

**EL PASO COUNTY
COMMISSIONERS COURT**

CARLOS LEON
Commissioner, Pct. 1

VINCENT PEREZ
Commissioner, Pct. 3



DAVID STOUT
Commissioner, Pct. 2

CARL L. ROBINSON
Commissioner, Pct. 4

RICARDO A. SAMANIEGO
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, SEPTEMBER 9, 2019**

HON. RICARDO A. SAMANIEGO	COUNTY JUDGE, PRESIDING	PRESENT
CARLOS LEON	COMMISSIONER, PCT #1	PRESENT
DAVID S. STOUT	COMMISSIONER, PCT #2	PRESENT
VINCENT M. PEREZ	COMMISSIONER, PCT #3	PRESENT
CARL L. ROBINSON	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 9:43 A.M.

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

A. Receive an invocation from Raul Amaya.

4. **CONSENT AGENDA**

- A. Approval of the Minutes of the regular meeting of July 22, 2019; July 29, 2019 and August 5, 2019 and the special meetings of July 30, 2019; August 5, 2019 and August 29, 2019.
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 contribution of \$2,500 or more to County Commissioner Carlos Leon from Steve Fox.
Carlos Leon, Commissioner, Pct. 1 (915) 546-2014
- D. Approve and authorize the renewal of the County of El Paso's Burn Ban Order for an additional 90 days effective September 9, 2019.
Ricardo A. Samaniego, County Judge, Commissioners Court (915) 546-2098
- E. Approve and authorize the County Judge to sign the Office of the Attorney General Statewide Automated Victim Notification Services (SAVNS) Fiscal Year 2019 Q4 Invoice (OAG #1876895) in the amount of \$7,136.71 and the Quarterly Verification of Continuing Production Record form for automated victim information and notification in El Paso County. There is no fiscal impact to the County general fund budget.
Jaime Esparza, District Attorney, District Attorney's Office (915) 546-2059
- F. Approve and authorize the County Judge to sign the re:SearchTX Participation Agreement and Addendum with Tyler Technologies for a secure document search/retrieval portal from the Texas Office of Court Administration under the 2012 OCA eFile Agreement, for a one year term upon the date of signature. There is no cost to the County. (Contract No. 2018-0878)
Norma Favela Barceleau, District Clerk, District Clerk's Office (915) 546-2029
- G. **PULLED FOR DISCUSSION BY COMMISSIONER LEON** - Approve and authorize the County Judge to sign the Exercise of Option to Renew Agreement and Addendum with Hello Amigo (Formerly Impulse Development, LLC, d/b/a Viva + Impulse Creative Co.) for Voter and Polling Place Information/Mobile App and Digital Advertising in the amount of \$3,000 for a term beginning October 17, 2019, through October 16, 2021. Funds are available in GF-ELECTIONS - ELECTIONS EXPENSE. (Contract No. 2019-0613)
Lisa Wise, Elections Administrator, Elections Department (915) 546-2154
- H. Approve and authorize the County Judge to sign the Second Exercise of Option to Renew Agreement with Mister Car Wash for car wash services for the County of El Paso, TX, from October 1, 2019, through September 30, 2020. Funding is available in each respective County Department's MAINT/REP-AUTO accounts. (Contract No. 2019-0498)
Hopeton Staple, Fleet Operations Director, Fleet Department (915) 546-2057
- I. Approve and authorize the County Judge to sign the Exercise of Option to Renew Agreement with AD Wrecker Inc. for wrecker and towing services for the County of El Paso TX, from October 1, 2019, through September 30, 2020. (Contract No. 2019-0497)
Hopeton Staple, Fleet Operations Director, Fleet Department (915) 546-2057
- J. Approve and authorize the County Judge to sign the Third Amendment to the Concession Agreement by and Between the County of El Paso and Parking Systems of America, L.P., for management, operations, and maintenance of the MDR Parking lot located at 801 East Overland Avenue beginning September 1, 2019. Funds are to be deposited in GF-GADM-MDR-PARKING. (Contract No. 2019-0520)
Melissa M. Carrillo, PHR, Chief Human Resources Officer, Human Resources Department (915) 546-2218
- K. Approve the restatement of the County of El Paso's Health Care Flexible Spending Account, Health Savings Account, Dependent Care Flexible Spending Account, and Premium Only Plan Summary Plan Description effective January 1, 2019. (125 Cafeteria Plan) The Summary Plan Description was approved by the Risk Pool Board during their meeting on August 21, 2019. Funding is available in IS-HEALTH-HEALTH/DENTAL CLAIMS. (Contract No.2019-0531)
Melissa M. Carrillo, PHR, Chief Human Resources Officer, Human Resources Department (915) 546-2218

L. Approve and authorize the County Judge to sign the addendum between the County of El Paso and SHI Government Solutions. Funding is available in GF-ITD-MAINT/REP-SOFTWARE. (Contract No. 2019-0619) Christopher Stathis, Chief Technology Officer, Information Technology Department (915) 546-2041

M. Approve and authorize the County Judge to sign the letter amending the Letter of Condition between the County of El Paso and United States Department of Agriculture, requesting a one year extension for the Hillcrest Center subdivision first-time water system. No County funds are required. (Contract No. 2019-0621) Jose M. Landeros, Director, Planning & Development Department (915) 546-2015

N. Approve and authorize the recommendation of the Executive Director of the Public Works Department to accept and reject donations of real property, pursuant to the County Real Property Donation Policy, as provided on the attached listing.
Jose M. Landeros, Director, Planning and Development Department (915) 546-2015

O. Approve the Certificates of Plat Compliance (under Texas Local Government Code Section 232.028(a), as provided on the attached listing.
Norma R. Palacios, Executive Director, Public Works Department (915) 546-2015

P. Approve and authorize the County Judge to sign Contract Change Order Request Number 1 with thyssenkrupp Elevator Corporation, for clarification of items for the elevator modernization project. This change order is at no cost to the County. (Contract No. 2019-0157)
Norma R. Palacios, Executive Director, Public Works Department (915) 546-2015

Q. Approve and authorize the County Judge to sign Contract Change Order Request Number 2 with thyssenkrupp Elevator Corporation for the replacement of worn down car sills for elevators 3 and 6 in the amount of \$14,344. Funding is available in CP-CPCAPITAL12-MISCELLANEOUS. Further authorize the transfer of \$14,344 from CP-CPCAPITAL12-MISCELLANEOUS to CP-CPCRTHSIMP12-RENOVATIONS. (Contract No. 2019-0538)
Norma R. Palacios, Executive Director, Public Works Department (915) 546-2015

R. Approve and authorize the renovation of 1,452 sq. ft. of vacant court space into office space located at the County Courthouse, 7th floor room 703 in the amount of \$13,508. Funding is available in GF-COUNCIL-MAINT/REP-GENERAL. Further, approve and authorize the relocation for court staff to move into room 101.
Norma R. Palacios, Executive Director, Public Works Department (915) 546-2015

S. 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

MOTION: APPROVE

Motion by Commissioner Leon
Seconded by Commissioner Perez

Members Voting Aye: Leon, Stout, Perez, Robinson
Members Absent: County Judge Samaniego
Members Voting Nay: None

5. RESOLUTIONS

A. Approve and adopt a resolution recognizing September 15 through October 15, 2019, as "EPCC Hispanic Heritage Celebration Month" in El Paso County, Texas.
Carlos Leon, Commissioner, Pct. 1 (915) 546-2014

MOTION: APPROVE

Motion by Commissioner Leon
Seconded by Commissioner Perez

Members Voting Aye: Leon, Stout, Perez, Robinson
Members Absent: County Judge Samaniego
Members Voting Nay: None

B. Approve and adopt a resolution recognizing the month of September 2019 as "National Patriotism Month" in El Paso County, Texas.
Carl L. Robinson, Commissioner, Pct. 4 (915) 546-2044

MOTION: APPROVE

Motion by Commissioner Robinson
Seconded by Commissioner Leon

Members Voting Aye: Leon, Stout, Perez, Robinson
Members Absent: County Judge Samaniego
Members Voting Nay: None

C. Approve and adopt a resolution declaring Saturday, September 28, 2019, as "Wise Latina - United Against Sexual Violence and Human Trafficking Day" in El Paso County, Texas.
Ricardo A. Samaniego, County Judge, Commissioners Court (915) 546-2098

MOTION: APPROVE

Motion by County Judge Samaniego
Seconded by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Members Voting Nay: None

6. PUBLIC COMMENT

Jorge Artalejo, concerned citizen, addressed the Court regarding his disapproval of the Democratic Party's leadership and actions.

Rene Fierro, concerned citizen, addressed the Commissioners Court regarding the proposed salary increases they are set to receive in the 2020 proposed Budget.

Pierre Andre Euzarraga, with The American Political Party, invited the members of the Court and public to participate as he explains the direction he wants to see our Country move forward.

7. PRESENTATION

A. Receive a presentation from the Texas Veterans Commission in recognition of seven organizations and agencies in El Paso County who will receive at total of 2.3 million dollars in grant funding.

Ricardo A. Samaniego, County Judge, Commissioners Court (915) 546-2098

PRESENTATION RECEIVED

MEETING RECESSED AT 11:02 A.M.

MEETING RECONVENED AT 11:23 A.M.

7B. Receive a presentation from Mary Beth Fisk, the CEO and Executive Director of the Ecumenical Center for Education, Counseling, and Health.

Ricardo A. Samaniego, County Judge, Commissioners Court (915) 546-2098

PRESENTATION RECEIVED

ITEMS PULLED FOR DISCUSSION FROM THE CONSENT AGENDA

4G. **PULLED FOR DISCUSSION BY COMMISSIONER LEON** - Approve and authorize the County Judge to sign the Exercise of Option to Renew Agreement and Addendum with Hello Amigo (Formerly Impulse Development, LLC, d/b/a Viva + Impulse Creative Co.) for Voter and Polling Place Information/Mobile App and Digital Advertising in the amount of \$3,000 for a term beginning October 17, 2019, through October 16, 2021. Funds are available in GF-ELECTIONS - ELECTIONS EXPENSE. (Contract No. 2019-0613)

Lisa Wise, Elections Administrator, Elections Department (915) 546-2154

MOTION: APPROVE

Motion by Commissioner Stout
Seconded by Commissioner Perez

Members Voting Aye: Judge Samaniego, Stout, Perez, Robinson
Members Abstained: Leon
Members Voting Nay: None

REGULAR AGENDA

8. Discuss and take appropriate action to adopt the 2019 Property Tax Rate for the El Paso County Hospital District.

R. Jacob Cintron, President & CEO, University Medical Center (915) 521-7600

MOTION: FOR THE EL PASO COUNTY HOSPITAL DISTRICT D/B/A UNIVERSITY MEDICAL CENTER OF EL PASO, THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.267747 PER \$100 ASSESSED VALUE FOR THE 2019 TAX YEAR THAT CONSISTS OF: (1) A PROPERTY TAX RATE OF \$0.214921 PER \$100 ASSESSED VALUE FOR THE PURPOSE OF MAINTENANCE AND OPERATIONS; AND (2) A PROPERTY TAX RATE OF \$0.052826 PER \$100 ASSESSED VALUE FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE HOSPITAL DISTRICT, WHICH IS EFFECTIVELY A 5.61% INCREASE IN THE TAX RATE.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 7.9% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATLEY \$15.92.

FURTHER, THE TAX ASSESSOR-COLLECTOR IS AUTHORIZED TO ASSESS AND COLLECT THESE PROPERTY TAXES FOR THE EL PASO COUNTY HOSPITAL DISTRICT D/B/A UNIVERSITY MEDICAL CENTER OF EL PASO ON OCTOBER 1, 2019.

Motion by County Judge Samaniego Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Seconded by Commissioner Robinson Members Voting Nay: None

9. Discuss and take appropriate action to approve the FY2020 Operating and Capital Budget for the El Paso County Hospital District.

R. Jacob Cintron, President & CEO, University Medical Center (915) 521-7600

MOTION: APPROVE

Motion by Commissioner Stout Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Seconded by Commissioner Robinson Members Voting Nay: None

10. Pursuant to Health and Safety Code Section 775.305, discuss and take appropriate action to approve or deny the recommended FY2020 budgets and tax rates for Emergency Services District No.1 and Emergency Services District No. 2.

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

MOTION: APPROVE THE BUDGET IN THE AMOUNT OF \$3,390,106.60, AN INCREASE TO THE BUDGET OF 8.18%, AND THE PROPERTY TAX RATE OF \$0.100000 CONSISTING OF AN M&O RATE OF \$0.070282 AND AN I&S RATE OF \$0.029718 FOR EMERGENCY SERVICES DISTRICT NO. 1.

Motion by Commissioner Robinson Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Seconded by County Judge Samaniego Members Voting Nay: None

MOTION: APPROVE THE BUDGET IN THE AMOUNT OF \$7,161,544.23, AND THE PROPERTY TAX RATE OF \$0.100000 CONSISTING OF AN M&O RATE OF \$0.052147 AND AN I&S RATE OF \$0.047853 FOR EMERGENCY SERVICES DISTRICT NO. 2.

Motion by Commissioner Leon Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Seconded by Commissioner Robinson Members Voting Nay: None

COMMISSIONERS COURT

11. Discuss and take appropriate action on the findings of the 2019 Salary Grievance Committee.
Ricardo Samaniego, County Judge, Commissioners Court (915) 546-2098

MOTION: MOVE IMMEDIATLEY INTO EXECUTIVE SESSION TO DISCUSS LEGAL RIGHTS AND RESPONSIBILITIES AS IT PERTAINS TO THE FINDINGS OF THE 2019 SALARY GRIEVANCE COMMITTEE, PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071.

Motion by Commissioner Robinson Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Seconded by Commissioner Stout Members Voting Nay: None

INTO EXECUTIVE SESSION AT 12:25 P.M.

11. Discuss and take appropriate action on the findings of the 2019 Salary Grievance Committee, **PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071.**

Ricardo Samaniego, County Judge, Commissioners Court (915) 546-2098

REGULAR SESSION RECONVENED AT 12:48 P.M.

MEETING RECESSED AT 12:50 P.M.

MEETING RECONVENED AT 1:38 P.M.

INTO EXECUTIVE SESSION AT 1:39 P.M.

11. Discuss and take appropriate action on the findings of the 2019 Salary Grievance Committee, **PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071.**

Ricardo Samaniego, County Judge, Commissioners Court (915) 546-2098

REGULAR SESSION RECONVENED AT 1:42 P.M.

11. Discuss and take appropriate action on the findings of the 2019 Salary Grievance Committee.

Ricardo Samaniego, County Judge, Commissioners Court (915) 546-2098

MOTION: ACCEPT THE RECOMMENDATION OF THE SALARY GRIEVANCE COMMITTEE, IN WHICH IT WAS DECIDED THE JUSTICE OF THE PEACE PCT. 6. PL. 2, RUBEN LUJAN RECEIVE AN INCREASE TO HIS CURRENT RATE OF PAY OF \$8,624.42, BRINGING HIS TOTAL SALARY TO \$88,916.06.

Motion by Commissioner Robinson

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by County Judge Samaniego

Members Voting Nay: None

COUNTY ADMINISTRATION

12. Approve and adopt a resolution recognizing One Fund El Paso as a financial vehicle for victims of disaster relief in relation to the mass shooting of August 3, 2019.

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

MOTION: APPROVE

Motion by Commissioner Stout

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by County Judge Samaniego

Members Voting Nay: None

13. Discuss and take appropriate action regarding the use of a County facility to aid the community in its response to the August 3, 2019 mass shootings, and authorize the Chief Administrator to proceed.

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

MOTION: AUTHORIZE THE COUNTY ADMINISTRATOR AND STAFF TO MOVE FORWARD REGARDING THE USE OF A COUNTY FACILITY TO AID THE COMMUNITY IN RESPONSE TO THE AUGUST 3, 2019 MASS SHOOTING, AND RETURN TO THE COMMISSIONERS COURT AT A LATER DATE WITH A MEMORANDUM OF UNDERSTANDING.

Motion by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by Commissioner Leon

Members Voting Nay: None

COUNTY AND DISTRICT CLERK

14. Approve and authorize the State bid and award to Kofile for Phases VI - X of the encapsulation of historical records and books for the County Clerk's Office in the amount of \$4,993,130.77. Prices are per State of Texas TXMAS contract #18-3602. Funding is available in SR-RECARCHIV-CONTR SVC-GEN. (Contract No. 2019-0549)

Delia Briones, County Clerk, County Clerk's Office (915) 546-2071

MOTION: APPROVE

Motion by Commissioner Stout

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by Commissioner Robinson

Members Voting Nay: None

HUMAN RESOURCES

15. Discuss and take appropriate action regarding County Court at Law Judges pay as it relates to prior judicial service.

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

NO ACTION

PUBLIC WORKS

16. Approve and authorize the County Judge to sign the Construction Contract with Jordan Foster Construction, LLC for the improvements to Coyote Park in the amount of \$216,563.89. Funding is available in CP-COYOTEPARK07-PARK IMPROV. (Contract No. 2019-0300)

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

MOTION: APPROVE

Motion by Commissioner Robinson
Seconded by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
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.

24. Approve and authorize the El Paso County Medical Examiner's Office to apply for the County Essentials Services Program - Medicolegal Investigation grant funded by the Office of the Governor in the amount of \$22,889. The request is to reimburse the County for expenses incurred by the Medical Examiner's Office as a result of the August 3, 2019, mass shooting. Further, authorize the County Judge to sign the accompanying Resolution. No County match required.

Mario A. Rascon, Chief Medical Examiner, Medical Examiner's Office (915) 532-1447

MOTION: APPROVE

Motion by Commissioner Perez
Seconded by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Members Voting Nay: None

PURCHASING

17. Approve the award of RFP 19-010 Completion of a Historic Structures Report and Cultural Landscape Report on behalf of Oñate Crossing Old Fort Bliss and Harts Mill to PaleoWest, LLC. of Lafayette, CO. Purchasing approved recommendation on 8/26/2019. Funding is available in SG-GONATE19-OPERATING EXP.

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

MOTION: APPROVE

Motion by Commissioner Stout
Seconded by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Members Voting Nay: None

18. Approve the security improvements of Justice of the Peace Precincts 5, 6-1, and 7 using Region 19 Job Order Contract (JOC) 17-7261 awarded to Aztec Contractors Inc., of El Paso, TX in the amount of \$143,287.95. Purchasing approved on 8/31/2019. Funding is available in SR-JUSTCRTSEC-CAP OUT-RENOV.

Debra Carrejo-Trull, CPPO, CPPB, Purchasing Agent, Purchasing Department (915) 546-2

MOTION: APPROVE

Motion by Commissioner Leon
Seconded by Commissioner Robinson

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Members Voting Nay: None

19. Approve and authorize the County-wide award of Correctional and Detention Facility Equipment and Supplies for the County of El Paso using BuyBoard Contract 586-19 awarded to Bob Barker Company Inc., of Fuquay Varina, NC, Charm-Tex of Brooklyn, NY, and ICS Jail Supplies, Inc., of Waco, TX. Purchasing approved on 8/31/2019. Funding is available in multiple departmental operating accounts. Debra Carrejo-Trull, CPPO, CPPB, Purchasing Agent, Purchasing Department (915) 546-2048

MOTION: APPROVE

Motion by Commissioner Robinson
Seconded by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
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.

20. Approve and authorize the Community Services Department General Assistance unit to apply for funds in a consolidated community grant application for the Coordinated Entry System (CES) to the Department of Housing and Urban Development Continuum of Care (COC) Homeless Assistance Program, via the El Paso Coalition for the Homeless. The grant request is for \$160,000 with a 25% match in the amount of \$40,000 to be met through existing resources and staff salaries. Further, authorize the Department to submit and sign this application electronically as required by HUD. (Contract No. 2019-0659)
Irene G. Valenzuela, Executive Director, Community Services Department (915) 775-2708

MOTION: APPROVE

Motion by Commissioner Robinson
Seconded by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Members Voting Nay: None

21. Approve and authorize the El Paso County Council of Judges to apply for the County Essentials Services Program funded by the Office of the Governor in the amount of \$1,451,650. The funding request is to cover Court Administration costs that will be incurred as a result of the August 3, 2019, mass shooting. Further, authorize the County Judge to sign the accompanying Resolution. No County match is required.
Michael Cuccaro, Executive Director, Council of Judges (915) 546-2143

MOTION: APPROVE

Motion by Commissioner Perez
Seconded by Commissioner Stout

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Members Voting Nay: None

22. Approve and authorize the El Paso District Attorney's Office to apply for the County Essentials Services Program grant funded by the Governor's Office in the amount of \$1,610,925. The request is to reimburse the County for possible expenses incurred by the District Attorney's Office as a result of the August 3, 2019, mass shooting trial if the case were transferred from El Paso to another jurisdiction. Further, authorize the County Judge to sign the accompanying Resolution. No County match required. (Contract No. 2019-0652)
Jaime Esparza, District Attorney, District Attorney's Office (915) 546-2059

MOTION: APPROVE

Motion by Commissioner Stout
Seconded by Commissioner Robinson

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Members Voting Nay: None

23. **CORRECTION PER GRANTS DIVISION** - Approve and authorize the District Attorney's Office to apply for the Victims of Crime Act supplemental grant funded by the Office of the Governor in the amount of \$391,681.40. The request is for three additional victim advocates for a two-year period to assist with responding to victims of the August 3rd tragedy. **MATCH IS REQUIRED AT 20% OF THE TOTAL PROJECT FOR THIS GRANT, HOWEVER A MATCH WAIVER WILL BE SUBMITTED TO THE GOVERNOR'S OFFICE FOR REVIEW, DUE TO THE CIRCUMSTANCES AND PURPOSE OF THIS FUNDING IN RELATION TO THE MASS SHOOTING INCIDENT THAT TOOK PLACE ON AUGUST 3, 2019.** Further, authorize the County Judge to sign the accompanying resolution. (Contract No. 2019-0653)
Jaime Esparza, District Attorney, District Attorney's Office (915) 546-2059

MOTION: APPROVE

Motion by Commissioner Perez
Seconded by Commissioner Stout

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson
Members Voting Nay: None

BUDGET AND FINANCE

25. **CORRECTION PER COUNTY ATTORNEY'S OFFICE** - Pursuant to Government Code § 61.001 (b), set the juror pay at \$7 for each day or fraction of a day while a person is in attendance in Court as a prospective juror but not selected and \$40 for each day or fraction of a day if selected for jury duty and sworn in to sit on a jury panel during fiscal year 2020. Further, in accordance with Government Code § 61.003, discuss and take appropriate action to add a jury donation account for **ONE FUND EL PASO, TO ASSIST THE VICTIMS OF THE MASS SHOOTING**.

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

MOTION: APPROVE

Motion by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by County Judge Samaniego

Members Voting Nay: None

26. Approve and authorize the Fiscal Year 2020 Capital Improvement Plan allocations. Upon adoption of the budget, funding is available in GF-GADM-XFER OUT-SMALL CAP 1c and CP-IMPROV01-MISCELLANEOUS. Further, approve the re-allocation of funds into the appropriate accounts.

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

MOTION: APPROVE

Motion by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Robinson

Seconded by Commissioner Stout

Members Voting Nay: Perez

28. Pursuant to the Texas Local Government Code § 111.067, copy attached, conduct a Public Hearing on the proposed El Paso County budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020.

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

MOTION: OPEN A PUBLIC HEARING.

BETSY KELLER, COUNTY ADMINISTRATOR; WALLACE HARDGROVE, BUDGET AND FISCAL POLICY DIRECTOR; AND COMMISSIONER DAVID STOUT ADDRESSED THE COURT IN THE PUBLIC HEARING.

Motion by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by Commissioner Robinson

Members Voting Nay: None

MOTION: CLOSE THE PUBLIC HEARING.

Motion by Commissioner Stout

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by Commissioner Leon

Members Voting Nay: None

27. Pursuant to the Property Tax Code, § 26.05(a), adopt a tax rate for the County of El Paso.

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

MOTION: FOR EL PASO COUNTY THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.488997 PER \$100 ASSESSED VALUE FOR THE 2019 TAX YEAR THAT CONSISTS OF: (1) A PROPERTY TAX RATE OF \$0.444645 PER \$100 ASSESSED VALUE FOR THE PURPOSE OF MAINTENANCE AND OPERATIONS; AND (2) A PROPERTY TAX RATE OF \$0.044352 PER \$100 ASSESSED VALUE FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF THE COUNTY, WHICH IS EFFECTIVELY A 8.5% INCREASE IN THE TAX RATE.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 9.4% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$38.32.

FURTHER, THE TAX ASSESSOR-COLLECTOR IS AUTHORIZED TO ASSESS AND COLLECT THESE PROPERTY TAXES FOR EL PASO COUNTY ON OCTOBER 1, 2019.

Motion by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Robinson

Seconded by Commissioner Leon

Members Voting Nay: Perez

29. Pursuant to Texas Local Government Code, § 111.068, copy attached, approve and adopt the attached County of El Paso annual operating budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020.

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

MOTION: APPROVE AND ADOPT THE ATTACHED COUNTY OF EL PASO ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020 WITH THE FOLLOWING REVISIONS:

- **A REVISED REVENUE ESTIMATE ON THE ANIMAL CONTROL SERVICES CONTRACT WHICH BRINGS THE REVENUE ESTIMATE DOWN BY \$26,687, AS CERTIFIED BY THE COUNTY AUDITOR.**
- **AND TO INSTRUCT THE BUDGET AND FISCAL POLICY DEPARTMENT TO INCLUDE IN THE BUDGET A REVISED APPROPRIATION IN THE AMOUNT OF \$30,588 FOR CONSIDERATION AT A SUBSEQUENT MEETING ON JUDICIAL PAY.**

WITH THE INCLUSION OF THE TAX RATE APPROPRIATED UNALLOCATED RESERVES WOULD BE SET AT 90% TOTALING \$29,110,725, THEREBY BRINGING THE GENERAL FUND BUDGET TO \$380,662,757, AND THE OVERALL PROPOSED BUDGET ALL FUNDS AT \$464,170,062.

Motion by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Robinson

Seconded by Commissioner Stout

Members Voting Nay: Perez

30. Approve amendment No. 48 to the County of El Paso's 2018-2019 operating budget. This budgetary amendment will increase Grants by \$532,733.04, thus increasing the overall budget of \$455,172,529.44 to \$455,705,262.48.

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

MOTION: APPROVE

Motion by Commissioner Perez

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by County Judge Samaniego

Members Voting Nay: None

31. INTO EXECUTIVE SESSION AT 3:56 P.M.

A. Discuss findings regarding persons necessary in Executive Session.

County Attorney's Office (915) 546-2050

B. Discuss litigation styled Myrthala Plecas-Perrin v. El Paso County, Texas, et al; Cause No. EP-19-CV-00165-FM; County Attorney case number 0164-19-LD, pursuant to Texas Government Code Section 551.071.

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

C. Discuss pending litigation regarding El Paso County, Texas, et al., v. Texas Commission on Environmental Quality (TCEQ); County Attorney's case number 0186-19-PL, pursuant to Texas Government Code Section 551.071.

Ian R. Kaplan, Assistant County Attorney, County Attorney's Office (915) 546-2050

D. Discuss the legal rights and responsibilities related to entering into an inter-local agreement for the purpose of participation and intervention in Public Utility Commission of Texas (PUC) proceeding related to the Sale, Transfer, or Merger of El Paso Electric Company to Sun Jupiter Holdings LL and IIF US Holding 2 LP, entities related to J.P. Morgan's Infrastructure Investments Fund, PUC Docket No. 49849, Joint Report and Application of El Paso Electric Company, Sun Jupiter Holdings LLC, and IIF US Holding 2 LP for Regulatory Approvals Under PURA §§ 14.101, 39.262, and 39.915, County Attorney's file number 0206-19-AA, pursuant to Texas Government Code Section 551.071.

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

E. Discuss financial information and economic development negotiations received from a private business prospect regarding an amendment to a Chapter 381 agreement with project SDI, pursuant to Texas Government Code Section 551.087.

Andrea Hutchins, Director, Economic Development Department (915) 546-2177

F. Discuss financial information and economic development negotiations received from a private business prospect regarding a Chapter 381 agreement with Project Clean Room, pursuant to Texas Government Code Section 551.087.

Andrea Hutchins, Director, Economic Development Department (915) 546-2177

REGULAR SESSION RECONVENED AT 4:52 P.M.

31C. Discuss pending litigation regarding El Paso County, Texas, et al., v. Texas Commission on Environmental Quality (TCEQ); County Attorney's case number 0186-19-PL, pursuant to Texas Government Code Section 551.071.

Ian R. Kaplan, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: POSTPONE EXECUTIVE SESSION ITEM # 31C ONE WEEK.

Motion by Commissioner Perez

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by Commissioner Leon

Members Voting Nay: None

32. Discuss and take appropriate action related to entering into an interlocal agreement for the purpose of participation and intervention in Public Utility Commission of Texas (PUC) proceeding related to the Sale, Transfer, or Merger of El Paso Electric Company to Sun Jupiter Holdings LL and IIF US Holding 2 LP, entities related to J.P. Morgan's Infrastructure Investments Fund, PUC Docket No. 49849, Joint Report and Application of El Paso Electric Company, Sun Jupiter Holdings LLC, and IIF US Holding 2 LP for Regulatory Approvals Under PURA §§ 14.101, 39.262, and 39.915.

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

MOTION: APPROVE AND AUTHORIZE THE COUNTY JUDGE TO SIGN AND ENTER INTO AN INTERLOCAL AGREEMENT WITH OTHER EL PASO COUNTY SCHOOL DISTRICTS AND OTHER LOCAL GOVERNMENTAL ENTITIES TO PARTICIPATE AND INTERVENE IN PUBLIC UTILITY COMMISSION OF TEXAS (PUC) PROCEEDING RELATED TO THE SALE, TRANSFER, OR MERGER OF EL PASO ELECTRIC COMPANY TO SUN JUPITER HOLDINGS LLC AND IIF US HOLDINGS 2 LP, ENTITIES RELATED TO J.P. MORGAN'S INFRASTRUCTURE INVESTMENTS FUND, PUC DOCKET NO. 49849, JOINT REPORT AND APPLICATION OF EL PASO ELECTRIC COMPANY, SUN JUPITER HOLDINGS LLC, AND IIF US HOLDING 2 LP FOR REGULATORY APPROVALS UNDER PURA §§ 14.101, 39.262, AND 39.915, AND TO AUTHORIZE THE EL PASO COUNTY ATTORNEY TO SIGN AN ENGAGEMENT LETTER TO HIRE SPECIAL COUNSEL AS THE LAW FIRM OF HUSCH BLACKWELL TO REPRESENT THE COUNTY IN THIS MATTER.

Motion by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by Commissioner Perez

Members Voting Nay: None

33. Approve and authorize the County Judge to sign a Chapter 381 Economic Development Agreement with Project SDI. (Contract No. 2019-0479)

Andrea Hutchins, Director, Economic Development Department (915) 546-2177

MOTION: POSTPONE ITEM # 33 AND CORRESPONDING EXECUTIVE SESSION ITEM # 31E ONE WEEK.

Motion by Commissioner Robinson

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by Commissioner Stout

Members Voting Nay: None

34. Approve and authorize the County Judge to sign a Chapter 381 Economic Development Agreement with Project Clean Room. (Contract No. 2019-0293).

Andrea Hutchins, Director, Economic Development Department (915) 546-2177

MOTION: POSTPONE ITEM # 34 AND CORRESPONDING EXECUTIVE SESSION ITEM # 31F ONE WEEK.

Motion by Commissioner Robinson

Members Voting Aye: Judge Samaniego, Leon, Stout, Perez, Robinson

Seconded by Commissioner Leon

Members Voting Nay: None

MEETING ADJOURNED AT 4:58 P.M.

**EL PASO COUNTY
COMMISSIONERS COURT**

CARLOS LEON
Commissioner, Pct. 1

VINCENT PEREZ
Commissioner, Pct. 3



DAVID STOUT
Commissioner, Pct. 2

CARL L. ROBINSON
Commissioner, Pct. 4

RICARDO A. SAMANIEGO
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, SEPTEMBER 9, 2019**

MEETING ADJOURNED AT 4:58 P.M.

ATTEST:

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

CESAR O. NAVA, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS

_____ DAY OF _____, 2019.

COUNTY JUDGE RICARDO A. SAMANIEGO, PRESIDING