



UG-98-2021-28029

BEXAR COUNTY, TEXAS COMMISSIONERS COURT

NOTICE OF PUBLIC MEETING

The Bexar County Commissioners Court will meet on **Tuesday, December 7, 2021 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**

**REBECA CLAY-FLORES
COMMISSIONER, PRECINCT 1**

**TRISH DeBERRY
COMMISSIONER, PRECINCT 3**

**JUSTIN RODRIGUEZ
COMMISSIONER, PRECINCT 2**

**TOMMY CALVERT
COMMISSIONER, PRECINCT 4**

**LUCY ADAME-CLARK
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

This meeting site is accessible. The Accessible Entrance to the Bexar County Courthouse is located at the west side of the Courthouse on S. Main Avenue between Dolorosa and E. Nueva Streets. To access the second floor, individuals must utilize the accessible ramp located at the west side of the County Courthouse and take the elevator to the second floor.

COMMISSIONERS COURT CEREMONIAL AGENDA

1. Opening Prayer: Rev. Father Mark W. Lewis, Pastor of Our Lady of The Atonement Catholic Church
(Trish DeBerry)
2. Pledge of Allegiance: (Trish DeBerry)

COMMISSIONERS COURT REGULAR AGENDA

3. TIME CERTAIN ITEM(S):

- a. **9:30 a.m.:** Discussion and appropriate action regarding the signing of the Joint Resolution for the Primary Election to be held Tuesday, March 1, 2022 or TBD and Tuesday, May 24, 2022 or TBD for a Runoff Election, if necessary.
(Presentation Time: 10 minutes) (Jacque Callanen)
- b. **Immediately following item 3a:** The Commissioners Court invites public comment on the proposed voter precinct changes as required by Chapter 42 of the Texas Election Code.
(Presentation Time: 10 minutes) (Jacque Callanen)
- c. **Immediately following item 3b:** Approval of amended voter precinct changes as required by Chapter 42 of the Texas Election code.
(Presentation Time: 10 minutes) (Jacque Callanen)
- d. **10:00 a.m.:** Discussion and appropriate action regarding the Bexar County Hospital District d/b/a University Health's Operating, Debt Service and Capital Budgets for fiscal year 2022.
(Presentation Time: 30 minutes) (George Hernandez)

Recess Commissioners Court

- e. **10:30 a.m.:** Convene as Board of Directors, **Bexar County Public Facility Corporation.**
(Presentation Time: 15 minutes) (Board/ Andrew S. Cohen)

Reconvene Commissioners Court

- f. **11:00 a.m.:** Presentation from CPS Energy regarding:
 - i. Winter Preparedness overview to include improvements to weatherization, grid operations and emergency communications; and
 - ii. Overview of the proposed 3.85% rate increase.
(Presentation Time: 45 minutes) (Rudy Garza)

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. Summons in a Civil Action directed to Bexar County Judge Nelson Wolff, Plaintiff's Original Complaint, Re: Krista M. Smith vs. Floyd Berry, The Bexar County Sheriff's Office, Sheriff Javier Salazar and Bexar County, Case No. 5:21-CV-1147-XR.
 - b. Bexar County Auditor's Year End Monthly Financial Reports (Unaudited and Unadjusted) for July 31, 2021.
6. Commissioners Court minutes for Tuesday, November 30, 2021.
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.

Items(s) Brought by County Auditor:

(Leo Caldera)

8. Approval of bills to include for Wednesday, December 01, 2021 and Friday, December 03, 2021.
9. Approval of Tax Assessor-Collector's Report of Taxes collected in November 2021 and approval of the order transferring tax collections for the month of November 2021 from unallocated receipts.
10. Authorization and approval for the County Auditor to pay routine bills Monday, December 06, 2021 to Friday, January 07, 2022.
11. Authorization to distribute upcoming payroll, to include overtime, uniform allowances, and auto allowances to be paid on Friday, December 31, 2021.
12. Request approval according to Section 31.11 for \$51,863.41 in refunds for payments received by the Tax Assessor-Collector's Office in the form of tax overpayments made on 12 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.

Item(s) Brought Tax Assessor-Collector's Office:

(Albert Uresti)

13. In accordance with the Texas Property Tax Code Section 6.231, Bexar County Tax Assessor-Collector, Albert Uresti, MPA, PCAC, presents the required County Tax Assessor-Collector's Continuing Education Certificate of Completion, awarded by the Texas Association of Counties.

Item(s) Brought by Criminal District Attorney:

(Joe Gonzales)

- 14. Approval of a request from the Bexar County Criminal District Attorney’s Office to rehire former employee, Irvin J. Ramirez-Garcia as a Legal Secretary – DA’s Office (NE-03) position. This hiring conforms to Bexar County’s Amended Policy R.10 Rehire of Former Employees.
- 15. Approval of a professional services agreement with the Law Offices of Charles S. Frigerio, PC for certain representation of a certain Bexar County Sheriff’s deputy in the matter of *Smith v. Bexar County et al.*, 5:21-cv-01147-XR, in an amount not to exceed \$25,000 without further amendment of the agreement, as authorized on November 30, 2021.

Item(s) Brought by Sheriff:

(Javier Salazar)

- 16. Approval of the Sheriff’s request to decommission Vehicle #9622 2010 Mercedes Benz VIN# WDDGF5GB5AR090511 from active service in the Criminal Investigation Narcotics Division and placing up for auction.
- 17. Approval of a request to accept donation from the Bexar County Sheriff’s Foundation Fund for five (5) complete Bexar County Sheriff Honor Guard uniforms from Nardis Public Safety. The total value of this donation is \$634.90.

Item(s) Brought by Emergency Management/Fire Marshal:

(Chris Lopez)

- 18. Approval of an Order of the Bexar County Commissioners Court for the creation of Emergency Services District #9.
- 19. Revision of Board Terms for Precinct 3 Emergency Services Districts #3, #4, and, #8.

Bexar County ESD #3 – Revised Terms

EMERGENCY SERVICES DISTRICT #3 - PRECINCT 3				
Board Member	Original Appointment	Original Term Expiration	Corrected Term Expiration	Term Length(Yr)
Jean M. Dailey	June 1, 2021	December 31, 2023	December 31, 2021	2
John F. Kirk	June 1, 2021	December 31, 2023	December 31, 2021	2
Robert Moss	June 1, 2021	December 31, 2023	December 31, 2022	2
Raymond Wilkinson	June 1, 2021	December 31, 2023	December 31, 2021	2
David Diharce	June 1, 2021	December 31, 2023	December 31, 2022	2

Bexar County ESD #4 – Revised Terms

EMERGENCY SERVICES DISTRICT #4 - PRECINCT 3				
Board Member	Original Appointment	Original Term Expiration	Corrected Term Expiration	Term Length(Yr)
Ken Lopez-Maddox	June 1, 2021	December 31, 2023	December 31, 2022	2

Bexar County ESD #8 – Revised Terms

EMERGENCY SERVICES DISTRICT #8 - PRECINCT 3				
Board Member	Original Appointment	Original Term Expiration	Corrected Term Expiration	Term Length(Yr)
Mario Hune	June 15, 2021	December 31, 2023	December 31, 2021	2
Lynn Ginader	June 15, 2021	December 31, 2023	December 31, 2022	2
William T. Burke	July 13, 2021	December 31, 2023	December 31, 2022	2
Michael J. Voss	July 13, 2021	December 31, 2023	December 31, 2021	2

Item(s) Brought by Purchasing:

(Patricia Torres)

20. Awarding a delivery order to GT Distributors, Inc. for the purchase of tactical gear and police equipment in the amount of \$117,509.96, as requested by the Bexar County Sheriff’s Office utilizing BuyBoard Cooperative Contract #603-20, allowing for future purchase orders in FY22; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.
21. Awarding a delivery order to Progressive Emergency Products for the purchase of a portable 125 kVA emergency generator in the amount of \$79,953.35, as requested by the Office of Emergency Management/Fire Marshal through Sourcewell contract 041719-MTQ; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.
22. Awarding a participating amendment to Sentinel Offender Services, LLC through a requirements contract with the National Association of State Procurement Officials (NASPO) Contract No. 00212 in an estimated amount of \$2,725,105.04 for the purchase, rental, and maintenance of active Global Positioning System (GPS) location monitoring equipment and services beginning January 1, 2022 and ending December 31, 2022 as requested by the Office of Criminal Justice through a NASPO contract; authorizing the Purchasing Agent to execute and file the appropriate award documents for record.

23. Ratification of four (4) purchase orders to VWR International, LLC for the purchase of medical and criminal investigation supplies in the combined amount of \$110,002.60, allowing future purchase orders in FY22; as requested by the Medical Examiner's Office and Criminal Investigation Laboratory; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.

Item(s) Brought by Public Works:

(Renee Green)

24. Approval of the Interlocal Agreement between Bexar County and San Antonio Water System (SAWS) in the amount of \$1,289,910.00 to be paid by SAWS for utility adjustments on the Watson Road Phase I (MPO) Project and at no cost to the County. Precinct Number 1.
25. Approval of an Order Relinquishing and Conveying an abandoned tract of land and the approval of the conveyance by Deed Without Warranty of a County owned property to the Board of Trustees of the Judson Independent School District, originally deeded to the County by the Converse Common School District No. 12 on March 24, 1955, recorded in Volume 3661, Page 547 at no cost for use as right-of-way for a road around a then proposed school site, said property known as 1.731 acre tract of land, located in the Thomas Lloyd Survey No. 311, County Block 5063, situated in City of Converse, Bexar County, Texas, at no cost to Bexar County. Precinct Number 4.
26. Authorizing the purchase of a drainage easement, being a 0.049 of an acre out of Lot 69, Block F, County Block 5997A, of the Highland Oaks Subdivision, described in Document 20200220545, of the Official Public Records of Bexar County, Texas, out of the Manuel De Luna Survey, Section 3, Abstract 8, Bexar County, Texas, from Mirna M. Pineda and Maria F. Mendez Owners of Record in the amount of \$6,000., total appraised value, including Administrative Settlement plus applicable closing costs. This drainage easement is needed as part of the Highland Oaks Subdivision Project. Precinct Number 1.
27. Authorizing the purchase of a 0.063 acre tract of land, being a portion of Lot 1, Block 1, Silverleaf Subdivision, Unit-1, a subdivision in Bexar County, Texas, recorded in Volume 9300, Page 246, situated in the George Fellows Survey No. 206, Abstract No. 234, County Block 4389 and the Sarah Tyler Survey No. 367, Abstract No. 744, County Block 4401, of Bexar County Texas, as, recorded in document no. 20120055877 of the Official Public Records of Bexar County, Texas, from the City of San Antonio, (SAWS) Owner of Record in the amount of \$18,825 total appraised value, plus applicable closing costs. This Property is needed for the Talley Road Phase II Metropolitan Planning Organization Transportation Improvement Project (MPO). Precinct Number 1.
28. Approval to close and abandon a 0.240 acre tract of land being a small section of Laguna Road, situated in the Juan Montez Survey No. 6, Abstract 11, County Block 4007, located in southeast Bexar County, Texas, as excess right-of way and will be conveyed to the owner of the abutting land being MHACOCC, LLC, in accordance with Transportation Code Section 251.058(b). Precinct Number 4.
29. Approval of a request from Bexar County Public Works Department to rehire former Public Works employee, Jaime Rene Medina as a Mechanic I for Heavy Fleet Maintenance (NE-04) position at entry level salary of \$2,827 per month effective November 3, 2021.

30. Approval of subdivision plat# 20-11800173 within the Extra Territorial Jurisdiction of the City of San Antonio: Whisper Falls Unit 4C, owner: Continental Homes of Texas, L.P., located west of Whisper Grove and Dynamic Sound, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
31. Approval of subdivision plat# 20-11800182 within the Extra Territorial Jurisdiction of the City of San Antonio: Valley Ranch Unit 6B, owner: Continental Homes of Texas, L.P., located northwest of Culebra Road-FM 471 and Ranch View, not within the Edwards Aquifer Recharge Zone. Precinct Number 2.
32. Approval of subdivision plat# 20-11800428 within the Extra Territorial Jurisdiction of the City of San Antonio: Arcadia Ridge Phase 3 Unit 10B, owner: Meritage Homes of Texas, L.P., located west of Arcadian Lily and Azan Heights, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
33. Approval of subdivision plat# 20-11800529 within the Extra Territorial Jurisdiction of the City of San Antonio: Weston Oaks Unit 8, owner: Dar-Bran Development, LLC, located South of Fort Duncan and Quemada Ranch, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
34. Approval of subdivision plat# 21-11800202 within the Extra Territorial Jurisdiction of the City of San Antonio: Landon Ridge Potranco Commercial, owner: SA Landon Ridge, LP, located east of Potranco Road-FM 1957 and Redbird Chase, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
35. Approval of subdivision plat# 21-11800203 within the Extra Territorial Jurisdiction of the City of San Antonio: Landon Ridge SH 211 Commercial, owner: SA Landon Ridge, LP, located north of Potranco Road - FM 1957 and SH Hwy 211, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
36. Approval of subdivision plat# 21-11800300 within the Extra Territorial Jurisdiction of the City of San Antonio: Southton Meadows Unit 8, owner: Lennar Homes of Texas, LTD, located west of Southton Basin and Revetment Way, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
37. Order accepting the following streets and drains in the identified subdivisions for County maintenance to begin December 7, 2021:

SUBDIVISION

STREET/DRAIN

Waterwheel Unit 01 Phase 01	Arles Wheel CT. 251.00 lf
Plat No. 170505	Asphalt Width: 40'
Precinct #2	Cardigan Wheel 376.90 lf
	Asphalt Width: 28'
	Colossae Mill 184.45 lf
	Asphalt Width: 28'
	Lamus Wheel 1,718.61 lf
	Asphalt Width: 28'
	Landa Falls 1,709.60 lf
	Asphalt Width: 44'
	Picardy Wheel 146.29 lf
	Asphalt Width: 28'

Drain "A" 124.00 lf
Drain "B" 65.00 lf
Drain "C" 11.00 lf

Item(s) Brought by Economic and Community Development:

(David Marquez)

- 38. Approval of an Assignment of the Tax Abatement Agreement with EMF DT SA, LLC to SPI SOFLO 339 DE, LLC.
- 39. Approval of the appointments of the following nominations to the San Antonio Area HIV Health Services Planning Council with a term beginning on March 1, 2022 and ending February 28, 2024:

Appointments:

<u>Name</u>	<u>Membership Category</u>	<u>Replacing</u>
Alfred Chavira	Local Public Health Agency	Michelle Mutchler

Item(s) Brought by Civil District Court:

(Court)

- 40. Approval of a contract between Bexar County and Deborah Judith Inc., dba Elite Counseling, a non-profit corporation of the State of Texas, for the time period of October 1, 2021 through September 30, 2022, with total expenditures not exceeding \$80,000, to secure the development and operation of a program to provide drug treatment assessments and services for individuals participating in the Children's Court Family Drug Court Program. Licensed counselors will be utilized to perform the Services and thus, the county has determined that the Services provided are professional services requiring work that is predominantly mental or intellectual rather than physical or manual, requiring special knowledge or attainment, and a high order of learning, skill and academic intelligence. Accordingly, by execution of this Agreement, the Bexar County Commissioners Court specifically grants the exception contained in Local Government Code 262.024(a)(4).

Item(s) Brought by Military and Veterans Services:

(Nancy Taguacta)

- 41. Approval of a request from Bexar County Military and Veterans Services to rehire on a temporary part-time basis, former BCMVS employee, Valentina Arevalo as a Military Services Officer (T-99) at entry level for a period not to exceed 900 hours. This hiring conforms to Bexar County's Amended Policy R.10 Rehire of Former Employees.
- 42. Appointment of Christopher Gadsden and Claudia Moreno as Bexar County Military Service Officers.

Item(s) Brought by Public Defenders:

(Michael Young)

- 43. Approval and execution of an agreement between the Bexar County Public Defender's Office and Lacey Ashworth Barriga in the amount of \$24,000 per year to provide legal services in support of the Bexar County Public Defender's Office representation of proposed patients under Chapter 574 of the Texas Health and Safety Code.

Item(s) Brought by Environmental Services:

(Javier Flores)

44. Approval of a variance to Commissioners Court "Order Adopting Regulations of Bexar County, Texas For On-Site Sewage Facilities" Section 10 (G) Residential Lot Sizing. Variance to allow for use of easement as part of lot size to achieve the Minimum ½ Acre required by TCEQ rather than the ½ Acre lot size exclusive of easements as per the Court Order. Variance granted for proposed plat 2011800208, identified as Lot 1, C.B. 5491.

Item(s) Brought by Resource Management:

(Tina- Smith-Dean)

45. Approval of the FY 2021-22 Justice Assistance Grant (JAG) Interlocal Agreement (ILA) between Bexar County and the City of San Antonio for the FY2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation. The total allocation for Bexar County was \$864,255, with 60 percent (\$518,553) allocated to Bexar County and 40 percent (\$345,702) allocated to the City. Bexar County will act as the Fiscal Agent for this funding.
46. Approval of:
 - a. An order authorizing the issuance and sale of one or more series of Bexar County, Texas combination tax and revenue certificates of obligation, in the aggregate principal amount not to exceed \$150,000,000; levying a tax in payment thereof; providing for the award of the sale thereof in accordance with specified parameters; authorizing the execution and delivery of documents and agreements in connection therewith; approving the preparation of one or more official statements; and enacting other provisions relating thereto.
 - b. An order by the Commissioners Court of Bexar County, Texas authorizing the issuance of Bexar County, Texas pass-through revenue and limited tax bonds (State Highway 211 Project); levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds and further securing said bonds by a lien on and pledge of certain pledged revenues; providing for the award of the sale thereof in accordance of specified parameters; authorizing the execution and delivery of documents and agreements in connection therewith; approving the preparation of an official statement; and enacting other provisions relating thereto.
47. Approval of a request from the District Attorney's Office to amend the take home-vehicle list to include two vehicle(s) assigned to the DA Investigator(s).

Item(s) Brought by Heritage and Parks:

(Betty Bueche)

48. Authorization and approval for Wilkinson Rhodes to rent Hot Wells Park at a cost of \$36,460 to host an event on New Year's Eve.

Item(s) Brought by Office of the County Manager:

(David Smith)

49. Approval and execution of a Public Service Agreement between Bexar County and Ballet San Antonio for a one year period beginning October 1, 2021 and ending on September 30, 2022, in the amount of \$100,000 from the Venue Project Fund.

50. Ratification of the Fourth Amendment to the Real Estate Contract between Bexar County and Board of Regents of The University of Texas System for the sale of approximately 1.997 acres of land referred to as 622 Dolorosa Street and part of 227 W. Nueva Street to extend the Phase 2 Feasibility Period until January 31, 2022; and no other changes to the terms and conditions of the Agreement.
51. Receive petition and approval of a Resolution of Intent regarding the Grace Gardens Special Improvement District.

Item(s) Brought by Commissioners Court:

(Court)

52. Approval of a personal services agreement with Art Martinez de Vara for support services to the Precinct 1 Commissioner, including assistance with policy creation and development, special projects at the direction of the Commissioner, and other duties as assigned for an additional year in an amount not to exceed \$21,000 dollars.

INDIVIDUAL AGENDA ITEMS:

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

Item(s) Brought by Small Business & Woman Entrepreneurship Department:

(Renee Watson)

53. Presentation, discussion and appropriate action regarding the Implementation Phase of the Disparity and Availability Study recommendations, adopted by Commissioners Court July 13, 2021, for the Small Business & Entrepreneurship Department from Rodney Strong, CEO, Griffin & Strong, P.C. to include adopting an update to Administrative Policy 8.0 Small, Minority and Women-Owned Business Enterprise (SMWBE) and sun setting the County Manager's SMWBE Policy.

(Estimated Presentation Time: 30 minutes)

(Renee Watson)

Item(s) Brought by Commissioners Court:

(Court)

54. Presentation, discussion and appropriate action regarding amending Bexar County policy to include maternity leave.

(Estimated Presentation Time: 10 minutes)

(Trish DeBerry)

Item(s) Brought by Office of the County Manager:

(David Smith)

55. Presentation, discussion, and appropriate action regarding the proposed Phasing Plan for the County's 10-Year, \$690 Million Capital Improvements Program.

(Presentation Time: 20 minutes)

(Tony Canez)

56. Discussion and appropriate action regarding the Sixth Amendment to the Interlocal Agreement between Bexar County and the Advanced Transportation District which would authorize the reallocation of the ATD Tax beginning January 1, 2026 and thereafter support future projects and services, including those defined as innovative, technology supported mobility enhancements and technology-based customer service enhancements.
(Presentation Time: 5 minutes) (David Smith)

Item(s) Brought by Office of Criminal Justice: (Mike Lozito)

57. Presentation, discussion and appropriate action regarding the Office of Criminal Justice's "Overview of Bexar County Body Worn Camera Policy and Release of Critical Incident Footage."
(Estimated Presentation Time: 15 minutes) (Mike Lozito)

Item(s) Brought by Criminal District Attorney: (Joe Gonzales)

58. Discussion and appropriate action regarding a settlement offer in the matter of *B.B. v. Hancock*.
(Estimated Presentation Time: 5 minutes) (Larry Roberson)
59. Discussion and appropriate action regarding the matter of: *DSABC on behalf of Marquese Shands v. Sheriff of Bexar County*.
(Estimated Presentation Time: 5 minutes) (Larry Roberson)

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.

60. §551.071 Consultation with Attorney for advice regarding:
a. Pending or contemplated litigation or settlement offers in the following matters:
i. *B.B. v. Hancock*
ii. *DSABC on behalf of Marquese Shands v. Sheriff of Bexar County*

FILE INFORMATION

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LUCY ADAME – CLARK
BEXAR COUNTY CLERK
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Posted: Friday, December 3, 2021 at 4:30 p.m.