

**MONDAY, APRIL 16, 2012  
COMMISSIONERS COURT MET IN REGULAR MEETING  
AT 9:30 A.M.  
WITH THE FOLLOWING MEMBERS PRESENT**

**HON. VERONICA ESCOBAR, PRESIDING  
ANNA PEREZ,  
SERGIO LEWIS,  
TANIA M. CHOZET,  
DANIEL R. HAGGERTY,**

**COUNTY JUDGE  
COMMISSIONER, PCT. # 1  
COMMISSIONER, PCT. # 2  
COMMISSIONER, PCT. # 3  
COMMISSIONER, PCT. # 4**

**PATRICIA PIETZYK, DEPUTY CLERK**

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**MEETING CONVENED**

**APRIL 16, 2012**

**MOTION # 1**

On this day, Commissioners Court of El Paso County, Texas was called to order by the Deputy Clerk.

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**PLEDGE OF ALLEGIANCE**

**APRIL 16, 2012**

**MOTION # 2**

On this day, Commissioners Court began with the Pledge of Allegiance.

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**APPROVED - CONSENT AGENDA;  
POSTPONED - QUARTERLY REPORTS FROM OFFICE OF CONSTABLE, PCT. 1,  
OFFICE OF CONSTABLE, PCT. 2, AND EMERGENCY MANAGEMENT**

**APRIL 16, 2012**

**MOTION # 3**

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Chozet, it is the order of the Court to approve the following Consent Agenda items, including the deletion of Item # 15; to postpone for one week the quarterly reports from the Office of the Constable, Pct. 1, and Emergency Management; and to postpone for two weeks the quarterly report from the Office of the Constable, Pct. 2.

7. Approval of the Minutes of the regular meetings of April 2, 2012; April 9, 2012 and the special meeting of April 5, 2012.

Submitted by: , County Clerk's Office (915) 546-2071

8. 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.

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

9. Approve amendment No. 22 to the County of El Paso's 2011-2012 operating budget. This budgetary amendment will increase Grants by \$76,941.96 as noted on the attachment, thus increasing the overall operating budget of \$288,102,951.82 to \$288,179,893.78.

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

10. Pursuant to the Texas Local Government Code, §§ 114.023, 114.024, 114.025 and 114.026, please accept the interim financial report for the month ended March 2012. This report is located on the intranet at: [www.epcounty.com/auditor/publications/default.htm](http://www.epcounty.com/auditor/publications/default.htm)

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

11. Approve the recommendation from the El Paso County Staffing Review Committee to approve Request #2012-019 to reinstate the frozen Internal Auditor position (PM-5) for the Auditor's Office effective 4/16/12 at a budget impact of \$23,534 for Fiscal Year 2012 and authorize the department to fill the vacancy.

Submitted by: Director Betsy C. Keller, SPHR, Human Resources (915) 546-2218

13. Approve the recommendation from the El Paso County Staffing Review Committee to approve Request #2012-021 to reinstate a frozen Collection Specialist (GS-11) position to assist with backlogged cases and to work with Scofflaw cases for the County Clerk's Office for a budget impact of \$14,885 and authorize the department to fill the vacancy.

Submitted by: Director Betsy C. Keller, SPHR, Human Resources (915) 546-2218

14. Approve the recommendation from the El Paso County Staffing Review Committee to deny Request #2012-022 for an additional Court Clerk (GS-11) position for the County Clerk's Office, specifically assigned to the Probate Courts.

Submitted by: Director Betsy C. Keller, Human Resources (915) 546-2218

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

Submitted by: Public Works Director Ernesto Carrizal III, P.E., Public Works Department (915) 546-2015

17. Approve and authorize the County Judge to sign the material testing contract with Raba Kistner for the Ascarate Park Entrance Renovations Project. Proposed fee is \$4,368.00 and funds are available in CPASCPKIM07-9502.

Submitted by: Public Works Director Ernesto Carrizal III, P.E., Public Works Department (915) 546-2015

18. Authorize the County Judge to execute Contract Amendment No. 1 [2012-0063] to the Construction Materials Testing Services Contract (originally used for the Port of Entry roadway project) to include the amount of \$13,000 for subsurface soils evaluation services for the sewer line project for the Tornillo-Guadalupe Port of Entry Project Zone. Funds are available in CPCAPITAL07.

Submitted by: Public Works Director Ernesto Carrizal III, P.E., Public Works Department (915) 546-2015

20. Approve and authorize the County Judge to sign the attached de obligation of unused funds in the amount of \$335,000 from the East Montana Water Project as requested by USDA-RD.

Submitted by: Public Works Director Ernesto Carrizal III, P.E., Public Works Department (915) 546-2015

21. Approve and authorize the Purchasing Agent to closeout Bid #12-003, Courthouse Security X-Ray System Service Agreement and solicit telephone bids. Purchasing did not receive any response to this bid. The estimated yearly cost is \$11,900.00 for a one (1) year service agreement.

Submitted by: Purchasing Agent Piti Vasquez, Purchasing Department (915) 546-2048

22. Recommendation that award be made to: Multiple vendors as per line item which is in the best interest of the County for Bid #12-006, Inmate Clothing, Bedding & Linens for the County of El Paso Sheriff's Department. Contract term will be for one (1) year with the option to renew one (1) additional year.

Submitted by: Purchasing Agent Piti Vasquez, Purchasing Department (915) 546-2048

23. Recommendation that award be made to: Ed's Refrigeration Inc., for Bid #12-019, Lease for a Kitchen Ice Machine for the El Paso County Detention Facility in the amount of \$9,000.00 for a contract term of three (3) years.

Submitted by: Purchasing Agent Piti Vasquez, Purchasing Department (915) 546-2048

24. Recommendation that award be made to: Flowers Baking Co., of El Paso, LLC for Bid #12-025, Bread Products for the County of El Paso in the amount of \$12,605.39 for a contract term of six (6) months.

Submitted by: Purchasing Agent Piti Vasquez, Purchasing Department (915) 546-2048

25. Recommendation that award be made to: Dean Dairy Holdings LLC dba Price's Creameries for Bid #12-026, Milk Products for the County of El Paso in the amount of \$164,263.13 for a contract term of six (6) months.

Submitted by: Purchasing Agent Piti Vasquez, Purchasing Department (915) 546-2048

26. Recommendation that award be made to: CFI Security Inc., for Bid #12-027, Service of the DSX Access System for the El Paso County Courthouse in the amount of \$10,800.00 for a contract term of three (3) years.

Submitted by: Purchasing Agent Piti Vasquez, Purchasing Department (915) 546-2048

27. Approve and authorize to transfer unserviceable equipment for the Detention Facility to the County Purchasing Agent for disposal. Please see attachment.

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

28. Approve and authorize the County Judge to sign Grant Award and Application for the West Texas HIDTA Prosecution Initiative Grant (G12SW0003A) for the District Attorney's Office. This grant award is at no cost to the County. (KK-12-0163)

Submitted by: Director Travis B. Kuykendall, West Texas HIDTA (915) 532-9550

29. Approve and authorize the County Judge to execute the Stonegarden 2012 Operation Orders for submission to the U. S. Department of Homeland Security-Bureau of Customs and Border Protection in the amount of \$5,385,031 for the El Paso County Sheriff's Office, El Paso Police Department, Socorro Police Department, Horizon Police Department, and Anthony Police Department from October 1, 2011 to September 30, 2014 (2012-179).

Submitted by: Sheriff Richard D. Wiles, EPCSO Grants/Contracts (915) 538-2217

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**APPROVED - RESOLUTION RECOGNIZING "HEALTHCARE DECISIONS DAY"**

**APRIL 16, 2012**

**MOTION # 4 (Item # 1)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Haggerty, it is the order of the Court to adopt a resolution recognizing April 16, 2012 as "Healthcare Decisions Day" in El Paso County, Texas.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**APPROVED – RESOLUTION RECOGNIZING “GLOBAL YOUTH SERVICE DAY”**

**APRIL 16, 2012**

**MOTION # 5 (Item # 2)**

On this day, on motion of Commissioner Chozet, seconded by Commissioner Haggerty, it is the order of the Court to adopt a resolution recognizing April 21, 2012 as “Global Youth Service Day”.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**APPROVED - RESOLUTION DECLARING "SISTERS OF LORETTO WEEK"**

**APRIL 16, 2012**

**MOTION # 6 (Item # 3)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Haggerty, it is the order of the Court to adopt a resolution declaring April 20, 2012 as "Sisters of Loretto Week" in El Paso County, Texas.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**APPROVED - RESOLUTION DESIGNATING "NATIONAL VOLUNTEER WEEK"  
AND "NATIONAL REBUILD DAY"**

**APRIL 16, 2012**

**MOTION # 7 (Item # 4)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Perez, it is the order of the Court to adopt a resolution designating the last week of April as "National Volunteer Week" and April 28, 2012 as "National Rebuild Day", in El Paso County, Texas.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**PUBLIC COMMENT**

**APRIL 16, 2012**

**MOTION # 8 (Item # 6)**

On this day, there was no public comment.

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**PRESENTATION**

**APRIL 16, 2012**

**MOTION # 9 (Item # 5)**

On this day, Commissioners Court received a presentation from El Paso Regional Economic Development Corporation (REDCo) on economic development work in the County of El Paso.

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**RECONSIDERED - POSITION ON COUNTY CLERK'S OFFICE  
MANNING TABLE**

**APRIL 16, 2012**

**MOTION # 10 (Item # 14)**

On this day, on motion of Commissioner Lewis, seconded by Commissioner Haggerty, it is the order of the Court to reconsider the agenda item to approve the recommendation from the El Paso County Staffing Review Committee to deny Request #2012-022 for an additional Court Clerk (GS-11) position for the County Clerk's Office, specifically assigned to the Probate Courts.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**APPROVED - AS CORRECTED, POSITIONS ON COUNTY CLERK'S OFFICE  
MANNING TABLE**

**APRIL 16, 2012**

**MOTION # 11 (Item # 12)**

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Chozet, it is the order of the Court to approve the agenda item, as corrected, to approve the recommendation from the El Paso County Staffing Review Committee to approve Request #2012-020 to create and fill 9 full-time temporary Office Specialist (GS-7) positions for the County Clerk's Office to assist solely with a backlog of DPS reporting to be in compliance with HB3352 and avoid fines and penalties for a budget impact of \$89,235 for FY2012. This project must be completed pursuant to HB3352 within 12 months from the date of hire and implementation.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**NO ACTION - POSITION ON COUNTY CLERK'S OFFICE  
MANNING TABLE**

**APRIL 16, 2012**

**MOTION # 12 (Item # 14)**

On this day, Commissioners Court took no formal action on the agenda item to approve the recommendation from the El Paso County Staffing Review Committee to deny Request #2012-022 for an additional Court Clerk (GS-11) position for the County Clerk's Office, specifically assigned to the Probate Courts.

**NO ACTION**

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**APPROVED - AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT  
WITH STRUCTURAL ENGINEERING ASSOCIATES, INC.  
FOR TORNILLO - GUADALUPE U.S. INTERNATIONAL PORT OF ENTRY  
AND INTERNATIONAL BRIDGE**

**APRIL 16, 2012**

**MOTION # 13 (Item # 19)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Chozet, it is the order of the Court to approve the agenda item to authorize the County Judge to execute Amendment #19 [2012-0075] to Professional Services Agreement between the County and Structural Engineering Associates, Inc. This Contract authorizes additional funding for (1) modification to the structural design of and approach to the international bridge approach; (2) completion of the Environmental Assessment required for CBI funding; and (3) increase in the amount allowed for reimbursable expenses. Funds on the total amount of \$99,082.32 are available in CACAPITAL07.

VOTE: YES – Judge Escobar, Perez, Chozet, Haggerty  
NOT PRESENT - Lewis

NO – None

**APPROVED - FINDING THAT DELIBERATION IN OPEN MEETING WOULD HAVE  
DETRIMENTAL EFFECT ON NEGOTIATIONS REGARDING BUSINESS  
AND FINANCIAL ISSUES RELATING TO NEGOTIATION OF POTENTIAL  
CHAPTER 381 ECONOMIC DEVELOPMENT AGREEMENT, AND ALL  
DELIBERATIONS SHALL TAKE PLACE IN CLOSED SESSION;  
APPROVED - COUNTY ATTORNEY'S OFFICE HAS ISSUED WRITTEN  
DETERMINATION THAT DELIBERATION IN OPEN MEETING WOULD HAVE  
DETRIMENTAL EFFECT ON NEGOTIATIONS REGARDING BUSINESS  
AND FINANCIAL ISSUES RELATING TO NEGOTIATION OF POTENTIAL  
CHAPTER 381 ECONOMIC DEVELOPMENT AGREEMENT;  
APPROVED - COUNTY CLERK'S OFFICE TO TAPE RECORD ALL CLOSED  
SESSIONS CONCERNING NEGOTIATION OF POTENTIAL  
CHAPTER 381 ECONOMIC DEVELOPMENT AGREEMENT**

**APRIL 16, 2012**

**MOTION # 14 (Item # 31)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Perez, it is the order of the Court to approve and authorize the following finding:

1. Commissioners Court votes unanimously that deliberations in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations regarding business and financial issues relating to negotiation of potential chapter 381 economic development agreement, and that all said deliberations take place in closed session.
2. The attorney advising the Commissioners Court has issued a written determination that deliberations in an open meeting would have a detrimental effect on the position of the Commissioners Court in negotiations regarding business and financial issues relating to negotiation of potential chapter 381 economic development agreement.
3. Commissioners Court directs the County Clerk's Office to ensure that all proceedings in closed session regarding business and financial issues relating to the negotiation of potential Chapter 381 economic development agreement be tape recorded.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None



**APPROVED - PREPARATION OF DRAFT OF INTERLOCAL AGREEMENT  
WITH EMERGENCE HEALTH NETWORK FOR HUMAN RESOURCES SERVICES**

**APRIL 16, 2012**

**MOTION # 15 (Item # 32)**

On this day, on motion of Commissioner Haggerty, seconded by County Judge Escobar, it is the order of the Court to approve the agenda item to authorize Human Resources Staff in conjunction with the County Attorney's Office to prepare an Interlocal Agreement for Human Resources Services with Emergence Health Network to bring back for Commissioners Court approval in alignment with the County's priority of Administration and the goal of exploring and identifying shared services opportunities.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**APPROVED - AS CORRECTED, CHANGE IN POSITION  
ON INFORMATION TECHNOLOGY DEPARTMENT MANNING TABLE**

**APRIL 16, 2012**

**MOTION # 16 (Item # 33)**

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Perez, it is the order of the Court to approve the agenda item, as corrected, to discuss and take appropriate action to re-title and re-grade the Program Manager position, Grade P-22, to a Project Manager-Senior position, Grade P-20 within the IT Department.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**APPROVED - VARIANCES OF COUNTY SUBDIVISION REGULATIONS  
FOR MISSION RIDGE UNIT 7**

**APRIL 16, 2012**

**MOTION # 17 (Item # 34)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Lewis, it is the order of the Court to approve the agenda item to discuss and take appropriate action on request from Hunt communities Holdings, L.P. for Variance of the County's Subdivision Regulations for MISSION RIDGE UNIT 7.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**BID AWARDED - CONSTRUCTION FOR TORNILLO GUADALUPE  
NEW INTERNATIONAL BRIDGE**

**APRIL 16, 2012**

**MOTION # 18 (Item # 35)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Haggerty, regarding the agenda item as follows: Recommendation that award be made to: Dan Williams Company for Bid #11-045, Construction for the Tornillo Guadalupe New International Bridge in the amount of \$5,765,305.40. Contract term is upon job completion; it is the order of the Court to award the Base Bid and the three Alternatives to Dan Williams Company, subject to Alternative No. 1 being contingent upon the Mexican portion of the project being bid out and honored before June 6, 2012.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**EXECUTIVE SESSION**

**APRIL 16, 2012**

**MOTION # 19 (Item # 36)**

On this day, the Deputy Clerk announced that Commissioners Court would recess into executive session to discuss the following items, pursuant to *Texas Government Code §551*. The Court would reconvene to take official action.

36a) Discuss business and financial issues regarding the negotiation of a potential Chapter 381 economic development agreement by the County of El Paso, pursuant to Texas Government Code Section 551.0725

Submitted by: County Judge Veronica Escobar, County Judge's Office (915) 546-2098

36b) Pursuant to Texas Government Code 551.072, discuss the vacant lots and surface parking owned by the County located on Delta Drive across from the Juvenile Justice Center.

Submitted by: Asst. Purchasing Agent Jose Lopez, Jr., El Paso County Purchasing (915) 546-2068

36c) Discuss potential litigation regarding the El Paso Electric Company's application to change rates filed with the Public Utility Commission of Texas, county attorney number: AA-12-009, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Manuel Romero, County Attorney's Office (915) 546-2050

The Court recessed at 12:01 p.m.

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## **MEETING RECONVENED**

**APRIL 16, 2012**

**MOTION # 20**

On this day, Commissioners Court reconvened into regular open session following executive session at 1:08 p.m.

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### **APPROVED - LEGAL SERVICES AGREEMENT WITH BROWN MCCARROLL, LLP REGARDING INTERVENTION IN EL PASO ELECTRIC COMPANY'S RATE CASE**

**APRIL 16, 2012**

**MOTION # 21 (Item # 37)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Perez, it is the order of the Court to approve the agenda item to approve and authorize the County Judge to sign a legal services agreement with Brown McCarroll, LLP to represent the County in intervening in the El Paso Electric Company's rate case.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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### **APPROVED - INTERLOCAL AGREEMENT WITH GOVERNMENTAL ENTITIES REGARDING COST TO INTERVENE IN EL PASO ELECTRIC COMPANY'S RATE CASE**

**APRIL 16, 2012**

**MOTION # 22 (Item # 38)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Perez, it is the order of the Court to approve the agenda item to approve and authorize the County Judge to sign an Interlocal Agreement with other local governmental entities, including, but not limited to school districts, to collectively bear the cost to intervene in the El Paso Electric Company's rate case.

VOTE: YES – Judge Escobar, Perez, Lewis, Chozet, Haggerty

NO – None

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**MOTION FAILED - BID AWARDED - FINANCIAL ADVISOR  
FOR COUNTY OF EL PASO**

**APRIL 16, 2012**

**MOTION # 23 (Addendum # 1)**

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Lewis, regarding the agenda item to discuss and take appropriate action regarding RFP#12-017, Financial Advisor for the County of El Paso, it is the order of the Court to award RFP No. 12-017, Financial Advisor for the County of El Paso, to Estrada Hinojosa and Company, Inc.

VOTE: YES – Lewis, Haggerty

NO – Judge Escobar, Perez, Chozet

**MOTION FAILED**

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**BID AWARDED - FINANCIAL ADVISOR  
FOR COUNTY OF EL PASO**

**APRIL 16, 2012**

**MOTION # 24 (Addendum # 1)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Chozet, regarding the agenda item to discuss and take appropriate action regarding RFP#12-017, Financial Advisor for the County of El Paso, it is the order of the Court to award RFP No. 12-017, Financial Advisor for the County of El Paso, to George K. Baum and Company.

VOTE: YES – Judge Escobar, Perez, Chozet

NO – Lewis, Haggerty

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**MEETING ADJOURNED**

**APRIL 16, 2012**

**MOTION # 25**

On this day, there being no further business to discuss, the meeting was adjourned at 1:31 p.m.

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MEETING ADJOURNED - SINE DIE

ATTEST:

DELIA BRIONES, COUNTY CLERK  
EL PASO COUNTY, TEXAS

\_\_\_\_\_  
PATRICIA PIETZYK, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS:

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
COUNTY JUDGE VERONICA ESCOBAR, PRESIDING