

BEXAR COUNTY, TEXAS COMMISSIONERS COURT

NOTICE OF PUBLIC MEETING

The Bexar County Commissioners Court will meet on **Tuesday, November 10, 2015 at 10:00 a.m. in the new 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 north end of the Courthouse located at the intersection of Dolorosa and Main streets. To access the second floor, individuals must use the handicap ramp located at the northwest corner of the County Courthouse and take the elevator to the second floor.

COMMISSIONERS COURT CEREMONIAL AGENDA

1. Opening Prayer: Chaplain Dan Franklin, Retired Army Colonel. (Tommy Calvert)
2. Pledge of Allegiance (Tommy Calvert)

COMMISSIONERS COURT REGULAR AGENDA

3. **CEREMONIAL ITEM(S):**

- a. Presentation of a service pin recognizing a Bexar County employee for 25 years of service:

Name	Years	Date Employed	Office/Department
Emily Garza	25	10/15/1990	Pre-Trial Services
Nora Acevedo	25	10/01/1990	Tax Office
Jerry Knight	25	10/01/1990	Tax Office
Nancy Moreno	30	10/01/1990	Tax Office
Harold Schneider	25	09/04/1990	Sheriff's Office

(Estimated Presentation Time: 5 minutes)

(Court)

- b. Presentation of a proclamation on behalf of Commissioners Court recognizing Alpha Tau Omega chapter of Alpha Kappa Alpha Sorority, Inc. and the San Antonio Ivy Educational Fund, Inc. be recognized on their 85th and 25th anniversaries, respectfully on November 14-15, 2015 and congratulated on their many contributions to the community for enhancing the quality of life for San Antonio and Bexar County, and its members be extended sincere best wishes for continued success.

(Estimated Presentation Time: 5 minutes)

(Tommy Calvert/Court)

4. **SPECIAL PRESENTATION:**

- a. Presentation of Certificate of Achievement for Excellence in Financial Reporting to Susan Yeatts for fiscal year ending September 30, 2014.

(Estimated Presentation Time: 5 minutes)

(Court/Larry Noll)

- b. Presentation and recognition of the 2015 Leroy V. Greene, Jr. Award recipient.

(Estimated Presentation Time: 25 minutes)

(Court/Queta Marquez)

- c. In observance of Veterans Day and in appreciation of service to our country, Bexar County and the Veterans Service Office recognize all county employees who have served in our nation's military forces and encourage those employees to attend the Veterans Service Office Open House on November 10, 2015 from 1 p.m. to 4 p.m.
(Estimated Presentation Time: 15 minutes) (Court)

5. **TIME CERTAIN:**

- a. **1:30 p.m.** – Discussion and Appropriate Action regarding terms, conditions and business points and/or a DRAFT Letter of Intent to be included in future binding documents among Parties with respect to the purchase, renovation, financing, use and operation of Toyota Field and STAR soccer complex.
(Estimated Presentation Time: 10 minutes) (David Smith)
 - b. **1:45 p.m. or Immediately following item 5(a):** Discussion and appropriate action regarding a presentation of an interim report which will contain IBM's findings and recommendations to date with respect to the development of the IT assessment and 5-year strategic plan.
(Estimated Presentation Time: 30 minutes) (Ken Villano)
6. Communications from citizens who signed the register to speak.

COMMISSIONERS COURT REGULAR AGENDA

- 7. Request of Commissioners Court to identify items from the Consent Agenda for additional discussion and to approve remaining Consent Agenda items.
- 8. Filing for record the following legal and administrative documents and directing the Criminal District Attorney's Office to take action, if necessary:
 - a. Memorandum of Agreement between 502D Air Base Wing and Bexar County, Texas for the provision of BiblioTech Library Services at Fort Sam Houston, Lackland Air Force Base and Randolph Air Force Base, approved October 6, 2015;
 - b. Citation Directed to Bexar County Sheriff's Department by Serving its Registered Agent, County Judge Nelson Wolff, Re: Gustavo Hernandez vs. Bexar County Sheriff's Department;
 - c. U.S. District Court for the Western District of Texas - Summons in a Civil Action To: City of San Antonio, Texas, And Bexar Court Judge Nelson W. Wolff – Re: Mark Hessbrook v. City of San Antonio Texas, et al;

- d. U.S. District Court for the Western District of Texas – Summons in a Civil Action to: Bexar County, Texas Attention: Bexar County Judge Nelson W. Wolff – Re: Matthew T. Joiner, No. 579308 v. Garland Moore, Pete Serna, and Bexar County, Texas.

9. Approval of Commissioners Court minutes for October 20, 2015.

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, discussed, and appropriate action taken separately.

Items(s) Brought by Commissioners Court:

(Court)

- 10. Approval of a resolution casting 633 votes for the election of Sergio “Chico” Rodriguez to the Bexar Appraisal District Board of Directors to serve a two-year term from January 1, 2016 through December 31, 2017.
- 11. Approval of a resolution appointing Commissioner Kevin Wolff to the Texas Conference of Urban Counties Policy Committee for the 2016-2017 biennium.
- 12. Approval of a request from County Judge Nelson W. Wolff to reappoint the following Bexar County Commissioners Court appointees to the Bexar Metro 911 Network District Board of Managers.

Name	Date of Appointment	Expire	Replacing
James Hasslocher	November 10, 2015	November 9, 2017	Reappointment
Steven Schneider	November 10, 2015	November 9, 2017	Reappointment

- 13. Approval of a request from Commissioner Tommy Calvert, Precinct 4 to re-appoint Melvin Golla and Steve White to the Sedona Tax Increment Reinvestment Zone (TIRZ) Board for terms to begin upon appointment and expire September 30, 2017.

Items(s) Brought by the County Manager’s Office:

(David Smith)

- 14. Approval of a termination of lease between Bexar County and the Texas State Senate for 1,204 square feet of net usable space and 154 square feet of common area located on the 8th floor of the Paul Elizondo Tower.
- 15. Approval of a request for funding and authority for staff to negotiate a Public Service Agreement with Ballet San Antonio.

16. Approval to utilize TxDOT Pass-Thru revenues to cash fund the FY 2015-16 County Road Program and the attached budgetary transfer.

Item(s) Brought by County Auditor:

(Susan Yeatts)

17. Authorization and approval for the County Auditor to pay routine bills from Monday, November 2, 2015 through Friday, November 13, 2015.
18. Authorization to distribute payroll, including overtime and uniform and auto allowances to be paid Friday, November 13, 2015.
19. Approval of bills to include claims registers for Wednesday, October 21, 2015 and Friday, October 23, 2015; Wednesday, October 28, 2015 and Friday, October 30, 2015; Wednesday, November 4, 2015 and Friday, November 6, 2015.
20. Request approval for \$27,560.60 in Tax Overpayment or Erroneous Payment Refunds due to 3 individual tax accounts for tax payments received per Section 31.11, which have been reviewed by the Auditor's Office and found to be valid.

Item(s) Brought by Justice of the Peace, Precinct 3

(Jeff Wentworth)

21. Approval for payment of invoices to Pitney Bowes Purchase Power account concerning postage and postage supplies in the total amount of \$2,138.35.

Item(s) Brought by Purchasing:

(Mary Salas)

22. Awarding a service contract to the lowest and best qualified bid submitted by Precision Safe Sidewalks, LLC to provide for the purchase of materials, equipment and labor to perform sidewalk repairs on a requirements contract basis, in the estimated annual amount of \$112,500, as requested by the Bexar County Public Works Department; and authorizing the Purchasing Agent to execute and file the appropriate award documents for the record.
23. 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 Dailey-Wells Communications to provide for the purchase of annual maintenance of radios, chargers and control stations for the period beginning October 1, 2015 and ending September 30, 2016 in the amount of \$198,251; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.

24. Ratification granting a discretionary exemption to the competitive bidding requirements set forth in the Texas County Purchasing Act for the purpose of awarding a purchase order to Open Text, Inc. in the amount of \$58,274.98, providing for the purchase of one hundred and eighty File360 User Licenses for the File360 software, as requested by the Bexar County Information Technology Department; and authorizing the Purchasing Agent to execute and file the appropriate documents for record.
25. Authorizing the Purchasing Agent to advertise a Request for Proposals to purchase promotional testing services as requested by the Bexar County Human Resources Department.
26. Awarding the renewal of a contract with Waste Management of Texas, Incorporated to provide for the purchase of refuse and recycling collection services for a one-year period beginning February 1, 2016 and ending January 31, 2017 under the same terms, conditions, and pricing in the estimated annual amount of \$242,371.77 as requested by the Bexar County Facilities Management Department; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.
27. Awarding a delivery order to SimplexGrinnell, LP to provide for the purchase of labor and materials to perform inspection, testing and certification of fire alarm systems at various county facilities as requested by the Bexar County Facilities Management Department for a period beginning upon award and ending September 30, 2016, with an estimated annual amount of \$74,848.82; and authorizing the Purchasing Agent to execute and file the appropriate award documents for the record.
28. Authorizing a delivery order to UniFirst Holding L.P. to provide for the purchase of uniform rental services for the period beginning upon award through September 30, 2018, in the estimated annual amount of \$35,337, as requested by the Bexar County Public Works Department, Records Management, and Fleet Maintenance Department; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.

Item(s) Brought by Community Resources:

(Nancy Taguacta)

29. Approval of the amendment to the Bylaws of the City/County Joint Commission on Elderly Affairs as required by the existing bylaws previously adopted by Commissioners Court and as per Bexar County Administrative Policy No.2.1.
30. Approval and execution of the Management Agreement between Bexar County and San Antonio Food Bank for a one year period beginning October 1, 2015, and ending on September 30, 2016 in the amount of \$60,000 from the General Fund.

Item(s) Brought by Public Works:

(Renee Green)

31. Approval of SAWS Field Alteration Request Number 1 between Bexar County and Spaw Glass Civil Construction, Inc. requesting to increase the contract amount by \$7,193.80 in connection with the Public Works Capital Project, Walzem Road Reconstruction Project, at no cost to the County. Precinct Number 4.

32. Approval to execute Final Recapitulation of project costs between Bexar County and J3 Company, LLC, in connection with Flood Control Capital Project, Whisper Creek at Hollyhock Road, LC19, Purchase Order No. 228126. The recap shows an increase in the amount of \$9,279.62 for a final construction amount of \$704,965.95. Precinct Number 3.
33. Approval to negotiate contract for the provision of Professional Engineering Services for Marshall Road-US 281 to Bulverde Road Project, Precinct 3, with Poznecki-Camarillo, Inc. (SMWBE).
34. Authorizing the County Judge to execute a Release of Lien for the property located in; Lots 37, 38 & 39, Block 9, Kings Point Subdivision, C.B. 4194B. Owner(s): Steve and Linda Littlefield. Precinct Number 1.
35. Authorizing the County Judge to execute a Release of Lien for the property located in; Lots 40 & 41, Block 9, Kings Point Subdivision, C.B. 4194B. Owner(s): Steve R. Littlefield. Precinct Number 1.
36. Approval of subdivision plat#CP201413 within the Extra Territorial Jurisdiction of the City of Helotes: Lantana Oaks Unit 4 Vacate, owner: Pulte Group, located south of Cactus Way and Red Sage, not within the Edwards Aquifer Recharge Zone. Precinct Number 2.
37. Approval of subdivision plat#130284 within the Extra Territorial Jurisdiction of the City of Helotes: Tausch Farms Unit 1C Replat, owner: Continental Homes of Texas, L.P., located northeast of Rhyder Ridge and Emerald Sky Drive, not within the Edwards Aquifer Recharge Zone. Precinct number 2.
38. Approval of subdivision plat#150001 within the Extra Territorial Jurisdiction of the City of San Antonio: Bella Vista Unit 3 Section 5, owner: Perry Homes, LLC, located northwest of Volante and Annuziata, not within the Edwards Aquifer Recharge Zone. Precinct Number 1.
39. Approval of subdivision plat#140491 within the Extra Territorial Jurisdiction of the City of San Antonio: Two Creeks Unit 14B Enclave, owner: Bitterblue-Two Creeks North, LTD., located north of Two Springs (private) and Two Falls (private), not within the Edwards Aquifer Recharge Zone. Precinct Number 3.
40. Authorizing the sale of property struck off to Bexar County for delinquent taxes known as cause number 2003-TA1-01767 and 2011-TA1-01490; account number 040120001792, 000000162514 and 000001086979; County Block 4012 Parcel 179B being 6.0000 acres out of the Dionisio Martinez survey 7 Abstract 9 along with a 1997 28 X 76 Feet value master Mobile Home label #PFS0444364/5 serial # MP154747 A/B in Bexar County, Texas, as shown in Volume 11977, Page 2134 of the Deed and Plat Records of Bexar County, Texas; located at 19502 Pleasanton Road for \$57,790 the total adjudged value of the property to Bernardo Hernandez, pursuant to Section 34.05(h) of the Texas Tax Code and authorizing the execution of deed. Precinct Number 1
41. Traffic Control Devices to be established:
STOP ZONES:

Precinct Number 1

Arcadia Ridge Phase 1 Unit 1A Plat #140531

The controlled road shall be Tyrou Lane at its intersection with Silas Creek. (1 stop)

The controlled road shall be Pursley Ridge at its intersection with Tyrou Lane. (1 stop)

The controlled road shall be Tyrou Lane at its intersection with Laurel Branch. (1 stop)

Seale Subdivision Unit 10 Plat #150055

The controlled road shall be Ivory Keys at its intersection with Emerald Edge. (1 stop)

The controlled road shall be Garnet Sunset at its intersection with Emerald Edge. (1 stop)

The controlled road shall be Indian Landing at its intersection with Emerald Edge. (1 stop)

The controlled road shall be Clamoun Circle at its intersection with Emerald Edge. (1 stop)

The controlled road shall be Garnet Sunset at its intersection with Camp Light Way. (1 stop)

Amber Creek Unit 5 Plat #130173

The controlled road shall be Barberry Creek at its intersection with Boxer Creek. (1 stop)

The controlled road shall be Donley Bayou at its intersection with Boxer Creek. (1 stop)

Item(s) Brought by Facilities Management:

(Dan Curry)

42. Authorizing the County Judge to execute contract Change Order No. 1 between Bexar County and Joeris General Contractors, Ltd for the Elections Warehouse to increase the original contract to include city utility fees unforeseen site conditions and building modifications. Change Order No. 1 totals \$205,100.78, 7.80% contract increase, for a new total of \$6,755,100.78 to include the appropriate budget transfer.

Item(s) Brought by Bexar Heritage and Parks

(Betty Bueche)

43. Authorizing the County Judge to execute the no fee agreement between Bexar County and former Judge Antonio G. Cantu for the indefinite loan of a collection of painting produced by Judge Cantu as an artist.
44. Authorization for the County Judge to sign a Donation Agreement with Institute of Texan Cultures, UTSA to donate the two metal markers that had been sponsored by the Daughters of the Confederacy, for the purchase of research and viewing by the public.

Item(s) Brought by Judicial Services:

(Mike Lozito)

45. Approval and execution of a Revive and Renewal to the Agreement between Recovery Healthcare Corporation to provide drug testing services to the Specialty Courts. The term of the Agreement will begin June 23, 2015 through June 22, 2016.
46. Approval and execution of a Revive and Amend agreement for the collection of Fines and Fees agreement with the law firm of Linebarger, Goggan, Blair & Sampson, LLP., and Escamilla, Poneck & Cruz, LLP amending agreement for an additional term to commence on October 1, 2015 through September 30, 2016.

47. Approval to apply for and accept funding if awarded from the Texas Indigent Defense Commission, 2015-2016 Formula Grant Program for an undetermined amount to assist in paying Bexar County's indigent defense costs for the period of October 1, 2015 through September 30, 2016 and approval of a resolution authorizing the grant request responsibility for the appropriate expenditure of funds, and authorizing the electronic signature of the County Judge.

Item(s) Brought by Economic Development:

(David Marquez)

48. Approval of an Assignment and Assumption of Tax Abatement Agreement between the County of Bexar, Bates Container, LLC and Smurfit Kappa Bates, LLC.

INDIVIDUAL AGENDA ITEMS:

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

Item(s) Brought by the Commissioners Court:

(Court)

49. Discussion and appropriate action considering approval of an order adopting the Bexar County Commissioners Court Staff Canvassing Authority Report for the purpose of certifying the results of the Constitutional Amendment and Special Elections held on Tuesday, November 3, 2015, in Bexar County, Texas.
(Estimated Presentation Time: 10 minutes) (Jacque Callanen)

Items(s) Brought by the County Manager's Office:

(David Smith)

50. Discussion and appropriate action regarding the Legislative Consulting Services Agreement between Bexar County and the Consulting Team providing for State legislative services.
(Estimated Presentation Time: 5 minutes) (Manuel Leal)

Item(s) Brought by Facilities Management:

(Dan Curry)

51. Discussion and appropriate action regarding:
- a. Presentation by Build San Antonio Green (BSAG) detailing their energy efficiency initiatives throughout Bexar County for calendar years 2015 and 2016; and
 - b. Authorization for the County Judge to execute a funding agreement between Bexar County and Build San Antonio Green (BSAG) in the amount of \$85,000, to provide services and programs in the area of energy efficiency for a period beginning October 1, 2015 through September 30, 2016.
(Estimated Presentation Time: 10 minutes) (Dan Curry)

Item(s) Brought by Public Works:

(Renee Green)

52. Discussion and appropriate action regarding approval of the Interlocal Agreement between Bexar County and the City of San Antonio (City) in the amount not to exceed \$2,800,000 to provide additional funding for the City's Menger Creek Drainage Project, Precinct 4.

(Estimated Presentation Time: 10 minutes)

(Renee Green)

53. Discussion and appropriate action regarding approval of a Resolution authorizing the Alamo Regional Mobility Authority (ARMA) to use Vehicle Registration Fee Revenues on specified long-term, regionally significant transportation projects. Countywide.

(Estimated Presentation Time: 10 minutes)

(Renee Green)

Item(s) Brought by Economic Development:

(David Marquez)

54. Presentation, discussion and appropriate action regarding an Incentive Application submitted by INDO-US MIM TEC PVT LTD.

(Estimated Presentation Time: 10 minutes)

(David Marquez)

Item(s) Brought by Purchasing:

(Mary Salas)

55. Awarding a delivery order to Alpha Building Corporation to provide for the purchase of construction services for work related to the relocation of the Spanish Archives and the modifications to the interior of the former Federal Reserve Building, in the amount of \$968,722 as requested by the Bexar County Facilities Management Department; and authorizing the Purchasing Agent to file appropriate award documents for record.

(Estimated Presentation Time: 5 minutes)

(Mary Salas)

56. Discussion and appropriate action regarding awarding a delivery order to Caldwell Country to provide for the purchase of twenty-nine (29) 2016 law enforcement vehicles, as requested by the Bexar County Sheriff's Office, in the combined amount of \$1,280,787; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record.

(Estimated Presentation Time: 5 minutes)

(Mary Salas)

57. Discussion and appropriate action authorizing the execution of an agreement with Aramark, Incorporated to provide Food Services for the Bexar County Juvenile Probation Department in the estimated annual amount of \$827,293 for a five-year period beginning upon award and ending June 30, 2020, as requested by the Bexar County Juvenile Probation Department; and authorizing the Purchasing Agent to execute and file the appropriate award documents for the record.

(Estimated Presentation Time: 5 minutes)

(Mary Salas)

Item(s) Brought by District Attorney:

(Nicholas "Nico" LaHood)

58. Discussion and appropriate action regarding a settlement offer in the following auto accident lawsuit: Richard Sepulveda, Individually, Felicia Sepulveda, Individually and as Next of Friend of Bryan Sepulveda, Ryan Sepulveda, Brandon Sepulveda, and Mathew Alaniz v. Bexar County
(Estimated Presentation Time: 5 minutes) (Ed Schwening)
59. Discussion and appropriate action authorizing litigation to be filed on behalf of Bexar County against Volkswagen AG, Volkswagen Group of America, Inc., Audi AG, and Audi of America, LLC, any corporate affiliates, parents, and subsidiaries, and such other culpable parties responsible for illegal automobile emissions and related violations under the Texas Health and Safety Code and in violation of other laws of the State of Texas and United States; and approval of a professional services agreement for representation of Bexar County in asserting the aforementioned legal claims with the following attorneys and law firms: Hilliard Munoz Gonzales, LLP, Maloney & Campolo, Law Offices of Carlos Uresti, Law Offices of Pat Maloney and Justin Hill of the Hill Law Firm.
(Estimated Presentation Time: 10 minutes) (Ed Schwening)

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. Richard Sepulveda, Individually, Felicia Sepulveda, Individually and as Next of Friend of Bryan Sepulveda, Ryan Sepulveda, Brandon Sepulveda, and Mathew Alaniz v. Bexar County;
 - ii. Bexar County v. Volkswagen AG, Volkswagen Group of America, Inc., Audi AG and Audi of America, LLC, et al.
- 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. The Bexar County Justice Precinct Redistricting Plan 2013, including resulting issues related to office administration.

61. § 551.072 Deliberation regarding real property:

- a. Toyota Field located at 5106 Edwards Dr., San Antonio, Texas

62. § 551.0725 Deliberation regarding contract being negotiated: (Upon receipt of written authorization from the Criminal District Attorney, the Commissioners Court must vote unanimously that deliberation in an open meeting would have a detrimental effect on the position of Commissioners Court in negotiations with a third person.)

- a. Collective Bargaining contract negotiations with the Deputy Sheriff's Association of Bexar County.

Posted: Friday, November 6, 2015 at 4:30 p.m.