

**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, OCTOBER 2, 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 9:37 A.M.

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

Receive an invocation from Pam Faraone.

4. CONSENT AGENDA

A. Approval of the Minutes of the regular meeting of September 25, 2023.
County Administration Department (915) 546-2215

B. Approve and authorize the County Judge to sign the El Paso County Spay and Neuter Program Veterinary Services Agreement with Dr. Jacqueline Hernandez-Diaz, DVM, for professional services as part of the County of El Paso's spay/neuter program for rural municipalities. Funds are available in GF-ANIMALWELF-CONTR SVC-GEN. (Contract No. 2023-0781)
Lauralei Combs, Director, Animal Welfare Department (915) 330-9752

C. 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.
Barbara Parker, County Auditor, County Auditor's Office (915) 273-3262

D. Approve order for all money that otherwise would be deposited in a salary fund created under the Texas Local Government Code, § 154.042, be deposited in the County's general fund.
Barbara Parker, County Auditor, County Auditor's Office (915) 273-3262

E. Approve amendment No.43 to the County of El Paso's 2022-2023 operating budget. This budgetary amendment will increase Grants by \$22,395,097.74, thus increasing the overall budget of \$742,313,222.42 to \$764,708,320.16.
Jessica C. Garza, Interim Director, Budget and Fiscal Policy Department (915) 546-2262

F. Approve and authorize the County Judge to sign the Supplemental Contract between Owner and Contractor with C. Ortiz Corp DBA The Roof & Metal Co., on behalf of the El Paso County Juvenile Probation Department, for the construction of a project identified as JPD Roof Renovations Bond in the amount of \$1,287,977.89 from August 28, 2023, through September 30, 2025. Funding is available in CP-TN23A-JPD-RENOV-ROOF/HVAC. (Contract No. 2023-0676)
Rosie Medina, Chief Juvenile Probation Officer, Juvenile Probation Department (915) 849-2500

G. Approve and authorize the County Judge to sign the Second Option to Renew Agreement and Amendment with Youth Opportunity Investments, LLC d/b/a the Center for Success and Independence at Rockdale Academy, for youth residential treatment services, on behalf of the El Paso County Juvenile Probation Department. This will extend the term of services from October 1, 2023, through September 30, 2024. Funding is available in SG-TJJDST24-OPERATING EXP. (Contract No. 2023-0687)
Rosie Medina, Chief Juvenile Probation Officer, Juvenile Probation Department (915) 849-2500

H. Approve and authorize the County Judge to sign the Addendum for the addition of the SaaS Test Environment Site Services with Cobblestone Systems, Corp., from October 1, 2023 and runs concurrent with Contract No. 2022-1024, the Insight Enterprise Software License and Hosting Services Agreement. Funding is available in CIP-23-CNTYADMIN-ITSOFTWARE-CTY. (Contract No. 2023-0673)
Melissa M. Carrillo, PHR, Executive Director, County Operations Department (915) 546-2215

I. Approve and authorize the County Judge to sign the Supplemental Contract between Owner and Contractor with Basic IDIQ, Inc. for the Fabens Risinger Park New Concrete Sidewalk project in the amount of \$58,164.44. Funding is available in GF-COUNTYPARKS-PARK IMPROV. (Contract No. 2023-0638)
Norma Rivera Palacios, Executive Director, Public Works Department (915) 546-2015

J. **PULLED FOR DISCUSSION BY PUBLIC WORKS** - Approve and authorize the County Judge to sign the License Agreement between El Paso County and Fred Loya Partners, LP, a Texas Limited Partnership, to co-sponsor the "Fred Loya Partners and El Paso County present: Holiday Lights on the Lake Spectacular" at Ascarate Park from October 3, 2023, through January 16, 2024. Funding is available in GF-PRKS&RECADM-CONTR SVC-GEN, GF-ASCARATE-OPS EXPENSES-GEN and GF-PRKS&RECADM-RENT/LEASES. (Contract No. 2023-0656)
Norma Rivera Palacios, Executive Director, Public Works Department (915) 546-2015

K. Approve and authorize the County Judge to sign the Release of Obligation for improvements located in Peyton Estates Unit 8 subdivision (Instrument No. LICX1198883). Further, accept the identified improvements into the County of El Paso Road System for maintenance.
Michael McElroy, Director, Planning & Development Department (915) 546-2015

- L. 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.
Michael McElroy, Director, Planning & Development Department (915) 546-2015
- M. Approve the purchase of Pre-Owned Heavy Equipment for the County of El Paso Public Works Department using Sourcewell Contract 062320 awarded to United Rental (North America) of Stamford, CT in the amount of \$310,638.31. Purchasing approved on September 25, 2023. Funding is available in SR-R&B-CAP OUT-EQUIP.
Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048
- N. Approve the purchase of Two (2) Chevrolet Silverado MD 4WD Crew Cab Work Trucks and Two (2) Chevrolet Express Passenger RWD for the County of El Paso using Region 19 Contract 20-7355 awarded to Rudolph Chevrolet of El Paso, Texas in the amount of \$441,634.00 (to include administrative fee of \$400). Purchasing approved on September 25, 2023. Funding is available in SG-GSTGARSO22-CAP OUTLAYS and SR-R&B-CAP OUT-VEHICLES.
Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048
- O. Approve and authorize the Sole Source Purchase of Support and Maintenance for Public Safety Records and Management Software for the County of El Paso from Intergraph Corporation - Hexagon, Safety, Infrastructure & Geospatial Division of Madison, AL in the grand total of \$427,722.55. Funds are available in GF-ITD-MAINT/REP-SOFTWARE. Pursuant to Texas Local Government Code Section 262.024 (a)(7)(A), as a sole source item, it is exempt from the provisions of the County Purchasing Act. Sole Source will be re-evaluated at time of new contract to ensure compliance with statute.
Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048
- P. Approve and authorize the Purchasing Agent to solicit proposals for Modernization of Six (6) Traction Elevators and a 40+ Elevator Maintenance Portfolio for the County of El Paso. In accordance with Local Government Code 262.030, the Purchasing Agent has reviewed use of the Request for Proposal (RFP) process.
Karen L. Davidson, Purchasing Agent, Purchasing Department (915) 546-2048
- Q. 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) 273-3349
- R. Pursuant to Texas Local Government Code Section 81.032, authorize the El Paso County Sheriff's Office to accept an in-kind donation of a ceiling fan, valued up to \$780.98, from Designer's Mart during fiscal year 2024 for use in improving participation and employee morale. (#2565-OP)
Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 538-2234
- S. GRANT AWARD - Approve and authorize the County Judge to accept the FY23 Residential Substance Abuse Treatment for State Prisoners (RSAT) on behalf of the El Paso County Community Supervision and Corrections Department in the amount of \$260,536 from October 1, 2023, through September 30, 2023. A match in the amount of \$92,659 is required and provided by the Diversion Program funds. (Contract No. 2023-0784)
Magdalena Morales-Aina, Director, El Paso County CSCD (915) 546-8120
- T. GRANT AWARD - Approve and authorize the County Judge to accept the FY24 General Victim Assistance Direct Services grant award on behalf of the County Attorney's Office Victim Resource Program from October 1, 2023, through September 31, 2024, in the amount of \$53,042.60. A County match in the amount of \$57,237.55 is needed and is available in GF-CAVICTR-XFER OUT-GRNT MATCH. (Contract No. 2023-0774)
Jo Anne Bernal, County Attorney, County Attorney's Office (915) 546-2081
- U. GRANT AWARD - Approve and authorize the County Judge to accept the Office of the Governor FY24 State Criminal Justice Planning Grant, on behalf of the County Attorney's Office from October 1, 2023, through September 30, 2024, in the amount of \$312,663. No County match is required. (Contract No. 2023-0782)
Eddie Sosa, First Assistant County Attorney, County Attorney's Office (915) 546-2050
- V. **PULLED FOR DISCUSSION BY COMMISSIONER STOUT** - GRANT AWARD - Approve and authorize the County Judge to accept the Texas Office of the Governor-Homeland Security Grants Division, Statement of Grant Award #2283712, for the El Paso County Border Prosecution Unit, El Paso District Attorney's Office in the amount of \$3,103,399.87 from September 1, 2023, through August 31, 2025. There is no County match required. (Contract No. 2023-0780)
Bill D. Hicks, District Attorney, District Attorney's Office (915) 546-2059 x4077

W. GRANT APPLICATION - Approve and authorize the Planning & Development Department to apply for the Texas Department of Transportation (TxDOT) FY2023 Rural Discretionary Grant (Additional) in the amount of \$60,658 for the design and construction of a new transit facility. No County match is required. Further authorize the County Judge to sign the Obligation Certification as required by the grant. (Contract No. 2023-0768)
Michael McElroy, Director, Planning & Development Department (915) 546-2015

X. GRANT AWARD - Approve and authorize the County Judge to sign the Texas Department of Transportation (TxDOT) FY2024 (previously FY2021) Federal Section 5311 Rural Areas Public Transportation Project Grant Agreement (PGA) in the amount of \$1,753,210 for capital procurement for El Paso County Transit Fleet. No County match is required. (Contract No. 2023-0769)
Michael McElroy, Director, Planning & Development Department (915) 546-2015

Y. GRANT APPLICATION - Approve and authorize the Planning & Development Department to apply for the Texas Department of Transportation (TxDOT) FY2023 Rural Discretionary Grant in the amount of \$339,342 for the design and construction of a new transit facility. No County match is required. Further authorize the County Judge to sign the Obligation Certification as required by the grant. (Contract No. 2023-0771)
Michael McElroy, Director, Planning & Development Department (915) 546-2015

Z. GRANT AWARD - Approve and authorize the County Judge to accept the Office of the Governor, FY24 Victim Services grant on behalf of the El Paso County Sheriff's Office, in the amount of \$127,216.80. The grant award is from October 1, 2023, to September 30, 2024. A County match in the amount of \$151,552.56 is needed and is available in GF-SOVOCA-XFER OUT-GRANT MATCH. (Contract No. 2023-0778)
Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 538-2234

AA. GRANT AWARD - Approve and authorize the County Judge to accept the Office of the Governor, Criminal Justice Division, FY24 Rifle-Resistant Body Armor Grant Program award, on behalf of the El Paso County Sheriff's Office, in the amount of \$58,250, from October 1, 2023, through September 30, 2024. No County match is required. (Contract No. 2023-0779)
Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915) 538-2234

MOTION: APPROVE

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

5. RESOLUTIONS

A. Approve and adopt a resolution proclaiming the month of October 2023, as "Down Syndrome Awareness Month" in El Paso County, Texas.
Carlos Leon, Commissioner, Pct. 1 (915) 546-2014

MOTION: APPROVE

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

B. Approve and adopt a resolution recognizing October 2, 2023, as United Nations International Day of Older Persons in El Paso County, Texas.
David Stout, Commissioner, Pct. 2 (915) 546-2111

MOTION: APPROVE

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

C. Approve and adopt a resolution recognizing October 2023, as "Children's Environmental Health Month," in El Paso County, Texas.
David Stout, Commissioner, Pct. 2 (915) 546-2111

MOTION: APPROVE

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

D. Approve and adopt a resolution celebrating the El Paso Rhinos Season Opener weekend in El Paso County, Texas.

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

MOTION: APPROVE

Motion by Commissioner Stout

Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado

Seconded by County Judge Samaniego

Members Voting Nay: None

E. Approve and adopt a resolution recognizing Macharaviaya, Málaga, Spain on the establishment of a Sister, in El Paso County, Texas.

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

MOTION: APPROVE

Motion by Commissioner Holguin

Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado

Seconded by County Judge Samaniego

Members Voting Nay: None

F. Approve and adopt a resolution recognizing the month of October 2023 as "Human Resources Awareness Month" in El Paso County, Texas.

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

MOTION: DELETE

Motion by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado

Seconded by Commissioner Holguin

Members Voting Nay: None

G. Approve and adopt a resolution recognizing the month of October 2023 as "El Paso County Employees Combined Charities Campaign Month" in El Paso County, Texas.

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

MOTION: APPROVE

Motion by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado

Seconded by Commissioner Stout

Members Voting Nay: None

ITEMS PULLED FOR DISCUSSION FROM THE CONSENT AGENDA

4V. **PULLED FOR DISCUSSION BY COMMISSIONER STOUT - GRANT AWARD** - Approve and authorize the County Judge to accept the Texas Office of the Governor-Homeland Security Grants Division, Statement of Grant Award #2283712, for the El Paso County Border Prosecution Unit, El Paso District Attorney's Office in the amount of \$3,103,399.87 from September 1, 2023, through August 31, 2025. There is no County match required. (Contract No. 2023-0780)

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

MOTION: APPROVE

Motion by County Judge Samaniego

Members Voting Aye: Judge Samaniego, Leon, Stout, Holguin, Coronado

Seconded by Commissioner Leon

Members Voting Nay: None

6. PUBLIC COMMENT

Elizabeth Crawford, addressed the Commissioners Court regarding Columbus Day/Indigenous People's Day, read scripture, and spoke against abortion and Planned Parenthood.

COMMISSIONERS COURT

9. Discuss and take appropriate action to approve and adopt a resolution authorizing the tax resale for the property described as Lot 14, Block 1, Hueco Mountain Estates, Unit 1, El Paso County, Texas, pursuant to Section 34.05(h)(2) of the Texas Property Tax Code. Further, approve and authorize the County Judge to sign the corresponding resolution and tax resale deed approved through this action.
Ricardo A. Samaniego, County Judge, Commissioners Court (915) 546-2098

10. Discuss and take appropriate action to approve and adopt a resolution authorizing the tax resale for the property described as Section 14, Block 77, Township 3, Texas and Pacific Railway Company Survey, Abstract 9834, El Paso County Texas, pursuant to Section 34.05(h)(2) of the Texas Property Tax Code. Further, approve and authorize the County Judge to sign the corresponding resolution and tax resale deed approved through this action.
Ricardo A. Samaniego, County Judge, Commissioners Court (915) 546-2098

11. Discuss and take appropriate action to approve and adopt a resolution authorizing the tax resale for the property described as Lot 14, Block 5, Homestead Meadows, an addition to El Paso County, Texas, pursuant to Section 34.05(h)(2) of the Texas Property Tax Code. Further, approve and authorize the County Judge to sign the corresponding resolution and tax resale deed approved through this action.
Ricardo A. Samaniego, County Judge, Commissioners Court (915) 546-2098

MOTION: APPROVE ITEMS #9, #10 AND #11.

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

7. PRESENTATION

A. Receive a presentation recognizing El Paso County as the "Leading the Way" Platinum Award recipient for the Aetna Wellbeing Award program.
Minnie Holguin, Chief Human Resources Officer, Human Resources Department (915) 546-2218

PRESENTATION RECEIVED

ITEMS PULLED FOR DISCUSSION FROM THE CONSENT AGENDA

4J. **PULLED FOR DISCUSSION BY PUBLIC WORKS** - Approve and authorize the County Judge to sign the License Agreement between El Paso County and Fred Loya Partners, LP, a Texas Limited Partnership, to co-sponsor the "Fred Loya Partners and El Paso County present: Holiday Lights on the Lake Spectacular" at Ascarate Park from October 3, 2023, through January 16, 2024. Funding is available in GF-PRKS&RECADM-CONTR SVC-GEN, GF-ASCARATE-OPS EXPENSES-GEN and GF-PRKS&RECADM-RENT/LEASES. (Contract No. 2023-0656)
Norma Rivera Palacios, Executive Director, Public Works Department (915) 546-2015

MOTION: APPROVE

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

COMMISSIONERS COURT

8. Discuss and take appropriate action regarding the development of a technical application to the Economic Development Administration's FY 2023 EDA Disaster Supplemental Fund.
Iliana Holguin, Commissioner, Pct. 3 (915) 546-2144

MOTION: APPROVE AND AUTHORIZE STAFF TO PROCEED WITH THE DEVELOPMENT OF A TECHNICAL APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION'S FY 2023 EDA DISASTER SUPPLEMENTAL FUND AND UTILIZE TECHNICAL OUTSIDE RESOURCES TO INCLUDE THE PASO DEL NORTE HEALTH FOUNDATION AS WELL AS THE CAMINO REAL REGIONAL MOBILITY AUTHORITY.

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

13. INTO EXECUTIVE SESSION AT 11:55 A.M.

A. Discuss findings regarding persons necessary in Executive Session.
County Attorney's Office (915) 546-2050

D. Pursuant to Texas Government Code Section 551.071, discuss legal rights and responsibilities regarding the County's response to the lifting of Title 42.
Ana Schumacher, Assistant County Attorney, County Attorney's Office (915) 273-3238

E. Pursuant to Texas Government Code Section 551.071, receive legal advice and consultation regarding recent fires in the Montana Vista area of El Paso County.
Erica Rosales Nigaglioni, Assistant County Attorney, County Attorney's Office (915) 273-3238

REGULAR SESSION RECONVENED AT 1:10 P.M.

MEETING RECESSED AT 1:11 P.M.

MEETING RECONVENED AT 2:15 P.M.

**COUNTY JUDGE RICARDO SAMANIEGO WAS ABSENT FROM THIS POINT
THROUGH THE REMAINDER OF THE MEETING**

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.

12. CORRECTION PER COUNTY ATTORNEY'S OFFICE - Approve and authorize the Planning and Development Department to apply for the FY23 for the Strengthening Mobility and Revolutionizing Transportation (SMART) grant in the amount of \$555,073 from April 1, 2024, through September 30, 2025. Further, approve and authorize the County Judge to sign all required forms. No match is required. Pending final legal review and approval from the County Attorney's Office. **(CONTRACT NO. 2023-0792)**
Michael McElroy, Director, Planning & Development Department (915) 546-2015

MOTION: APPROVE

Motion by Commissioner Leon
Seconded by Commissioner Holguin

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

REGULAR SESSION

15. Discuss and take appropriate action pertaining to recent fires in the Montana Vista area of El Paso County. Further, adopt the Order Establishing Rules for Outdoor Businesses in El Paso County.
Erica Rosales Nigaglioni, Assistant County Attorney, County Attorney's Office (915) 546-2050

NO ACTION

13. INTO EXECUTIVE SESSION AT 3:15 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 551.074, discuss a personnel matter regarding a Purchasing and Inventory Control Clerk of the Purchasing Department. (2333-OP)
Minnie Holguin, Chief Human Resources Officer, Human Resources Department (915) 546-2218

C. Discuss potential real property acquisition in Downtown El Paso pursuant to Texas Government Code Section 551.072.
Norma Rivera Palacios, Executive Director, Public Works Department (915) 546-2215

F. Pursuant to Texas Government Code Section 551.071, discuss the pending District Attorney's personnel issue; County Attorney's file number 0106-23-LC.

Ian R. Kaplan, Assistant County Attorney, County Attorney's Office (915) 273-3247

G. Discuss the pending EEOC claim and potential litigation of Charge No. 453-2023-00649; County Attorney's file number 0064-23-EE, pursuant to Texas Government Code Section 551.071.

Michael Gomez, Assistant County Attorney, County Attorney's Office (915) 546-2050

H. Pursuant to Texas Government Code section 551.087, discuss financial information and economic development negotiations received regarding a Chapter 381 Agreement with Project Poseidon, a private business prospect.

Roberto Ransom, Director, Economic Development Department (915) 546-2177

REGULAR SESSION RECONVENED AT 4:33 P.M.

14. Discuss and take appropriate action to grant a Purchasing and Inventory Control Clerk of the Purchasing Department up to 240 hours (30 days) of additional Administrative Leave (ADC). (#2333-OP)

Minnie Holguin, Chief Human Resources Officer, Human Resources Department (915) 546-2218

MOTION: APPROVE AND AUTHORIZE A PURCHASING AND INVENTORY CONTROL CLERK OF THE PURCHASING DEPARTMENT UP TO 240 HOURS (30 DAYS) OF ADDITIONAL ADMINISTRATIVE LEAVE (ADC).

Motion by Commissioner Leon

Members Voting Aye: Leon, Stout, Holguin, Coronado

Seconded by Commissioner Holguin

Members Voting Nay: None

16. Discuss and take action on the pending District Attorney's personnel issue; County Attorney's file number 0106-23-LC.

Ian R. Kaplan, Assistant County Attorney, County Attorney's Office (915) 273-3247

MOTION: DIRECT THE HUMAN RESOURCES DEPARTMENT TO CALCULATE THE BACK PAY TO BE PAID AND TO AUTHORIZE FOR THAT PAYMENT TO THE EMPLOYEE AS MENTIONED IN EXECUTIVE SESSION AND REFERENCED IN COUNTY ATTORNEY'S FILE NUMBER 0106-23-LC.

Motion by Commissioner Coronado

Members Voting Aye: Leon, Stout, Holguin, Coronado

Seconded by Commissioner Leon

Members Voting Nay: None

MEETING ADJOURNED AT 4:36 P.M.

**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
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**COMMISSIONERS COURT REGULAR MEETING MINUTES
MONDAY, OCTOBER 2, 2023**

MEETING ADJOURNED AT 4:36 P.M.

ATTEST:

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS



JESSICA DOMINGUEZ, DEPUTY CLERK
CESAR Q. NAVA, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS

16th DAY OF October, 2023



COUNTY JUDGE RICARDO A. SAMANIEGO, PRESIDING

2023 SEP 29 AM 9:00

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

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

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, October 2, 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 September 25, 2023.

County Administration Department (915) 546-2215

B. Approve and authorize the County Judge to sign the El Paso County Spay and Neuter Program Veterinary Services Agreement with Dr. Jacqueline Hernandez-Diaz, DVM, for professional services as part of the County of El Paso's spay/neuter program for rural municipalities. Funds are available in GF-ANIMALWELF-CONTR SVC-GEN. (Contract No. 2023-0781)

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C. 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.

Barbara Parker, County Auditor, County Auditor's Office (915) 273-3262

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Barbara Parker, County Auditor, County Auditor's Office (915) 273-3262

E. Approve amendment No.43 to the County of El Paso's 2022-2023 operating budget. This budgetary amendment will increase Grants by \$22,395,097.74, thus increasing the overall budget of \$742,313,222.42

to \$764,708,320.16.

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

- F. Approve and authorize the County Judge to sign the Supplemental Contract between Owner and Contractor with C. Ortiz Corp DBA The Roof & Metal Co., on behalf of the El Paso County Juvenile Probation Department, for the construction of a project identified as JPD Roof Renovations Bond in the amount of \$1,287,977.89 from August 28, 2023, through September 30, 2025. Funding is available in CP-TN23A-JPD-RENOV-ROOF/HVAC. (Contract No. 2023-0676)

Rosie Medina, Chief Juvenile Probation Officer, Juvenile Probation Department (915) 849-2500

- G. Approve and authorize the County Judge to sign the Second Option to Renew Agreement and Amendment with Youth Opportunity Investments, LLC d/b/a the Center for Success and Independence at Rockdale Academy, for youth residential treatment services, on behalf of the El Paso County Juvenile Probation Department. This will extend the term of services from October 1, 2023, through September 30, 2024. Funding is available in SG-TJJDST24-OPERATING EXP. (Contract No. 2023-0687)

Rosie Medina, Chief Juvenile Probation Officer, Juvenile Probation Department (915) 849-2500

- H. Approve and authorize the County Judge to sign the Addendum for the addition of the SaaS Test Environment Site Services with Cobblestone Systems, Corp., from October 1, 2023 and runs concurrent with Contract No. 2022-1024, the Insight Enterprise Software License and Hosting Services Agreement. Funding is available in CIP-23-CNTYADMIN-ITSOFTWARE-CTY. (Contract No. 2023-0673)

Melissa M. Carrillo, PHR, Executive Director, County Operations Department (915) 546-2215

- I. Approve and authorize the County Judge to sign the Supplemental Contract between Owner and Contractor with Basic IDIQ, Inc. for the Fabens Risinger Park New Concrete Sidewalk project in the amount of \$58,164.44. Funding is available in GF-COUNTYPARKS-PARK IMPROV. (Contract No. 2023-0638)

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

- J. Approve and authorize the County Judge to sign the License Agreement between El Paso County and Fred Loya Partners, LP, a Texas Limited Partnership, to co-sponsor the "Fred Loya Partners and El Paso County present: Holiday Lights on the Lake Spectacular" at Ascarate Park from October 3, 2023, through January 16, 2024. Funding is available in GF-PRKS&RECADM-CONTR SVC-GEN, GF-ASCARATE-OPS EXPENSES-GEN and GF-PRKS&RECADM-RENT/LEASES. (Contract No. 2023-0656)

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

- K. Approve and authorize the County Judge to sign the Release of Obligation for improvements located in Peyton Estates Unit 8 subdivision (Instrument No. LICX1198883). Further, accept the identified improvements into the County of El Paso Road System for maintenance.

Michael McElroy, Director, Planning & Development Department (915) 546-2015

- L. 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.

Michael McElroy, Director, Planning & Development Department (915) 546-2015

- M. Approve the purchase of Pre-Owned Heavy Equipment for the County of El Paso Public Works Department using Sourcewell Contract 062320 awarded to United Rental (North America) of Stanford, CT in the amount of \$310,638.31. Purchasing approved on September 25, 2023. Funding is available in SR-R&B-CAP OUT-EQUIP.

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

- N. Approve the purchase of Two (2) Chevrolet Silverado MD 4WD Crew Cab Work Trucks and Two (2) Chevrolet Express Passenger RWD for the County of El Paso using Region 19 Contract 20-7355 awarded to Rudolph Chevrolet of El Paso, Texas in the amount of \$441,634.00 (to include administrative fee of \$400). Purchasing approved on September 25, 2023. Funding is available in SG-GSTGARS022-CAP OUTLAYS and SR-R&B-CAP OUT-VEHICLES.

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

- O. Approve and authorize the Sole Source Purchase of Support and Maintenance for Public Safety Records and Management Software for the County of El Paso from Intergraph Corporation - Hexagon, Safety, Infrastructure & Geospatial Division of Madison, AL in the grand total of \$427,722.55. Funds are available in GF-ITD-MAINT/REP-SOFTWARE. Pursuant to Texas Local Government Code Section 262.024 (a)(7)(A), as a sole source item, it is exempt from the provisions of the County Purchasing Act. Sole Source will be re-evaluated at time of new contract to ensure compliance with statute.

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

- P. Approve and authorize the Purchasing Agent to solicit proposals for Modernization of Six (6) Traction Elevators and a 40+ Elevator Maintenance Portfolio for the County of El Paso. In accordance with Local Government Code 262.030, the Purchasing Agent has reviewed use of the Request for Proposal (RFP) process.

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

- Q. 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) 273-3349

- R. Pursuant to Texas Local Government Code Section 81.032, authorize the El Paso County Sheriff's Office to accept an in-kind donation of a ceiling fan, valued up to \$780.98, from Designer's Mart during fiscal year 2024 for use in improving participation and employee morale. (#2565-OP)

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

- S. GRANT AWARD - Approve and authorize the County Judge to accept the FY23 Residential Substance Abuse Treatment for State Prisoners (RSAT) on behalf of the El Paso County Community Supervision and

Corrections Department in the amount of \$260,536 from October 1, 2023, through September 30, 2023. A match in the amount of \$92,659 is required and provided by the Diversion Program funds. (Contract No. 2023-0784)

Magdalena Morales-Aina, Director, El Paso County CSCD (915) 546-8120

- T. GRANT AWARD - Approve and authorize the County Judge to accept the FY24 General Victim Assistance Direct Services grant award on behalf of the County Attorney's Office Victim Resource Program from October 1, 2023, through September 31, 2024, in the amount of \$53,042.60. A County match in the amount of \$57,237.55 is needed and is available in GF-CAVICTR-XFER OUT-GRNT MATCH. (Contract No. 2023-0774)

Jo Anne Bernal, County Attorney, County Attorney's Office (915) 546-2081

- U. GRANT AWARD - Approve and authorize the County Judge to accept the Office of the Governor FY24 State Criminal Justice Planning Grant, on behalf of the County Attorney's Office from October 1, 2023, through September 30, 2024, in the amount of \$312,663. No County match is required. (Contract No. 2023-0782)

Eddie Sosa, First Assistant County Attorney, County Attorney's Office (915) 546-2050

- V. GRANT AWARD - Approve and authorize the County Judge to accept the Texas Office of the Governor-Homeland Security Grants Division, Statement of Grant Award #2283712, for the El Paso County Border Prosecution Unit, El Paso District Attorney's Office in the amount of \$3,103,399.87 from September 1, 2023, through August 31, 2025. There is no County match required. (Contract No. 2023-0780)

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

- W. GRANT APPLICATION - Approve and authorize the Planning & Development Department to apply for the Texas Department of Transportation (TxDOT) FY2023 Rural Discretionary Grant (Additional) in the amount of \$60,658 for the design and construction of a new transit facility. No County match is required. Further authorize the County Judge to sign the Obligation Certification as required by the grant. (Contract No. 2023-0768)

Michael McElroy, Director, Planning & Development Department (915) 546-2015

- X. GRANT AWARD - Approve and authorize the County Judge to sign the Texas Department of Transportation (TxDOT) FY2024 (previously FY2021) Federal Section 5311 Rural Areas Public Transportation Project Grant Agreement (PGA) in the amount of \$1,753,210 for capital procurement for El Paso County Transit Fleet. No County match is required. (Contract No. 2023-0769)

Michael McElroy, Director, Planning & Development Department (915) 546-2015

- Y. GRANT APPLICATION - Approve and authorize the Planning & Development Department to apply for the Texas Department of Transportation (TxDOT) FY2023 Rural Discretionary Grant in the amount of \$339,342 for the design and construction of a new transit facility. No County match is required. Further authorize the County Judge to sign the Obligation Certification as required by the grant. (Contract No. 2023-0771)

Michael McElroy, Director, Planning & Development Department (915) 546-2015

- Z. GRANT AWARD - Approve and authorize the County Judge to accept the Office of the Governor, FY24 Victim Services grant on behalf of the El Paso County Sheriff's Office, in the amount of \$127,216.80. The grant award is from October 1, 2023, to September 30, 2024. A County match in the amount of \$151,552.56 is needed and is available in GF-SOVOCA-XFER OUT-GRANT MATCH. (Contract No. 2023-0778)

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

- AAGRANT AWARD - Approve and authorize the County Judge to accept the Office of the Governor, Criminal Justice Division, FY24 Rifle-Resistant Body Armor Grant Program award, on behalf of the El Paso County Sheriff's Office, in the amount of \$58,250, from October 1, 2023, through September 30, 2024. No County match is required. (Contract No. 2023-0779)

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

5. RESOLUTIONS

- A. Approve and adopt a resolution proclaiming the month of October 2023, as "Down Syndrome Awareness Month" in El Paso County, Texas.

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

- B. Approve and adopt a resolution recognizing October 2, 2023, as United Nations International Day of Older Persons in El Paso County, Texas.

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

- C. Approve and adopt a resolution recognizing October 2023, as "Children's Environmental Health Month," in El Paso County, Texas.

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

- D. Approve and adopt a resolution celebrating the El Paso Rhinos Season Opener weekend in El Paso County, Texas.

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

- E. Approve and adopt a resolution recognizing Macharaviaya, Málaga, Spain on the establishment of a Sister, in El Paso County, Texas.

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

- F. Approve and adopt a resolution recognizing the month of October 2023 as "Human Resources Awareness Month" in El Paso County, Texas.

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

- G. Approve and adopt a resolution recognizing the month of October 2023 as "El Paso County Employees Combined Charities Campaign 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 recognizing El Paso County as the "Leading the Way" Platinum Award recipient for the Aetna Wellbeing Award program.

Minnie Holguin, Chief Human Resources Officer, Human Resources Department (915) 546-2218

COMMISSIONERS COURT

8. Discuss and take appropriate action regarding the development of a technical application to the Economic Development Administration's FY 2023 EDA Disaster Supplemental Fund.

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

9. Discuss and take appropriate action to approve and adopt a resolution authorizing the tax resale for the property described as Lot 14, Block 1, Hueco Mountain Estates, Unit 1, El Paso County, Texas, pursuant to Section 34.05(h)(2) of the Texas Property Tax Code. Further, approve and authorize the County Judge to sign the corresponding resolution and tax resale deed approved through this action.

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

10. Discuss and take appropriate action to approve and adopt a resolution authorizing the tax resale for the property described as Section 14, Block 77, Township 3, Texas and Pacific Railway Company Survey, Abstract 9834, El Paso County Texas, pursuant to Section 34.05(h)(2) of the Texas Property Tax Code. Further, approve and authorize the County Judge to sign the corresponding resolution and tax resale deed approved through this action.

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

11. Discuss and take appropriate action to approve and adopt a resolution authorizing the tax resale for the property described as Lot 14, Block 5, Homestead Meadows, an addition to El Paso County, Texas, pursuant to Section 34.05(h)(2) of the Texas Property Tax Code. Further, approve and authorize the County Judge to sign the corresponding resolution and tax resale deed approved through this action.

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

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.

12. Approve and authorize the Planning and Development Department to apply for the FY23 for the Strengthening Mobility and Revolutionizing Transportation (SMART) grant in the amount of \$555,073 from April 1, 2024, through September 30, 2025. Further, approve and authorize the County Judge to sign all required forms. No match is required. Pending final legal review and approval from the County Attorney's Office.

Michael McElroy, Director, Planning & Development Department (915) 546-2015

13. 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 551.074, discuss a personnel matter regarding a Purchasing and Inventory Control Clerk of the Purchasing Department. (2333-OP)

Minnie Holguin, Chief Human Resources Officer, Human Resources Department (915) 546-2218

C. Discuss potential real property acquisition in Downtown El Paso pursuant to Texas Government Code Section 551.072.

Norma Rivera Palacios, Executive Director, Public Works Department (915) 546-2215

D. Pursuant to Texas Government Code Section 551.071, discuss legal rights and responsibilities regarding the County's response to the lifting of Title 42.

Ana Schumacher, Assistant County Attorney, County Attorney's Office (915) 273-3238

E. Pursuant to Texas Government Code Section 551.071, receive legal advice and consultation regarding recent fires in the Montana Vista area of El Paso County.

Erica Rosales Nigaglioni, Assistant County Attorney, County Attorney's Office (915) 273-3238

F. Pursuant to Texas Government Code Section 551.071, discuss the pending District Attorney's personnel issue; County Attorney's file number 0106-23-LC.

Ian R. Kaplan, Assistant County Attorney, County Attorney's Office (915) 273-3247

G. Discuss the pending EEOC claim and potential litigation of Charge No. 453-2023-00649; County Attorney's file number 0064-23-EE, pursuant to Texas Government Code Section 551.071.

Michael Gomez, Assistant County Attorney, County Attorney's Office (915) 546-2050

H. Pursuant to Texas Government Code section 551.087, discuss financial information and economic development negotiations received regarding a Chapter 381 Agreement with Project Poseidon, a private business prospect.

Roberto Ransom, Director, Economic Development Department (915) 546-2177

REGULAR SESSION

14. Discuss and take appropriate action to grant a Purchasing and Inventory Control Clerk of the Purchasing Department up to 240 hours (30 days) of additional Administrative Leave (ADC). (#2333-OP)

Minnie Holguin, Chief Human Resources Officer, Human Resources Department (915) 546-2218

15. Discuss and take appropriate action pertaining to recent fires in the Montana Vista area of El Paso County. Further, adopt the Order Establishing Rules for Outdoor Businesses in El Paso County.

Erica Rosales Nigaglioni, Assistant County Attorney, County Attorney's Office (915) 546-2050

16. Discuss and take action on the pending District Attorney's personnel issue; County Attorney's file number 0106-23-LC.

Ian R. Kaplan, Assistant County Attorney, County Attorney's Office (915) 273-3247

