

**MONDAY, DECEMBER 10, 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 CHOZET,**

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

**DANIEL R. HAGGERTY, COMMISSIONER, PCT. # 4 - ABSENT**

**PATRICIA PIETZYK, DEPUTY CLERK**

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**MEETING CONVENED**

**DECEMBER 10, 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**

**DECEMBER 10, 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 ADULT PROBATION DEPARTMENT,  
AND OFFICE OF CONSTABLE, PCT. 7**

**DECEMBER 10, 2012**

**MOTION # 3**

On this day, on motion of Commissioner Lewis, seconded by Commissioner Chozet, it is the order of the Court to approve the following Consent Agenda items, and to postpone for one week the quarterly reports from the Adult Probation Department, and the Office of the Constable, Pct. 7.

2. Approve Minutes of the regular meetings of November 19, 2012; November 26, 2012; and December 3, 2012, and the special meetings of August 9, 2012; August 15, 2012; August 16, 2012; August 23, 2012; September 6, 2012, and September 13, 2012.  
Submitted by: , County Clerk's Office (915) 546-2071

3. Approve and authorize the appointment of Commissioner Dan Haggerty to the County Purchasing board, effective immediately.

Submitted by: Commissioner Anna Perez, Pct. 1 (915) 546-2014

4. Approve and authorize the reappointment of A.F. "Tom" Thomas to the Emergence Health Network Board of Trustees, effective January 1, 2013 to December 31, 2014.

Submitted by: Commissioner Anna Perez, Pct. 1 (915) 546-2014

5. Approve and authorize the appointment of Commissioner Dan Haggerty to the Emergence Health Network Board of Trustees, effective January 1, 2013 to December 31, 2014.

Submitted by: Commissioner Anna Perez, Pct. 1 (915) 546-2014

6. Approve and authorize the County Judge to sign the attached Agreement for Courtcall Telephonic Court Appearance Program. Courtcall provides and administers teleconferencing services for the courts. The Agreement shall be effective on December 1, 2012 and shall terminate August 31, 2013. There is no cost to the county.

Submitted by: Office Manager Martha A. Banales, Council of Judges Administration (915) 546-2143

7. Pursuant to the Texas Local Government Code, § 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, CPA, CIO Edward A. Dion, County Auditor's Office (915) 546-2040

8. Approve Amendment No. 08 to the County of El Paso's 2012-2013 operating budget. This budgetary amendment will increase Grants by \$825,954.95 as noted on the attachment, thus increasing the overall operating budget of \$290,286,943.02 to \$291,112,897.97.

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

9. Authorize the County Judge to sign the Texas Department of State Health Services Purchase Voucher for reimbursement to El Paso County Medical Examiner's Office for autopsy services related to SIDS deaths.

Submitted by: County Judge Veronica Escobar, Commissioners Court (915) 546-2098

10. Authorize the County Judge to sign and submit a letter of support on behalf of El Paso County to establish a subzone to Foreign Trade Zone No. 68 for two non-contiguous proposed subzones sites which are located in El Paso County, Texas at the following addresses: A) 1450 Pullman Drive, Suite 100, El Paso, Texas 79936; and B) 1313 Don Haskins Drive, El Paso, Texas 79936.

Submitted by: County Judge Veronica Escobar, Commissioners Court (915) 546-2098

11. Approve and authorize the County Judge to sign the Office of the Attorney General's Statewide Automated Victim Notification Service (SAVNS) Fiscal Year 2013 Quarterly Invoice (OAG #1336668/KK-12-0386) in the amount of \$7,293.50 and the Quarterly Verification of Continuing Production Record Form for automated victim information and notification in El Paso County. There is no direct cost to El Paso County.

Submitted by: District Attorney Jaime Esparza, District Attorney's Office (915) 546-2059

12. Approve and authorize the County Judge to sign the Maintenance Agreement in the amount of \$328,581 between the Elections Department and Dominion Voting Systems, Inc. The term of the agreement is from October 1, 2012 to September 30, 2015. HAVA (Help America Vote Act) funds are available.

Submitted by: Elections Administrator Javier Chacon, Elections Department (915) 546-2154

13. Approve and authorize the acceptance of the \$98,685 in Emergency Food and Shelter Program Funds through the United Way of El Paso County for rental or mortgage assistance from Phase 30 Local Board Plan-Stewart B. McKinney Homeless Assistance Act and authorize the County Judge to sign all appropriate documents that enable the County's General Assistance program to receive funding from this resource.

Submitted by: Director Rosemary V. Neill, Family and Community Services (915) 834-8201

14. Approve and authorize a loan for \$50,000 for a ten year term at an interest rate of 4% from the El Paso County Revolving Loan Fund for working capital and equipment for Eastlake Home Furniture, 14470 Horizon Blvd., Horizon City, Texas 79928, a business enterprise organized as a sole proprietorship and authorize the preparation of all required loan documents with authorization for the County Judge to sign the loan documents on behalf of the County.

Submitted by: Director Rosemary V. Neill, Family and Community Services (915) 834-8201

15. Approve the recommendation from the El Paso County Staffing Review Committee (SRC) regarding Request # 2013-008 to create a part-time Custodian (G4) position for the Public Works Department under the Facilities Management division and authorize the department to fill the vacancy for a budget impact of \$18,394 for FY 2013.

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

16. Approve the recommendation from the El Paso County Staffing Review Committee (SRC) regarding Request # 2013-002 to create 2 temporary full-time and 2 temporary part-time Vehicle Title Clerk (G9) positions for the County Tax Office and authorize the department to fill the vacancies for 6 months for a budget impact of \$40,870 for FY 2013. Continued funding of these positions is contingent upon on further review by the SRC at the end of the 6 months.

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

17. Approve the Insurance Policy with Travelers Insurance Company for Crime Insurance Coverage for FY 2013.

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

18. Approve the Insurance Policy with Travelers Insurance Company for County Property Insurance Coverage for FY 2013.

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

19. Approve and authorize the County Judge to sign the Interlocal Agreement and Affiliation Agreement for Resident Rotation with Texas Tech University Health Science Center for Child Psychiatry Services from July 1, 2012 to June 30, 2013 with automatic renewal thereafter. Cost is \$170 per hour for the services of a child adolescent psychiatrist and \$150 per hour for the services of a medical fellow. Funding for services will derive from Texas Juvenile Justice Department state aid grants and JPD's general fund accounts. County Attorney's Office has reviewed and approved as to legal form (2012-0286).

Submitted by: Chief Juvenile Probation Officer Roger Martinez, Juvenile Probation Department (915) 849-2545

20. 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

21. Approve and authorize the County Judge to execute the agreement with El Paso Electric Company for installation of underground three phase electric service to the Tornillo-Guadalupe Port of Entry Toll Booth Facility. No funds are required.

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

22. Approve and authorize the County Judge to sign the Easement Agreement with El Paso Electric Company for installation of an overhead line across Pellicano Dr.

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

23. Approve the attached bid specifications included in the Application for Depository and Subdepository Banks for County Funds; and, authorize the Purchasing Agent to solicit proposals to provide these services. Also, approve the attached notice for publication.

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

24. Approve and authorize the transfer of surplus equipment, as listed in the backup, from the District Attorney's Office to the Purchasing Department.

Submitted by: District Attorney Jaime Esparza, District Attorney's Office (915) 546-2059

25. Recommendation that award be made to: Bimbo Bakeries for Bid # 12-068, Bread Products for the County of El Paso, for an estimated amount of \$15,317.62 for a six months contract.

Submitted by: Assistant Purchasing Agent Joe Lopez, Purchasing Department (915) 546-2048

26. Recommendation that award be made to: Welch ATM for RFP #12-071, ATM Equipment and Services for Multiple El Paso County Locations (III) for the contract term of five (5) years, from the date of approval by Commissioners Court.

Submitted by: Assistant Purchasing Agent Joe Lopez, Purchasing Department (915) 546-2048

## REPORTS

27. Accept the following quarterly reports:

b) Office of the Constable, Pct. 5

Submitted by: Constable Manny Lopez, Office of the Constable, Pct. 5 (915) 859-3744

3. CONSENT AGENDA: Approve and authorize the reappointment of Commissioner Dan Haggerty to the County Purchasing Board, effective January 1, 2013.

Submitted by: Commissioner Anna Perez, Pct. 1 (915) 546-2014

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

NO – None

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## PUBLIC COMMENT

**DECEMBER 10, 2012**

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

On this day, there was no public comment.

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## APPROVED - FIRST FLOOR OF COURTHOUSE TO BE OPEN ON TUESDAY, JANUARY 1, 2013 FOR FORECLOSURE SALES

**DECEMBER 10, 2012**

**MOTION # 5 (Item # 29)**

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 to open the first floor of the courthouse between the hours of 10:00 am and 4:00 pm on Tuesday, January 1, 2013 for the conduct of extrajudicial foreclosure sales, including limited courthouse security, pursuant to Texas Tax Code Section 51.002.

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

NO – None

**RECONSIDERED - APPOINTMENT OF COMMISSIONER DAN HAGGERTY  
TO PURCHASING BOARD**

**DECEMBER 10, 2012**

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

On this day, on motion of Commissioner Perez, seconded by Commissioner Chozet, it is the order of the Court to reconsider the agenda item to approve and authorize the appointment of Commissioner Dan Haggerty to the County Purchasing board, effective immediately.

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

NO – None

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**DELETED - APPOINTMENT OF COMMISSIONER DAN HAGGERTY  
TO PURCHASING BOARD**

**DECEMBER 10, 2012**

**MOTION # 7 (Item # 3)**

On this day, on motion of Commissioner Perez, seconded by County Judge Escobar, it is the order of the Court to delete the agenda item to approve and authorize the appointment of Commissioner Dan Haggerty to the County Purchasing board, effective immediately.

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

NO – None

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**APPROVED - AMENDMENTS TO LEGISLATIVE GUIDANCE DOCUMENT  
FOR 83<sup>RD</sup> SESSION OF TEXAS LEGISLATURE**

**DECEMBER 10, 2012**

**MOTION # 8 (Item # 30)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Chozet, regarding the agenda item to receive reports regarding State and Federal legislation and take appropriate action if necessary, it is the order of the Court to adopt the changes to the Legislative Guidance Document for the 83<sup>rd</sup> Session of the Texas Legislature amending the previous Legislative Agenda.

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

NO – None

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**POSTPONED - RECOMMENDATION  
FROM PROPERTY DONATION REVIEW COMMITTEE  
CONCERNING LAND DONATION OFFERS**

**DECEMBER 10, 2012**

**MOTION # 9 (Item # 28)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Chozet, it is the order of the Court to postpone for one week the agenda item to discuss and take appropriate action on the Real Property Donation Review Committee's recommendation concerning land donation offers and authorize the committee to draft a letter notifying owners of the Court's decision.

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

NO – None

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

**DECEMBER 10, 2012**

**MOTION # 10 (Addendum # 2)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Lewis, regarding the agenda item to discuss and take appropriate action to authorize the County Judge to sign an Interlocal Agreement for Human Resources Services between El Paso County on behalf of the El Paso County Human Resources Department and the Emergence Health Network, which funds and will require the addition of the 4 positions identified in the backup and additional administrative costs. Further, authorize the positions to be filled effective January 21, 2013. The agreement has been reviewed and approved by County Attorney's Office; it is the order of the Court to approve the Interlocal Agreement with Emergence Health Network for Human Resources Services.

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

NO – None

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**APPROVED - MAINTENANCE SUPPORT AGREEMENT  
WITH PROFESSIONAL DOCUMENT SYSTEMS FOR COUNTY CLERK'S OFFICE**

**DECEMBER 10, 2012**

**MOTION # 11 (Addendum # 1)**

On this day, on motion of Commissioner Lewis, 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 the Maintenance Support Agreement with Professional Document Systems for the County Clerk's Office from October 1, 2012 to September 30, 2013 in the amount of \$2,186.64.

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

NO – None

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**PUBLIC HEARING**

**DECEMBER 10, 2012**

**MOTION # 12 (Item # 32)**

On this day, on motion of Commissioner Chozet, seconded by Commissioner Perez, it is the order of the Court to conduct a public hearing to accept evidence and public comment concerning the negative secondary effects of sexually oriented businesses. The information presented at this hearing will be used by the El Paso County Commissioners Court to determine whether or not the current order regulating sexually oriented businesses in the unincorporated areas of El Paso County adopted on September 29, 2008 pursuant to Chapter 243 of the Texas Local Government Code should be amended in order to further reduce or eliminate any negative secondary effects of sexually oriented businesses. If amendment to the current order is found to be necessary, the information presented at this hearing will also be used by the Court to determine the nature and extent of the amendments necessary to the current order.

The following offered public comment.  
Holly Lytle, Assistant County Attorney, County Attorney's Office  
Sgt. Carlos Azcarate, Sheriff's Office  
Sheriff Richard Wiles, Sheriff's Office

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

NO – None

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**PUBLIC HEARING CLOSED**

**DECEMBER 10, 2012**

**MOTION # 13 (Item # 32)**

On this day, on motion of Commissioner Chozet, seconded by Commissioner Perez, it is the order of the Court to close the public hearing.

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

NO – None

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**APPROVED - FINDING OF EXISTENCE OF NEGATIVE SECONDARY EFFECTS  
WHICH MAKE NECESSARY AN ORDER REGULATING SEXUALLY ORIENTED  
BUSINESSES**

**DECEMBER 10, 2012**

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

On this day, on motion of Commissioner Perez, seconded by Commissioner Chozet, regarding the agenda item to discuss and take appropriate action to amend the current order adopted on September 29, 2008 regulating sexually oriented businesses for the unincorporated areas of El Paso County, it is the order of the Court to make a finding that negative secondary effects of sexually oriented businesses do exist and an order regulating sexually oriented businesses is necessary to help reduce the negative secondary effects.

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

NO – None

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**APPROVED - AMENDED ORDER  
RELATING TO LICENSING REQUIREMENTS AND REGULATIONS  
FOR SEXUALLY ORIENTED BUSINESSES WITHIN EL PASO COUNTY**

**DECEMBER 10, 2012**

**MOTION # 15 (Item # 31)**

On this day, on motion of Commissioner Chozet, seconded by Commissioner Perez, regarding the agenda item to discuss and take appropriate action to amend the current order adopted on September 29, 2008 regulating sexually oriented businesses for the unincorporated areas of El Paso County, it is the order of the Court to approve and authorize the County Judge to sign the amended order regulating sexually oriented businesses in the unincorporated areas of the County of El Paso, effective immediately.

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

NO – None

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## EXECUTIVE SESSION

**DECEMBER 10, 2012**

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

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.

33a) Discuss pending litigation styled Griselda Pimental, et al. vs. Claudio Fernandez, et al; Cause No. 2011-1561; County Attorney No. LD-11-057; pursuant to Texas Government Code Section 551.071.

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

33b) Discuss subrogation claim regarding Maria Linda Brown, County Attorney's file number PC-12-037, pursuant to Texas Government Code Section 551.071.

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

33c) Discuss the pending litigation regarding Joe Duchene v. Sun City Behavioral Health Center and Border Children's Mental Health Collaborative; Cause No. 2010-2057; County Attorney No. LD-10-072; pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Michael R. Wyatt, County Attorney's Office (915) 546-2050

The Court recessed at 10:49 a.m.

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## MEETING RECONVENED

**DECEMBER 10, 2012**

**MOTION # 17**

On this day, Commissioners Court reconvened into regular open session following executive session at 11:10 a.m.

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**DELETED - EL PASO COUNTY PARKS RULES AND REGULATIONS,  
COUNTY ATTORNEY NO. LD-11-057**

**DECEMBER 10, 2012**

**MOTION # 18 (Item # 34)**

On this day, on motion of Commissioner Perez, seconded by County Judge Escobar, it is the order of the Court to delete the agenda item to discuss and take action on El Paso County Parks Rules and Regulations, County Attorney No. LD-11-057

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

NO – None

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**DENIED - PAYMENT IN SETTLEMENT OF SUBROGATION CLAIM  
REGARDING MARIA LINDA BROWN,  
COUNTY ATTORNEY'S FILE NUMBER PC-12-037**

**DECEMBER 10, 2012**

**MOTION # 19 (Item # 35)**

On this day, on motion of Commissioner Chozet, seconded by Commissioner Perez, it is the order of the Court to deny the agenda item to discuss acceptance of payment amount in settlement of the subrogation claim regarding Maria Linda Brown, County Attorney's file number PC-12-037.

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

NO – None

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**MEETING ADJOURNED**

**DECEMBER 10, 2012**

**MOTION # 20**

On this day, there being no further business to discuss, the meeting was adjourned at 11:12 a.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