

BEXAR COUNTY, TEXAS COMMISSIONERS COURT

NOTICE OF PUBLIC MEETING

The Bexar County Commissioners Court will meet on **Tuesday, September 5, 2017 at 9:00 a.m. in the Double-Height Courtroom** on the Second Floor of the Bexar County Courthouse, 100 Dolorosa, Suite 2.01, San Antonio, Texas 78205.

NOTE: The Commissioners Court may recess at 12:00 p.m. and may reconvene at 1:30 p.m.

**NELSON W. WOLFF
COUNTY JUDGE**

**SERGIO "CHICO" RODRIGUEZ
COMMISSIONER, PRECINCT 1**

**KEVIN A. WOLFF
COMMISSIONER, PRECINCT 3**

**PAUL ELIZONDO
COMMISSIONER, PRECINCT 2**

**TOMMY CALVERT
COMMISSIONER, PRECINCT 4**

**GERARD RICKHOFF
CLERK OF THE COURT**

Questions regarding this agenda should be directed to the Bexar County Commissioners Court Support & Special Projects Administrator at (210) 335-0326. The agenda is available on the County's website (<http://www.bexar.org>). Click on "Government/Commissioners Court."

BEXAR COUNTY COURTHOUSE ACCESSIBILITY STATEMENT FOR DISABLED PERSONS

This meeting site is accessible to disabled persons as follows: Entrance to the Bexar County Courthouse is accessible through the south end of the Courthouse located at the intersection of Nueva and Main streets. To access the second floor, individuals must use the handicap ramp located at the southwest corner of the County Courthouse and take the elevator to the second floor.

COMMISSIONERS COURT CEREMONIAL AGENDA

1. Opening prayer: Mark Boyd (Court/Kevin A. Wolff)
2. Pledge of Allegiance: (Court/Kevin A. Wolff)

COMMISSIONERS COURT REGULAR AGENDA

3. **TIME CERTAIN ITEM(S):**
 - a. **9:00 a.m.:** Discussion and appropriate action regarding the approval of a partnership between BiblioTech and the San Antonio Independent School District for the creation and launch of the Rolling Readers pilot program to coincide with the 2017-2018 academic year; and for the in-kind donation of equipment and internet service for the term of the pilot program in the amount of \$7,161.16.
(Estimated Presentation Time: 15 minutes) (Laura Cole)
 - b. **Public Hearing** on the proposed allocation of the U.S. Department of Justice, Justice Assistance Grant (JAG) Program funds in the amount of \$681,485 for Fiscal Year 2017-2018 to be shared between Bexar County and the City of San Antonio.
 - c. Discussion and appropriate action regarding the FY 2017-2018 JAG program recommended allocations and submission of the final application to the U.S. Department of Justice (USDOJ); permission to apply the digital signature of the Bexar County Judge to the electronic application; and to accept the grant funding upon award.
(Estimated Presentation Time: 15 minutes) (Audrey Cavazos)
 - d. **Public Hearing 10:00 a.m.:** Accept public comments regarding the proposed Bexar County Ad Valorem Tax Rate of \$0.30895 per \$100 value for 2017 Tax Year in support of its Operating and Capital Budget for Fiscal Year 2017-18.
(Estimated Time: As Required by Citizens that attend) (Seth McCabe)
 - e. **Public Hearing 10:30 a.m.:** Accept public comment on setting the 2016 tax rate for the Bexar County Hospital District d/b/a University Health System.
(Estimated Time: As Required by Citizens that attend) (George Hernandez)
 - f. **11:00 a.m.:** Discussion and appropriate action regarding the proposed Bexar County Fiscal Year 2017-18 Operating and Capital Budget related to the Justice of the Peace Offices.
(Estimated Presentation Time: 30 minutes) (Seth McCabe)
4. Request of Commissioners Court to identify items from the Consent Agenda for additional discussion and to approve remaining Consent Agenda items.

5. Filing for record the following legal and administrative documents and directing the Criminal District Attorney's Office to take action, if necessary:
 - a. Order of District Judges Approving County Auditor Budget and Salary of County Auditor, Assistant County Auditors, and Court Reporters.
 - b. U.S. District Court – Waiver of the Service of Summons to Judge Nelson W. Wolff as Bexar County Judge, Re: Gregorio Amador et al v. B. Wolfe ET at.
 - c. Notice of Citation Directed to Bexar County Texas by Serving Nelson W. Wolff, Bexar County Judge, Re: USAA General Indemnity Co. vs. Ricardo Fernandez et al.
 - d. Notice of Claim submitted by Chris O'Bryant regarding incident on July 22, 2017 in the construction zone between Galm Road and 1560 on Culebra Road.
 - e. Letter submitted by the Law Offices of Roger A. Perez, Re: Gabriel Lira injuries sustained on or about April 7, 2017 while in custody of the Bexar County Sheriff at the Magistrate office.
 - f. Fax letters from Deputy Sheriffs' Association of Bexar County, Re: Grievance 2017-DSABC-Class-01 and Grievance 2017 DSABC-Class-02 Notice of Intent to Submit Arbitration.

6. Approval of Commissioners Court minutes for August 22, 2017.

7. Communications from citizens who signed the register to speak.

CONSENT AGENDA ITEMS:

All items under the Consent Agenda are heard and acted upon collectively unless opposition is presented, in which case the contested item will be considered, discussion, and appropriate action taken separately.

Item(s) Brought by Commissioners Court:

(Court)

8. Approval of a request from Commissioner Tommy Calvert, Precinct 4, to reappoint Rudy Rodriguez to the Community Arenas Board to begin upon appointment and expire on July 15, 2019.

Item(s) Brought by County Manager:

(David Smith)

9. Approval for the County Judge to sign applications submitted by Bexar County Sheriff's Office and Bexar County Constable, Precinct 3 to participate in the Texas 1033 Surplus Property Program.

Item(s) Brought by District Attorney:

(Nicholas "Nico" LaHood)

10. Approving the submittal of a Title IV-E budget for FY 2016 and purchase vouchers for four quarters to reflect increased number of personnel and increased salaries added after the start of the fiscal year; said budget and Vouchers to be submitted to the Texas Department of Protective and Regulatory Services (TDPRS) for legal services rendered by the Criminal District Attorney's Office from 10/2015 through 09/2016 and acceptance of funding upon reimbursement by TDPRS.

Item(s) Brought by Sheriff's Office:

(Javier Salazar)

11. Authorizing the Bexar County Auditor to pay invoice(s) from Fiscal Year 2017 invoice(s) in the amount of \$225.00 for services.
12. Ratification to amend a grant contract with the Texas School Safety Center, Texas State University to increase the current funded Tobacco Enforcement Program (TEP) FY 2017 from \$38,325 to \$49,575 to continue efforts to enforce tobacco compliance laws; no cash match; to allow officers to work overtime to conduct Controlled Buy/Sting operations on 511 to 661 retailers throughout Bexar County; and acceptance of funding upon contract execution for contract term from September 1, 2016 to August 31, 2017.

Item(s) Brought by County Auditor:

(Susan Yeatts)

13. Authorization and approval for the County Auditor to pay routine bills from Tuesday, September 5, 2017 through Friday, September 8, 2017.
14. Authorization to distribute upcoming payroll, to include overtime, uniform allowances, and auto allowances to be paid on Friday, September 15, 2017.
15. Approval of bills to include claims registers for Wednesday, August 23, 2017; and Friday, August 25, 2017; Wednesday, August 30, 2017; and Friday, September 1, 2017.
16. Request approval according to Section 31.11 for \$145,521.27 in refunds for payments received by the Tax Assessor-Collector's Office in the form of tax overpayments made on 27 tax account(s) to various taxing jurisdictions by individuals, businesses, corporations, etc. which have been reviewed by the Auditor's Office and found to be valid.
17. Approval of an Order authorizing fees for service of civil process, or attempted service of civil process, to be effective January 1, 2018.
18. Acceptance of the certification by the County Auditor, pursuant to Local Government Code §111.0108, of additional revenue available for the Bexar County Sheriff's State Asset Forfeiture Fund 312 in the amount of \$81,331. The Commissioners Court is not hereby adopting a special budget.
19. Acceptance of the certification by the County Auditor, pursuant to Local Government Code §111.0108, of additional revenue available for the Bexar County Sheriff's Federal Asset Forfeiture Fund 312 in the amount of \$125,786. The Commissioners Court is not hereby adopting a special budget.

Items(s) Brought by Purchasing:

(Marv Quinones)

20. Awarding an agreement for implementation services of the Infor Enterprise Asset Management (EAM) Asset Management Software from Advoco, Inc. and Precision Task Group, Inc. (PTG) in the total amount of \$362,010 as requested by the Information Technology Department through a State of Texas Department of Information Resources (DIR-TSO-2574) contract; and authorizing the Purchasing Agent to file the appropriate award documents for the record.

Item(s) Brought by Public Works:

(Renee Green)

21. Approval of Change Order Request Number 2 between Bexar County and Curran Contracting Co., requesting to increase contract amount by \$46,046.31 in connection with the FM 471 (Culebra Road) Pass Through Finance Project. Precinct Number 1 and 2.

22. Approval of CPS Field Alteration Request Number 4 between Bexar County and Sterling Construction Company Inc., requesting to increase contract amount by \$2,487.93 in connection with the FM 1957 (Potranco Rd) Pass Through Project, to be paid by CPS Energy at **no cost to the County**. Precinct Number 1.
23. Approval of SAWS Field Alteration Number 2 between Bexar County and Tropical Contracting, LLC requesting a change in scope to the contract with an increase in the amount of \$15,976.50 to be paid by SAWS at **no additional cost to the County**, in connection with Flood Control Capital Project, Salado Creek Tributary D at Ira Lee, SC41, Purchase Order No. 11577030, Precinct Number 4.
24. Authorizing the purchase of a 0.005 of an acre right-of-way dedication, 206 square feet, by Warranty Deed, being out of a 1.082 acre tract conveyed to Barbara A. Bell, described by instrument recorded in Volume 10650, Pages 2453-2456 of the Official Public Records of Bexar County, Texas, the Aristide Cagnion Survey, Abstract Number 184, Bexar County, Texas from Barbara A. Bell, Owner of Record, in the amount of \$1,300.00, total appraised value plus applicable closing costs. Talley Road Capital Improvements Project, Precinct Number 1.
25. Authorizing the purchase of 0.835 of an acre (36,362 square feet) parcel of land by Special Warranty Deed situated in the W.M. Brisbin Survey No. 89 ½, Abstract 54, County Block 4900, Bexar County, Texas, and being out of and part of a 1,623.189 acre tract of land, recorded in Volume 5792, Page 1701, of the Official Public Records of Bexar County, Texas from Forestar (USA) Real Estate Group, Inc., Owner of Record, in the amount of \$35,000.00, total appraised value, plus Administrative Settlement and applicable closing costs. Bulverde Road Phase IV Project. Precinct 3.
26. Approval of subdivision plat # 160594 within the Extra Territorial Jurisdiction of the City of San Antonio: Luckey Ranch Unit 18, owner: LGI Homes - Texas, LLC located northeast of WT Montgomery Rd. & Luckey River, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
27. Approval of subdivision plat #170054 within the Extra Territorial Jurisdiction of the City of San Antonio: Kallison Windgate, owner: Three Halves Development, LLC, located northeast of Culebra Rd. – FM 471 & Wind Gate Parkway, not within the Edwards Aquifer Recharge Zone. Precinct Number 2.
28. Approval of subdivision plat # CP201702 within the Extra Territorial Jurisdiction of the City of St. Hedwig: Heather’s Place Unit 1 Subdivision, owner: Triple H Development, LLC, located Northwest of N. Abbott Road & FM 1518, not within the Edwards Aquifer Recharge Zone. Precinct number 4.
29. Approval of subdivision plat#160320 within the Extra Territorial Jurisdiction of the City of San Antonio: Davis Ranch Unit 1, owner: Pulte Homes of Texas, L.P., located northeast of Galm Road and Swayback Ranch, not within the Edwards Aquifer Recharge Zone. Precinct Number 2.
30. Approval of subdivision plat#160324 within the Extra Territorial Jurisdiction of the City of San Antonio: Valley Ranch Unit 2C, owner: Continental Homes of Texas, L.P., located southeast of Ranch View West and Ranch Bend, not within the Edwards Aquifer Recharge Zone. Precinct Number 2.
31. Approval to establish Traffic Control devices as a No Thru Truck Zone at specified location in Precinct 3.

NO THRU TRUCK ZONES TO BE ESTABLISHED:

Precinct Number 3

The No Thru Truck Sign shall be on Old Fredericksburg Rd from IH 10 West Access Rd to Dietz Elkhorn Rd and read: “Trucks Over 1 Ton Prohibited (except local delivery).”

Item(s) Brought by Economic and Community Development:

(David Marquez)

32. Authorization and approval for the County Judge to sign Termination Notice on the Grant Agreement with Dialpad, Inc.
33. Approval of contract totaling \$47,410.01 with the BEAT AIDS Coalition Trust for services funded for FY 2017-2018 State Services and State Rebate for the contract period beginning September 1, 2017 through August 31, 2018.
34. Approval of contract totaling \$312,760.99 with the San Antonio AIDS Foundation for services funded for FY 2017-2018 State Services and State Rebate for the contract period beginning September 1, 2017 through August 31, 2018.

Item(s) Brought by Judicial Services:

(Mike Lozito)

35. Approval of the Bexar County Crime Investigation Lab Fee Schedule to be effective October 1, 2017.

Item(s) Brought by Resource Management:

(Tina Smith-Dean)

36. Approval of the Medicare Group Agreement and Application for third party administrative services through Aetna for Bexar County Retirees.
37. Submission of an electronic grant application to the Office of the Governor's "Rifle Resistant Body Armor Grant Program" for the Bexar County Body Armor Grant Program in the amount of \$563,677, approval of a resolution, and acceptance of funds if awarded. There is no local match requirement.
38. Approval of a revision to the pool of pre-qualified financial underwriters to remove UBS Financial Services from the pool.

Item(s) Brought by Facilities Management:

(Dan Curry)

39. Approval of Final Recapitulation of the project costs between Bexar County and Pugh Constructors, Inc. (SMWBE) in connection with the construction and renovation services for the (16) sixteen Courtroom Renovation Project, as requested by the Bexar County Facilities Management Department. The recapitulation shows a decrease change order in the amount of \$18,985.55. The Recapitulation shows a final construction amount of \$2,612,814.55.
40. Approval of the Professional Services Agreement between Bexar County and Sol Studio Architects, (AABE MBE SBE) (HUD) in the amount of \$45,875.00 for Architectural Services in connection with a new Classroom Building to be built at the Bexar County Firing Range located at 3805 Farm Rd.

INDIVIDUAL AGENDA ITEMS:

The following Individual Agenda Item may be considered at any time during this meeting:

Item(s) Brought by County Manager:

(David Smith)

41. Presentation and approval to accept a donation from the Hidalgo Foundation of Bexar County to the Early Intervention Program to provide funding for program operating and services.
(Estimated Presentation Time: 5 minutes)

(Tracy Wolff)

Item(s) Brought by Resource Management:

(Tina Smith-Dean)

42. Discussion and appropriate action regarding the proposed Bexar County Fiscal Year 2017-18 Operating and Capital Budget to include:

- a. Juvenile; and
- b. Sheriff's Office; and
- c. Constable Offices; and
- d. Vehicle Policy.

(Estimated Presentation Time: 4 hours)

(Seth McCabe)

Item(s) Brought by County Auditor:

(Susan Yeatts)

43. Discussion and approval of Bexar County's 2018 calendar year required contribution rate, basic benefits, provision, and any plan changes for the County's Retirement Plan with Texas County and District Retirement System (TCDRS).

(Estimated Presentation Time: 5 minutes)

(Susan Yeatts)

Item(s) Brought by Commissioners Court:

(Court)

44. Discussion, status update and appropriate action concerning the recent injunction granted by Federal Judge Orlando Garcia in litigation challenging SB4 filed by the City of El Cenizo, City of San Antonio, Bexar County, Travis County, El Paso, Austin, Dallas, Houston, et al. v. State of Texas, et al.

(Estimated Presentation Time: 15 minutes)

(Court)

Item(s) Brought by District Attorney:

(Nicholas "Nico" LaHood)

45. Discussion and appropriate action regarding a settlement proposal in the following litigation: Susie S. Castillo v. Joeris General Contractors, Ltd., Joeris Group, Inc., Curtis Hunt Restorations, Inc., Bexar County and Builders Equipment & Tools d/b/a Betco Scaffolds; In the 285th Judicial District Court, Bexar County, Texas.

(Estimated Presentation Time: 5 minutes)

(Ed Schweninger)

EXECUTIVE SESSION (DISCUSSION ONLY: CLOSED TO PUBLIC)

(Pursuant to Chapter 551, Texas Government Code)

EXECUTIVE SESSION ITEMS MAY BE DISCUSSED AND ACTED UPON, IF APPROPRIATE, IN OPEN SESSION.

46. **§551.071 Consultation with Attorney for advice regarding:**

a. Pending or contemplated litigation or settlement offers in the following matters:

- i. Susie S. Castillo v. Joeris General Contractors, Ltd., Joeris Group, Inc., Curtis Hunt Restorations, Inc., Bexar County and Builders Equipment & Tools d/b/a Betco Scaffolds; In the 285th Judicial District Court, Bexar County, Texas.

- b. Legal issues pertaining to the following matters in which the duty of the attorney for Bexar County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act
 - i. CMAR Agreement between Sundt/Davila JV and San Antonio River Authority relating the San Pedro Creek Improvement Project; and
 - ii. Terms of Office for appointed public officials.

Posted: Friday September 1, 2017 at 4:00 pm