

**MONDAY, MAY 13, 2013  
COMMISSIONERS COURT MET IN REGULAR MEETING  
AT 9:32 A.M.  
WITH THE FOLLOWING MEMBERS PRESENT**

**HON. VERONICA ESCOBAR, PRESIDING  
CARLOS LEON,  
SERGIO LEWIS,  
VINCENT PEREZ,**

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

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

**ELLEN A. SMYTH, CHIEF ADMINISTRATOR  
PATRICIA PIETZYK, DEPUTY CLERK**

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**MEETING CONVENED**

**MAY 13, 2013**

**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**

**MAY 13, 2013**

**MOTION # 2**

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

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**APPROVED - CONSENT AGENDA**

**MAY 13, 2013**

**MOTION # 3**

On this day, on motion of Commissioner Lewis, seconded by Commissioner Leon, it is the order of the Court to approve the following Consent Agenda items, including the deletion of Item # 17.

5. Approve the Minutes of the regular meetings of April 8, 2013; April 22, 2013 and April 29, 2013 and the special meetings of September 20, 2012 and April 25, 2013.

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

6. Approve and authorize the hiring of two temporary interns/law clerks for six weeks for the County Attorney's Office. HR has advised that these positions do not need Staffing Review Committee approval. Funds are available in CACOMM in the amount of \$3,546. Submitted by: First Assistant County Attorney Joe M. Gonzalez, County Attorney's Office (915) 546-2050

7. Approve and authorize the County Judge to sign the first amendment to the State of Texas Title IV-E County Legal Services Contract Number 23940331 for the state to reimburse some of the cost of Child Protective Services legal representation. (2013-0243)

Submitted by: First Assistant County Attorney Joe M. Gonzalez, County Attorney's Office (915) 546-2050

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. 24 to the County of El Paso's 2012-2013 operating budget. This budgetary amendment will increase Grants by \$946,181, as noted on the attachment, thus increasing the overall operating budget of \$295,466,495.20 to \$296,412,676.20.

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

10. Approve and authorize the County Judge to sign a contract with Chase Paymentech for Credit Card Processing services. This agreement has been reviewed and approved as to form by the County Attorney. There is no financial impact to the County.

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

11. Approve and authorize the purchase of two (2) Canon Image Formula DR-M160 scanners for Constable Pct. 3. Cost up to \$1800.00. Monies to be taken out of Records MGMT fund - 6204, as per Wallace Hardgrove, El Paso County Auditors Budget and Finance Manager.

Submitted by: Constable Hector Bernal, Pct. 3 (915) 546-8137

12. Approve and authorize the County Judge to sign the Amerigroup Texas, Inc. Direct Submission Trading Partner Agreement which allows the County to streamline its electronic billing for home delivered meals for individuals receiving services paid for by this provider.

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

13. Approve and authorize the County Judge to sign an Interlocal Agreement for Human Resources Services between the County of El Paso's Human Resources Department and the Rio Grande Council of Governments. This agreement has been reviewed and approved by the County Attorney's Office.

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

16. Approve and authorize the County Judge to sign Business Class Customer Service Orders with Time Warner Cable Business Class for Justice Courts, Pct. 2, 4, 6-2, and 7 for a three year term at a cost not to exceed \$42,000 in total. Funds are available from the JP Technology Account.

Submitted by: Justice of the Peace Brian J. Haggerty, Pct. 2 (915) 751-7575

18. 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

19. Approve and authorize the County Judge to execute Amendment No. 1 to the contract for Engineer Services between the County and CEA, engineer for the design of the Tornillo-Guadalupe POE Zone Sewer System and for oversight of construction. The contract amendment price is \$133,345.00 and 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 execute Change Order No. 1 to the Port of Entry Toll Facility construction contract between El Paso County and Medlock Commercial Contractors, LLC. Funds are available in the amount of \$57,542.19 in CACAPITAL07.

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

21. Approve and authorize the County Judge to sign Change Order No. 1 on Border Colonia Access Program Improvement Project with Saab Site Contractors, L.P. in the amount of \$29,043.00. Funds are available in Border Colonia Access Grant.

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

22. Approve and authorize the Purchasing Agent to publish a "notice of intent to apply" and a "public hearing notice" for the 2013-2014 Colonia Construction Funds (CCF). The County of El Paso propose to apply for up to \$500,000 from Texas Department of Agriculture - TDA to provide a first time wastewater to approximately (110) families in Sunshine Acres subdivision area. Upon termination of the required period, approve and authorize the County Judge to sign the said application documents. Advertisement funds are available in plan&develop -6022. No County match is required for this application.

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

23. Approve and authorize the Purchasing Department to solicit bids for ASSA Twin Maximum Lock and Door Hardware Products. Specifications were approved by the Procurement Review Panel on May 2, 2013.

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

24. Approve and authorize the Purchasing Department to solicit Request for Proposals to Replace Windows at the MDR Building with Energy Efficient Windows. Specifications were approved by the Procurement Review Panel on May 2, 2013.

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

25. Approve and authorize the Purchasing Department to purchase fifty-seven (57) InMotion Systems thru a cooperative Purchasing Agreement (US Communities-Insight Public Sector), InMotion Gateways for the new Sheriff's Office Vehicles in the amount of \$167,280.03. Approved 04/19/13 by PRP Committee. Funds are available in Account-CIP.

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

26. Approve and authorize County Purchasing to purchase sixty-one (61) two way digital radio communications equipment thru a cooperative Purchasing Agreement (Texas DIR-Motorola Solutions), Motorola Radios for the new Sheriff's Office Vehicles in the amount of \$107,189.20. Approved 04/19/13 by PRP Committee. Funds are available in CIP Account.

Submitted by: Sheriff Richard Wiles, Sheriff's Office (915) 538-2238

27. Approve and authorize the transfer and removal of inventory from the Facilities Maintenance, Sheriff's Department-Downtown Jail; Crime Scene Unit. See attachment.

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

28. Approve and authorize the Assistant Purchasing Agent to award the following bid: Bid #13-009, Office Products for the County of El Paso to multiple vendors, as per line item. Approved by the PRP on 5/9/2013.

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

29. Approve and authorize the Assistant Purchasing Agent to award the following proposal:RFP #13-016, Software Upgrade for the El Paso County Courthouse Telephone Switch to Windstream Communications, Inc., and its Affiliates. PRP approved on 5/9/2013.

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

30. Approve and authorize the El Paso County Sheriff's Office to enter into an agreement with Advanced Security Contractors, Inc. for an upgrade of current Jail Annex DVR recording system with four (4) i3 DVR workstations in the amount of \$51,981.62. Pricing is under Region 19 Contract 09-6356. It was approved by the RFP on 04/19/13.

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

31. Approve and authorize the County Judge to resubmit the revised Violence Against Women Act Formula Grant "VAWA Trainer & Advocacy Coordinator" attached resolution and budget (CJD Application # 2678901).

Submitted by: Sheriff Richard D. Wiles, EPSCO - Grants (915) 538-2220

32. Approve and authorize the County Judge to execute an on-line grant application to the Texas Office of the Attorney General for the El Paso County Sheriff's Office-Crime Victim's Unit for a Victim Advocate in the amount of \$84,000 from 09/01/2013 to 08/31/2015 (Contract 2013-0241).

Submitted by: Sheriff Richard D. Wiles, EPCSO-Grants (915) 538-2216

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

NO – None

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**APPROVED - RESOLUTION DESIGNATING "POLICE WEEK"**

**MAY 13, 2013**

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

On this day, on motion of Commissioner Leon, seconded by County Judge Escobar, it is the order of the Court to adopt a resolution designating Sunday, May 12 through Saturday, May 18, 2013 as "Police Week" in El Paso County, Texas.

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

NO – None

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**APPROVED - AS CORRECTED, RESOLUTION RECOGNIZING  
STAFF SERGEANT AMBROSIO GUILLEN FOR RECEIVING  
HIS BOWIE HIGH SCHOOL DIPLOMA**

**MAY 13, 2013**

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

On this day, on motion of Commissioner Lewis, seconded by County Judge Escobar, it is the order of the Court, as corrected, to adopt a resolution recognizing Staff Sergeant Ambrosio Guillen for receiving his Bowie High School Diploma.

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

NO – None

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**APPROVED - RESOLUTION RECOGNIZING ACHIEVEMENTS  
OF DEL VALLE HIGH SCHOOL VARSITY SOCCER TEAM'S TRIP  
TO TEXAS STATE 4-A CHAMPIONSHIP GAME**

**MAY 13, 2013**

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

On this day, on motion of Commissioner Perez, seconded by Commissioner Leon, it is the order of the Court to adopt a resolution recognizing the achievements of the Del Valle High School Varsity Soccer Team's trip to the Texas State 4-A Championship Game.

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

NO – None

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**PUBLIC COMMENT**

**MAY 13, 2013**

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

On this day, the following persons appeared before Commissioners Court to offer public comment.

Jack Bradford, concerned citizen, commented on the elections and on the proposed legislation concerning the Tornillo - Guadalupe U.S. International Port of Entry and International Bridge.

James Perry, concerned citizen, spoke regarding an upcoming project to increase tourism in El Paso.

Eddie Sanchez, concerned citizen, commented on an upcoming run for Special Olympics which will be assisted by the Sheriff's Office.

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**APPROVED - MUTUAL TERMINATION AGREEMENT  
WITH CITY OF EL PASO  
FOR INTERLOCAL AGREEMENT REGARDING MANAGEMENT SERVICES  
FOR CITY'S INFORMATION TECHNOLOGY DEPARTMENT  
WITH INFORMATION TECHNOLOGY DEPARTMENT**

**MAY 13, 2013**

**MOTION # 8 (Item # 14)**

On this day, on motion of Commissioner Lewis, seconded by Commissioner Leon, it is the order of the Court to approve the agenda item to approve and authorize the County Judge to execute the mutual termination agreement covering the 2009 Interlocal Agreement between the City and the County regarding the Management Services for the City's Information Technology Department. There is no financial impact. Contract #2013-0251 has been reviewed and approved by the County Attorney's Office.

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

NO – None

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**APPROVED - PAYMENT PROCESSING SERVICE AGREEMENT  
AND ADDENDUM WITH VALUE PAYMENT SYSTEMS, LLC  
FOR INFORMATION TECHNOLOGY DEPARTMENT**

**MAY 13, 2013**

**MOTION # 9 (Item # 15)**

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 Electronic Payment and Processing Services Agreement with Value Payment Systems, LLC. This has been approved, as to form, by the County Attorney's Office under Contract 2013-0214.

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

NO – None

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**RECONSIDERED - BID AWARDED - OFFICE PRODUCTS  
FOR COUNTY OF EL PASO**

**MAY 13, 2013**

**MOTION # 10 (Item # 28)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Lewis, it is the order of the Court to reconsider the agenda item to approve and authorize the Assistant Purchasing Agent to award the following bid: Bid #13-009, Office Products for the County of El Paso to multiple vendors, as per line item. Approved by the PRP on 5/9/2013.

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

NO – None

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**APPROVED - PURCHASING AGENT TO REJECT AND REBID  
OFFICE PRODUCTS FOR COUNTY OF EL PASO**

**MAY 13, 2013**

**MOTION # 11 (Item # 28)**

On this day, on motion of Commissioner Lewis, seconded by Commissioner Leon, regarding the agenda item to approve and authorize the Assistant Purchasing Agent to award the following bid: Bid #13-009, Office Products for the County of El Paso to multiple vendors, as per line item. Approved by the PRP on 5/9/2013; it is the order of the Court to approve and authorize the Purchasing Agent to reject and rebid.

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

NO – None

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**NO ACTION - REPORTS ON STATE AND FEDERAL LEGISLATIVE AGENDAS**

**MAY 13, 2013**

**MOTION # 12 (Item # 33)**

On this day, Commissioners Court took no formal action on the agenda item to discuss and take appropriate action regarding the 83rd Legislative Session to present information for the Court's consideration regarding pending legislation and to receive reports regarding the County's federal legislative initiative and take any action necessary.

**NO ACTION**

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**DELETED - TOURTEXAS.COM/AJR MEDIA GROUP INSERTION ORDER  
FOR MARKETING OF MISSION TRAIL  
FOR FAMILY AND COMMUNITY SERVICES DEPARTMENT**

**MAY 13, 2013**

**MOTION # 13 (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 approve and authorize the County Judge to sign a TourTexas.com/AJR Media Group Insertion Order that serves as the County's opportunity to continue marketing its website, [www.visitelpasomissiontrail.com](http://www.visitelpasomissiontrail.com), on the TourTexas.com website for a period beginning April 2013 through March 2014.

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

NO – None

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**APPROVED - VARIANCE OF COUNTY SUBDIVISION REGULATIONS  
FOR PROPOSED AUSTIN SUBDIVISION**

**MAY 13, 2013**

**MOTION # 14 (Item # 35)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Leon, it is the order of the Court to approve the agenda item to discuss and take appropriate action on a variance request from Timothy and Cera Jane Petrich Austin from the County of El Paso Subdivision Regulations for the proposed Austin Subdivision.

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

NO – None

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**BID AWARDED - DEPOSITORY AND SUBDEPOSITORY BANK  
FOR COUNTY OF EL PASO**

**MAY 13, 2013**

**MOTION # 15 (Item # 36)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Leon, regarding the agenda item to approve and authorize the Assistant Purchasing Agent to award the following proposal: RFP #12-080, Depository and Subdepository Bank for the County of El Paso to Inter National Bank. Approved by the PRP on 5/2/2013; it is the order of the Court to accept the committee's recommendation.

VOTE: YES – Judge Escobar, Leon, Lewis

NO – Perez

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**APPROVED - TEMPORARY POSITION  
ON COUNCIL OF JUDGES ADMINISTRATION MANNING TABLE  
FOR COUNTY COURT AT LAW NO. 5**

**MAY 13, 2013**

**MOTION # 16 (Item # 37)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Leon, it is the order of the Court to approve the agenda item to approve and authorize the funding for a temporary Court Coordinator position for County Court at Law #5. The Court Coordinator for County Court at Law #5 will be out due on an extended leave for approximately 4 weeks and this is an HR verified approved form of leave. The Court requests funding for a temporary Court Coordinator while she is out for a period of time. Funds will be available from the Council of Judges budget account.

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

NO – None

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## EXECUTIVE SESSION

**MAY 13, 2013**

**MOTION # 17 (Item # 38)**

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.

38a) Discuss the pending litigation regarding Krystal Mijares and Melissa Alvarado v. County of El Paso, cause number: EP-12-CV-00325-FM; County Attorney number LD-12-053, pursuant to Texas Government Code Section 551.071.

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

38b) Discuss pending litigation styled Patsy Garcia v. County of El Paso, Cause No. 2012-DCV-06057, County Attorney's case number LD-12-087, pursuant to Texas Government Code Section 551.071.

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

38c) Discuss litigation styled Maria G. Sanchez; Cause No. 2011-00075; County Attorney case number LD-11-095, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Gabriella M. Reed, County Attorney's Office (915) 546-2050

The Court recessed at 11:39 a.m.

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## MEETING RECONVENED

**MAY 13, 2013**

**MOTION # 18**

On this day, Commissioners Court reconvened into regular open session following executive session at 12:09 p.m.

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**APPROVED - SETTLEMENT AGREEMENT REGARDING  
KRYSTAL MIJARES AND MELISSA ALVARADO V. COUNTY OF EL PASO,  
CAUSE NUMBER: EP-12-CV-00325-FM;  
COUNTY ATTORNEY'S FILE NUMBER LD-12-053**

**MAY 13, 2013**

**MOTION # 19 (Item # 39)**

On this day, on motion of Commissioner Leon, seconded by Commissioner Perez, regarding the agenda item to discuss and take action on the pending litigation regarding Krystal Mijares and Melissa Alvarado v. County of El Paso, cause number: EP-12-CV-00325-FM; County Attorney's file number LD-12-053; it is the order of the Court to approve the settlement agreement discussed in Executive Session. Further, to authorize the County Judge to sign the settlement agreement, and to authorize the County Auditor's Office to write the checks necessary to fulfill the settlement terms.

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

NO – None

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**APPROVED - AMENDMENT TO AUDIT AND SETTLE ALL ACCOUNTS  
AND DIRECT PAYMENT OF THOSE ACCOUNTS;  
APPROVED - COUNTY AUDITOR'S OFFICE TO ISSUE PAYMENTS  
FOR SETTLEMENT AGREEMENTS REGARDING  
KRYSTAL MIJARES AND MELISSA ALVARADO V. COUNTY OF EL PASO,  
CAUSE NUMBER: EP-12-CV-00325-FM;  
COUNTY ATTORNEY'S FILE NUMBER LD-12-053**

**MAY 13, 2013**

**MOTION # 20 (Items # 8, 39)**

On this day, on motion of Commissioner Leon, seconded by Commissioner Perez, regarding the agenda item to discuss and take action on the pending litigation regarding Krystal Mijares and Melissa Alvarado v. County of El Paso, cause number: EP-12-CV-00325-FM; County Attorney's file number LD-12-053; it is the order of the Court to approve the settlement agreement with Krystal Mijares and her attorney, Ray Martinez, in the amount of \$18,000; and to approve the second settlement agreement with Melissa Alvarado and her attorney, Ray Martinez, in the amount of \$27,500, to be added to the paid claims list for today to be paid out of the Settlement Account under GADMINGF.

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

NO – None

**DENIED - PENDING LITIGATION STYLED PATSY GARCIA  
V. COUNTY OF EL PASO, CAUSE NO. 2012-DCV-06057,  
COUNTY ATTORNEY'S FILE NUMBER LD-12-087**

**MAY 13, 2013**

**MOTION # 21 (Item # 40)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Leon, it is the order of the Court to deny the agenda item to take appropriate action on pending litigation styled Patsy Garcia v. County of El Paso, Cause No. 2012-DCV-06057, County Attorney's file number LD-12-087.

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

NO – None

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**POSTPONED - EXECUTIVE SESSION AGENDA ITEM**

**MAY 13, 2013**

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

On this day, on motion of County Judge Escobar, seconded by Commissioner Perez, it is the order of the Court to postpone for one week the following executive session agenda item.

38c) Discuss litigation styled Maria G. Sanchez; Cause No. 2011-00075; County Attorney case number LD-11-095, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Gabriella M. Reed, County Attorney's Office (915) 546-2050

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

NO – None

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**DELETED - REGULAR SESSION AGENDA ITEM**

**MAY 13, 2013**

**MOTION # 23 (Item # 41)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Leon, it is the order of the Court to delete the following regular session agenda item.

41. Discuss and take appropriate action regarding litigation styled Maria G. Sanchez v. El Paso County, Texas, et al.; Cause No. 2011-00075; County Attorney's file number LD-11-095.

Submitted by: Assistant County Attorney Gabriella M. Reed, County Attorney's Office (915) 546-2050

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

NO – None

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**MEETING ADJOURNED**

**MAY 13, 2013**

**MOTION # 24**

On this day, there being no further business to discuss, the meeting was adjourned at 12:16 p.m.

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MEETING ADJOURNED - SINE DIE

ATTEST:

DELIA BRIONES, COUNTY CLERK  
EL PASO COUNTY, TEXAS

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PATRICIA PIETZYK, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS:

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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COUNTY JUDGE VERONICA ESCOBAR, PRESIDING