

EL PASO COUNTY COMMISSIONERS COURT

CARLOS LEON
Commissioner, Pct. 1

VINCENT PEREZ
Commissioner, Pct. 3



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, APRIL 9, 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	PRESENT
ANDREW R. HAGGERTY	COMMISSIONER, PCT #4	PRESENT

MINUTES PREPARED BY PATRICIA PIETZYK FOR CESAR O. NAVA, 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. Approval of the Minutes of the special meeting of March 22, 2018 and the regular meeting of March 26, 2018.
County Administration Department (915) 546-2215

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 a Texas Health and Human Services (HHS) Form 2027 Home-Delivered Meals FY 2019 Waiver Request for the El Paso City-County Nutrition Program, a unit of the Community Services Department, for the use of alternate delivery methods to include chilled and frozen meals for program participants in the next fiscal year. (Contract No. 2018-0213)
Irene G. Valenzuela, Executive Director, Community Services Department (915) 775- 2708
Minutes of the El Paso County Commissioners Court, April 9, 2018

D. Approve and authorize the County Judge to sign Addendum 1-DA to the Wireless Customer Master Agreement with Verizon Wireless to provide Cellular Service on a two year term under the County's DIR Contract (#DIR-TSO-3415), for the El Paso District Attorney's Office. Funding available in: GF-DA-COMMUNIC- GEN. (Contract No. 2017-0916)

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

E. Approve and authorize the County Judge to sign the proposal between the County of El Paso and New IPS, Inc., for the installation of structured cabling at the District Clerk's Office, Archives Division located at the MDR building, 2nd Floor in the amount of \$1,342.72. Funding is available in GF-DISTCLK-PROF SVC-GEN. (Contract No. 2017-0930)

Norma Favela Barceau, District Clerk, District Clerk's Office (915) 546-2021

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

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

G. Approve and authorize the adoption of the new Sewage Facility Order and the new fee schedule as presented during the Special Session meeting of March 26, 2018.

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

H. 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, Purchasing Department (915) 546- 2048

I. Approve and authorize the County Judge to sign the amendments to the School Resource Officer interlocal agreements with the Clint Independent School District (2018-0147) and San Elizario Independent School District (2018-0125).

Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 546-2262 x4105

J. Approve and authorize the County Judge to sign Addendum 2-Sheriff Addendum to the Wireless Customer Master Agreement with Verizon Wireless to provide Cellular Service on a two year term under the County's DIR Contract (#DIR-TSO-3415), for the El Paso County Sheriff's Office. Funds are available in account GF- SOLAW-COMMUNIC-GEN. (Contract No. 2017-0917)

Sheriff Richard Wiles, El Paso County Sheriff's Office (915) 538-2234

MOTION: APPROVED

Motion made by County Judge Vogt

Seconded by Commissioner Leon

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

Members Voting Nay: None

Members Not Present: Perez

4. RESOLUTIONS

A. Approve and adopt a resolution recognizing the week of April 8 through April 14, 2018 as "Public Safety Telecommunicators Week" in El Paso County, Texas.

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

MOTION: APPROVED

Motion made by Commissioner Leon

Seconded by Commissioner Haggerty

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

Members Voting Nay: None

B. Approve and adopt a resolution declaring April 14, 2018 as "Massing of the Colors Day", in El Paso County, Texas.

Andrew R. Haggerty, Commissioner, Pct. 4 (915) 546-2044

MOTION: APPROVED

Motion made by Commissioner Haggerty

Seconded by Commissioner Stout

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

Members Voting Nay: None

C. Approve and adopt a resolution recognizing the week of April 8, 2018 through April 14, 2018 as "Animal Care and Control Appreciation 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 Leon

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

5. PUBLIC COMMENT

Pierre Andre Euzarraga, concerned citizen, offered comments regarding the legalization of marijuana

COUNTY ADMINISTRATION

6. (Postponed 3/19/18, 3/26/18) Discuss and take appropriate action to adopt a policy outlining the use of County funds by Elected Officials and Precinct Officers who have not yet secured re-election at the time of the primary election for their offices.

Betsy C. Keller, ICMA-CMC, Chief Administrator, County Administration (915) 546-2215

MOTION: DELETED

Motion made by County Judge Vogt
Seconded by Commissioner Perez

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

7. Approve and authorize the County Judge to sign a sole source agreement for \$20,000 with Envisio Solutions Inc. Funding is available in GF-CNTYADMIN-CONTR SVC-GEN. (Contract No. 2018-0158)

Betsy C. Keller, ICMA-CMC, Chief Administrator, County Administration (915) 546-2215

MOTION: APPROVED

Motion made by County Judge Vogt
Seconded by Commissioner Stout

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

8. Approve and authorize the sole source purchase of an Aquatic Vegetation Removal Workboat for Ascarate Park in the amount of \$73,285. Funds are available in GF-ASCARATE-CAP OUT-PARK IMPRO.

Hopeton Staple, Fleet Operations Director, Fleet Operations Department (915) 546-2057

MOTION: APPROVED

Motion made by Commissioner Stout
Seconded by Commissioner Leon

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

AUDITOR

9. Pursuant to the *Texas Local Government Code*, § 114.025, the 2017 Comprehensive Annual Financial Report and the 2017 Funds and Fees of Offices Report are hereby submitted for your acceptance. These reports are located on the internet at: www.epcounty.com/auditor/publications/default.htm

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

MOTION: APPROVED, APPROVE BOTH REPORTS AS LISTED ON THE AGENDA.

Motion made by County Judge Vogt
Seconded by Commissioner Perez

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

JUDICIARY AND CORRECTIONS

10. CORRECTED AT THE REQUEST OF COUNTY ADMINISTRATION

As corrected, approve and authorize the Justice of the Peace Security Fund request presented by the Council of Justices. The total request is in the amount of \$173,646.73. Funding is available in the Justice of the Peace Security Fund Budget, Special Revenue Fund 6043. If approved, a transfer will be made to align the funding to the respective accounts.

Judge Brian J. Haggerty, Justice of the Peace, Precinct 2 (915) 751-7575

11. CORRECTED AT THE REQUEST OF COUNTY ADMINISTRATOR

As corrected, approve the Justice of the Peace Technology Fund request presented by the Council of Justices. The total budget request is in the amount of \$217,964.28. Funding is available in the Justice of the Peace Technology Fund Budget, Special Revenue Fund 6043. If approved, a transfer will be made to align the funding to the respective accounts.

Judge Brian J. Haggerty, Justice of the Peace, Precinct 2 (915) 751-7575

MOTION: APPROVED, APPROVE BOTH ITEMS (ITEMS # 10 AND # 11) AS CLARIFIED.

Motion made by County Judge Vogt

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

Seconded by Commissioner Leon

Members Voting Nay: None

12. Approve and authorize the County Judge to sign Amendment 1 for SessionWorks Judge Edition, Justice of the Peace Offices, with Tyler Technologies, to be implemented in the Justice of the Peace Courts. The total cost is \$55,226 and funds are available in SR- JPTECH-MAINT/REP-SOFTWARE. (Contract No. 2017-0312)

Judge Brian J. Haggerty, Justice of the Peace, Precinct 2 (915) 751-7575

MOTION: APPROVED

Motion made by Commissioner Leon

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

Seconded by County Judge Vogt

Members Voting Nay: None

PUBLIC WORKS

13. Approve and authorize the County Judge to sign Amendment No.1 to the Letter Of Conditions with the United States Department of Agriculture – USDA for the Square Dance (Desert Acceptance) wastewater collection system. This amendment will de-obligate \$2,000,000 in grant funds not needed to complete the project. (Contract 2017-0496)

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

MOTION: APPROVED

Motion made by Commissioner Leon

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

Seconded by Commissioner Perez

Members Voting Nay: None

14. Approve and authorize the County Judge to sign the Agreement Between Owner and Contractor for Construction Contract for the Desert Acceptance (Square Dance) Wastewater Collection System Project with Danny Sander Construction, Inc. Funds will be paid from a USDA grant combined with a County 20% match in the form of a loan/bond. Together, the grant and the bond cover the costs for the construction of the Desert Acceptance sewer system. (Contract No. 2018-0172)

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

MOTION: APPROVED

Motion made by Commissioner Leon

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

Seconded by County Judge Vogt

Members Voting Nay: None

15. Approve and authorize the County Judge to execute all forms required by the USDA to complete the loan and grant closing for the Desert Acceptance (Square Dance) Wastewater Project on April 10, 2018, including but not limited to the Right-of-Way Certificate, Lobbying Form, the Letter of Intent to Meet Conditions, correct Notice of Award and the Construction Project Budget. (Contract No. 2018-0202)

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

MOTION: APPROVED

Motion made by Commissioner Leon

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

Seconded by Commissioner Perez

Members Voting Nay: None

16. Approve and authorize the Public Works Department to submit letters of intent for the DR-4332 Texas Hazard Mitigation Grant Program (HMGP) of the Texas Division of Emergency Management Recovery, Mitigation and Standards program. The letters of intent will be for various County projects that have been identified as constant areas of flooding in the unincorporated areas of the County.

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

MOTION: APPROVED

Motion made by County Judge Vogt

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

Seconded by Commissioner Leon

Members Voting Nay: None

PURCHASING

17. Approve and authorize the Purchasing Agent to close out Bid #17- 044, Replace the Existing Roofing System of the El Paso County Fabens Warehouse.

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

MOTION: APPROVED

Motion made by County Judge Vogt
Seconded by Commissioner Stout

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

18. Approve and authorize the use of Texas Department of Information Resources (DIR) Contract DIR-TSO-3101, awarded to Professional Document Systems for high speed scanners in the amount of \$74,000. Purchasing approved on 3/21/2018. Funding is available in CIP17-ITD-NONCAP-EQUIPMENT.

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

MOTION: APPROVED

Motion made by Commissioner Leon
Seconded by Commissioner Perez

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

19. Approve and authorize the inter-agency transfer of playground equipment to the Town of Anthony Texas in the amount of \$1.00 to be remitted to the County of El Paso.

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

MOTION: APPROVED

Motion made by Commissioner Haggerty
Seconded by Commissioner Leon

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

GRANT APPLICATIONS

20. Approve and authorize the County Judge to electronically submit the STEP-2018 Click It Or Ticket Enforcement grant application for the El Paso County Sheriff's Office. This grant application request is for \$7,000 with no required match, for a total project cost not to exceed \$7,000 for the period beginning May 2, 2018 through June 10, 2018.

Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 546-2000 x4105

MOTION: APPROVED

Motion made by Commissioner Haggerty
Seconded by Commissioner Leon

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

BUDGET AND FINANCE

21. Discuss and take appropriate action to accept the audits for Emergency Service Districts 1 and 2 for the year ended September 30, 2017, and further discuss any related policies, procedures or financial matters.

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

MOTION: APPROVED, ACCEPT THE REPORTS.

Motion made by County Judge Vogt
Seconded by Commissioner Leon

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

22. Approve amendment No. 26 to the County of El Paso's 2017-2018 operating budget. This budgetary amendment will increase Grants by \$68,678.99 thus increasing the overall budget of \$485,170,525.88 to \$485,239,204.87.

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

MOTION: APPROVED

Motion made by Commissioner Haggerty
Seconded by Commissioner Perez

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

RECESSED AT 11:11 a.m. UNTIL 1:30 p.m.

RECONVENED AT 1:45 p.m.

23. RECESSED INTO EXECUTIVE SESSION AT 1:46 p.m.

A. Discuss findings regarding persons necessary in Executive Session.

County Attorney's Office (915) 546-2050

B. Discuss and take appropriate action to approve the amendment of the settlement agreement with Mesquite Properties, LP, Cause No. 2014DCV3734, and County Attorney Case Number 0285-14- LD, pursuant to Texas Government Code Section 551.071.

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

C. (Postponed 3/26/18) Discuss financial information and economic development negotiations received from a business prospective regarding a Chapter 381 Agreement with Project DT, pursuant to Texas Government Code Section 551.087.

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

D. Discuss financial information and economic development negotiations regarding a Chapter 381 Agreement with Project Chalice, pursuant to Texas Government Code Section 551.087.

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

E. Discuss financial information and economic development negotiations received from a business prospective regarding a Chapter 381 Agreement with Project 108, pursuant to Texas Government Code Section 551.087.

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

REGULAR SESSION RECONVENED AT 2:45 p.m.

23B. Discuss and take appropriate action to approve the amendment of the settlement agreement with Mesquite Properties, LP, Cause No. 2014DCV3734, and County Attorney Case Number 0285-14- LD, pursuant to Texas Government Code Section 551.071.

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

24. Discuss and take appropriate action to approve the amendment of the settlement agreement with Mesquite Properties, LP, Cause No. 2014DCV3734, and County Attorney Case Number 0285-14- LD.

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

MOTION: APPROVED, POSTPONED FOR ONE WEEK ITEMS # 23B AND # 24.

Motion made by Commissioner Haggerty

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

Seconded by County Judge Vogt

Members Voting Nay: None

25. Approve and authorize the County Judge to sign a 381 Economic Development Agreement with Project 108.

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

MOTION: APPROVED, APPROVE A 381 AGREEMENT WITH BLACK WALNUT INVESTMENTS FOR A FIVE YEAR TERM, 75% REBATE FOR THE MAXIMUM AMOUNT OF \$4,188.

Motion made by Commissioner Stout

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

Seconded by Commissioner Leon

Members Voting Nay: None

MEETING ADJOURNED AT 2:50 p.m.

**EL PASO COUNTY
COMMISSIONERS COURT**

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Commissioner, Pct. 1

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Commissioner, Pct. 3



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**COMMISSIONERS COURT REGULAR MEETING MINUTES
MONDAY, APRIL 9, 2018**

MEETING ADJOURNED AT 2:50 p.m.

ATTEST:

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

PATRICIA PIETZYK FOR CESAR O. NAVA, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS

_____ DAY OF _____, 2018.

COUNTY JUDGE RUBEN JOHN VOGT, PRESIDING