

**MONDAY, FEBRUARY 8, 2010
COMMISSIONERS COURT MET IN REGULAR MEETING
AT 9:37 A.M.
WITH THE FOLLOWING MEMBERS PRESENT**

**HON. ANTHONY COBOS, PRESIDING
ANNA PEREZ,
VERONICA ESCOBAR,
WILLIE GANDARA,
DANIEL R. HAGGERTY,**

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

CESAR O. NAVA, DEPUTY CLERK

MEETING CONVENED

FEBRUARY 8, 2010

MOTION # 1

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

PLEDGE OF ALLEGIANCE

FEBRUARY 8, 2010

MOTION # 2

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

**APPROVED – RESOLUTION SUPPORTING LULAC PROJECT AMISTAD
“PAPELEROS WITH A PURPOSE” EVENT**

FEBRUARY 8, 2010

MOTION # 3 (Item # 1)

On this day, on motion of Commissioner Escobar, seconded by Commissioner Haggerty, it is the order of the Court to adopt a resolution supporting the efforts of LULAC Project Amistad and its 4th Annual "Papeleros with a Purpose" event.

VOTE: YES – Gandara, Perez, Escobar, Haggerty
NOT PRESENT – Judge Cobos

NO – None

PUBLIC COMMENT

FEBRUARY 8, 2010

MOTION # 4 (Item # 2)

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

James Perry, concerned citizen, regarding the Texas vs. The Nation football game.

**APPROVED – CONSENT AGENDA;
POSTPONED – INTERLOCAL AGREEMENT WITH
RIO GRANDE COUNCIL OF GOVERNMENTS SHERIFF'S OFFICE
TRAINING ACADEMY REGION VII 421 GRANT;
POSTPONED – QUARTERLY REPORT FROM OFFICE OF CONSTABLE, PCT. 6**

FEBRUARY 8, 2010

MOTION # 5

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Gandara, it is the order of the Court to approve the following Consent Agenda items, including the deletion of Item # 11; to postpone Item # 28 for two weeks to approve and authorize the County Judge to sign the Interlocal Agreement with the Rio Grande Council of Governments for the El Paso County Sheriff's Office Training - Academy Region VII 421 grant from September 1, 2009 to August 31, 2010; and to postpone for two weeks the quarterly report from the Office of the Constable Pct. 6.

3. Approval of the Minutes of the regular meetings of January 25, 2010 and February 1, 2010.

Submitted by: , County Clerk's Office

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 Edward A. Dion, County Auditors Office

5. Approve amendment No. 14 to the 2009-2010 County of El Paso Operating Budget. This amendment will increase Grants by \$532,377 and increase Special Revenue by \$300 thus increasing the overall operating budget of \$268,902,628 to \$269,435,305.

Submitted by: County Auditor Edward A. Dion, County Auditors Office

6. 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 Robert Rivera, P.E., County Road and Bridge

7. Approve and authorize the appointment of Commissioner Anna Perez to the Rio Grande Council of Governments to replace County Judge Anthony Cobos, effective immediately.

Submitted by: County Judge Anthony Cobos, County Judge

8. In compliance with the El Paso County Code of Ethics, pursuant to Article XII, acknowledge the campaign contributions of \$1000 or more from the following individuals: Albert and Esperanza Gamboa, E.C. Houghton, Jr., Harold Hahn, Eliot Shapleigh, Womens Political Action Committee and Robert and Roseanne Hoy.

Submitted by: County Commissioner, Pct. 2 Veronica Escobar, Commissioners Court

9. Approve and authorize a transfer of \$38.00 within the budget of Commissioner 2, from account commissner2-6201 to commissner2-6705, in order to cover travel expenses.

Submitted by: Commissioner, Pct. 2 Veronica Escobar, Commissioners Court

10. Approve and authorize the removal of inventory and transfer of items, as listed in the backup, from the County Clerk's Office to the Purchasing Department.

Submitted by: County Clerk Delia Briones, County Clerk's Office

13. Authorize Judge Javier Alvarez of County Court at Law #3 to donate two volumes of law books "Oppression of Minority Shareholders & LLC Members" and three "Texas Practices volumes 19, 20 and 20A" to the El Paso County Robert J. Galvan Law Library. Your approval in this matter is greatly appreciated.

Submitted by: Office Manager Martha A. Banales, Council of Judges Adm.

14. Approve and authorize the County Judge to sign Release of Lien in Bond Forfeiture case, cause number 2008-BF079 (KK-10-064).

Submitted by: Executive Division Chief Cygne Nemir, El Paso County Attorney's Office

16. Approve the committee's recommendation on: Request #2009-062 to change the previous waiver approval for a Sr. Trial Attorney position to a Trial Attorney position; Request #2010-014 to approve waiving the hiring freeze for one Computer Systems Specialist position and subsequent vacancies in the department due to promotions related to this vacancy; Request #2010-015 to approve waiving the hiring freeze for one Office Specialist position; and Request #2010-016 to approve waiving the hiring freeze for one Trial Attorney position, contingent upon all vacancies meeting the initial six (6) week hiring freeze waiting period requirements.

Submitted by: Human Resources Director Betsy C. Keller, SPHR , Human Resources

17. Approve the committee's recommendation on Requests #2010-009 to approve waiving the hiring freeze for one full time Office Specialist, Senior position for Justice of the Peace, Place 6-1.

Submitted by: Human Resources Director Betsy C. Keller, SPHR , Human Resources

20. Approve and authorize the County Purchasing Agent to solicit bids for the transportation of deceased for the Office of the Medical Examiner.
Submitted by: Chief Medical Examiner Paul W. Shrode, M.D., Medical Examiner

21. Approve and authorize the Purchasing Agent to solicit an RFQ for the El Paso County Secure Border Trade Demonstration Project. Funds are available in account SBTDEMPRJ09-R3182.
Submitted by: Director Rosemary V. Neill, Family and Community Services

22. Approve and authorize the acceptance into the Ascarate Park inventory a Varsity Scoreboard as a gift from parents of the Cathedral High School Baseball team. The scoreboard, model number SB VSBX-314LED04, is an 8 ft by 4 ft LED board with a white background and green lettering.
Submitted by: Interim Director Rosemary V. Neill, Park, Golf and Aquatics

23. Approve and authorize the Purchasing Agent to solicit Requests for Proposals (RFP) for upgrades to the Ascarate Golf Course Clubhouse to include data and electrical upgrades, addition of energy efficiency features, updating the Clubhouse and Pro Shop, re-designing access for ADA compliance and HVAC upgrades based on specifications developed by Trinity Consultants.
Submitted by: Interim Director Rosemary V. Neill, Park, Golf and Aquatics

24. Approve and authorize the removal of the following items from the Inventory. Microwave - 0061944, Westinghouse Refrigerator - 0028054. These items are no longer useable.
Submitted by: Purchasing Agent Piti Vasquez, Purchasing

25. Approve and authorize the County Judge to sign the El Paso County Sheriff's Office - Texas Department of Public Safety Interlocal Cooperation Contract for breath testing, laboratory alcohol and drug testing program. The County Attorney's Office has reviewed the Interlocal (KK#10-003).
Submitted by: Sheriff Richard D. Wiles, SO-Administration

27. Approve and authorize the County Judge to execute an on-line grant application for submission to the U.S. Department of Justice-Office of Violence Against Women for fiscal year 2010 for the El Paso County Sheriff's Office Community-Defined Solutions/Arrest Program due February 17, 2010.
Submitted by: Sheriff Richard D. Wiles, SO-Administration

29. Approve and authorize the County Judge to sign the El Paso County Sheriff's Office transfer of surveillance camera video system purchased with the 2005 Homeland Security-Buffer Zone Protection Grant Program funds to U.S. Customs and Border Patrol. The County Attorney's Office has reviewed the Property Transfer Record Agreement (KK#09-502).
Submitted by: Sheriff Richard D. Wiles, SO-Administration

30. Approve and authorize the County Judge to sign the El Paso County Sheriff's Office-Dahill Maintenance Agreement for copier/fax/scanner serial number 45062790 (KK#09-510).

Submitted by: Sheriff Richard D. Wiles, SO-Administration

31. Approve and authorize the County Judge to sign the El Paso County Sheriff's Office - Dahill Maintenance Agreement for copier/fax/scanner number 67102522 (KK#09-511).

Submitted by: Sheriff Richard D. Wiles, SO-Administration

32. Pursuant to Texas Local Government Code Section 81.032, accept donation of cacti plants valued at \$2,000.00 from Rockmart, Inc. for landscaping at the El Paso County Sheriff's Office Headquarters.

Submitted by: Sheriff Richard D. Wiles, SO-Administration

33. Approve and authorize the County Purchasing Agent to solicit bids for Milk, Bread, and Torillas for the El Paso County Sheriff's Office Jails. Specifications have been submitted to County Purchasing.

Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office

34. Approve and authorize to transfer unserviceable equipment for the Detention Facility to the County Purchasing Agent for disposal. All items have been approved by County Purchasing. Please see attachments.

Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office

35. Approve and authorize to transfer unserviceable equipment for the Detention Facility to the County Purchasing Agent for disposal. All items have been approved by County Purchasing. Please see attachments.

Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office

36. Approve and authorize to transfer unserviceable equipment for the Detention Facility to the County Purchasing Agent for disposal. All items have been approved by County Purchasing. Please see attachments.

Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office

37. Approve and authorize to transfer unserviceable equipment for the Detention Facility to the County Purchasing Agent for disposal. All items have been approved by County Purchasing. Please see attachments.

Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office

**APPROVED – LAND PURCHASE FOR
THE TORNILLO/GUADALUPE PORT OF ENTRY**

FEBRUARY 8, 2010

MOTION # 7 (Item # 15)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Gandara, it is the order of the Court to authorize the Purchasing Agent to sign all necessary documents to acquire a 2.12 acre tract of land out of Tract 2, U.S. Parcel No. 173, San Elizario Grant, El Paso County, Texas and authorize the Auditor to issue a check in payment for the parcel in the amount of \$155,000 plus all necessary closing costs. This tract is being purchased from Tornillo Independent School District for a portion of the new site of the Tornillo-Guadalupe Port of Entry and includes both land and building improvements. Funds are available and have been allocated by the Auditor's Office from CPCAPITAL07 for the Tornillo/Guadalupe Port of Entry.

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

**APPROVED – RECOMMENDATIONS FROM THE HIRING FREEZE COMMITTEE
REGARDING THE INFORMATION TECHNOLOGY DEPARTMENT**

FEBRUARY 8, 2010

MOTION # 8 (Item # 18)

On this day, on motion of Commissioner Gandara, seconded by Commissioner Haggerty, it is the order of the Court to approve the Committee's recommendation on Request No. 2010-012 to approve waiving the hiring freeze for one full time Director Information Technology position and subsequent vacancies in the department due to promotions related to this vacancy contingent upon meeting the initial six (6) week hiring freeze waiting period requirements, the positions being hired at the lowest level possible within the grade according to policy, the web writer position remaining vacant for at least the remainder of the current fiscal year, and an overall savings of at least \$79,000 in the staffing budget of the department for the Information Technology Department.

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

**APPROVED – ACKNOWLEDGEMENT OF CANDIDATE
CAMPAIGN CONTRIBUTION REPORT**

FEBRUARY 8, 2010

MOTION # 9 (Item # 19)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Escobar, it is the order of the Court; in compliance with the El Paso County Code of Ethics, pursuant to Article XII; to acknowledge the campaign contribution report form submitted by Sergio Lewis.

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

**NO ACTION – TEXAS DEPARTMENT OF TRANSPORTATION
ON-LINE GRANT APPLICATION**

FEBRUARY 8, 2010

MOTION # 10 (Item # 26)

On this day, Commissioners Court took no formal action on the agenda item to approve and authorize the County Judge to execute an on-line grant application for submission to the Texas Department of Transportation for funding from the 2011 Texas Traffic Safety Program due February 19, 2011.

NO ACTION

**APPROVED – INTERLOCAL AGREEMENT WITH
LOWER VALLEY WATER DISTRICT REGARDING
WATER PROVISION STUDY**

FEBRUARY 8, 2010

MOTION # 11 (Item # 39)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Gandara, it is the order of the Court to approve and authorize the County Judge to sign the Inter-Local Agreement between the El Paso County and the Lower Valley Water District to conduct a study to determine most economical means to provide potable water for the Tornillo-Guadalupe Port of Entry facilities.

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

APPROVED – RESOLUTION AUTHORIZING TAX RESALE FOR PROPERTY

FEBRUARY 8, 2010

MOTION # 12 (Item # 40)

On this day, on motion of Commissioner Gandara, seconded by Commissioner Haggerty, it is the order of the Court to approve a resolution authorizing tax resale for property described as .566 acre, more or less, a portion of Tract 2D, Section 46, Block 79, Township 2, Texas and Pacific Survey, El Paso County, Texas, being more particularly described in volume 1380, Page 1432, Deed Records of El Paso County, Texas. (PID # X579-000-2460-0990)

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

**APPROVED – TRAVEL REIMBURSEMENT
FOR JUDGE CHRIS ANTCLIFF, 168TH DISTRICT COURT**

FEBRUARY 8, 2010

MOTION # 13 (Item # 42)

On this day, on motion of Judge Cobos, seconded by Commissioner Escobar, it is the order of the Court to authorize travel reimbursement in the amount of \$55.92 for Judge Chris Antcliff, 168th District Court, for travel that occurred on October 31st thru November 5, 2009 to attend the National Judicial College in Orlando Florida to take a course on Capital Murder cases. Funds are available under 168THDC-6705 (travel). Your approval of this item is greatly appreciated.

VOTE: YES – Judge Cobos, Perez, Escobar
NOT PRESENT - Gandara

NO – Haggerty

**APPROVED – TRAVEL REIMBURSEMENT
FOR JUDGE PATRICK M. GARCIA, 384TH DISTRICT COURT;
APPROVED – TRAVEL REIMBURSEMENT
FOR JUDGE PATRICK M. GARCIA, 384TH DISTRICT COURT**

FEBRUARY 8, 2010

MOTION # 14 (Items 43, 44)

On this day, on motion of Judge Cobos, seconded by Commissioner Escobar, it is the order of the Court to approve the following regular agenda items.

43. Approve and authorize travel reimbursement in the amount of \$60.39 for Judge Patrick M. Garcia, 384th District Court, for travel that occurred on October 21-22, 2009 to attend the State Auditors Convention in Galveston, Texas. Funds are available under 384THDC-6705 (travel). Your approval of this item is greatly appreciated.
Submitted by: Office Manager Martha A. Banales, Council of Judges Adm.

44. Approve and authorize travel reimbursement in the amount of \$15.50 for Judge Patrick M. Garcia, 384th District Court, for travel that occurred on October 31 thru November 5, 2009 to attend the National Judicial College to take a course on "Handling Capital Cases". Funds are available under 384THDC-6705 (travel). Your approval of this item is greatly appreciated.
Submitted by: Office Manager Martha A. Banales, Council of Judges Adm.

VOTE: YES – Judge Cobos, Perez, Escobar
NOT PRESENT - Gandara

NO – Haggerty

**APPROVED – PURCHASE OF VOTING BOOTHS FOR ELECTIONS DEPARTMENT;
APPROVED – PURCHASING ACKNOWLEDGEMENT
FOR SOLE SOURCE VENDOR**

FEBRUARY 8, 2010

MOTION # 15 (Item # 45)

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Perez, it is the order of the Court to authorize the purchasing department to purchase 50 voting booth tsr6 units (refurbished) from Election System and Software - Premier Election Solutions and for the purchasing department to acknowledge that it is a sole source vendor. for the upcoming Primary Elections, funds are available.

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

APPROVED – REDUCTION TO DETENTION OFFICER TRAINEE SALARY

FEBRUARY 8, 2010

MOTION # 16 (Item # 46)

On this day, on motion of Judge Cobos, seconded by Commissioner Haggerty, regarding the position of a Detention Officer Trainee, it is the order of the Court to reduce the salary by 10% (\$32,160.057 to \$28,944.051) pending their successful completion of the 7-week Academy. (See attachments.)

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

SUBDIVISION APPROVAL – BEJAR BUSINESS PARK UNIT 1

FEBRUARY 8, 2010

MOTION # 17 (Item # 48a)

On this day, on motion of Commissioner Gandara, seconded by Commissioner Haggerty, it is the order of the Court to approve Bejar Business Park Unit 1, being all of Tract 12, Section 16, Block 78 Township 4, Surveys Texas and Pacific Railroad Surveys, El Paso County, Texas, containing 32.190 acres.

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

NO ACTION - SCHEDULE SPECIAL MEETING OF COMMISSIONERS COURT

FEBRUARY 8, 2010

MOTION # 18 (Item # 47)

On this day, Commissioners Court took no formal action on the agenda item to discuss and take action to schedule a special meeting of Commissioners Court per the Court Order of January 31, 2005, Motion No. 20, Item No. 29, as follows:

Further, it is the order of the Court that a standing item be placed on every agenda of each Commissioners Court meeting occurring on the Monday a week before a holiday which falls on a Monday, calling for a special meeting if necessary the following week, on a date to be chosen.

NO ACTION

**POSTPONED – STREET CLOSURE FOR
“EAGLE IN THE SUN TRIATHLON”**

FEBRUARY 8, 2010

MOTION # 19 (Addendum # 1)

On this day, on motion of Commissioner Gandara, seconded by Judge Cobos, it is the order of the Court to postpone for two weeks the agenda item to approve and authorize the closure of Socorro Rd. (from Tiwa Blvd. to Denton Rd. in San Elizario) from 7:00 a.m. to 11:00 a.m. on Sunday, September 5, 2010 for the Eagle in the Sun Triathlon, which will include uniformed officers to control traffic for the safety of participating athletes.

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

EXECUTIVE SESSION

FEBRUARY 8, 2010

MOTION # 20 (Item # 49)

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.

49a) Pursuant to Texas Government Code Section 551.072, discuss land offer for Tracts 2A, 2F, 1D, & 2G block 26 Ysleta Surveys.

Submitted by: Asst. Purchasing Agent Jose Lopez, Jr., El Paso County Purchasing Department

49b) Discuss the property acquisition for the Guadalupe/Tornillo Port of Entry, pursuant to Texas Government Code §551.072.

Submitted by: , County Clerk's Office

49c) Discuss pending grievance under County Attorney No. GR-08-031 with the El Paso County Sheriff's Officers' Association concerning SRT pay for Sergeants pursuant to Texas Government Code §551.071.

Submitted by: Assistant County Attorney Holly C. Lytle, County Attorney's Office

49d) Discuss the pending litigation regarding Jode Bejarano vs. County of El Paso; Cause No. 2008-1665, CA No: LD-08-029, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Rosendo "Sandy" Torres, County Attorneys Office

The Court recessed at 10:40 a.m.

MEETING RECONVENED

FEBRUARY 8, 2010

MOTION # 21

On this day, Commissioners Court reconvened into regular open session following executive session at 11:00 a.m.

**APPROVED – SETTLEMENT AGREEMENT REGARDING
SRT PAY FOR SERGEANTS, COUNTY ATTORNEY NO. GR-08-031**

FEBRUARY 8, 2010

MOTION # 22 (Item # 50)

On this day, on motion of Commissioner Gandara, seconded by Commissioner Haggerty, it is the order of the Court to approve and authorize the County Judge to sign the settlement agreement concerning the grievance under County Attorney No. GR-08-031 with the El Paso County Sheriff's Officers' Association concerning SRT pay for Sergeants.

VOTE: YES – Judge Cobos, Gandara, Perez, Escobar, Haggerty

NO - None

MEETING RECESSED

FEBRUARY 8, 2010

MOTION # 23

On this day, it was announced that Commissioners Court would recess until 12:00 p.m.

The Court recessed at 11:02 p.m.

MEETING RECONVENED

FEBRUARY 8, 2010

MOTION # 24

On this day, Commissioner Court reconvened into regular open session at 1:57 p.m.

**MOTION FAILS – REDUCTION IN FUNDING
OF THE MENTAL HEALTH MENTAL RETARDATION
TEMPORARY SUPPORTIVE EMPLOYMENT PROGRAM**

FEBRUARY 8, 2010

MOTION # 25 (Item # 41)

On this day, on motion of Commissioner Escobar, seconded by Commissioner Perez, it is the order of the Court to reduce the funding of the MHMR Temporary Supportive Employment Program by 50% of their remaining budget for a total of \$73,500, and create policies for program use only to fill in for department vacancies and not to supplement staff.

VOTE: YES – Perez, Escobar

NO – Judge Cobos, Gandara, Haggerty

MOTION FAILS

MEETING ADJOURNED

FEBRUARY 8, 2010

MOTION # 26

On this day, there being no further business to discuss, the meeting was adjourned at 2:43 p.m.

MEETING ADJOURNED - SINE DIE

ATTEST:

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

CESAR O. NAVA, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS:

_____ DAY OF _____, 2010.

COUNTY JUDGE ANTHONY COBOS, PRESIDING