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UG-98-2018-25366

BEXAR COUNTY, TEXAS COMMISSIONERS COURT

NOTICE OF PUBLIC MEETING

A quorum of the Bexar County Commissioners Court will meet and will be physically present on **Tuesday, September 4, 2018 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. County Judge Nelson W. Wolff will be presiding over the meeting and will be physically present at this location. Pursuant to Texas Government Code Section 551.127 Commissioner Paul Elizondo will participate by videoconference located at The Heights at Huebner Oaks, 10127 Huebner Road, San Antonio, Texas 78240. Both locations will be open to the public.

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.

THE HEIGHTS ON HUEBNER OAKS ACCESSIBILITY STATEMENT FOR DISABLED PERSONS

The meeting site is accessible to disabled persons as follows: the facility is accessible through the south main entrance.

COMMISSIONERS COURT CEREMONIAL AGENDA

1. Opening prayer: (Court/Sergio "Chico" Rodriguez)
2. Pledge of Allegiance: (Court/Sergio "Chico" Rodriguez)

COMMISSIONERS COURT REGULAR AGENDA

3. CEREMONIAL ITEM(S):

- a. Presentation of service pins recognizing Bexar County employees for 25 years of service:

Name	Date Employed	Years	Office/Department
Maria Mendez	7/6/1993	25	Judicial Services
Gloria Tamayo	7/1/1993	25	District Clerk
Kathleen Woytasczyk	6/24/1993	25	Sheriff

(Estimated Presentation Time: 5 minutes)

(Court)

- b. Presentation of a Proclamation on behalf of Commissioners Court recognizing September 9 through September 15, 2018 to be "Nephrology Nurse's Week" In Bexar County.
(Estimated Presentation Time: 5 minutes) (Sergio "Chico" Rodriguez/Court)
- c. Presentation of a Proclamation on behalf of Commissioners Court recognizing September 2018 as "National Childhood Cancer Awareness Month".
(Estimated Presentation Time: 5 minutes) (Kevin A. Wolff/Court)

4. TIME CERTAIN ITEM(S):

- a. **10:00 a.m.** Public Hearing: Accept public comments regarding the proposed Bexar County Ad Valorem Tax Rate of 0.301097 per \$100 valuation for Tax Year 2018 in support of its Operating and Capital Budget for Fiscal Year 2018-19.
(Estimated Presentation Time: as required) (David Smith)
 - b. **10:30 a.m.** Public Hearing: Accept public comments on setting the 2018 tax rate for the Bexar County Hospital District d/b/a University Health System.
(Estimated Presentation Time: As Required) (George Hernandez)
5. Request of Commissioners Court to identify items from the Consent Agenda for additional discussion and to approve remaining Consent Agenda items.
 6. Filing for record the following legal and administrative documents and directing the Criminal District Attorney's Office to take action, if necessary:
 - a. Grant Agreement with Arts Consultant, LLC, approved July 10, 2018.
 - b. Professional Services Agreement with Debra J. Dockery, Architect, P.C. for Professional Services associated with the Bexar County Parks Master Plan, approved December 19, 2017.
 - c. Notice of Grant Award from the Texas Veterans Commission for: FVA (Fund for Veteran's Assistance) Bexar County Commissioners Court - Misdemeanor (TVC Award #VTC_18_0595).

- d. Notice Letters from The Henning Law Firm, Re: Reductions in Bexar County Deputy Constables and services to the community.
 - e. Citation Directed to Bexar County by Serving County Judge, Nelson Wolff, Re: Texas Association of County Employees vs. Nelson Wolff Et Al.
 - f. Deputy Constables Association of Bexar County verification of organization.
7. Commissioners Court minutes for August 24, 2018.
 8. 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 County Manager:

(David Smith)

9. Approval of a:
 - a. Public Improvement Financing Agreement between Crosswinds at South Lake Special Improvement District, PDC Preserve at Medina River Ltd. and Bexar County providing Bexar County with indemnification by the Developer and the District; and
 - b. First Amendment to the Order Granting Petition for the Creation of the Crosswinds at South Lake Special Improvement District.

Item(s) Brought by Sheriff's Office:

(Javier Salazar)

10. Approval of a Memorandum of Understanding between Bexar County Sheriff's Office and Providence Place (PP) to provide Inside Out Parenting sessions at the Bexar County Adult Detention Center.
11. Authorization the County Auditor to pay bill(s) for the Sheriff's Office from Fiscal Year 18 invoice(s) in the amount of \$34,400.38 for professional service, materials and inmate housing fees.

Item(s) Brought by Tax Assessor-Collector:

(Albert Uresti)

12. Approval of a request for the waiver of penalty and interest for the Bexar County taxing jurisdiction in the amount of \$1,512.12 in reference to account #11883-000-0040, in the amount of \$716.10 (penalty & interest \$309.85; attorney collection of \$406.25) in reference to account #11883-000-0050, in the amount of \$796.02 (penalty & interest \$344.43; attorney collections of \$451.59); Avi Langbaum President AGKL Partners, LLC, tax year(s) 2017 in accordance with Section 33.011 of the Texas Property Tax Code.
13. Approval of a request for the waiver of penalty and interest for the Bexar County taxing jurisdiction in the amount of \$1,536.14 (penalty & interest = \$664.68 + attorney collections fees of \$871.46) on account #16386-016-0620, Gabriel Monterrubio ETAL, tax year(s) 2017 in accordance with Section 33.011 of the Texas Property Tax Code.

14. Approval of a request for the waiver of penalty and interest for the Bexar County taxing jurisdiction in the amount of \$968.40 (penalty & interest = \$419.02 + attorney collections fees of \$549.38) on account #04549-202-0010, John J. Titch & Teresa M. O'Neil-Titch, tax year(s) 2017 in accordance with Section 33.011 of the Texas Property Tax Code.
15. Approval of a request for the waiver of penalty and interest for the Bexar County taxing jurisdiction in the amount of \$199.48 (penalty & interest \$86.32; attorney collections \$113.16) on account #05080-709-0380, Enrique & Nelda Denise Lujan, tax year(s) 2017 in accordance with Section 33.011 of the Texas Property Tax Code.

Item(s) Brought by District Clerk:

(Donna Kay M^cKinney)

16. Approval of a request from the District Clerk's Office to hire retiree, Jo Ann Behrend, as a Central Magistrate Operations Clerk at the minimum of Grade NE-3, a rate of \$2,548. This hiring conforms to Bexar County's Post Retiree Employment Policy.

Item(s) Brought by County Auditor:

(Susan Yeatts)

17. Authorization to distribute upcoming payroll, to include overtime, uniform allowances, and auto allowances to be paid on Friday, September 14, 2018.
18. Authorization and approval for the County Auditor to pay routine bills from Tuesday, September 4, 2018 through Friday, September 7, 2018.
19. Approval of bills to include claims registers for Friday, August 24, 2018; Wednesday, August 29, 2018; and Friday, August 31, 2018.
20. Approval of an Order authorizing fees for service of civil process, or attempted service of civil process, to be effective January 1, 2019.
21. Request approval according to Section 31.11 for \$112,251.21 in refunds for payments received by the Tax Assessor-Collector's Office in the form of tax overpayments made on 16 to various taxing jurisdictions by individuals, businesses, corporations, etc. which have been reviewed by the Auditor's Office and found to be valid.
22. 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 313 in the amount of \$14,905. The Commissioners Court is not hereby adopting a special budget.
23. 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 \$2,377. The Commissioners Court is not hereby adopting a special budget.

Items(s) Brought by Purchasing:

(Mary Quinones)

24. Awarding a contract to The Sabinal Group in the amount of \$989,000 for construction services for the Vista Verde Tax Office Modification Project, in Precinct 2, as requested by the Facilities Management Department to include the appropriate budgetary transfer; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.
25. Awarding a delivery order to Data Preservation Solutions to provide document preservation services for "un-touched" and pre-preserved case-files (1849-1899) in the estimated amount of \$50,000, as requested by the District Clerk through a cooperative contract, from time of award through September 30, 2018; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.

26. Awarding a delivery order to Texas Electronic Systems Specialists, Inc. to provide for the purchase of all labor, installation and equipment for the upgrades to door hardware, security cameras and access control devices in the County Courthouse and downtown campuses, as requested by the Facilities Management in the amount of \$95,740; and authorizing the Purchasing Agent to execute contract and file appropriate award documents for the record.
27. Awarding a contract to the lowest and best bid submitted by Tri-Starr Personnel, LLC (SMWBE) to provide Temporary Labor Payroll Services on a requirements contract basis in the estimated annual amount of \$424,327.40 beginning October 1, 2018 and ending on September 30, 2020 as requested by Elections Departments and authorizing the Purchasing Agent to execute a contract renewal in accordance with the terms of the original contract if provided for in each fiscal year appropriated budget, authorizing the Purchasing Agent to execute and file appropriate award documents for record.

Item(s) Brought by Public Works:

(Renee Green)

28. Approval of Final Recapitulation of project cost between Bexar County and SAECO Electric & Utility, LTD (SMWBE) in connection with Public Works Capital Project, Bulverde Road Traffic Signal Project. The recapitulation shows an increase of \$653. The recapitulation shows a final construction amount of \$106,515. Precinct Number 3.
29. Approval of Field Alteration Request Number 2 between Bexar County and D. Plata Construction Company, LLC (SMWBE), requesting to increase the contract amount by \$13,038.25 in connection with Flood Control Capital Project French Creek Tributary NWWC, LC23, Purchase Order No. 11574598, Precinct Number 3.
30. Approval of subdivision plat#170302 within the Extra Territorial Jurisdiction of the City of San Antonio: Alamo Ranch Unit 17B, owner: Continental Homes of Texas, L.P., located northwest of Calaveras Way and Couble Falls, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
31. Approval of subdivision plat#180099 within the Extra Territorial Jurisdiction of the City of San Antonio: Westwinds Unit 12 MP, owner: Abacus Alamo Ranch Apartment Land Purchase, LP, located southeast of Alamo Parkway and Culebra Road – FM 471, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
32. Approval of subdivision plat#180067 within the Extra Territorial Jurisdiction of the City of San Antonio: Davis Ranch Unit 2, owner: HDC Davis Ranch, L.L.P., located northwest of Cactus Hills and Dusty Boots, not within the Edwards Aquifer Recharge Zone. Precinct Number 2.
33. Approval of a "Consent to Assignment" to the Right of Way Improvements License Agreement for Hotel Entry and North/South Road between Bexar County and SA Real Estate, LLLP, SA Resort LLLP to assign Breit JWM San Antonio as the Licensee at no cost to the County.
34. Approval of a 30 foot wide Aerial Overhang Easement, being 0.261 out of a 14 acre tract of land, New City Block 11107, M. Leal Survey No. 30, Abstract 419, as being described in Volume 223, Page 209 of the Deed and Plat Records of Bexar County, Texas, located in Southwest Bexar County, said easement being granted to the City of San Antonio for use by City Public Service Board of San Antonio over and across the property owned by Bexar County, known as the old Southwest Service Center located at 162 Moursund Boulevard, for the total appraised value of \$63,939. Precinct Number 1.

35. Approval of a 30 foot wide Aerial Overhang Easement, being 0.102 tract of land, Lot 36, New City Block 9483, Harlandale Acres Tracts 1, in the City of San Antonio, Bexar County, Texas as recorded in Volume 642, Page 114, of the Deed and Plat Records of Bexar County, Texas, located in Southwest Bexar County, said easement being granted to the City of San Antonio for use by City Public Service Board of San Antonio over and across the property owned by Bexar County, located at 2700 Pleasanton Road, for the total appraised value of \$30,011. Precinct Number 1.
36. Authorizing the purchase of a 0.0539 acre tract of land (2,346 square feet) out of the John W. Peacock Survey No. 135, Abstract No. 595, County Block 5123, Bexar County, Texas, conveyed to Frank James Aniol as recorded in Volume 8184, Page 848, Official Public Records, Bexar County, Texas, from Frank James Aniol, Owner of Record, in the amount of \$700. total appraised value plus applicable closing cost. Flood Control Capital Project, Kirkner Road Low Water Crossing Project, SA46. Precinct Number 4.
37. Order accepting the following streets and drains in the identified subdivisions for County maintenance to begin September 4, 2018:

SUBDIVISION

STREET/DRAIN

Hunters Way
Plat No. CP201611
Precinct #4

Hunters Park 205.0 lf
Asphalt Width: 28'
Hunters Trace 241.48 lf
Asphalt Width: 37'
Hunters Trace 1,895.45 lf
Asphalt Width: 28'

Grosenbacher, Unit 02
Plat No. 160382
Precinct #1

West Grosenbacher Rd. (Eastbound) 1,152.67 lf
Asphalt Width: 26.5'
West Grosenbacher Rd. (Westbound) 1,152.67 lf
Asphalt Width: 29. '
Drain "A" 132.09 lf

38. Approval to establish Traffic Control devices as Stop Zones and School Zones at specified locations in Precinct Numbers 1, 2, and 3.

STOP ZONES TO BE ESTABLISHED:

Precinct Number 1

Texas Research Park Unit 2 Plat #160493

The Stop Sign shall be on Jocasta Dr at its intersection with Omicron Dr. (1 stop)

The Stop Signs shall be on Jocasta Dr at its intersection with Cerberus Dr. (2 stops)

The Stop Sign shall be on Semele View at its intersection with Omicron Dr. (1 stop)

The Stop Sign shall be on Semele View at its intersection with Cerberus Dr. (1 stop)

Ladera Hills Plat #170430

The Stop Sign shall be on Ladera Hills at its intersection with W Grosenbacher Rd. (1 stop)

Highpoint Unit 2A Plat #170431

The Stop Sign shall be on Dewfall Lane at its intersection with Barkey Springs. (1 stop)

The Stop Sign shall be on High Castle at its intersection with Dewfall Lane. (1 stop)

The Stop Sign shall be on Dewfall Lane at its intersection with Ladera Hills. (1 stop)

Falcon Landing Unit 3 Phase 2 Plat #170210

The Stop Sign shall be on Bucktown at its intersection with Broussard. (1 stop)

The Stop Signs shall be on Broussard at its intersection with Catalina Port. (2 stops)

Precinct Number 2

All-Way Stop Location

The Stop Signs shall be on Tausch Dr at its intersection with Dusty Run Ln. This makes this intersection an all-way stop. (2 stops)

SCHOOL ZONES TO BE ESTABLISHED:

Precinct Number 3

Pieper Ranch Middle School

The maximum speed on Borgfeld Dr from 1,550 ft. west of Shawanee Pass St. to 425 ft. east of Shawanee Pass St. shall be 30 mph (7:45am – 9:45am) and from (3:00pm – 5:00pm) school days only.

Item(s) Brought by Facilities Management:

(Dan Curry)

39. Approval of a Lease Agreement between Bexar County and San Antonio Bar Association for an initial term of ten (10) years, with four (4) five (5) year options for renewal, for 5,509 square feet of dedicated space at 126 E. Nueva, the Bexar County Archives Building, in the amount of \$29,197.70 annually.
40. Approval of PO modification between Bexar County and MTZ Landscaping, in the amount of \$940 in connection with the Landscaping Project at the Bexar County Adult Detention Center located at 200 N. Comal, San Antonio, TX 78207.

Item(s) Brought by Heritage and Parks:

(Betty Bueche)

41. Authorization to execute a Professional Services Agreement Contract Amendment#1 between Bexar County and Work5shop design firm in the amount of \$178,425 for Architectural/Engineering planning and design services in connection with Raymond Russell Restroom Renovation Project.
42. Authorizing the County Judge to approve a sponsorship request for the Daughters of the Republic of Texas – Alamo Mission Chapter in the amount of \$3,500 for the restoration of historical scrapbooks request by the Bexar County Historical Commission.

Item(s) Brought by Emergency Management:

(Kyle Coleman)

43. Approval of the resolution for the submission of grant applications for 2018 Urban Area Security Initiative (UASI) projects for the Bexar County Office of Emergency Management and Bexar County Sheriff's Office totaling \$271,512 (No Cash Match).

Item(s) Brought by Economic and Community Development:

(David Marquez)

44. Approval of the Amendment to Cooperative Agreements previously approved by Bexar County Commissioners Court for Program Years 2019, 2020, and 2021 to include three provisions which satisfy certain written notification requirements of U.S. Department of Housing and Urban Development (HUD).

Item(s) Brought by Commissioners Court:

(Court)

45. Approval of a request from Commissioner Kevin A. Wolff, Precinct 3 to appoint Ralph (Rusty) Wright to fill the unexpired term of Peter Marks on the Cibolo Canyons Special Improvement District to serve a term that begins upon appointment and expires on June 1, 2019.

INDIVIDUAL AGENDA ITEMS:

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

Item(s) Brought by Resource Management:

(Tina Smith-Dean)

46. Discussion regarding the proposed Bexar County Fiscal Year 2018-19 Operating and Capital Budget to include:
- a. Outside Agencies; and
 - b. Juvenile Probation Department;
- (Estimated Presentation Time: As Required)

Item(s) Brought by District Attorney:

(Nicholas "Nico" LaHood)

47. Discussion and appropriate action regarding a professional services agreement with attorney Shannon Schmoyer and the law firm of SCHMOYER REINHARD LLP for defense of Bexar County Defendants in all present and future claims arising from the Troy Meinke EEOC (Equal Employment Opportunity Commission) Complaint.
(Estimated Presentation Time: 5 minutes) (Ed Schweninger)
48. Discussion and appropriate action regarding a second amendment to the collective bargaining agreement between Bexar County, the Sheriff of Bexar County and the Deputy Sheriff's Association of Bexar County.

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.

49. §551.071 Consultation with Attorney for advice regarding:
- a. Pending or contemplated litigation or settlement offers in the following matters:
 - i. James W. Myart, Jr. v. Nelson Wolff, et al.
 - ii. Uvalde County Underground Water Conservation District, et al. vs. Edwards Aquifer Authority, et al.
 - iii. Troy Meinke EEOC (Equal Employment Opportunity Commission) Complaint
 - iv. Texas Association of County Employees (TACE) vs. Bexar County, et al.
 - v. Kane County, Utah v. United States; a Class Action Lawsuit
 - 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. Notice received from the Deputy Constables of Bexar County, a.k.a. Deputy Constables Association of Bexar County, not associated with Texas Association of County Employees.
 - ii. Proposed Second Amendment to the Collective Bargaining Agreement between Bexar County, the Sheriff of Bexar County and the Deputy Sheriff's Association of Bexar County (DSABC);

Posted: Friday August 31, 2018 at 4:30 p.m.