



BEXAR COUNTY, TEXAS COMMISSIONERS COURT

NOTICE OF PUBLIC MEETING

The Bexar County Commissioners Court will meet on **Tuesday, October 3, 2017 at 10:00 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.

Doc# 24576 Fees: \$0.00
09/29/2017 4:36PM # Pages 9
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

COMMISSIONERS COURT CEREMONIAL AGENDA

1. Opening prayer: Willie Ng, District Attorney's Chief Criminal Investigator. (Court/Nelson W. Wolff)
2. Pledge of Allegiance: (Court/Nelson W. Wolff)

COMMISSIONERS COURT REGULAR AGENDA

3. CEREMONIAL ITEM(S):

- a. Presentation of a Proclamation on behalf of Commissioners Court recognizing October 9, 2017 through October 13, 2017 as "San Antonio Minority Enterprise Development Week".
(Estimated Presentation Time: 5 minutes) (Court/Nelson W. Wolff)
- b. Presentation of a Proclamation on behalf of Commissioners Court recognizing Tuesday, October 10, 2017 as the County observance of World Mental Health Day and inviting all Bexar County employees to wear green on that day and participate in the mental Health Department's event, at Main Plaza grounds at 12:30pm, as a means of supporting and increasing mental health awareness.
(Estimated Presentation Time: 5 minutes) (Court/Paul Elizondo)
- c. Presentation of a Proclamation on behalf of Commissioners Court recognizing every October as "National Cyber Security Awareness Month".
(Estimated Presentation Time: 5 minutes) (Court/Tommy Calvert)
- d. Presentation of a Proclamation on behalf of Commissioners Court recognizing October 1, 2017 – October 7, 2017 as National 4-H Week in Texas and commend the 4-H Youth Development Program of the Texas A&M AgriLife Extension Service and the many men and women who have made the program a success.
(Estimated Presentation Time: 5 minutes) (Court/Tommy Calvert)

4. SPECIAL PRESENTATION ITEM(S)

- a. Discussion and appropriate action authorizing the County Judge to execute a funding request from The University of Texas at San Antonio to design and build a set of web pages outlining the region's history covering the era between Mexican Independence and the arrival of the Railroad (1877) for \$72,926.
(Estimated Presentation Time: 15 minutes) (Betty Bueche)
- b. Presentation of the results of the 2017 Bexar County campaign for the ArtsFund and announcement of the winning departments for most money raised, largest increase in employee participation and the largest increase in employee giving over the previous years.
(Estimated Presentation Time: 10 minutes) (Jordana Decamps)

5. **TIME CERTAIN ITEM(S):**
- a. **11:00 a.m.:** Presentation, discussion and appropriate action regarding the Bexar County Flood Control (BCFC) Program in Precincts 1, 2, 3, and 4.
 - i. Presentation regarding the completion of the Program and the 10 Year Report Card on its benefits.
 - ii. Discussion on process and evaluation of the HALT program and future projects.
 - iii. Approval of a Fifth Amendment to four (4) Staff Augmentation Agreements between Bexar County and AECOM Technical Services; GGC Engineers, Inc. (SMWBE); Briones Consulting & Engineering, LTD (SMWBE); and The DeBerry Group (SWMBE) for staff augmentation services in connection with the completion of the BCFC and associated budget transfer.
(Estimated Presentation Time: 15 minutes) (Renee Green)
6. Request of Commissioners Court to identify items from the Consent Agenda for additional discussion and to approve remaining Consent Agenda items.
7. Filing for record the following legal and administrative documents and directing the Criminal District Attorney's Office to take action, if necessary:
- a. Settlement Agreement and Mutual Release regarding Cause No. 2016C21644; Kelly Cross, Presiding Judge Bexar County Statutory Probate Court No. 1 vs. Bexar County Commissioners Court, approve July 25, 2017.
 - b. Texas Department of Public Safety Agreement for Release of Driver Records to Governmental Entity name: The County of Bexar, approved March 7, 2017.
 - c. Bexar County Fire Marshal and Office of Emergency Management FY2018 Budget Discretionary Fund 113 – Fire Marshal LEOSE Fund.
 - d. Ruben C. Tejada, Constable – Precinct 1, FY 2017-18 Budget for Federal Asset Forfeiture Fund – 315, State Asset Forfeiture Fund – 314 and LEOSE Fund – 115.
 - e. Medicare Group Agreement and Application for third party administrative services through Aetna for Bexar County Employees, approved September 5, 2017.
 - f. Bexar County District Attorney, Nicholas “Nico” LaHood, FY 2018 Budget for LEOSE Funds 115, State Asset Forfeiture Funds 307, Federal Asset Forfeiture Funds 308, Check Section Funds 509, Comptroller Funds 323, Gambling Funds 311.
 - g. Citation Directed to Bexar County Texas by Serving Its County Judge Nelson W. Wolff, Re: Bobbi King et al vs. Deputy K Ponton et al.
 - h. Citation Directed to Gerard “Gerry” Rickhoff, County Clerk of Bexar County, Re: CMPJ vs. Bexar County et al.
 - i. Notice of Claim for Hammer & Steel, Inc., regarding the Equipment Rental Agreement with Construction Resolution Group, Inc.
 - j. Fax letter from Deputy Sheriffs' Association of Bexar County, from Juan Contreras, President Re: Grievance 2017-DSABC-01 Notice of Intent to Submit to Arbitration.
8. Approval of Commissioners Court minutes for Monday, September 11, 2017 and Tuesday, September 12, 2017.
9. 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)

10. Approval of a resolution nominating Commissioner Sergio “Chico” Rodriguez to serve as the Bexar County representative on the Bexar Appraisal District Board of Directors.
11. Approval of a request from Commissioner Kevin A. Wolff to appoint William T. Burke to replace Linda Reeves on the Bexar County Emergencies Service District #8 Board of Commissioners to serve a term that begins upon appointment and expires December 31, 2018.
12. Approval of a request from Bexar County Commissioner Precinct 2 to rehire a retiree, Marilyn Flores, as the Neighborhood Outreach Specialist, E-06 effective October 3, 2017.

Item(s) Brought by County Manager:

(David Smith)

13. Approval of the Funding Agreement between Bexar County, Texas, San Antonio Livestock Exposition, Inc., and the Community Arenas Board to renovate an existing space into an entertainment venue located on the 2nd Level of the Freeman Coliseum at no cost to Bexar County.
14. Approval for the County Judge to sign an application submitted by Bexar County Constable, Precinct 2, to participate in the Texas 1033 Surplus Property Program.

Item(s) Brought by District Attorney:

(Nicholas “Nico” LaHood)

15. Approving of a request from the Criminal District Attorney to provide additional pay from its Asset Forfeiture Account for the following: \$2,640 additional pay per year to Criminal District Attorney Employee #33003.

Item(s) Brought by Sheriff’s Office:

(Javier Salazar)

16. Approval of a request from the Bexar County Sheriff’s Office to accept a Remington 870 Express, Pump Action, 12 Gauge, 3” Chamber, 18.5 Barrel, Remington Choke, Black Finish, Synthetic Stock, Ghost Ring Sight, 6Rd from TRIARC Systems.
17. Authorizing the Bexar County Auditor to pay invoice(s) from Fiscal Year 17 invoice(s) in the amount of \$6,290.91 for services.

Item(s) Brought by County Auditor:

(Susan Yeatts)

18. Authorization and approval for the County Auditor to pay routine bills from Monday, October 2, 2017 through Friday, October 13, 2017.
19. Authorization to distribute upcoming payroll, to include overtime, uniform allowances, and auto allowances to be paid on Friday, October 13, 2017.
20. Approval of bills to include claims registers for Wednesday, September 13, 2017; and Friday, September 15, 2017; Wednesday, September 20, 2017; and Friday, September 22, 2017; and Wednesday, September 27, 2017 and Friday, September 29, 2017.

21. Request approval according to Section 31.11 for \$532,388.18 in refunds for payments received by the Tax Assessor-Collector's Office in the form of tax overpayments made on 25 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.
22. Approval of FY 2018 Per Diem Rates, effective October 1, 2017 through September 30, 2018, for all business travel. In addition, the approval of the mileage reimbursement rate of 53.5 cents for all business miles driven for October 1, 2017 through December 31, 2017.

Items(s) Brought by Purchasing:

(Mary Quinones)

23. Authorizing a First Amendment to a service requirements contract with Thyssenkrupp Elevator Corporation to modify the terms for Performance Guarantee and Liquidated Damages as provided in the original contract with no additional increase to the contract, as requested by the Facilities Maintenance Management Department; and authorizing the Purchasing Agent to execute contract modification and file the appropriate award documents for the record.
24. Awarding the renewal of a requirements contract for the purchase of parts and labor for sidewalk repairs from Precision Safe Sidewalks, LLC in the estimated annual amount of \$112,500 beginning October 1, 2017 and ending September 30, 2018 as requested by the Public Works Department; and authorizing the Purchasing Agent to execute and file appropriate award documents for record.
25. Granting a discretionary exemption to the competitive bidding requirements set forth in the Texas County Purchasing Act for the purpose of awarding a contract on a sole source basis to NEC Corporation of America to provide for the purchase of the implementation and maintenance support of fingerprint capture equipment in the amount of \$80,350 as requested by the Sheriff's Office; and authorizing the Purchasing Agent to execute contract and file appropriate award documents for the record.
26. Authorizing the removal and sale of one (1) surplus firearm weapon to be retired by the Sheriff's Office, to Deputy Walter A. Gleason in the amount of \$414 each, in accordance with attached Surplus Firearm Equipment List, as requested by the Sheriff's Office; and authorizing the Purchasing Agent to update the Inventory Records and file the appropriate documents for record.
27. Approval to declare fourteen (14) surplus vehicles for auction in, accordance with Local Government Code 263.152 (A)(1)(C)(6).

Item(s) Brought by Public Works:

(Renee Green)

28. Approval to purchase a property located at 2002 Probandt Street, being 1.300 acres, known as a portion of Lot 37, New City Block 6102, DeVilbiss Subdivision, from Glenda Earline DeVilbiss, Individually and as Independent Administrator of the Estate of Thomas DeVilbiss, Deceased; Tod Alan DeVilbiss; and Lynette Orene DeVilbiss Cuellar for the consideration of \$311,000 and the conveyance by Special Warranty Deed from Bexar County of a 0.010 acre tract out of Lot 36, N.C.B. 6102, Loyd Electric Subdivision to the above named individuals as part of the total transaction consideration plus applicable costs. Precinct Number 1.
29. Approval of SAWS Field Alteration Request Number 2 between Bexar County and Curran Contracting Company requesting to increase the contract amount by \$4,322.44 in connection with Public Works Capital Project, W.T. Montgomery Road Reconstruction to be paid by SAWS at no cost to the County. Precinct Number 1.
30. Approval of subdivision plat #150571 within the Extra Territorial Jurisdiction of the City of San Antonio: Horizon Pointe, Unit 10C, owner: Newleaf Homes, L.L.C., located Northwest of Paria Canyon and Celestial Moon, not within the Edwards Aquifer Recharge Zone. Precinct Number 4.

31. Approval of subdivision plat #160013 within the Extra Territorial Jurisdiction of the City of San Antonio: Stevens Ranch POD 26A1, owner: George A. "Chip" Feild, located northwest of Stevens Parkway and Potranco Road –FM 1957, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
32. Approval of subdivision plat #160285 within the Extra Territorial Jurisdiction of the City of San Antonio: Pecan Springs Ranch Unit 2, owner: Crighton Development, located southeast of Toutant Beauregard Road and Karsch Road, not within the Edwards Aquifer Recharge Zone. Precinct Number 3.
33. Approval of subdivision plat #160539 within the Extra Territorial Jurisdiction of the City of San Antonio: Arcadia Plaza, owner: Mendez Group, LLC, located southeast of Arcadia Path and Potranco Road – FM 1957, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
34. Approval of subdivision plat #160588 within the Extra Territorial Jurisdiction of the City of San Antonio: Tribute Ranch Unit 2, owner: Meritage Homes of Texas, L.L.C., located north of Straight Oaks and Tribute Pass, not within the Edwards Aquifer Recharge Zone. Precinct Number 2.
35. Approval of subdivision plat #170094 within the Extra Territorial Jurisdiction of the City of San Antonio: Alamo Ranch, Unit 16, owner: Continental Homes of Texas, L.P., located Northwest of Beals Circle and Couble Falls, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
36. Approval of an Adopt-A-Roadway Agreement between Bexar County and "John M. Harlan High School AF JROTC" for picking up litter and promoting a litter-free environment on a 1 mile section on Old Farm to Market Road 471, for the time period beginning October 3, 2017 and ending October 3, 2019. Precincts 1 & 2.
37. Approval of an Adopt-A-Roadway Agreement between Bexar County and "John M. Harlan High School AF JROTC" for picking up litter and promoting a litter-free environment on a 2 mile section on Talley Road from Culebra to Cartwright Road, for the time period beginning October 3, 2017 and ending October 3, 2019. Precincts 1 & 2.
38. Approval of a variance request to Article 4, Section D(4) and Article 4, Section D(5)(d) of the Bexar County Flood Damage Prevention Court Order for Copper Canyon units 1A plat number 170379 and Copper Canyon Unit 1B plat number 170540. Precinct Number 1.
39. Authorizing the purchase of a 0.002 acre tract of land, 78 square feet, being out of a 399.402 acre tract of land, as described in Volume 8337, Page 93 of the Official Public Records of Bexar County, Texas, out of the George Fellows Survey Number 205, Abstract Number 235, Bexar County, Texas from Vise Oaks I, LTD, Owner of Record in the amount of \$200, total appraised value plus applicable costs. Talley Road Capital Improvements Project, Precinct Number 1.

Item(s) Brought by Bexar Heritage and Parks:

(Betty Bueche)

40. Authorizing Commissioners Court to adopt guidelines for Publication and Distribution that will allow interested parties the opportunity to request to Publish, Display or otherwise Distribute images of artwork that are owned by Bexar County Commissioners Court.

Item(s) Brought by Resource Management:

(Tina Smith-Dean)

41. Approval of:
 - a. Renewal of the contract between Bexar County and SAMCO Capital Market, Inc. for Financial Advisory Services extending the current term for a one-year period through September 30, 2018.
 - b. Authorizing the Purchasing Agent to advertise a Request for Proposals for Financial Advisory Services.
42. Approval of a resolution by the Commissioners Court of Bexar County, Texas, approving the Preliminary Official Statement and appointing JP Morgan (acting as the Senior Manager), Hutchinson Shockey Erley & Company, and Siebert Cisneros Shank & Company as the syndicate of Underwriters for the Bexar County, Texas Pass-Through Revenue and Limited Tax Bonds, Series 2017 (Potranco Road Project).

Item(s) Brought by Facilities Management:

(Dan Curry)

43. Approval of the First Amendment to the funding and development agreement between Bexar County and the Center for Health Care Services (CHCS) in relation to the CHCS Inner City Clinic project located at 928 W. Commerce St., San Antonio, TX 78207.

Item(s) Brought by Judicial Services:

(Mike Lozito)

44. Approval of a request from the Mental Health Court authorizing the County Auditor to pay an invoice in the amount of \$825 for Redwood Toxicology Laboratory for urine analysis supplies.

INDIVIDUAL AGENDA ITEMS:

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

Item(s) Brought by Commissioners Court

(Court)

45. Discussion and appropriate action regarding a monument commemorating the arrival of the first Canary Island families in 1731.
(Estimated Presentation Time: 10 minutes) (Nelson Wolff)
46. Discussion on Texas Health and Safety Code §775.082(c),(e) and Texas Health Safety Code §775.082(b) and the ability of Commissioners Court by order to require the County Auditor to perform audits of Emergency Service Districts (ESDs) and to approve the rules relating to the format of the audit and report.
(Estimated Presentation Time: 10 minutes) (Kevin A. Wolff)

Item(s) Brought by Economic and Community Development:

(David Marquez)

47. Presentation, discussion and appropriate action regarding the Workforce Solutions-Alamo 2017-2018 program year budget.
(Estimated Presentation Time: 10 minutes) (Jordana Decamps)

Item(s) Brought by Public Works:

(Renee Green)

48. Discussion and appropriate action authorizing the use of the power of eminent domain and approval of an Order declaring the public use and necessity for the acquisition of a Permanent Drainage Easement being 3.01 acre tract of land and a Temporary Construction Easement being 0.75 acre of land; both out of a 13.95 acre tract of land conveyed to Timothy J. and Kelley P. Griffin by instrument recorded in Volume 13695, Page 1670, of the Deed and Plat Records of Bexar County, Texas, and being a tract described as Tract No. Three of Seven Tracts out of 97.65 acres owned by Martha Wilma McDonald, said 3.01 acres and 0.75 acre being out of Ignacio Tejada Survey 186, Abstract 735, County Block 4250, Bexar County, Texas and being more particularly described by metes and bounds and shown in **Exhibit "A"** and **Exhibit "B"**, respectively, attached hereto and incorporated herein for all purposes, to advance and achieve the public use of the reconstruction of Elm Creek at Pearsall Road low water crossing, which includes replacing the existing culvert crossing at Pearsall Road and Elm Creek, channelizing the existing stream upstream and downstream of the bridge, and realigning Pearsall Road with the proposed bridge, to mitigate flooding and eliminate low water crossings, resolving threats to the health and safety of the public as part of the Elm Creek at Pearsall Road LWC (MR11) project and authorizing the institution of condemnation proceedings to acquire these rights. Elm Creek at Pearsall Road LWC Flood Control Project. Precinct 1.
(Estimated Presentation Time: 5 minutes)

(Renee Green)

49. Discussion and appropriate action authorizing the use of the power of eminent domain and approval of an Order declaring the public use and necessity for the acquisition of a Permanent Drainage Easement being 0.04 of an acre tract of land and a Temporary Construction Easement being 1.17 acre tract of land, both from tracts conveyed to Dwight A. and June T. Barnes by instrument recorded in Volume 3415, Page 1383 and Volume 13816, Page 2343 of the Deed and Plat Records of Bexar County, Texas both tracts being the east part of a designated tract described as Tract No. Four of Seven Tracts out of 97.65 acres owned by Martha Wilma McDonald and being out of the Ignacio Tejada Survey 186, Abstract 735, County Block 4250, Bexar County, Texas and being more particularly described by metes and bounds in Exhibit "A" and Exhibit "B", respectively, and incorporated herein for all purposes, to advance and achieve the public purpose of mitigating flooding and eliminating low water crossings, resolving threats to the health and safety of the public as part of the Elm Creek at Pearsall Road LWC (MR11) project and authorizing the institution of condemnation proceedings to acquire these rights. Elm Creek at Pearsall Road LWC Flood Control Project. Precinct 1.
(Estimated Presentation Time: 5 minutes)

(Renee Green)

Item(s) Brought by Purchasing:

(Mary Quinones)

50. Discussion and appropriate action regarding awarding a contract to the lowest and best qualified bid submitted by E-Z Bel Construction, LLC (SMWBE) to provide for the purchase of construction services for the Pedestrian Crossing Improvements Project in all precincts, in the amount of \$1,615,435.25, as requested by the Public Works Department; and authorizing the Purchasing Agent to execute and file the appropriate award documents for the record.
(Estimated Presentation Time: 5 minutes)

(Mary Quinones)

Item(s) Brought by County Auditor:

(Susan Yeatts)

51. Acceptance of an FLSA summary report regarding non-exempt County personnel that have accrued FLSA hours in excess of 199 but less than 240, and law enforcement personnel FLSA hours in excess of 439 but less than 480 as of the month ending August 2017. Notification of payment to those employees who have accumulated hours in excess of the FLSA maximum level for an estimated amount of \$95,869 and approval of the appropriate budget transfers.
(Estimated Presentation Time: 5 minutes)

(Susan Yeatts)

Item(s) Brought by Bexar Heritage and Parks:

(Betty Bueche)

52. Discussion and appropriate action regarding travel to Baja Malibu, Mexico by the Bexar Heritage Programs Director to attend the read through, workshop and rehearsal of *Suenos de Bejar* with the composer and volunteer singers and musicians for the May 5th, 2018 performance.
(Estimated Presentation Time: 10 minutes)

(Betty Bueche)

Item(s) Brought by District Attorney

(Nicholas "Nico" LaHood)

53. Discussion and appropriate action regarding a settlement proposal in the following litigation:
Esmeralda Morales Ramos v. Bexar County.
(Estimated Presentation Time: 5 minutes)
54. Discussion and appropriate action authorizing Bexar County to sue all opioid drug manufacturers, promoters and distributors responsible for causing and contributing to an epidemic of opioid addiction in Bexar County, including but not limited to Purdue Pharma L.P., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceutical Company, Allergan PLC, Actavis PLC, Endo Pharmaceuticals, Cardinal Health Inc., McKesson Corporation, AmerisourceBergen Corporation and all other related entities to these named companies; and approval of a professional services agreement with the law firms of Watts Guerra LLP and Phipps Anderson Deacon LLP to serve as Co-Lead Counsel for Bexar County.
(Estimated Presentation Time: 5 minutes)

(Ed Schweninger)

(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.

55. **§551.071 Consultation with Attorney for advice regarding:**
- a. Pending or contemplated litigation or settlement offers in the following matters:
 - i. Esmeralda Morales Ramos v. Bexar County; and
 - ii. Legal claims against opioid drug manufacturers, promoters and distributors responsible for causing and contributing to an epidemic of opioid addiction in Bexar County, including but not limited to Purdue Pharma L.P., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceutical Company, Allergan PLC, Actavis PLC, Endo Pharmaceuticals, Cardinal Health Inc., McKesson Corporation, AmerisourceBergen Corporation and all other related entities to these named companies.
 - 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. P-25 Radio System Project among City of San Antonio and City Public Service.

Posted: Friday September 29, 2017 at 4:30 pm