATTERS
INCIDENT AND RELATED THERETO**

APRIL 15, 2013

MOTION # 15 (Item # 26)

On this day, on motion of Commissioner Perez, seconded by Commissioner Leon, it is the order of the Court to approve the agenda item to consider and approve an Order Providing for the Defeasance and Redemption of Certain Outstanding "El Paso County, Texas East Montana Waterworks System Revenue Bonds (Economically Distressed Areas Account), Series 2000-A" and resolving other matters incident and related thereto.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**APPROVED - TEMPORARY OVERSIGHT
OF INFORMATION TECHNOLOGY DEPARTMENT
ASSIGNED TO ELLEN SMYTH, CHIEF ADMINISTRATOR**

APRIL 15, 2013

MOTION # 16 (Item # 28)

On this day, on motion of Commissioner Lewis, seconded by Commissioner Perez, it is the order of the Court to approve the agenda item to discuss and take appropriate action to assign Ellen Smyth, Chief Administrator, with temporary oversight of the County's Information Technology Department while the current IT Director is on leave.

VOTE: YES – Judge Escobar, Lewis, Perez

NO – Leon, Haggerty

**POSTPONED - BID AWARDED - E-CITATION SOFTWARE
AND HARDWARE EQUIPMENT FOR EL PASO COUNTY**

APRIL 15, 2013

MOTION # 17 (Item # 29a)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Perez, it is the order of the Court to postpone for one week the agenda item to approve and authorize the Assistant Purchasing Agent to award the following bid/RFP: a.) ITD: RFP # 13-006 E-Citation Software and Hardware Equipment for the El Paso County. PRP approved 4/11/2013.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

**BID AWARDED - GENERAL IT HARDWARE EQUIPMENT
FOR COUNTY OF EL PASO;
APPROVED - ASSISTANT PURCHASING AGENT TO REBID ITEMS**

APRIL 15, 2013

MOTION # 18 (Item # 29b)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Perez, regarding the agenda item to approve and authorize the Assistant Purchasing Agent to award the following bid/RFP:b.) ITD: Bid No. 13-013 General IT Hardware Equipment for the County of El Paso (approximately \$826,827.50). PRP approved on 4/11/2013, it is the order of the Court to award the desktop computers and laptop computers to Check Point Services, and to rebid all the other items.

VOTE: YES – Lewis, Perez, Haggerty

NO – None

NOT PRESENT - Judge Escobar, Leon

**APPROVED - GRANT APPLICATION TO OFFICE OF GOVERNOR,
CRIMINAL JUSTICE DIVISION FOR CRIMINAL HISTORY REPORTING PROJECT
FOR SHERIFF'S OFFICE**

APRIL 15, 2013

MOTION # 19 (Item # 30)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Lewis, it is the order of the Court to approve the agenda item to approve and authorize the County Judge to sign the attached resolution and on-line grant application from the Office of the Governor - Criminal Justice Division. This on-line grant application, "Criminal History Reporting", is in the amount of \$105,654.00 (with no required match). The term of this grant is for 13 weeks, upon the approval date from the Governor's Office.

VOTE: YES – Lewis, Perez, Haggerty

NO – None

NOT PRESENT - Judge Escobar, Leon

SUBDIVISION APPROVAL - EMERALD PASS COMMERCIAL UNIT ONE

APRIL 15, 2013

MOTION # 20 (Item # 31a)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Perez, it is the order of the Court to approve EMERALD PASS COMMERCIAL UNIT ONE, Being a portion of Section 22, Block 79, Township 3, Texas and Pacific Railway Co., El Paso County, Texas, containing 5.436 acres.

VOTE: YES – Leon, Lewis, Perez, Haggerty

NO – None

NOT PRESENT - Judge Escobar

SUBDIVISION APPROVAL - MENDOZA SUBDIVISION

APRIL 15, 2013

MOTION # 21 (Item # 31b)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Leon, it is the order of the Court to approve MENDOZA SUBDIVISION, Being of Tract 3B2, Block 35, San Elizario Grant, El Paso County, Texas, containing 1.057 acres.

VOTE: YES – Judge Escobar, Leon, Lewis, Perez, Haggerty

NO – None

EXECUTIVE SESSION

APRIL 15, 2013

MOTION # 22 (Item # 32)

On this day, the Deputy Clerk announced that Commissioners Court would recess into executive session to discuss the following items, pursuant to *Texas Government Code §551*. The Court would reconvene to take official action.

32a) Pursuant to Texas Government Code Section 551.072, discuss new developments regarding 76.963 acre tract of land located north of Pellicano Drive on Joe Battle Boulevard, El Paso, Texas.

Submitted by: Assistant Purchasing Agent Joe Lopez, Purchasing Department (915) 546-2048

32b) Pursuant to Texas Government Code Section 551.072, discuss land offer for properties adjacent to the MDR building and surface parking lot.

Submitted by: Assistant Purchasing Agent Joe Lopez, Purchasing Department (915) 546-2048

32c) Discuss Civil Service matter regarding Myra Ponce Casas, County Attorney's case number GR-13-003, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Kathleen C. Anderson, County Attorney's Office (915) 546-2050

32d) Discuss the pending claim of Irene Castillo Saenz, County Attorney file number LC-13-022, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Michael R. Wyatt, County Attorney's Office (915) 546-2050

32e) Discuss the potential claim regarding GKW Properties, LTD, County Attorney file number LC-13-037; pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Michael R. Wyatt, County Attorney's Office (915) 546-2050

32f) Discuss the pending litigation regarding Jason Depuy v. County of El Paso; Cause number 2011-1855; County Attorney number LD-11-062, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Michael R. Wyatt, County Attorney's Office (915) 546-2050

The Court recessed at 12:04 p.m.

MEETING RECONVENED

APRIL 15, 2013

MOTION # 23

On this day, Commissioners Court reconvened into regular open session following executive session at 1:42 p.m.

NO ACTION - REGARDING MYRA PONCE CASAS, COUNTY ATTORNEY'S CASE NUMBER GR-13-003

APRIL 15, 2013

MOTION # 24 (Item # 33)

On this day, Commissioners Court took no formal action on the agenda item to discuss and take appropriate action regarding Myra Ponce Casas, County Attorney's case number GR-13-003.

NO ACTION

NO ACTION - PENDING CLAIM OF IRENE CASTILLO SAENZ, COUNTY ATTORNEY FILE NUMBER LC-13-022

APRIL 15, 2013

MOTION # 25 (Item # 34)

On this day, Commissioners Court took no formal action on the agenda item to discuss and take action on the pending claim of Irene Castillo Saenz, County Attorney file number LC-13-022.

NO ACTION

MEETING ADJOURNED

APRIL 15, 2013

MOTION # 26

On this day, there being no further business to discuss, the meeting was adjourned at 1:54 p.m.

MEETING ADJOURNED - SINE DIE

ATTEST:

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

PATRICIA PIETZYK, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS:

_____ DAY OF _____, 2013.

COUNTY JUDGE VERONICA ESCOBAR, PRESIDING