

**MONDAY, JULY 29, 2013  
COMMISSIONERS COURT MET IN REGULAR MEETING  
AT 9:33 A.M.  
WITH THE FOLLOWING MEMBERS PRESENT**

**CARLOS LEON, PRESIDING  
SERGIO LEWIS,  
VINCENT M. PEREZ,**

**COMMISSIONER, PCT. # 1  
COMMISSIONER, PCT. # 2  
COMMISSIONER, PCT. # 3**

**HON. VERONICA ESCOBAR, COUNTY JUDGE - ABSENT  
VACANT, COMMISSIONER, PCT. # 4 - ABSENT**

**ELLEN A. SMYTH, CHIEF ADMINISTRATOR  
PATRICIA PIETZYK, DEPUTY CLERK**

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**MEETING CONVENED**

**JULY 29, 2013**

**MOTION # 1**

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

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**PLEDGE OF ALLEGIANCE**

**JULY 29, 2013**

**MOTION # 2**

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

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**APPROVED - CONSENT AGENDA;  
POSTPONED - QUARTERLY REPORT FROM OFFICE OF CONSTABLE, PCT. 1**

**JULY 29, 2013**

**MOTION # 3**

On this day, on motion of Commissioner Leon, seconded by Commissioner Lewis, it is the order of the Court to approve the following Consent Agenda items, including the deletion of Item # 15a, and to postpone for one week the quarterly report from the Office of the Constable, Pct 1.

3. Approve Minutes of the special meeting of July 18, 2013.  
Submitted by: , County Clerk's Office (915) 546-2071

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

5. Approve amendment No. 34 to the County of El Paso's 2012-2013 operating budget. This budgetary amendment will increase Special Revenue by \$166,163.00 and Grants by \$753,853.84, as noted on the attachment, thus increasing the overall operating budget of \$298,293,070.12 to \$299,213,086.96.

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

6. Approve and authorize the Council of Judges to hire a temporary court coordinator for the 34th District Court whose employment shall not exceed 7 weeks without additional approval.

Submitted by: Office Manager Martha A. Banales, Council of Judges Administration (915) 546-2143

7. Approve the Interlocal Agreement between the County of El Paso and West Texas Community Supervision and Corrections Department for short-term human resources services(Contract# 2013-0339).

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

8. 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

9. Approve and authorize the County Judge to sign the Service Maintenance Agreement for our Sharp copier with Spectrum Imaging Systems for the Public Works Department. This maintenance agreement is for 1-year effective August 28, 2013 - August 27, 2014, in the amount of \$576.

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

10. Award of Bid #13-038, Office Supplies for the County of El Paso to (3) vendors - El Paso Office Products, Pencil Cup Office Products, and Staples, Inc. Award is for a 6-month term and based on the lowest price per line item listed. PRP approved on 7/11/13.

Submitted by: Purchasing Agent Kennie Downing, Purchasing (915) 546-2048

11. Approve and authorize the transfer and removal of inventory items from the County Clerk's Office and the Juvenile Justice Center to the Purchasing Department. See attachment.

Submitted by: Purchasing Agent Kennie Downing, Purchasing (915) 546-2048

12. Approve and authorize transfer and removal of inventory from the Sheriff's-Downtown Jail to the Purchasing Department. See attachment.

Submitted by: Purchasing Agent Kennie Downing, Purchasing Department (915) 546-2048

13. Approve and authorize the County Judge to sign the attached Texas Department of Public Safety - Texas Homeland Security State Administrative Agency (THSSAA) Annual Inventory Control Requirement Form.

Submitted by: Sheriff Richard D. Wiles, EPSCO - Grants (915) 538-2220

14. Approve and Authorize County Purchasing to accept the donated items from El Paso County Emergency Services, District 12. Itemized List is attached for backup. These items will be used by the El Paso County Sheriff's Office Detention Facility.

Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office (538-2234)

VOTE: YES – Leon, Lewis, Perez

NO – None

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### **PRESENTATION**

**JULY 29, 2013**

**MOTION # 4 (Item # 1)**

On this day, Commissioners Court received a presentation by Project Amistad regarding transportation services provided by the agency and changes in the way some of these transportation programs are funded.

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### **PUBLIC COMMENT**

**JULY 29, 2013**

**MOTION # 5 (Item # 2)**

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

Jack Bradford, concerned citizen, commented on taxes.

Jorge Artalejo, concerned citizen, spoke regarding the national government.

Salvador Gomez, concerned citizen, commented on County jobs and politics.

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### **NO ACTION - PRESENTATION - IMPLEMENTATION OF ELECTRONIC FILING OF ALL CIVIL COURT PLEADINGS WITH COUNTY CLERK'S OFFICE AND DISTRICT CLERK'S OFFICE EFFECTIVE DECEMBER 31, 2013**

**JULY 29, 2013**

**MOTION # 6 (Item # 16)**

On this day, Commissioners Court took no formal action on the agenda item to receive a presentation, discuss and take appropriate action regarding the Texas Supreme Court's Order implementing electronic filing of all civil court pleadings with the County and District Clerk's Offices in El Paso County Effective December 31, 2013.

**NO ACTION**

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**NO ACTION - PRESENTATION - NEGOTIATIONS  
WITH DELGADO ACOSTA LAW FIRM  
RELATED TO PROVISION OF COLLECTION SERVICES FOR JUSTICE COURTS**

**JULY 29, 2013**

**MOTION # 7 (Item # 17)**

On this day, Commissioners Court took no formal action on the agenda item to receive a presentation, discuss and take appropriate action regarding negotiations between Delgado Acosta Law Firm and the County related to the provision of collection services for Justice of the Peace Courts in El Paso County pursuant to Article 103.0031 of the Texas Code of Criminal Procedure, in order to eliminate accounting errors and accommodate the current Odyssey software environment.

**NO ACTION**

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**APPROVED - INTERGOVERNMENTAL AGREEMENT  
WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION  
FOR PUBLIC TRANSPORTATION SYSTEM FOR RURAL TRANSIT**

**JULY 29, 2013**

**MOTION # 8 (Item # 18)**

On this day, on motion of Commissioner Lewis, seconded by Commissioner Leon, it is the order of the Court to approve the agenda item to approve and authorize the County Judge to sign an Intergovernmental Agreement with the New Mexico Department of Transportation acting on behalf of the State of New Mexico for the continuation of the New Mexico Park & Ride public transportation system that provides service between Dona Ana County and El Paso County from September 1, 2013 to August 31, 2014 with the County's share of the costs derived from Job Access and Reverse Commute funds from the Texas Department of Transportation.

VOTE: YES – Leon, Lewis, Perez

NO – None

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**DELETED - POSITION ON 383<sup>RD</sup> DISTRICT COURT MANNING TABLE**

**JULY 29, 2013**

**MOTION # 9 (Addendum # 1)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Lewis, it is the order of the Court to delete the agenda item to approve and authorize the funds for the hiring of a full-time Bailiff which the State approved the addition of a new Title IV Master. The State pays for the salaries of the Judge and Staff except for the Bailiff. The Courts will allocate space to accommodate the State's addition of a new Title IV Court. Funds available under the 383rd District Court.

VOTE: YES – Leon, Lewis, Perez

NO – None

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**APPROVED - JAIL MOLD REMEDIATION PROJECT MANAGEMENT  
AND AIR MONITORING SERVICES AGREEMENT  
WITH CONSTRUCTION AND ENVIRONMENTAL COMPANY  
FOR SHERIFF'S OFFICE**

**JULY 29, 2013**

**MOTION # 10 (Addendum # 2)**

On this day, on motion of Commissioner Leon, 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 Jail Mold Remediation Project Management and Air Monitoring Services Agreement between El Paso County and Construction and Environmental Company (Contract No. 2013-0367) in accordance with Texas Mold Assessment and Remediation Rules 295.321 - 295.338.

VOTE: YES – Leon, Lewis, Perez

NO – None

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**EXECUTIVE SESSION**

**JULY 29, 2013**

**MOTION # 11 (Item # 19)**

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.

19a) Discuss matter regarding Westway Road, County Attorney's file number AA-13-012, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Amy Monsivais, County Attorney's Office (915) 546-2050

19b) Discuss Civil Service matter regarding Myra Ponce Casas, County Attorney's file number GR-13-006, pursuant to Texas Government Code Section 551.074.

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

19c) Discuss the pending litigation regarding Silvia Calderon v. The County of El Paso, Texas and Leticia Leyva, cause number 2012-DCV-05006, County Attorney number LD-12-050, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Ruben Duarte, County Attorney's Office (915) 546-2050

19d) Discuss subrogation claim regarding Patricia Avila, County Attorney file number PC-13-027, pursuant to Texas Government Code Section 551.071.

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

19e) Discuss subrogation claim regarding Angel Lopez, County Attorney's file number PC-13-029, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Amy Monsivais, County Attorney's Office, 915/546-2050

19f) Pursuant to Texas Government Code (lit), Section 551.071, discuss revision to the Colonia Self Help Center Home Re-construction Loan Agreement and Promissory Note between Cristina del Carmen Hernandez and the County of El Paso. This agreement pertains to real property located 617 Agua del Mar, El Paso County, Texas 79928. [2013-0105]

Submitted by: Assistant County Attorney Kevin McCary, County Attorney's Office, (915) 543-2050

The Court recessed at 12:00 p.m.

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**MEETING RECONVENED**

**JULY 29, 2013**

**MOTION # 12**

On this day, Commissioners Court reconvened into regular open session following executive session at 12:39 p.m.

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**NO ACTION - MATTER REGARDING WESTWAY ROAD,  
COUNTY ATTORNEY'S FILE NUMBER, AA-13-012**

**JULY 29, 2013**

**MOTION # 13 (Item # 20)**

On this day, Commissioners Court took no formal action on the agenda item to discuss and take appropriate action on matter regarding Westway Road, County Attorney's file number, AA-13-012.

**NO ACTION**

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**NO ACTION - REGARDING MYRA PONCE CASAS,  
COUNTY ATTORNEY'S FILE NUMBER GR-13-006**

**JULY 29, 2013**

**MOTION # 14 (Item # 21)**

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 file number GR-13-006.

**NO ACTION**

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**NO ACTION - PENDING LITIGATION OF SILVIA CALDERON  
V. THE COUNTY OF EL PASO, TEXAS AND LETICIA LEYVA,  
CAUSE NUMBER 2012-DCV-05006, COUNTY ATTORNEY FILE NUMBER LD-12-050**

**JULY 29, 2013**

**MOTION # 15 (Item # 22)**

On this day, Commissioners Court took no formal action on the agenda item to discuss and take appropriate action on the pending litigation of Silvia Calderon v. The County of El Paso, Texas and Leticia Leyva, cause number 2012-DCV-05006, County Attorney file number LD-12-050.

**NO ACTION**

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**APPROVED - PAYMENT IN SETTLEMENT OF SUBROGATION CLAIM  
REGARDING PATRICIA AVILA,  
COUNTY ATTORNEY FILE NUMBER PC-13-027**

**JULY 29, 2013**

**MOTION # 16 (Item # 23)**

On this day, on motion of Commissioner Leon, seconded by Commissioner Lewis, it is the order of the Court to approve the agenda item to accept payment of \$1,076.59 in settlement of the subrogation claim regarding Patricia Avila, County Attorney file number PC-13-027.

VOTE: YES – Leon, Lewis, Perez

NO – None

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**APPROVED - PAYMENT IN SETTLEMENT OF SUBROGATION CLAIM  
REGARDING ANGEL LOPEZ,  
COUNTY ATTORNEY'S FILE NUMBER PC-13-029**

**JULY 29, 2013**

**MOTION # 17 (Item # 24)**

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 accept payment of \$2,563.48 in settlement of the subrogation claim regarding Angel Lopez, County Attorney's file number PC-13-029.

VOTE: YES – Leon, Lewis, Perez

NO – None

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**APPROVED - REVISIONS TO COLONIA SELF HELP CENTER  
HOME RECONSTRUCTION LOAN AGREEMENT AND PROMISSORY NOTE  
WITH CRISTINA DEL CARMEN HERNANDEZ**

**JULY 29, 2013**

**MOTION # 18 (Item # 25)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Leon, regarding the agenda item to discuss and take appropriate action regarding revisions to the Colonia Self Help Center Home Re-construction loan agreement and promissory note between Cristina del Carmen Hernandez and the County of El Paso. This agreement pertains to real property located at 617 Agua del Mar, El Paso County, Texas 79928, it is the order of the Court to approve the revised agreement.

VOTE: YES – Leon, Lewis, Perez

NO – None

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**MEETING ADJOURNED**

**JULY 29, 2013**

**MOTION # 19**

On this day, there being no further business to discuss, the meeting was adjourned at 12:46 p.m.

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MEETING ADJOURNED - SINE DIE

ATTEST:

DELIA BRIONES, COUNTY CLERK  
EL PASO COUNTY, TEXAS

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PATRICIA PIETZYK, DEPUTY CLERK  
(Based upon Ellen A. Smyth's notes)

EXAMINED AND APPROVED BY ME THIS:

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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COUNTY JUDGE VERONICA ESCOBAR, PRESIDING