

EL PASO COUNTY COMMISSIONERS COURT

CARLOS LEON
Commissioner, Pct

VINCENT PEREZ
Commissioner, Pct



DAVID STOUT
Commissioner, Pct. 2

ANDREW R. HAGGERTY
Commissioner, Pct. 4

RUBEN JOHN VOGT
County Judge

Commissioners Court Chambers, El Paso County Courthouse
500 East San Antonio Room 303 El Paso, Texas 79901
Website address: <http://www.epcounty.com>
View live video webcast: <http://epcounty.com/video>

COMMISSIONERS COURT REGULAR MEETING MINUTES MONDAY, FEBRUARY 26, 2018

HON. RUBEN JOHN VOGT	COUNTY JUDGE, PRESIDING	PRESENT
CARLOS LEON	COMMISSIONER, PCT #1	PRESENT
DAVID STOUT	COMMISSIONER, PCT #2	PRESENT
VINCENT M. PEREZ	COMMISSIONER, PCT #3	ABSENT
ANDREW R. HAGGERTY	COMMISSIONER, PCT #4	PRESENT

MINUTES PREPARED BY PATRICIA PIETZYK, DEPUTY CLERK

1. MEETING CONVENED

Commissioners Court of El Paso County, Texas was called to order by the Deputy Clerk at 9:32 a.m.

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

A. In compliance with the El Paso County Code of Ethics, pursuant to Article XIII, acknowledge the campaign contributions of \$2,500 or more for County Commissioner David Stout from the following: J.P. Bryan.
David Stout, Commissioner, Pct. 2 (915) 546-2111

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

C. Approve and authorize the County Judge to sign the Statewide Automated Victim Notification Service SAVNS Maintenance Contract FY2018 (OAG #1876895/ Contract No. 2018-0082) between the Office of the Texas Attorney General and El Paso County and the R-12 Service Agreement Renewal Notice with the service provider, Appriss (Contract No. 2018-0082) for the 24-hour automated information and notification to victims of crime in El Paso County in the amount of \$25,546.78 for the term 09/01/2017 to 08/31/2018. This represents no direct cost to El Paso County.

Jaime Esparza, District Attorney, District Attorney's Office (915) 546-2059

D. PULLED FOR DISCUSSION BY COMMISSIONER HAGGERTY

Approve and authorize the County Judge to sign a Historic Site Tourist Promotion and Preservation Services Agreement with the San Elizario Genealogy and Historical Society, a Texas nonprofit corporation, for the tourist promotion of the historic Los Portales Museum and Old County Jail located in San Elizario, Texas for \$42,188 for a period beginning October 1, 2017 through September 30, 2018. Funds are available in SR-TOURPROM-LOS PORTALES (Contract No. 2017-0795).

Jose Quinonez, Director, Economic Development Department (915) 546-2177

E. In compliance with the El Paso County Code of Ethics, pursuant to Article XIII, acknowledge the campaign contributions of \$2,500 or more for candidate Laura Enriquez from the following: Nora Artalejo Lovett-Attorney-Family & Personal Injury Law.

Melissa M. Carrillo, PHR, Chief Human Resources Officer, Human Resources Department (915) 546-2218

F. In compliance with the El Paso County Code of Ethics, pursuant to Article XIII, acknowledge the campaign contributions of \$2,500 or more for candidate John Cook from each of the following: James Scherr, Elma Carreto, EPMPOA (PAC), and Maxey Scherr.

Melissa M. Carrillo, PHR, Chief Human Resources Officer, Human Resources Department (915) 546-2218

G. Approve and accept the DIR-TSO-3709 Master Agreement with New IPS, Inc., for as-needed cabling services under Contract No. 2017- 0890 with individual work orders or proposals to be submitted as needed.

Christopher Stathis, Chief Technology Officer, Information Technology Department (915) 546-2041

H. Approve and authorize the County Judge to sign a service agreement between the County of El Paso and Level 3 Telecom Holdings, LLC., formerly TW Telecom Holding, LLC., as per Contract No. 2018-0046. Funding is available in GF-NWANNX-COMMUNIC-DATA.

Christopher Stathis, Chief Technology Officer, Information Technology Department (915) 546-2041

I. Approve and authorize the County Judge to sign the agreement between the County of El Paso and PowerDMS, Inc., as per Contract No. 2018-0051. Funding is available in GF-ITD-MAINT/REP- SOFTWARE.

Christopher Stathis, Chief Technology Officer, Information Technology Department (915) 546-2041

J. Approve and authorize the County Judge to sign the maintenance agreement between the County of El Paso and Sigma Technology Solutions, Inc., as per Contract No. 2018-0047. Funding is available in GF-ITD-MAINT/REP-HARDWARE.

Christopher Stathis, Chief Technology Officer, Information Technology Department (915) 546-2041

K. Approve and authorize the County Judge to sign the proposal between the County of El Paso and New IPS Inc., as per Contract No. 2017-0931. Funding is available in GF-ITD-NEW POS OPER/CAP ESTIMA.

Christopher Stathis, Chief Technology Officer, Information Technology Department (915) 546-2041

L. Approve and authorize the County Judge to sign the proposal between the County of El Paso and New IPS Inc., as per Contract No. 2017-0932. Funding is available in GF-ITD-NEW POS OPER/CAP ESTIMA.

Christopher Stathis, Chief Technology Officer, Information Technology Department (915) 546-2041

M. Approve and authorize the County Judge to sign the professional service agreement between the County of El Paso and TSA Inc., as per Contract No. 2018-0027. Funding is available in CP- CAPITAL16D-CAP OUT-IT EQUIP.

Christopher Stathis, Chief Technology Officer, Information Technology Department (915) 546-2041

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

Norma R. Palacios, Interim Public Works Director, Public Works Department (915) 546-2015

O. POSTPONED FOR ONE WEEK AT THE REQUEST OF LORENA RODRIGUEZ, CONTRACT ADMINISTRATION, HUMAN RESOURCES DEPARTMENT

Approve and authorize the County Judge to sign the License Agreement between the County and River Oaks Properties, LTD., for the Vista del Sol Roadway Construction. No County funds are required (Contract No. 2017-0206).

Norma R. Palacios, Interim Public Works. Director, Public Works Department (915) 546-2015

P. Approve and authorize the transfer and removal of surplus assets from the respective departments to the Purchasing Department in compliance with Texas Local Government Code Section 262.011(j). See attachment.
Debra Carrejo, CPPO, CPPB, Purchasing Agent, El Paso County Purchasing Dept. (915) 546-2048

Q. Approve and authorize the County Judge to sign the Operation Stonegarden FY17 Resolution for the Office of the Governor - Homeland Security for the plan year 2018 for the El Paso County Sheriff's Office (Contract Number 2018-0078).

Richard D. Wiles, Sheriff, El Paso County Sheriff's Office (915) 546-2262 x 4173

MOTION: APPROVED

Motion made by Commissioner Leon
Seconded by County Judge Vogt

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

4. RESOLUTIONS

A. Approve and adopt a resolution designating the week of February 26, 2018-March 3, 2018 as "GECU Saves Week" in El Paso County, Texas.

Ruben J. Vogt, County Judge, Commissioners Court (915) 546-2098

MOTION: APPROVED

Motion made by County Judge Vogt
Seconded by Commissioner Haggerty

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

5. PUBLIC COMMENT

NO ACTION

6. PRESENTATION

A. Receive a presentation from the state lobby firm regarding the County of El Paso's legislative efforts and discuss the process in which the County agenda for the upcoming 86th Session of the Texas Legislature shall be drafted.

Ruben J. Vogt, County Judge, Commissioners Court (915) 546-2098

RECEIVED PRESENTATION

B. Receive a presentation recognizing the Strategic Employee Health and Wellness Plan top point achievers.

Melissa M. Carrillo, PHR, Chief Human Resources Officer, Human Resources Department (915) 546-2218

RECEIVED PRESENTATION

ITEMS PULLED FROM CONSENT FOR DISCUSSION

3D. Pulled for Discussion from Consent Agenda by Commissioner Haggerty, Approve and authorize the County Judge to sign a Historic Site Tourist Promotion and Preservation Services Agreement with the San Elizario Genealogy and Historical Society, a Texas nonprofit corporation, for the tourist promotion of the historic Los Portales Museum and Old County Jail located in San Elizario, Texas for \$42,188 for a period beginning October 1, 2017 through September 30, 2018. Funds are available in SR-TOURPROM-LOS PORTALES (Contract No. 2017-0795).

Jose Quinonez, Director, Economic Development Department (915) 546-2177

MOTION: APPROVED

Motion made by Commissioner Haggerty
Seconded by Commissioner Leon

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

AUDITOR

7. Pursuant to the Texas government Code, Title 10, § 2256.005, please approve and adopt the investment policy as of February 22, 2018. This investment policy, when adopted, will supersede the policy adopted June 12, 2017.

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

MOTION: APPROVED

Motion made by Commissioner Haggerty
Seconded by County Judge Vogt

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

INFORMATION TECHNOLOGY

8. Approve and authorize the County Judge to sign the agreement between El Paso County and Axon Enterprise, Inc., for the maintenance and management of the Taser handheld weapon and personal body cameras for use in the Sheriff's Office. This contract is a 5 year contract in the amount of \$1,715,416.70. Further approve the re-allocation of funds from GF-ITD-SVC FEE-CLOUD STORAGE to GF-ITD-MANT/REP-TSER & BDY CAM. (Contract No. 2017-0663). Funding is available in GF-ITD-SVC FEE-CLOUD STORAGE and if approved funding will be transferred into GF-ITD-MANT/REP-TSER & BDY CAM.

Christopher Stathis, Chief Technology Officer, Information Technology Department, (915) 546-2041

MOTION: APPROVED

Motion made by Commissioner Haggerty
Seconded by Commissioner Stout

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

PUBLIC WORKS

9. Approve and authorize the allocation of funds in the amount of \$83,257 to supplement allocated CIP2017 funds for a new roof at the Road & Bridge Fabens Warehouse. Further, approve the re-allocation of funds from CP-IMPROV01-MISCELLANEOUS to CIP17-R&B-RENOVATIONS/REPAIRS to fund the project.

Norma Rivera Palacios, Interim Public Works Director, Public Works Department (915) 546- 2015

MOTION: APPROVED

Motion made by County Judge Vogt
Seconded by Commissioner Leon

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

PURCHASING

10. Approve and authorize the Modernization of Eight (8) Elevators for the County Courthouse and Parking Garage to Thyssenkrupp Elevator Corporation using TCPN contract R150801. Purchasing approved on 2/12/18. Funding is available in CP-CPCRTHSIMP12- RENOVATIONS; GF-PRKGRGENHANCE-CAP OUT-EQUIP.

Debra Carrejo, Purchasing Agent, Purchasing Department (915) 546-2048

MOTION: APPROVED

Motion made by Commissioner Stout
Seconded by County Judge Vogt

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

11. Approve and authorize the award of RFP 17-041 Email Security and Encryption for the County of El Paso to SHI Government Solutions, Austin, Texas, using DIR Contract #DIR-TSO-3926 in the amount of \$126,700. Purchasing approved on 2/8/18. Funding is available in CIP17-ITD-SOFTWARE/COUNTY.

Debra Carrejo, Purchasing Agent, Purchasing Department (915) 546-2048

MOTION: APPROVED

Motion made by County Judge Vogt
Seconded by Commissioner Leon

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

12. Approve and authorize the Purchasing Agent to solicit proposals for the Third Party Group Medical and Dental Plan Administration / Pharmacy Benefit Management / Stop Loss Reinsurance / Employee Assistance Program / Section 125 Plan Administration (Flexible Spending Accounts, Dependent Care Accounts) and Health Savings Account Administration / COBRA Administration / Value Added Services including but not limited to Medicare Advantage Plans and Part D Prescription Drug Plans. In accordance with Local Government Code 262.030. The Purchasing Agent has reviewed use of the Request for Proposal (RFP) process.
Debra Carrejo, Purchasing Agent, Purchasing Department (915) 546-2048

MOTION: APPROVED

Motion made by Commissioner Leon
Seconded by Commissioner Haggerty

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

13. Approve and authorize the award of Two (2) Transit Buses for the County of El Paso to Creative Bus Sales, Inc. using TX Smartbuy 304T-18-070A1 and authorize the Purchasing Agent to issue a purchase order for the total project cost of \$224,930.56. Funding is available in the TRANSPORTATION INVESTMENT GENERATIN and the RURAL TRANSIT FEDERAL 2017 grants. Purchasing approved on 02/08/2018.
Debra Carrejo, Purchasing Agent, Purchasing Department (915) 546-2048

MOTION: APPROVED

Motion made by Commissioner Stout
Seconded by Commissioner Haggerty

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

GRANT APPLICATIONS

14. Approve and authorize the El Paso County Driving While Intoxicated (DWI) Drug Court Program to apply for funding available under the Substance Abuse and Mental Health Services Administration (SAMHSA) grant in the amount of \$1,866,707 for a five-year grant period. No match is required.
Robert S. Anchondo, Judge, County Criminal Court at Law #2 (915) 834-8232

MOTION: APPROVED

Motion made by Commissioner Stout
Seconded by County Judge Vogt

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

15. CORRECTED AT THE REQUEST OF SAL ALONZO, PUBLIC WORKS DEPARTMENT

As corrected, approve and authorize the Public Works Department to submit an application for the FY2018 Federal 5311 Rural Public Transportation Grant to the Texas Department of Transportation (TxDOT) in the amount of \$309,543. No County match is required. Additionally, authorize the County Judge to sign the Certificate of Obligation as required by the grant.

Norma R. Palacios, Interim Public Works Director, Public Works Department (915) 546-2015

MOTION: APPROVED, APPROVE AS CORRECTED.

Motion made by Commissioner Leon
Seconded by Commissioner Haggerty

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

16. Approve and authorize the El Paso County Sheriff's Office, Criminal Investigation Division/Narcotics Section, to apply for the Local Security Program Grant to the Office of the Governor-Homeland Security Grants Division in the amount of \$349,916.53 for grant period September 1, 2018 through August 31, 2019. The Local Security Program Grant is an overtime and mileage reimbursement grant and no match is required. Further, authorize the County Judge to sign the attached resolution if approval is granted.

Richard D. Wiles, Sheriff, El Paso County Sheriff's Office (915) 772-8665

MOTION: APPROVED

Motion made by Commissioner Leon
Seconded by Commissioner Haggerty

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty
Members Voting Nay: None

BUDGET AND FINANCE

17. Approve amendment No. 20 to the County of El Paso's 2017-2018 operating budget. This budgetary amendment will increase Grants by \$164,874.00 and decrease Special Revenue by \$192,365.00 thus increasing the overall budget of \$484,821,843.15 to \$484,794,352.15.

Wallace Hardgrove, Executive Director, Budget and Fiscal Policy Department (915) 546- 2262.

MOTION: APPROVED

Motion made by County Judge Vogt
Seconded by Commissioner Leon

Members Voting Aye: Judge Vogt, Leon, Stout
Members Voting Nay: Haggerty

18. RECESSED INTO EXECUTIVE SESSION AT 11:01 a.m.

A. Discuss findings regarding persons necessary in Executive Session.

County Attorney's Office (915) 546-2050

B. Discuss financial information and economic development negotiations received from a business prospective regarding a 381 agreement with Project Athos, pursuant to Texas Government Code Section 551.087.

Jose Quinonez, Director, Economic Development Department (915) 546-2177

C. Discuss financial information and economic development negotiations received from a business prospective regarding a 381 Agreement with Project Thunderbird, pursuant to Texas Government Code Section 551.087.

Jose Quinonez, Director, Economic Development Director (915) 546-2177

D. Discuss authorization to seek reimbursement of damage to County parking garage located on 201 S. Campbell, County Attorney File No. 0042-18-PC, pursuant to Texas Government Code Section 551.071.

Kevin McCary, Assistant County Attorney, County Attorney's Office (915) 546-2050

E. Discuss the pending claim submitted by Katherine Maria Wharton; County Attorney File No. 0248-17-LC, pursuant to Texas Government Code Section 551.071.

John E. Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

F. Discuss potential litigation regarding Opioid Costs; County Attorney's File No. 0244-17-PL, pursuant to Texas Government Code Section 551.071.

John E. Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

G. Discuss legal rights and obligations regarding El Paso Sheriff's Motor Pool vehicle; County Attorney's File No. 0050-18-AA, pursuant to Texas Government Code Section 551.071.

John E. Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

H. Discuss and take appropriate action regarding pending litigation styled Todd Godwin v. El Paso County et al., Cause No. 2016DCV2515, County Attorney's File No. 0139-16-LD, pursuant to Texas Government Code Section 551.071.

Selina Saenz, Assistant County Attorney, County Attorney's Office (915) 546-2050

I. Discuss pending litigation regarding Francisco A. Ortiz v. El Paso County, Texas, et al.; Cause No. 2016DCV4247; County Attorney File No. 0273-16-LD, pursuant to Texas Government Code Section 551.071.

Selina Saenz, Assistant County Attorney, County Attorney's Office (915) 546-2050

J. Discuss pending inmate billing from Rocky Mountain Holdings LLC d/b/a Air Methods for air ambulance transport of inmate K.F., County Attorney's file number 0007-17-IC, pursuant to Texas Government Code Section 551.071.

Carlos G. Madrid, Assistant County Attorney, County Attorney's Office (915) 538-2133

REGULAR SESSION RECONVENED AT 12:28 p.m.

18C. Discuss financial information and economic development negotiations received from a business prospective regarding a 381 Agreement with Project Thunderbird, pursuant to Texas Government Code Section 551.087.

Jose Quinonez, Director, Economic Development Director (915) 546-2177

19. Approve and authorize the County Judge to sign a 381 Economic Development Agreement with FiveStars Loyalty, Inc (Contract 2018- 0116).

Jose Quinonez, Director, Economic Development Department (915) 546-2177

MOTION: POSTPONED FOR ONE WEEK, ITEMS # 18C AND # 19.

Motion made by County Judge Vogt

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty

Seconded by Commissioner Leon

Members Voting Nay: None

20. Discuss and take action on the pending claim of Katherine Maria Wharton; County Attorney's File No. 0248-17-LC.

John E. Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: ACCEPTED, AUTHORIZE THE COUNTY TO ACCEPT \$17,410.06 AS FULL AND FINAL PAYMENT FOR MS. WHARTON'S WORKER'S COMPENSATION SUBROGATION LIEN.

Motion made by Commissioner Leon

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty

Seconded by County Judge Vogt

Members Voting Nay: None

21. Discuss and take action on the potential litigation regarding Opioid Costs; County Attorney File No. 0244-17-PL.

John E. Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: APPROVED, TO GRANT AN EXEMPTION FROM THE COMPETITIVE BIDDING PROCESS AND PROPOSAL PROCEDURES IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 262.024(a)(4) FOR RETAINING OUTSIDE COUNSEL IN THIS LITIGATION. FURTHERMORE, IN RETAINING OUTSIDE COUNSEL FOR THIS LITIGATION, THAT THE COURT FIND THAT THERE IS A SUBSTANTIAL NEED FOR THE LEGAL SERVICES WHICH CANNOT ADEQUATELY BE PERFORMED BY ATTORNEYS AND SUPPORTING PERSONNEL OF EL PASO COUNTY OR ANOTHER PUBLIC AGENCY, AND NOR CAN THE LEGAL SERVICES REASONABLY BE OBTAINED FROM ATTORNEYS IN PRIVATE PRACTICE UNDER A CONTRACT PROVIDING ONLY FOR THE PAYMENT OF HOURLY FEES, WITHOUT REGARD TO THE OUTCOME OF THE MATTERS BECAUSE OF THE NATURE OF THE REPRESENTATION.

Motion made by Commissioner Stout

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty

Seconded by County Judge Vogt

Members Voting Nay: None

22. Discuss and take action on the legal rights and obligations regarding El Paso Sheriff's Motor Pool vehicle; County Attorney's File No. 0050- 18-AA.

John E. Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: APPROVED, AUTHORIZE THE COUNTY JUDGE TO SIGN A SALVAGE RETENTION AGREEMENT IN THIS MATTER.

Motion made by Commissioner Leon

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty

Seconded by Commissioner Stout

Members Voting Nay: None

23. Approve and authorize the County Auditor to make a payment of \$42,249.35 to Rocky Mountain Holdings LLC d/b/a Air Methods for air ambulance transport of inmate K.F., County Attorney's file number 0007-17-IC.

Carlos G. Madrid, Assistant County Attorney, County Attorney's Office (915) 538-2133

NO ACTION

18H. Discuss and take appropriate action regarding pending litigation styled Todd Godwin v. El Paso County et al., Cause No. 2016DCV2515, County Attorney's File No. 0139-16-LD, pursuant to Texas Government Code Section 551.071.

Selina Saenz, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: POSTPONED FOR ONE WEEK, ITEM # 18H.

Motion made by Commissioner Haggerty

Members Voting Aye: Judge Vogt, Leon, Stout, Haggerty

Seconded by Commissioner Leon

Members Voting Nay: None

MEETING ADJOURNED AT 12:33 p.m.

Minutes of the El Paso County Commissioners Court, February 26, 2018

**EL PASO COUNTY
COMMISSIONERS COURT**

CARLOS LEON
Commissioner, Pc

VINCENT PEREZ
Commissioner, Pc



DAVID STOUT
Commissioner, Pct. 2

ANDREW R. HAGGERTY
Commissioner, Pct. 4

RUBEN JOHN VOGT
County Judge

Commissioners Court Chambers, El Paso County Courthouse
500 East San Antonio Room 303 El Paso, Texas 79901
Website address: <http://www.epcounty.com>
View live video webcast: <http://epcounty.com/video>

**COMMISSIONERS COURT REGULAR MEETING MINUTES
MONDAY, FEBRUARY 26, 2018**

MEETING ADJOURNED AT 12:33 p.m.

ATTEST:

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

PATRICIA PIETZYK, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS

_____ DAY OF _____, 2018.

COUNTY JUDGE RUBEN JOHN VOGT, PRESIDING