

**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, MAY 7, 2018**

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

MINUTES PREPARED BY 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 regular meeting of April 30, 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. 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: Woody Hunt.

David Stout, Commissioner, Pct. 2 (915) 546-2111

D. 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 Andrew R. Haggerty from the following: Woody L. Hunt.

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

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

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

F. PULLED FOR DISCUSSION BY COUNTY JUDGE VOGT - Approve and authorize the adoption of the new East Montana Water Rates as presented during the Special Session meeting of May 3, 2018.

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

G. Approve and authorize the County Judge to sign the First Exercise of Option to Renew Agreement with EAN Holdings, LLC d/b/a Enterprise Rideshare and Enterprise Rent-A-Car, to exercise the first (1)-year extension to operate the El Paso County Commuter Vanpool program for a term beginning on May 11, 2018 and ending May 10, 2019. (Contract No. 2018-0209)

Norma R. 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, El Paso County Purchasing Department (915) 546-2048

I. Juvenile Probation Department Report.

Roger Martinez, Chief Juvenile Probation Officer, Juvenile Probation Department (915) 849-2500

MOTION: APPROVE

Motion made by County Judge Vogt

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

Seconded by Commissioner Leon

Members Voting Nay: None

4. RESOLUTIONS

A. Approve and adopt a resolution designating May 2018 as "National Mental Health Awareness Month", in El Paso County, Texas.

David Stout, Commissioner, Pct. 2 (915) 546-2111

MOTION: APPROVE

Motion made by Commissioner Stout

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

Seconded by Commissioner Haggerty

Members Voting Nay: None

B. Approve and adopt a resolution honoring the El Paso Bar Association Veterans Legal Clinic.

Vincent M. Perez, County Commissioner, Precinct 3 (915) 546-2144

MOTION: APPROVE

Motion made by Commissioner Perez

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

Seconded by Commissioner Stout

Members Voting Nay: None

C. Approve and adopt a resolution declaring the week of May 6 through 12, 2018 as "National Travel and Tourism Week" in El Paso County, Texas.

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

MOTION: APPROVE

Motion made by County Judge Vogt
Seconded by Commissioner Leon

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

D. Approve and adopt a resolution declaring the week of May 7 through 11, 2018 as "Economic Development Week", in El Paso County, Texas.

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

MOTION: APPROVE

Motion made by County Judge Vogt
Seconded by Commissioner Perez

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

5. PUBLIC COMMENT

Pierre Andre Euzarraga, concerned citizen, addressed the Court regarding the benefits of marijuana/cannabis in healthcare/medical use.

Commissioner Andrew Haggerty addressed the Court and thanked citizens and members of the Public Works Department for participating in a community cleanup on Saturday May 5, 2018.

COMMISSIONERS COURT

6. Pursuant to Texas Education Code § 11.0641, discuss and take appropriate action regarding submission of Personal Financial Statements for school district trustees.

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

NO ACTION

ECONOMIC DEVELOPMENT

8. Receive a presentation regarding the Texas PACE Authority 2017 annual report and the progress of the program to further the County's economic development goals.

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

PRESENTATION RECEIVED

PUBLIC WORKS

13. Approve and authorize the Public Works Department to work with the City of Socorro to submit a letter of intent for a multi-jurisdictional flood project for the DR-4332 Texas Hazard Mitigation Grant Program (HMGP) of the Texas Division of Emergency Management Recovery, Mitigation and Standards program.

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

MOTION: APPROVE

Motion made by County Judge Vogt
Seconded by Commissioner Perez

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

AUDITOR

7. Consider adoption of a resolution of the Commissioners Court of El Paso County, Texas, directing publication of a notice of intent to issue combination tax and revenue certificates of obligation, and resolving other matters relating to the subject.

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

NO ACTION

PUBLIC WORKS

11. Approve and authorize the County Judge to sign the contract documents and attached resolution authorizing signatories for Phase I with the Texas Department of Agriculture-TDA for the Texas Community Development Block Grant (TxCDBG Contract No. 7218025), to provide first-time wastewater service to approximately 51 homes in the Morning Glory Subdivision. No County funds are required. (Contract No. 2018-0237)

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

12. Approve and authorize the County Judge to sign the contract documents and attached resolution authorizing signatories for Phase II with the Texas Department of Agriculture-TDA for the Texas Community Development Block Grant (TxCDBG Contract No. 7218015), to provide first-time wastewater service to approximately 52 homes in the Morning Glory subdivision. No county funds are required. (Contract No. 2018-0238)

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

MOTION: APPROVE ITEMS #11 AND #12.

Motion made by Commissioner Perez

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

Seconded by Commissioner Leon

Members Voting Nay: None

3F. PULLED FOR DISCUSSION BY COUNTY JUDGE VOGT - Approve and authorize the adoption of the new East Montana Water Rates as presented during the Special Session meeting of May 3, 2018.

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

MOTION: APPROVE

Motion made by County Judge Vogt

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

Seconded by Commissioner Haggerty

Members Voting Nay: None

9. Approve and authorize the County Judge to sign the Fixed Price Construction Agreement Between Owner and Contractor with Mirador Enterprises in the amount of \$184,018 to replace three roofs at Ascarate Park. Funds are available. (Contract No. 2018-0143)

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

MOTION: APPROVE

Motion made by Commissioner Stout

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

Seconded by County Judge Vogt

Members Voting Nay: None

10. **CORRECTION PER COMMISSIONER LEON** - Approve and authorize the County Judge to sign the 2018 Summer Food Service Agreement Between Anthony Independent School District and El Paso County to provide meals to children **AGE 18 AND UNDER** (or persons 19 and over who are mentally or physically disabled) in the Canutillo area. Anthony ISD will operate the program and is requesting the use of Westway Park and Gallegos Park as their distribution sites. There is no cost to the County. (Contract No. 2018-0208)

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

MOTION: APPROVE AS CORRECTED.

Motion made by Commissioner Haggerty

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

Seconded by Commissioner Stout

Members Voting Nay: None

14. Discuss and take appropriate action regarding a variance request from the County of El Paso Subdivision Regulations for Emerald Heights Development (Formerly known as Peyton Estates Unit Two).

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

MOTION: APPROVE

Motion made by County Judge Vogt

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

Seconded by Commissioner Perez

Members Voting Nay: None

PURCHASING

15. Approve and authorize the Purchasing Agent to solicit proposals for Indigent Burial Services for the County of El Paso. In accordance with Local Government Code 262.030; the Purchasing Agent has reviewed the use of the Request for Proposal (RFP) process.

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

MOTION: APPROVE

Motion made by Commissioner Haggerty
Seconded by Commissioner Leon

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

GRANT APPLICATIONS

Approve the submission of County grant applications as listed and described. If awarded, all grant award agreements will be brought back to the Commissioners Court for final acceptance and approval.

16. Approve and authorize the County Judge to sign the Texas LESO Program (Formerly 1033 Surplus Property Program) application for participation form for the Office of the Constable Precinct 3.

Hector J. Bernal, Constable, Precinct # 3 (915) 546-8137

MOTION: APPROVE ITEM #16, WITH THE REQUIREMENT THAT ANYTHING ACCEPTED COME BACK TO THE COURT FOR FINAL APPROVAL.

Motion made by County Judge Vogt
Seconded by Commissioner Leon

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

BUDGET AND FINANCE

17. Approve amendment No. 30 to the County of El Paso's 2017-2018 operating budget. This budgetary amendment will increase Grants by \$14,895.50 thus increasing the overall budget of \$485,281,914.87 to \$485,296,810.37.

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

MOTION: APPROVE

Motion made by Commissioner Haggerty
Seconded by County Judge Vogt

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

18. RECESSED INTO EXECUTIVE SESSION AT 11:45 A.M.

A. Discuss findings regarding persons necessary in Executive Session.

County Attorney's Office (915) 546-2050

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

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

C. Discuss pending litigation styled Raymond Ancheta v. El Paso County and El Paso County Sheriff Department; Cause No. 2014-DCV-3080; County Attorney's file number 0237-14-LD, pursuant to Texas Government Code Section 551.071.

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

D. (Postponed 4/30/18) Discuss the pending litigation regarding El Paso County vs. LKG Enterprises, Inc. d/b/a LKG, Inc.; Cause No. 2007-5484, County Attorneys file number PL-08-008, pursuant to Texas Government Code Section 551.071.

Jed Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

E. Discuss pending appeal on the case styled Monica Miranda v. County of El Paso, Texas; County Attorney Case Number LD-11-074(A), pursuant to Texas Government Code Section 551.071.

Jed Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

F. Discuss the pending EEOC claim and potential litigation of Charge No. 453-2018-00229; County Attorney's file number 0310-17-EE, pursuant to Texas Government Code Section 551.071.

Jed Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

G. Discuss pending litigation regarding NY v. Department of Commerce-Bureau of Census; County Attorney's case number 0105-18-PL, pursuant to Texas Government Code Section 551.071.

Jed Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

H. Pursuant to Texas Government Code Section 551.071, discuss legal rights and responsibilities regarding the Commissioners Court authority to conduct a review of internal controls of County accounts and determine the best practices regarding policies and procedures by the County.

Christina Sanchez, Assistant County Attorney, County Attorney's Office (915) 546-2050

I. Discuss the El Paso County Travel and Training Policy as it pertains to the El Paso County Chief Administrator, pursuant to Texas Government Code § 551.074.

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

24. Executive Session: Pursuant to Texas Government Code Section 551.071, discuss legal rights and responsibilities regarding County Auditor's request for outside legal counsel.

Jo Anne Bernal, County Attorney, County Attorney's Office (915) 546-2050

Posted Friday, May 4, 2018 at 12:10 P.M.

REGULAR SESSION RECONVENED AT 1:36 P.M.

18C. Discuss pending litigation styled Raymond Ancheta v. El Paso County and El Paso County Sheriff Department; Cause No. 2014-DCV-3080; County Attorney's file number 0237-14-LD, pursuant to Texas Government Code Section 551.071.

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

18D. Discuss the pending litigation regarding El Paso County vs. LKG Enterprises, Inc. d/b/a LKG, Inc.; Cause No. 2007-5484, County Attorneys file number PL-08-008, pursuant to Texas Government Code Section 551.071.

Jed Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: DELETE ITEM #18C AND POSTPONE ITEM #18D ONE WEEK.

Motion made by Commissioner Haggerty

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

Seconded by Commissioner Leon

Members Voting Nay: None

19. Discuss and take appropriate action regarding pending litigation of Francisco A. Ortiz v. El Paso County, Texas, et al.; Cause No. 2016DCV4247, County Attorney's case number 0273-16-LD.

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

NO ACTION

20. Discuss and take appropriate action on the pending appeal in the case styled Monica Miranda v. County of El Paso, Texas; County Attorney Case Number LD-11-074(A).

Jed Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: APPROVE AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE SETTLEMENT AGREEMENT AS NEGOTIATED BY THE COUNTY ATTORNEY'S OFFICE AND OUTSIDE COUNSEL IN THE CASE STYLED MONICA MIRANDA V. COUNTY OF EL PASO, TEXAS; COUNTY ATTORNEY CASE NUMBER LD-11-074(A).

Motion made by Commissioner Leon

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

Seconded by Commissioner Perez

Members Voting Nay: None

21. Discuss and take appropriate action on the pending litigation regarding NY v. Department of Commerce-Bureau of Census; County Attorney's case number 0105-18-PL.

Jed Untereker, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: APPROVE AND AUTHORIZE THE CONTINUATION OF THE LAWSUIT REGARDING THE PENDING LITIGATION REGARDING NY V. DEPARTMENT OF COMMERCE-BUREAU OF CENSUS; COUNTY ATTORNEY'S CASE NUMBER 0105-18-PL, AND FURTHER AUTHORIZE \$5,000 TO PAY FOR INCIDENTAL COSTS TO PURSUE THE LAWSUIT.

Motion made by Commissioner Stout

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

Seconded by County Judge Vogt

Members Voting Nay: Haggerty

22. Discuss and take appropriate action regarding the Commissioners Court authority to conduct a review of internal controls of County accounts and determine the best practices regarding policies and procedures by the County.
Christina Sanchez, Assistant County Attorney, County Attorney's Office (915) 546-2050

NO ACTION

23. Discuss and take appropriate action to approve a County Employee Training Agreement for County Administrator, Betsy C. Keller.
Betsy C. Keller, ICMA-CM, Chief Administrator, County Administration (915) 546-2215

NO ACTION

ADDENDUM TO THE AGENDA

25. Regular Session: Discuss and take appropriate action regarding County Auditor's request for outside legal counsel for the County Auditor.
Jo Anne Bernal, County Attorney, County Attorney's Office (915) 546-2050
Posted Friday, May 4, 2018 at 12:10 P.M.

NO ACTION

MEETING ADJOURNED AT 1:49 P.M.

**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
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**COMMISSIONERS COURT REGULAR MEETING MINUTES
MONDAY, MAY 7, 2018**

MEETING ADJOURNED AT 1:49 P.M.

ATTEST:

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

CESAR O. NAVA, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS

_____ DAY OF _____, 2018.

COUNTY JUDGE RUBEN JOHN VOGT, PRESIDING