# EL PASO COUNTY COMMISSIONERS COURT

CARLOS LEON
Commissioner, Pct. 1

ILIANA HOLGUIN Commissioner, Pct. 3



DAVID STOUT Commissioner, Pct. 2

SERGIO CORONADO 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, MARCH 6, 2023

HON. RICARDO A. SAMANIEGO	COUNTY JUDGE, PRESIDING	PRESENT
CARLOS LEON	COMMISSIONER, PCT #1	PRESENT
DAVID S. STOUT	COMMISSIONER, PCT #2	PRESENT
ILIANA HOLGUIN	COMMISSIONER, PCT #3	PRESENT
SERGIO CORONADO	COMMISSIONER, PCT #4	PRESENT

# MINUTES PREPARED BY CESAR O. NAVA, DEPTUY CLERK JESSICA DOMINGUEZ, DEPUTY CLERK

# 1. MEETING CONVENED

Commissioners Court of El Paso County, Texas was called to order by the Deputy Clerk at 9:40 A.M.

# 2. PLEDGE OF ALLEGIANCE

Víanney Stephenson, 3rd grader at Alarcon Elementary School led the Commissioners Court in the Pledge of Allegiance and Texas Pledge.

#### 3. INVOCATION

Receive an invocation from Pastor Artie Maxwell, from Mount Zion Baptist Church.

#### 4. CONSENT AGENDA

A. Approval of the Minutes of the regular meeting of February 27, 2023, and the special meeting of March 2, 2023.

County Administration Department (915) 546-2215

B. (ARP Project No. 1371) Rescind a portion of the agreements from the Commissioners Court Special Meeting of December 15, 2022, Item No. 23 on the Regular Agenda authorizing the County Judge to execute the El Paso County American Rescue Plan Act Notice of Funding Opportunity Subrecipient or Beneficiary Agreements with various community partners and agencies, as it pertains to CASA (2022-0888) and the Boys and Girls Club of El Paso (2022-0883), and further authorize the County Judge to execute the corrected El Paso County American Rescue Plan Act Notice of Funding Opportunity Subrecipient or Beneficiary Agreements with the community partners shown on the attached listing. Funding is available in SG-ARPLAN21-ECNIMP-GTS. (Contract Nos. 2022-0883 & 2022-0888)

Jose M. Landeros, Director of Strategic Development, County Administration Department (915) 546-2215

C. PULLED FOR DISCUSSION BY COUNTY ADMINISTRATION DEPARTMENT - Approve and authorize adoption of a Resolution setting a public hearing under Section 372.009 of the Texas Local Government Code on the advisability of the creation of a public improvement district and improvements within El Paso County, Texas, for the Tierra Del Este III – Phase VI Development and authorizing the issuance of notice by the County Clerk regarding the public hearing, subject to final review and approval by the County Attorney's Office and County's Bond Counsel. (1329-OP)

Jose M. Landeros, Director of Strategic Development, County Administration Department (915) 546-2215

- D. 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
- E. Approve amendment No.017 to the County of El Paso's 2022-2023 operating budget. This budgetary amendment will not increase or decrease the County of El Paso's 2022-2023 overall operating budget of \$622,661,524.25.

Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262

- F. Approve and authorize the County Judge to sign a contract for grant consultant services with The Ferguson Group, LLC (TFG), effective March 1, 2023, through August 31, 2023, in an amount not to exceed \$60,000. Further approve and authorize the transfer of funds, in the amount of \$60,000, from GF-GADM-OPS CONTINGENCIES to GF-GADM-CONTR SVC-GEN. (Contract No. 2023-0154) Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262
- G. Approve and authorize the quarterly reallocation of Capital Funds for FY23 quarter 1. Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262
- H. Approve and authorize the County Judge to sign the agreement between El Paso County and CaseWorthy, Inc for the purchase of Enterprise Case Management Software. Funding is available in GF-ITD-MAINT/REP-SOFTWARE in the total amount of \$56,968.82. Contract is for three years. (Contract No. 2023-0132)

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

- I. Approve and authorize the County Judge to sign the Contractor Services Agreement with National Medical Services (NMS) for toxicology services for the Medical Examiner's Office from March 1, 2023, through February 28, 2026, with a two-year option to renew, in the estimated amount of \$90,000. Funds are available in GF-MEDEXAM-CONTR SVC-GEN. (Contract No. 2023-0131)

  Mario A. Rascon, M.D., Chief Medical Examiner, Office of the Medical Examiner (915) 532-1447
- J. Approve and authorize the County Judge to sign Work Order No. 4, On Call Civil Engineering Contract with Dannenbaum Engineering Company El Paso, LLC., for the Stormwater Professional Services Project in an amount not to exceed \$594,326.15, funded by the Texas Water Development Board under project 40196 El Paso Hills Basin Repair and Stream 4 Basin (SOC1 & SOC2). No County funds required. Funds are available in CP-STORMWATSOC23-CONSLT/PRF SV. (Contract No. 2023-0152) (CC Precinct 3) Norma Rivera-Palacios, Executive Director, Public Works Department (915) 546-2015

- K. Pursuant to Texas Local Government Code §232.023, approve and authorize the acceptance, filing and recording of the Garden Park at Mission Ridge Unit Four Subdivision plat.

  Norma Rivera-Palacios, Executive Director, Public Works Department (915) 546-2015
- L. Approve and authorize the variance request from the El Paso County Subdivision Order for Aria Subdivision.

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

M. Pursuant to Texas Local Government Sections 232.028 and 232.029, approve and authorize the issuance of certification regarding compliance with applicable plat requirements as provided on the attached listing.

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

- N. Approve the purchase of County Application Load Balancing System for Information Technology Department (12302775) using TIPS 210101 awarded to Sequel Data Systems Incorporated of Austin, TX in the amount of \$67,675.10. Contract for (2) two years with (1) one year option to renew; to include pricing fluctuations as mutually agreed to in writing and remaining within the terms of the agreement. Purchasing approved on February 27, 2023. Funding is available in CIP23-ITD-IT EQUIP. Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048
- O. Approve the purchase of Panasonic Toughbook Laptops for the Sheriff's Department (12302689) using DIR Contract DIR-TSO-4025 awarded to Panasonic System Communications Company of North America, Division of Panasonic Corporation of North America of Newark, NJ (Baycom, Inc., Green Bay, WI) in the amount of \$95,920.88. Purchasing approved on February 27, 2023. Funding is available in CP-REPLACE23-SOPATROL-VEHICLES.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

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.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

- Q. Approve and authorize the County Judge to sign Quote# 5630 with Sandoval Custom Creations, Inc. for the SCCI Raptor HawC pole camera autonomous surveillance system, using DIR-CPO-4702 in the amount of \$88,582.50. Funding is available in SG-ONDCP2021-CAP OUTLAYS. (Contract No. 2023-0147) Marco Spalloni, ISC Manager EPCSO HIDTA (915) 444-0930
- R. GRANT AWARD Approve and authorize the County Judge to accept the U.S. Department of the Treasury, Local Assistance and Tribal Consistency Fund first payment of El Paso County's FY22-23 formula allocation in the amount of \$50,000, to be utilized for eligible expenses incurred on or after March 15, 2021. No County match is required. (Contract No. 2023-0180) Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262
- S. GRANT AMENDMENT Approve and authorize the County Judge to approve an amendment request to receive additional funds for FY24, in the amount of \$146,014, from the Office of the Governor, Criminal Justice Division, Antiterrorism and Emergency Assistance Program, on behalf of the District Attorney's Office for the El Paso Coordinated Response-Victim Assistance Coordinators program award and extend the current grant cycle from September 30, 2023, to September 20, 2024. Further, authorize the County Judge to sign the accompanying Resolution. No County match is required. (Contract No. 2023-0149)
  Bill D. Hicks, District Attorney, District Attorney's Office (915) 546-2059 x4077
- T. GRANT APPLICATION Approve and authorize the County Judge to sign the Office of the Governor, Homeland Security Grants Division, FY24 Border Prosecution Unit (BPU) Program grant application, on behalf of the District Attorney's Office, from September 1, 2023, through August 31, 2025, in the amount of \$3,103,399.87. No County match is required. Further, authorize the County Judge to sign the accompanying Resolution. (Contract No. 2023-0148)

Bill D. Hicks, District Attorney, District Attorney's Office (915) 546-2059 x4077

U. GRANT APPLICATION - Approve and authorize the County Judge to sign the Grant Application for G23SW0001A - El Paso County Sheriff's Office - West Texas HIDTA Multiple Initiatives, from January 1, 2023, to December 31, 2024, in the amount of \$4,121,392 from the Office of National Drug Control Policy. No County match is required. (Contract No. 2023-0128)

Travis Kuykendall, Executive Director, West Texas HIDTA (915) 533-9550

V. GRANT APPLICATION - Approve and authorize the County Judge to sign the Grant Application for the FY23 G23SW0003A - El Paso County 34th District Attorney - West Texas HIDTA Prosecution Initiative, from January 1, 2023, to December 31, 2024, in the amount of \$724,799, from the Office of National Drug Control Policy. No County match is required. (Contract No. 2023-0129) Travis Kuykendall, Executive Director, West Texas HIDTA (915) 533-9550

W. GRANT APPLICATION - Approve and authorize the El Paso County Sheriff's Office Criminal Investigations Division/Narcotics Section to apply for the 2024 Local Border Security Program Grant from the Office of the Governor Homeland Security Division in the amount of \$558,056.68 from September 1, 2023, through August 31, 2024. No County match is required. Further, authorize the County Judge to sign the accompanying resolution. (Contract No. 2023-0170) Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 546-2217

X. GRANT AWARD - Approve and authorize the County Judge to sign and accept the FY23 Bullet Resistant Grant Award on behalf of the El Paso County Sheriff's Office from September 1, 2022, through August 31, 2023, in the amount of \$1,167,890. No County match is required. (Contract No. 2023-0171) Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 546-2217

#### **MOTION: APPROVE**

Motion by County Judge Samaniego Seconded by Commissioner Leon Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nav: None

#### 5. RESOLUTIONS

A. Approve and adopt a resolution declaring the month of March as "Women's International Month" in El Paso County, Texas.

Iliana Holguin, Commissioner, Pct. 3 (915) 546-2144

#### **MOTION: APPROVE**

Motion by Commissioner Holguin Seconded by Commissioner Stout Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None

B. Approve and adopt a resolution honoring the legacy of El Paso Police Chief Gregory Allen. Carlos Leon, Commissioner, Pct. 1 (915) 546-2014

#### **MOTION: APPROVE**

Motion by Commissioner Leon Seconded by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None

C. Approve and adopt a resolution recognizing the Lincoln Park Conservation Committee for their work highlighting Chicano/a culture and history in El Paso, and celebrate March 31st "Cesar Chavez Day" in El Paso County, Texas.

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

#### **MOTION: APPROVE**

Motion by Commissioner Stout Seconded by Commissioner Holguin Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None

D. CORRECTION PER COUNTY ADMINISTRATION DEPARTMENT - Approve and adopt a resolution recognizing the week of March 6-10, 2023, as "Women's LAW Enforcement Week" in El Paso County, Texas. Iliana Holguin, Commissioner, Pct. 3 (915) 546-2144

# **MOTION: APPROVE**

Motion by Commissioner Holguin Seconded by Commissioner Leon Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None F. Approve and adopt a resolution recognizing March 6, 2023 as El Paso International Women's Day Law Enforcement honoree 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, Holguin, Coronado Members Voting Nay: None

E. Approve and adopt the recognition given by USA TODAY as the "Best Historic Small Town in the USA-San Elizario, TX".

Iliana Holguin, Commissioner, Pct. 3 (915) 546-2144

#### **MOTION: APPROVE**

Motion by Commissioner Holguin Seconded by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None

G. Approve and adopt a resolution declaring the month of March as "National Procurement Month" 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 Holguin Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None

#### 6. PUBLIC COMMENT

#### NO ACTION

#### 7. PRESENTATION

A. Receive a presentation and discuss the monthly report from the Council of Judges. Michael Cuccaro, Executive Director, Council of Judges (915) 546-2143

#### PRESENTATION RECEIVED

B. Discuss and take appropriate action regarding the audit for Emergency Service District 2 for the year ended September 30, 2022, and further discuss any related policies, procedures or financial matters. Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262

### MOTION: APPROVE THE REPORT.

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

#### **REGULAR AGENDA**

8. Discuss and take appropriate action regarding the 88th Texas Legislative Session, to include presenting information for the Court's consideration, removing or including bills on the County's state legislative agenda and supporting or opposing filed legislation, and take any action necessary on aforementioned items. Elisa Tamayo, Governmental Affairs Manager, County Administration Department (915) 546-2215

MOTION: SUPPORT EMERGENCE HEALTH NETWORK'S LEGISLATIVE AGENDA, AS PRESENTED.

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

#### MOTION: SUPPORT THE FOLLOWING LEGISLATIVE BILLS:

- •HB 476 RELATING TO THE RELEASE OF CERTAIN DEFENDANTS DETAINED IN JAIL PENDING TRIAL.
- •HB 101 BY ORTEGA RELATING TO THE MEMBERSHIP OF THE TEXAS TRANSPORTATION COMMISSION. IT WOULD CHANGE THE REQUIREMENTS FOR MEMBERSHIP TO INCLUDE A MEMBER FROM THE TEXAS-MEXICO BORDER.
- +HB 905 BY MOODY RELATING TO CREDIT TOWARD A DEFENDANT'S SENTENCE FOR TIME CONFINED IN JAIL OR PRISON BEFORE SENTENCING.
- •SB 30 (SENATE SUPPLEMENTAL BILL) INCLUDES CONTINUED FUNDING FOR STATE HOSPITALS, TO REIMBURSE COUNTIES FOR JUVENILES AND FUNDING FOR COUNTY COURTHOUSES, AMONG OTHER ITEMS.

Motion by Commissioner Stout Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Seconded by Commissioner Coronado Members Voting Nay: None

#### MOTION: OPPOSE THE FOLLOWING LEGISLATIVE BILLS:

- HB 2241 WOULD PROHIBIT THE USE OF PUBLIC FUNDS TO PROVIDE LEGAL SERVICES TO UNLAWFULLY PRESENT INDIVIDUALS. THIS ALSO MEANS WE COULD NOT PROVIDE FUNDING TO GROUPS THAT THEN DIRECTLY PROVIDE THOSE LEGAL SERVICES.
- •SB 2 WOULD INCREASE AND CREATE CRIMINAL PENALTIES FOR ILLEGAL VOTING. THE BILL CRIMINALIZES MISTAKES BY NON-AUTHORIZED VOTERS AND CREATES BIGGER PENALTIES FOR THEM THAN THOSE OF A DOMESTIC VIOLENCE PERPETRATOR, FOR EXAMPLE.

Motion by Commissioner Stout Seconded by Commissioner Holguin Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None

# **COUNTY ADMINISTRATION**

9. Discuss and take appropriate action regarding El Paso County's preparation and response for public health emergencies.

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

#### **NO ACTION**

#### **AMERICAN RESCUE PLAN**

10. Discuss and take appropriate action regarding implementation of the El Paso County American Rescue Plan Act Coronavirus State & Local Fiscal Recovery Funds Portfolio.

Jose M. Landeros, Director of Strategic Development, County Administration Department (915) 546-2215

#### **NO ACTION**

**MEETING RECESSED AT 1:04 P.M.** 

**MEETING RECONVENED AT 2:12 P.M.** 

#### ITEMS PULLED FOR DISCUSSION FROM THE CONSENT AGENDA

4C. **PULLED FOR DISCUSSION BY COUNTY ADMINISTRATION DEPARTMENT** - Approve and authorize adoption of a Resolution setting a public hearing under Section 372.009 of the Texas Local Government Code on the advisability of the creation of a public improvement district and improvements within El Paso County, Texas, for the Tierra Del Este III – Phase VI Development and authorizing the issuance of notice by the County Clerk regarding the public hearing, subject to final review and approval by the County Attorney's Office and County's Bond Counsel. (1329-OP)

Jose M. Landeros, Director of Strategic Development, County Administration Department (915) 546-2215

#### **MOTION: APPROVE**

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

#### **PURCHASING**

11. Approve the purchase of Onsite Bulk Diesel Fuel for County Vehicles using City of El Paso Solicitation No. 2022-0724 awarded to Rio Valley Biofuels, LLC/Global Alternative Fuels, LLC of El Paso, Texas, pursuant to the Inter-local Agreement between the County of El Paso and the City of El Paso. Pricing as indicated on contract price sheet. Funds are available in various VEH OPS EXPENSE (600601) accounts. Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

#### **MOTION: APPROVE**

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

12. Approve the purchase of Replacement and Installation of Three (3) Evaporative Coolers for the County of El Paso Fleet Warehouse (12303882) using Region 19 Contract 22-7434 awarded to GAP Air Conditioning & Heating (Gutierrez Moctezuma and Associates LLC) of El Paso, Texas in the amount of \$101,600.50. Purchasing approved on February 27, 2023. Funding is available in CIP23-ANCILLARY BLDG-RENOV-REP. Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

#### **MOTION: APPROVE**

Motion by Commissioner Leon Seconded by Commissioner Holguin Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None

13. Approve the purchase of Additional 20TB Storage for County Server System for Information Technology Department (12301312) using DIR Contract DIR-TSO-4331 awarded to Pure Storage Inc. of Mountain View, CA (Sequel Data Systems Incorporated of Austin, TX) in the amount of \$238,775.72. Purchasing approved on February 27, 2023. Funding is available in CIP23-ITD-IT EQUIP.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

# **MOTION: APPROVE**

Motion by Commissioner Holguin Seconded by Commissioner Leon

Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nav: None

14. Approve the Purchase of Intercept Body Scanners with Three (3) Additional Years Factory Warranty for the County of El Paso Sheriff's Department using Allied States Cooperative Region 19 Contract 22-7429 awarded to Tek84 Inc. of Poway, CA in the amount of \$323,000. Purchasing approved on February 27, 2023. Funding is available in SG-SHJUSTEQUISHAR-CAP OUTLAYS.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

#### **MOTION: APPROVE**

Motion by Commissioner Holguin Seconded by Commissioner Leon Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nay: None 15. Approve the purchase of APX8500 Mobile Radios and APX Next Single Band for Sheriff's Department (12302683 and 12303486) using DIR Contract DIR-TSO-4101 awarded to Motorola Solutions, Inc. of Chicago, IL for a grand total of \$395,721.17. Purchasing approved on February 27, 2023. Funding is available in CP-REPLACE23-SOPATROL-VEHICLES, SG-HSCOMMR23-CAP OUTLAYS and SG-HSCOMMR23-OPERATING EX.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

### **MOTION: APPROVE**

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

#### AUDITOR

16. Pursuant to the Texas Government Code, Title 10, § 2256.003, please accept the attached investment report for the first quarter and three months ended December 31, 2022. Edward A. Dion, County Auditor, County Auditor's Office (915) 546-2040

#### **MOTION: ACCEPT**

Motion by Commissioner Leon Seconded by Commissioner Holguin Members Voting Aye: Leon, Stout, Holguin, Coronado Members Absent: Judge Samaniego Members Voting Nay: None

#### **EXECUTIVE SESSION**

17B. Pursuant to Texas Government Code Section 551.071 and 551.0725, discuss and receive legal advice concerning the upcoming collective bargaining negotiations between the County and the El Paso County Sheriff's Officers' Association.

Carlos Madrid, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: (1.) COMMISSIONERS COURT VOTES UNANIMOUSLY THAT DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE COMMISSIONERS COURT IN NEGOTIATIONS WITH A THIRD PARTY; (2.) THE ATTORNEY ADVISING THE COMMISSIONERS COURT ISSUES A WRITTEN DETERMINATION THAT DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE COMMISSIONERS COURT IN NEGOTIATIONS WITH A THIRD PARTY; AND (3.) A RECORDING OF THE PROCEEDINGS IN CLOSED SESSION IS MADE REGARDING ITEM # 17B, TO DISCUSS AND RECEIVE LEGAL ADVICE CONCERNING THE UPCOMING COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE COUNTY AND THE EL PASO COUNTY SHERIFF'S OFFICERS' ASSOCIATION.

Motion by Commissioner Holguin Seconded by Commissioner Stout Members Voting Aye: Leon, Stout, Holguin, Coronado

Members Absent: Judge Samaniego

Members Voting Nay: None

#### 17. INTO EXECUTIVE SESSION AT 2:32 P.M.

- A. Discuss findings regarding persons necessary in Executive Session. County Attorney's Office (915) 546-2050
- B. Pursuant to Texas Government Code Section 551.071 and 551.0725, discuss and receive legal advice concerning the upcoming collective bargaining negotiations between the County and the El Paso County Sheriff's Officers' Association.

Carlos Madrid, Assistant County Attorney, County Attorney's Office (915) 546-2050

C. Discuss potential litigation involving the Revolving Loan Program/El Paso County, County Attorney's file number 0025-20-AA, pursuant to Texas Government Code Section 551.071.

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

#### REGULAR SESSION RECONVENED AT 3:33 P.M.

18. Discuss and take appropriate action to authorize the County Judge to sign a Legal Services Agreement with Ric Navarro to serve as the County's lead negotiator in the upcoming fiscal collective bargaining negotiations with the El Paso County Sheriff's Officers' Association. Further, discuss and take appropriate action to name the County's negotiating team. (Contract No. 2023-0194) Carlos Madrid, Assistant County Attorney, County Attorney's Office (915) 546-2050

MOTION: APPROVE AND AUTHORIZE THE COUNTY JUDGE TO SIGN A LEGAL SERVICES AGREEMENT WITH RIC NAVARRO TO SERVE AS THE COUNTY'S LEAD NEGOTIATOR IN THE UPCOMING FISCAL COLLECTIVE BARGAINING NEGOTIATIONS WITH THE EL PASO COUNTY SHERIFF'S OFFICERS' ASSOCIATION.

Motion by County Judge Samaniego Seconded by Commissioner Leon Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado Members Voting Nav: None

MOTION: APPROVE THE NAMINIG OF THE FOLLOWING INDIVIDUALS TO SERVE ON THE county's negotiating team to serve in the upcoming fiscal collective bargaining negotiations with the el paso county sheriff's officers association:

- RIC NAVARRO LEAD NEGOTIATOR
- CARLOS MADRID COUNTY ATTORNEY'S OFFICE
- MELISSA CARILLO EXECUTIVE DIRECTOR OF OPERATIONS
- MINNIE HOLGUIN HUMAN RESOURCES
- COMMANDER ROBERT ROJAS REPRESENTING THE LAW ENFORCEMENT BUREAU OF THE SHERIFF'S OFFICE
- ASSISTANT CHIEF KEVIN LANAHAN REPRESENTING THE DETENTION BUREAU OF THE SHERIFF'S OFFICE

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

**MEETING ADJOURNED AT 3:36 P.M.** 

# EL PASO COUNTY COMMISSIONERS COURT

**DAVID STOUT** 

Commissioner, Pct. 2

**SERGIO CORONADO** 

Commissioner, Pct. 4

CARLOS LEON
Commissioner, Pct. 1

ILIANA HOLGUIN Commissioner, Pct. 3



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, MARCH 6, 2023

MEETING ADJOURNED AT 3:36 P.M.

ATTEST:

DELIA BRIONES, COUNTY CLERK EL PASO COUNTY, TEXAS

**CESAR O. NAVA, DEPUTY CLERK** 

**EXAMINED AND APPROVED BY ME THIS** 

13" DAY OF March

2023

COUNTY JUDGE RICARDO A. SAMANIEGO,

# FILED FOR RECORD IN MY OFFICE

# EL PASO COUNTY COMMISSIONERS COURT

2023 MAR 02 PM 4:42

CARLOS LEON
Commissioner, Pct.1

ILIANA HOLGUIN Commissioner, Pct.3



DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS
DAVID STOUT
Commissioner, Pct.2

SERGIO CORONADO Commissioner, Pct.4

# **RICARDO A. SAMANIEGO**

County Judge

This meeting may include one or more Commissioners that will participate by videoconference, and El Paso County employees that will participate by videoconference, which is allowed pursuant to Texas Government Code Section 551.127. A quorum of the Commissioners Court will be physically present at the El Paso County Courthouse, Commissioners Court Chambers, 500 East San Antonio Room 303 El Paso, Texas 79901. A member of the Commissioners Court who is presiding over the meeting will also be physically present at the location listed above. The meeting is open to the public during the open portions of the meeting, and the Commissioner participating by video conference shall be visible and audible to the public for as long as the Commissioner is able to participate.

Members of the public will be entitled to participate and address the governmental body during any telephonic or videoconference meeting.

To watch the meeting, please visit:https://www.epcounty.com/video/or https://www.youtube.com/channel/UC-2RxYOS6Y6VkDlp5eM0OLA

To participate in public comment, please call: 888-835-7276 or 888-8 EL PASO.

Members of the public may also participate via videoconference by visiting: https://www.epcounty.com/public-comment.htm. Agendas will continue to be posted online at: https://elpaso.novusagenda.com/AgendaPublic/

If you have any questions or need additional assistance, please contact us at (915) 546-2215

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

Please place all electronic devices on silent mode to reduce disruption of the meeting.

### **AGENDA**

Regular Meeting, March 6, 2023 - 9:30 AM

Strategic Plan Priority

- 1. OPEN MEETING
- 2. PLEDGE OF ALLEGIANCE
- 3. INVOCATION
  - A. Receive an invocation.

### 4. CONSENT AGENDA

### **NOTICE TO THE PUBLIC**

All matters listed under the Consent Agenda will be considered by the Commissioners Court to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless members of the Court or persons in the audience request that specific items be moved from the Consent Agenda to the Regular Agenda for discussion prior to the time the Commissioners Court votes on the motion to adopt the Consent Agenda.

All matters listed on the Consent Agenda and Regular Agenda may be discussed in Executive Session at the discretion of the El Paso County Commissioners Court and following verbal announcement, if an appropriate exception to the open meeting requirement of the Texas Open Meetings Act is applicable.

- A. Approval of the Minutes of the regular meeting of February 27, 2023, and the special meeting of March 2, 2023.
  - County Administration Department (915) 546-2215
- B. (ARP Project No. 1371) Rescind a portion of the agreements from the Commissioners Court Special Meeting of December 15, 2022, Item No. 23 on the Regular Agenda authorizing the County Judge to execute the El Paso County American Rescue Plan Act Notice of Funding Opportunity Subrecipient or Beneficiary Agreements with various community partners and agencies, as it pertains to CASA (2022-0888) and the Boys and Girls Club of El Paso (2022-0883), and further authorize the County Judge to execute the corrected El Paso County American Rescue Plan Act Notice of Funding Opportunity Subrecipient or Beneficiary Agreements with the community partners shown on the attached listing. Funding is available in SG-ARPLAN21-ECNIMP-GTS. (Contract Nos. 2022-0883 & 2022-0888)
  - Jose M. Landeros, Director of Strategic Development, County Administration Department (915) 546-2215
- C. Approve and authorize adoption of a Resolution setting a public hearing under Section 372.009 of the Texas Local Government Code on the advisability of the creation of a public improvement district and improvements within El Paso County, Texas, for the Tierra Del Este III

 Phase VI Development and authorizing the issuance of notice by the County Clerk regarding the public hearing, subject to final review and approval by the County Attorney's Office and County's Bond Counsel. (1329-OP)

Jose M. Landeros, Director of Strategic Development, County Administration Department (915) 546-2215

D. 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

E. Approve amendment No.017 to the County of El Paso's 2022-2023 operating budget. This budgetary amendment will not increase or decrease the County of El Paso's 2022-2023 overall operating budget of \$622,661,524.25.

Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262

F. Approve and authorize the County Judge to sign a contract for grant consultant services with The Ferguson Group, LLC (TFG), effective March 1, 2023, through August 31, 2023, in an amount not to exceed \$60,000. Further approve and authorize the transfer of funds, in the amount of \$60,000, from GF-GADM-OPS CONTINGENCIES to GF-GADM-CONTR SVC-GEN. (Contract No. 2023-0154)

Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262

G. Approve and authorize the quarterly reallocation of Capital Funds for FY23 quarter 1.

Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262

H. Approve and authorize the County Judge to sign the agreement between El Paso County and CaseWorthy, Inc for the purchase of Enterprise Case Management Software. Funding is available in GF-ITD-MAINT/REP-SOFTWARE in the total amount of \$56,968.82. Contract is for three years. (Contract No. 2023-0132)

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

 Approve and authorize the County Judge to sign the Contractor Services Agreement with National Medical Services (NMS) for toxicology services for the Medical Examiner's Office from March 1, 2023, through February 28, 2026, with a two-year option to renew, in the estimated amount of \$90,000. Funds are available in GF-MEDEXAM-CONTR SVC-GEN. (Contract No. 2023-0131)

Mario A. Rascon, M.D., Chief Medical Examiner, Office of the Medical Examiner (915) 532-1447

J. Approve and authorize the County Judge to sign Work Order No. 4, On Call Civil Engineering Contract with Dannenbaum Engineering Company - El Paso, LLC., for the Stormwater Professional Services Project in an amount not to exceed \$594,326.15, funded by the Texas Water Development Board under project 40196 - El Paso Hills Basin Repair and Stream 4 Basin (SOC1 & SOC2). No County funds required. Funds are available in CP-STORMWATSOC23-CONSLT/PRF SV. (Contract No. 2023-0152) (CC Precinct 3)

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

- K. Pursuant to Texas Local Government Code §232.023, approve and authorize the acceptance, filing and recording of the Garden Park at Mission Ridge Unit Four Subdivision plat. Norma Rivera-Palacios, Executive Director, Public Works Department (915) 546-2015
- L. Approve and authorize the variance request from the El Paso County Subdivision Order for Aria Subdivision.
  - Norma Rivera-Palacios, Executive Director, Public Works Department (915) 546-2015
- M. Pursuant to Texas Local Government Sections 232.028 and 232.029, approve and authorize the issuance of certification regarding compliance with applicable plat requirements as provided on the attached listing.
  - Norma Rivera-Palacios, Executive Director, Public Works Department (915) 546-2015
- N. Approve the purchase of County Application Load Balancing System for Information Technology Department (12302775) using TIPS 210101 awarded to Sequel Data Systems Incorporated of Austin, TX in the amount of \$67,675.10. Contract for (2) two years with (1) one year option to renew; to include pricing fluctuations as mutually agreed to in writing and remaining within the terms of the agreement. Purchasing approved on February 27, 2023. Funding is available in CIP23-ITD-IT EQUIP.
  - Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048
- O. Approve the purchase of Panasonic Toughbook Laptops for the Sheriff's Department (12302689) using DIR Contract DIR-TSO-4025 awarded to Panasonic System Communications Company of North America, Division of Panasonic Corporation of North America of Newark, NJ (Baycom, Inc., Green Bay, WI) in the amount of \$95,920.88. Purchasing approved on February 27, 2023. Funding is available in CP-REPLACE23-SOPATROL-VEHICLES.
  - Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048
- 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.
  - Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048
- Q. Approve and authorize the County Judge to sign Quote# 5630 with Sandoval Custom Creations, Inc. for the SCCI Raptor HawC pole camera autonomous surveillance system, using DIR-CPO-4702 in the amount of \$88,582.50. Funding is available in SG-ONDCP2021-CAP OUTLAYS. (Contract No. 2023-0147)
  - Marco Spalloni, ISC Manager EPCSO HIDTA (915) 444-0930
- R. GRANT AWARD Approve and authorize the County Judge to accept the U.S. Department of the Treasury, Local Assistance and Tribal Consistency Fund first payment of El Paso County's FY22-23 formula allocation in the amount of \$50,000, to be utilized for eligible expenses incurred on or after March 15, 2021. No County match is required. (Contract No. 2023-0180)
  - Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262
- S. GRANT AMENDMENT Approve and authorize the County Judge to

approve an amendment request to receive additional funds for FY24, in the amount of \$146,014, from the Office of the Governor, Criminal Justice Division, Antiterrorism and Emergency Assistance Program, on behalf of the District Attorney's Office for the El Paso Coordinated Response-Victim Assistance Coordinators program award and extend the current grant cycle from September 30, 2023, to September 20, 2024. Further, authorize the County Judge to sign the accompanying Resolution. No County match is required. (Contract No. 2023-0149) Bill D. Hicks, District Attorney, District Attorney's Office (915) 546-2059 x4077

- T. GRANT APPLICATION Approve and authorize the County Judge to sign the Office of the Governor, Homeland Security Grants Division, FY24 Border Prosecution Unit (BPU) Program grant application, on behalf of the District Attorney's Office, from September 1, 2023, through August 31, 2025, in the amount of \$3,103,399.87. No County match is required. Further, authorize the County Judge to sign the accompanying Resolution. (Contract No. 2023-0148)
- U. GRANT APPLICATION Approve and authorize the County Judge to sign the Grant Application for G23SW0001A - EI Paso County Sheriff's Office - West Texas HIDTA Multiple Initiatives, from January 1, 2023, to December 31, 2024, in the amount of \$4,121,392 from the Office of National Drug Control Policy. No County match is required. (Contract No. 2023-0128)

Travis Kuykendall, Executive Director, West Texas HIDTA (915) 533-9550

Bill D. Hicks, District Attorney, District Attorney's Office (915) 546-2059 x4077

V. GRANT APPLICATION - Approve and authorize the County Judge to sign the Grant Application for the FY23 G23SW0003A - El Paso County 34th District Attorney - West Texas HIDTA Prosecution Initiative, from January 1, 2023, to December 31, 2024, in the amount of \$724,799, from the Office of National Drug Control Policy. No County match is required. (Contract No. 2023-0129)

Travis Kuykendall, Executive Director, West Texas HIDTA (915) 533-9550

- W. GRANT APPLICATION Approve and authorize the El Paso County Sheriff's Office Criminal Investigations Division/Narcotics Section to apply for the 2024 Local Border Security Program Grant from the Office of the Governor Homeland Security Division in the amount of \$558,056.68 from September 1, 2023, through August 31, 2024. No County match is required. Further, authorize the County Judge to sign the accompanying resolution. (Contract No. 2023-0170)
  - Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 546-2217
- X. GRANT AWARD Approve and authorize the County Judge to sign and accept the FY23 Bullet Resistant Grant Award on behalf of the El Paso County Sheriff's Office from September 1, 2022, through August 31, 2023, in the amount of \$1,167,890. No County match is required. (Contract No. 2023-0171)

Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 546-2217

# 5. RESOLUTIONS

A. Approve and adopt a resolution declaring the month of March as

"Women's International Month" in El Paso County, Texas.

Iliana Holguin, Commissioner, Pct. 3 (915) 546-2144

B. Approve and adopt a resolution honoring the legacy of El Paso Police Chief Gregory Allen.

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

C. Approve and adopt a resolution recognizing the Lincoln Park Conservation Committee for their work highlighting Chicano/a culture and history in El Paso, and celebrate March 31st "Cesar Chavez Day" in El Paso County, Texas.

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

D. Approve and adopt a resolution recognizing the week of March 6-10, 2023, as "Women's Laws Enforcement Week" in El Paso County, Texas.

Iliana Holguin, Commissioner, Pct. 3 (915) 546-2144

E. Approve and adopt the recognition given by USA TODAY as the "Best Historic Small Town in the USA- San Elizario, TX".

Iliana Holguin, Commissioner, Pct. 3 (915) 546-2144

F. Approve and adopt a resolution recognizing March 6, 2023 as El Paso International Women's Day Law Enforcement honoree Day, in El Paso County, Texas.

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

G. Approve and adopt a resolution declaring the month of March as "National Procurement Month" in El Paso County, Texas.

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

#### 6. PUBLIC COMMENT

# 7. PRESENTATION

A. Receive a presentation and discuss the monthly report from the Council of Judges.

Michael Cuccaro, Executive Director, Council of Judges (915) 546-2143

B. Discuss and take appropriate action regarding the audit for Emergency Service District 2 for the year ended September 30, 2022, and further discuss any related policies, procedures or financial matters.

Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262

# **REGULAR AGENDA**

8. Discuss and take appropriate action regarding the 88th Texas Legislative Session, to include presenting information for the Court's consideration, removing or including bills on the County's state legislative agenda and supporting or opposing filed legislation, and take any action necessary on aforementioned items.

Elisa Tamayo, Governmental Affairs Manager, County Administration Department (915) 546-2215

### **COUNTY ADMINISTRATION**

9. Discuss and take appropriate action regarding El Paso County's preparation and response for public health emergencies.

# **AMERICAN RESCUE PLAN**

10.Discuss and take appropriate action regarding implementation of the El Paso County American Rescue Plan Act Coronavirus State & Local Fiscal Recovery Funds Portfolio.

Jose M. Landeros, Director of Strategic Development, County Administration Department (915) 546-2215

# **PURCHASING**

11. Approve the purchase of Onsite Bulk Diesel Fuel for County Vehicles using City of El Paso Solicitation No. 2022-0724 awarded to Rio Valley Biofuels, LLC/Global Alternative Fuels, LLC of El Paso, Texas, pursuant to the Inter-local Agreement between the County of El Paso and the City of El Paso. Pricing as indicated on contract price sheet. Funds are available in various VEH OPS EXPENSE (600601) accounts.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

12.Approve the purchase of Replacement and Installation of Three (3) Evaporative Coolers for the County of El Paso Fleet Warehouse (12303882) using Region 19 Contract 22-7434 awarded to GAP Air Conditioning & Heating (Gutierrez Moctezuma and Associates LLC) of El Paso, Texas in the amount of \$101,600.50. Purchasing approved on February 27, 2023. Funding is available in CIP23-ANCILLARY BLDG-RENOV-REP.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

13.Approve the purchase of Additional 20TB Storage for County Server System for Information Technology Department (12301312) using DIR Contract DIR-TSO-4331 awarded to Pure Storage Inc. of Mountain View, CA (Sequel Data Systems Incorporated of Austin, TX) in the amount of \$238,775.72. Purchasing approved on February 27, 2023. Funding is available in CIP23-ITD-IT EQUIP.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

14.Approve the Purchase of Intercept Body Scanners with Three (3) Additional Years Factory Warranty for the County of El Paso Sheriff's Department using Allied States Cooperative Region 19 Contract 22-7429 awarded to Tek84 Inc. of Poway, CA in the amount of \$323,000. Purchasing approved on February 27, 2023. Funding is available in SG-SHJUSTEQUISHAR-CAP OUTLAYS.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

15.Approve the purchase of APX8500 Mobile Radios and APX Next Single Band for Sheriff's Department (12302683 and 12303486) using DIR Contract DIR-TSO-4101 awarded to Motorola Solutions, Inc. of Chicago, IL for a grand total of \$395,721.17. Purchasing approved on February 27, 2023. Funding is available in CP-REPLACE23-SOPATROL-VEHICLES, SG-HSCOMMR23-CAP OUTLAYS and SG-HSCOMMR23-OPERATING EX.

Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048

# **AUDITOR**

16. Pursuant to the Texas Government Code, Title 10, § 2256.003, please accept the attached investment report for the first quarter and three months ended December 31, 2022.

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

#### 17. EXECUTIVE SESSION

Only the members of the Commissioners Court have a right to attend an executive session, except that legal counsel must be present if the executive session is held pursuant to Government Code section 551.071. In addition to legal counsel, Commissioners Court may include in executive session certain officers and employees if it finds that (1) their participation is necessary to the matter under consideration; (2) their interests are not adverse to the county, and (3) their presence will not waive the attorney client privilege. Generally, the Chief Administrator, Budget Executive Director, County Clerk's representatives, and County Auditor's Office representatives attend the closed session items based on the enumerated criteria, and certain other persons may attend based on the above-listed criteria or as otherwise provided by law.

- A. Discuss findings regarding persons necessary in Executive Session.

  County Attorney's Office (915) 546-2050
- B. Pursuant to Texas Government Code Section 551.071 and 551.0725, discuss and receive legal advice concerning the upcoming collective bargaining negotiations between the County and the El Paso County Sheriff's Officers' Association.
  - Carlos Madrid, Assistant County Attorney, County Attorney's Office (915) 546-2050
- C. Discuss potential litigation involving the Revolving Loan Program/El Paso County, County Attorney's file number 0025-20-AA, pursuant to Texas Government Code Section 551.071.

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

# **REGULAR SESSION**

18.Discuss and take appropriate action to authorize the County Judge to sign a Legal Services Agreement with Ric Navarro to serve as the County's lead negotiator in the upcoming fiscal collective bargaining negotiations with the El Paso County Sheriff's Officers' Association. Further, discuss and take appropriate action to name the County's negotiating team. (Contract No. 2023-0194)

Carlos Madrid, Assistant County Attorney, County Attorney's Office (915) 546-2050