

Orders of Commissioners Court
Bexar County, Texas

TUESDAY, MAY 5, 2009

Court met at 11:00 a.m.

A Regular Meeting was held by the Honorable Commissioners Court, in and for said State and County, met at the Courthouse, of thereof, in Bexar County on May 05, 2009.

Present at roll call:

Paul Elizondo, County Commissioner Precinct No. 2; Presiding officer
Kevin A. Wolff, County Commissioner Precinct No. 3;
Tommy Adkisson, County Commissioner Precinct No. 4;
Tommy J. Tompkins, County Auditor;
Gerard Rickhoff, County Clerk (Rep. by Leonor Salazar);
Susan Reed, District Attorney (Rep. by Ed Schweninger);
David Marquez, Executive Director of Economic Development;
Joe Aceves, Executive Director - Infrastructure Services Department;
David J. Morgan, Chief Information Officer - Information Services Department;
David Smith, Executive Director - Planning & Resource Management Department/Budget Officer;
Aurora Sanchez, Executive Director – Community Investment Department; and
Gary O'Bar, Purchasing Agent.

When the following proceedings were had to-wit:

Arturo Villarreal, Jr. Flood Control Division Manager gave the invocation at today's meeting.
County Commissioner Paul Elizondo led the Pledge of Allegiance.



A letter of condolence is to be sent to the family of Saul G. Gonzales expressing to them the sympathy of the court on the loss of their loved one. He was a graduate of Fox Tech High School, Class of '55. He was a U. S. Marine Corps Veteran. He worked for the U. S. Postal Service and retired from the Bexar County Courthouse after 15 years of dedicated service. He also worked over 20 years for the City of San Antonio-Parks & Recreation. He is survived by his wife Maria L. Gonzales; children, Elizabeth Castillo and Gabriel Gonzales; step-children, Gloria Pena, Rebecca Vasquez, Chris and David Martinez; 4 grandchildren and 7 step-grandchildren; 1 step-great-grandchild and numerous nieces and nephews.

A letter of condolence is to be sent to the family of Rebekah Ware expressing to them the sympathy of the court on the loss of their loved one. She was like a force of nature, strong and determined. From the time she was a baby, until her death, she never met a stranger. Her vibrant personality and gentle spirit caused people young and old to love her instantly. She is survived by her mother Nancy Ware, father Trey Ware, brother Justin Ware, daughters Annabelle Ware and Zoe Hoffman, grandfather Ricci Ware, Sr., grandmother Theresa Hooper and many aunts, uncles, cousins and loving friends.

A letter of condolence is to be sent to the family of Carol Pantoja expressing to them the sympathy of the court on the loss of their loved one. She graduated from Okabena High School in 1959 as Salutatorian of her class. After high school, she received a certificate in accounting and followed in her mother into the postal service. She became Postmaster in Okabena in 1974. After moving to San Antonio, Texas in 1979, she continued her service in the USPS as a letter carrier. In 1982, she became postmaster in Helotes, Texas. She also was an active member of Delta Sigma Epsilon for many years serving the Helotes community. In 2005, she was named Outstanding Civic Leader of the Year by the Helotes Masonic Lodge #1429. She is survived by her husband, Severiano Pantoja, Jr.; children, Teresa, John and Christine; 4 stepchildren Cynthia, Stephanie, Sam and Cathy; and 7 grandchildren and 1 great-grandchild.

A letter of condolence is to be sent to the family of Jesse B. Poston expressing to them the sympathy of the court on the loss of their loved one. He graduated from Central Catholic High School in 1945 and Notre Dame University in 1949 with a B.S. in Electrical Engineering. He attended a year of law school at St. Mary's University. He worked for City Public Service for 38 years. He was hired as a Test Engineer and worked his way up to Assistant General Manager, a position he held for 11 years. He was chairman of the South Texas Nuclear Project Management Committee from 1978-1987. He was always giving back to the community, serving as Chairman of the Bexar County Sheriff Civil Service Commission, Chairman of the Patrician Substance Abuse Rehab Center, Chairman of the Bexar Appraisal Review Board, Trustee of Our Lady of the Lake University, a member of the Oblate Associates, President of the San Antonio Kiwanis, President of the San Antonio Breakfast Club, Chairman of the San Jose Parish Council and Finance Committee, and serving on the boards of directors of Providence High School and Catholic Television of San Antonio. He relished his breakfast meetings with the "Snake Pit" group that met each Saturday at Mi Tierra for lively political and intellectual discussions. He was a person who many people counted on, because he could and would deliver results. He is survived by his wife Jennita Goodman Poston; children Deborah Poston McBrearty, John Poston, Michael Poston, Donna Poston Williams, Dori Poston Stinson and Dana Poston Hawkes and 13 grandchildren.

Commissioners Court will adjourn today's meeting in honor and memory of:

*Saul G. Gonzales
Rebekah Ware
Carol Pantoja
Jesse B. Poston*



Item – 3 (a-e)

May 5, 2009

Commissioners Court - Presentations

The Court presented an Hidalgo to Bob Guthrie recognizing his long career and many accomplishments and contributions to the radio news industry.

The Court presented a Proclamation recognizing and proclaiming the month of May 2009 to be "Older Americans Month 2009: 'Living Today for a Better Tomorrow.' "

County Judge Nelson W. Wolff joined the meeting at this time.

The Court presented a Proclamation recognizing and proclaiming the month of May 2009 as "Elder Abuse Prevention Month."

The Court presented a Proclamation recognizing and congratulating Child Advocates San Antonio (CASA), for 25 years of service and applauds the work of thousands of volunteers and staff, who have ensured that these children have a voice.

The Court presented a Proclamation to the John R. McFarlin Tennis Foundation and recognizing Karen McFarlin and Robert P. Braubach for the efforts on behalf of tennis in Bexar County, Texas.



Item – 4a
May 5, 2009
Commissioners Court – Time Certain

Presentation on the status of the Bexar County Small, Minority and Women owned Business (SMWBE) Program/Associated General Contractors – San Antonio Chapter Construction Industry Mentor Protégé Program. (Record)

No action was taken.

Commissioner Sergio “Chico” Rodriguez joined the meeting at this time.



Item – 5
May 5, 2009
Commissioners Court

The Court hereby ordered and approved a motion approving the Consent Agenda (items 9-78) with the exception of agenda items 45 thru 70 which will be deferred at this time.

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 9
May 5, 2009
Commissioners Court

The Court hereby ordered and approved a motion approving a request by Commissioner Paul Elizondo, Precinct 2, to re-appoint Charlie Pena and Mary Lee Reyna to the Plaza Fortuna Tax Increment Zone #12 Board, for a 2-year term to begin upon appointment and expire September 26, 2010. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 10
May 5, 2009
Commissioners Court

The Court hereby ordered and approved a motion approving a request by Commissioner Sergio “Chico” Rodriguez, Precinct 1, to re-appoint to the Small, Minority and Women-owned Business Enterprise Advisory Committee, Pilar “Pete” Mireles, Harold Orosco, and Benito Recio, for terms to begin upon appointment and to expire May 7, 2011. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 11
May 5, 2009
Commissioners Court

The Court hereby ordered and approved a motion approving a request by Commissioner Paul Elizondo, Precinct 2, to re-appoint Daniel “Dan” T. Barrett, Steven C. Buffkin, and Ramiro A. Cavazos to the Small, Minority and Women-owned Business Enterprise Program Advisory Committee, for a 2 year term to begin upon appointment and expire May 7, 2011. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 12
May 5, 2009
Commissioners Court

The Court hereby ordered and approved a motion approving a request by Commissioner Kevin A. Wolff, Precinct 3, to re-appoint Elise Cox, Crystal Darby, and Cyndi Blackmon to the Small, Minority and Women-owned Business Enterprise Program Advisory Committee, for a 2 year term to begin upon appointment and expire May 7, 2011. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 13
May 5, 2009
Government Relations

The Court hereby ordered and approved a motion approving the Interlocal Agreement with the City of San Antonio for Animal Care Services for a term of three years beginning October 1, 2009 through September 30, 2012 at a fee of \$725,000 for FY 2009-2010, \$850,000 for FY 2010-2011 and \$950,000 for FY 2011-2012. (Record-agreement to be filed later)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 14
May 5, 2009
District Attorney’s Office

The Court hereby ordered and approved a motion approving the Interlocal Agreement between Bexar County, the City of San Antonio, and the municipalities that are entirely or partially situated in Bexar County (“CITIES”) designating Fernando A. Guerra, M.D., M.P.H., the health authority for the CITIES. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 15
May 5, 2009
District Clerk' s Office

The Court hereby ordered and approved a motion approving a request to rehire a Bexar County retiree as a File Clerk – Grade NE-01, hourly salary range of \$9.75 to \$13.31. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 16
May 5, 2009
County Clerk' s Office

The Court hereby ordered and approved a motion authorizing the County Clerk to increase the plat-recording fee from \$36.00 to \$72.00, and increase the plat copy fees from \$3.00 to \$6.00 for bond paper and \$3.50 to \$7.00 for vellum paper. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 17
May 5, 2009
Sheriff' s Office

The Court hereby ordered and approved a motion approving a grant application to the Office of the State Comptroller of Public Accounts for the continuation of a grant entitled Tobacco Compliance Grant in the amount up to \$58,000; County cash-match is not required, with the term of the grant from September 1, 2009 to August 31, 2010, and acceptance of funds, if approved. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 18
May 5, 2009
County Auditor’s Office

The Court hereby ordered and approved a motion awarding a contract to Pentana for \$48,500 for an initial period of three (3) years for internal audit software to allow for individual, as well as administration, ability to manage internal audit activity as well as source data. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 19
May 5, 2009
County Auditor’s Office

The Court hereby ordered and approved a motion approving a request from Marcia S. Weiner for indemnification from personal liability for loss of funds deposited with the Justice of the Peace Precinct 2, Place 1 in the amount of \$11,515.47. In accordance with Bexar County Accounting Procedure C.3, Indemnification of Public Officials-Loss of Funds; and authorizing the County Auditor to charge to bad debts the loss created due to checks accepted that were returned for insufficient funds. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 20
May 5, 2009
County Auditor’s Office

The Court hereby ordered and approved a motion authorizing the County Auditor to transfer funds to Election Payroll Account for the Joint General, Special and Bond Election held on May 9, 2009. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 21
May 5, 2009
County Auditor’s Office

The Court hereby ordered and approved a motion approving accounts and authorizing checks be drawn totaling: (Record)

\$ 6,585,290.61 (Checks printed April 22, 2009)
\$ 7,860,207.95 (Checks printed April 29, 2009)
\$13,549,868.32 (Checks printed May 01, 2009)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo,

Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 22
May 5, 2009
County Auditor’s Office

The Court hereby ordered and approved a motion authorizing the County Auditor to pay routine bills through Friday May 15, 2009. The list of bills paid will be presented to the Court on May 19, 2009. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 23
May 5, 2009
County Auditor’s Office

The Court hereby ordered and approved a motion approving the disbursement of payroll, including overtime, and auto allowances to be paid Friday, May 15, 2009. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 24
May 5, 2009
County Auditor’s Office

The Court hereby ordered and approved a motion approving the payment of cellular telephone bills over \$75.00 for the period of February through March 2009 for AT&T (Cingular), NexTel, and Sprint. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 25
May 5, 2009
County Auditor’s Office

The Court hereby ordered and approved a motion approving the Tax Refunds for Paid In Error Requests totaling \$137,045.10, which have been reviewed by the Auditor’s Office and found to be valid. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 26

May 5, 2009

Tax Assessor-Collector

The Court hereby ordered and approved a motion approving an Agreement for Tax Assessment and Collection Services between the City of Von Ormy and Bexar County for the assessment and collection of ad valorem property taxes by the Office of the Bexar County Tax Assessor-Collector. There is no fiscal impact to the County. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 27

May 5, 2009

Tax Assessor-Collector

The Court hereby ordered and approved a motion approving a request for the waiver of penalty and interest, for the Bexar County taxing jurisdiction, in the amount of \$151.44 on account #17332-007-0060, Jennifer M. Jenkins for Air Force Fed Credit Union, tax year(s) 2008 in accordance with Section 33.011 of the Texas Property Tax Code. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 28

May 5, 2009

Tax Assessor-Collector

The Court hereby ordered and approved a motion approving a request for the waiver of penalty and interest, for the Bexar County taxing jurisdiction, in the amount of \$115.24 on account #18400-100-0130, Ray W. Romano, Agent for Terri Heath, tax year(s) 2008 in accordance with Section 33.011 of the Texas Property Tax Code. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 29

May 5, 2009

Tax Assessor-Collector

The Court hereby ordered and approved a motion approving a request for the waiver of penalty and interest, for the Bexar County taxing jurisdiction, in the amount of \$55.30 on account #17817-002-0080, Jeffrey S. Brown, tax year(s) 2008 in accordance with Section 33.011 of the Texas Property Tax Code. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 30

May 5, 2009

Tax Assessor-Collector

The Court hereby ordered and approved a motion approving a request for the waiver of penalty and interest, for the Bexar County taxing jurisdiction, in the amount of \$49.13 on account #17551-001-1190, Elizabeth N. McBroom, tax year(s) 2008 in accordance with Section 33.011 of the Texas Property Tax Code. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 31

May 5, 2009

Tax Assessor-Collector

The Court hereby ordered and approved a motion approving a request for the waiver of penalty and interest, for the Bexar County taxing jurisdiction, in the amount of \$10.83 on account #81800-000-0027, Marion A. Roberge, tax year(s) 2008 in accordance with Section 33.011 of the Texas Property Tax Code. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 32

May 5, 2009

Tax Assessor-Collector

The Court hereby ordered and approved a motion approving a request for the waiver of penalty and interest, for the Bexar County taxing jurisdiction, in the amount of \$7.64 on account #15835-147-0120, Judith A. Gray, Attorney At Law for Laura Brown, tax year(s) 2008 in accordance with Section 33.011 of the Texas Property Tax Code. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 33

May 5, 2009

Constable Precinct Number 3

The Court hereby ordered and approved a motion approving the submission of a grant application to the Comptroller's Office, State of Texas for a Tobacco Compliance Grant in the amount up to \$58,000; no County match required with the term of the grant from September 1, 2009 to August 31, 2010 and acceptance of funds, if approved. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



Item – 34
May 5, 2009
Purchasing Department

The Court hereby ordered and approved a motion authorizing negotiation of a contract with the best ranked proposal based on the County’s published criteria and ranking evaluation of the proposals submitted by Allied Associates Commercial Floors, Inc. for items 3, 4, 15, 16, and 18 for \$85,952.69, Azteca Designs, Inc. for items 9, 11, 13, and 14 for \$34,972.09, Business World Company for items 12, 17, and 22 for \$34,546.00 and Valla Construction, Inc. for items 1, 2, 5, 7, 8, 10, 19, and 21 for \$146,570.00 in response to the County’s RFP for the purchase of labor and materials for the painting, floor covering, and minor construction services for Bexar County Facilities as requested by the Bexar County Infrastructure Services Department. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 35
May 5, 2009
Purchasing Department

The Court hereby ordered and approved a motion authorizing the execution of a contract with New Solutions, Inc. in the amount of \$75,000 to provide Bexar County with the purchase of 2009/2010 Comprehensive Needs Assessment for the Ryan White Program to be completed by August 31, 2009 as requested by the Bexar County Department of Community Investment and authorizing the filing of the appropriate award documents for record. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 36
May 5, 2009
Purchasing Department

The Court hereby ordered and approved a motion ratifying the action taken for award of a delivery order to Safety Supply, Incorporated to provide for the purchase of protective masks and hand sanitizer as requested by the Bexar County Fire Marshal’s Office and Office of Emergency Management in the amount of \$41,814.80; and authorizing the Purchasing Agent to execute and file the appropriate documents for record. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 37
May 5, 2009

Purchasing Department

The Court hereby ordered and approved a motion awarding a delivery order to ProSecure to provide for the purchase of a Security System as requested by the Constable, Precinct 2 in the amount of \$37,331.77; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



**Item – 38
May 5, 2009**

Purchasing Department

The Court hereby ordered and approved a motion awarding a delivery order to Office Communications Systems, Inc. dba Toshiba Business Solutions – Texas for the purchase of 5 each Toshiba Branded Copiers with accessories and services on a 36-month lease basis beginning upon award and ending April 30, 2012 as requested by the Bexar County Community Supervision & Corrections Department in the amount of \$42,697.80 and authorizing the Purchasing Agent to execute and file the appropriate award documents for record. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



**Item – 39
May 5, 2009**

Purchasing Department

The Court hereby ordered and approved a motion granting a discretionary exemption to the competitive bidding requirements set forth in the Texas County Purchasing Act for the purpose of awarding a requirements contract on a sole source basis to Pavement Restoration Incorporated for the purchase of preservative asphalt rejuvenator as requested by the Bexar County Infrastructure Services Department beginning upon award and ending September 15, 2009, for an estimated amount of \$108,750.00 and authorizing the Purchasing Agent to execute and file the appropriate award documents for record. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



**Item – 40
May 5, 2009**

Purchasing Department

The Court hereby ordered and approved a motion 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 Bexar Metro 911 Network District for the purchase of aerial imagery of Bexar, Comal, and Guadalupe Counties as requested by the San Antonio – Bexar Metropolitan Planning Organization in the estimated amount of \$40,000.00; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 41
May 5, 2009
Purchasing Department

The Court hereby ordered and approved a motion authorizing the Purchasing Agent to advertise an Invitation for Bid to provide for the purchase of transport trailers as requested by the Bexar County Fire Marshal and Emergency Management Office. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 42
May 5, 2009
Infrastructure Services

The Court hereby ordered and approved a motion approving a two year lease agreement with three automatic one year renewals between Bexar County, Texas and Nicolas Family Interests, LTD, a Texas Limited Partnership, for 2,800 square feet of rentable office space, located at 459 South Main, at an initial rate of \$3,864 per month, for use by the new Employee Clinic and Wellness Center. Precinct Number 4 (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 43
May 5, 2009
Infrastructure Services

The Court hereby ordered and approved a motion authorizing the county Judge to execute Field Alteration Number 5 to the contract between Bexar County and Yantis Company, in connection with the Bulverde Road Phase III Construction Project IFB 2007-115, increasing the contract amount by \$22,009.68. Precinct Number 3 (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 44
May 5, 2009
Infrastructure Services

The Court hereby ordered and approved a motion authorizing the purchase of a 0.040 acre Channel Easement, being known as Parcel 1-E, off of Borgfeld Drive, Phase II, from Andrew J. Greenaway and Linsay C. Greenaway for a total consideration of \$4,000. Precinct Number 3. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 71-72
May 5, 2009
Infrastructure Services

The Court hereby ordered and approved a motion approving the following Subdivision Plats located within the Extra Territorial Jurisdiction of the City of San Antonio, subject to all County Regulations: (Record)

Replat and subdivision plat establishing Hills at Boerne Stage II Phase I P.U.D., owner: Laredo Boerne Stage Ltd., located north of Ravine Pass and Rain Valley, not within the Edwards Aquifer Recharge Zone. Precinct Number 3

Subdivision plat of Villages at Bulverde Unit 10, owner: Centex Homes, located southeast of Bulverde Green and Texas Hawthorn, within the Edwards Aquifer Recharge Zone. Precinct Number 3

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 73
May 5, 2009
Infrastructure Services

The Court hereby ordered and approved a motion accepting the following streets and drains in the identified subdivisions for County maintenance to begin May 5, 2009: (Record)

<u>Subdivision</u>	<u>Street/Drain</u>
Silver Oaks, Unit 9	Stone Chase (390.0 1f)
Plat #060502	Fox Hunt Way (386.35 1f)
(Precinct Number 2)	Silver Pass (580 1f)
	Silver Brush (413.39 1f)
	Silver Willow (1035.06 1f)
	Deer Mill (34.6 1f)
	Dover Ranch (785.22 1f)
	Silver Horse (289.39 1f)
	Silver City (135.0 1f)
	Preserve Trail (164.39 1f)

Silver Oaks, Unit 9
Plat #060502
(Precinct Number 2)

Drain A (94.75 1f)
Drain B (121.0 1f)
Drain C (121.0 1f)
Drain D (106.7 1f)

Silver Oaks, Unit 12
Plat #060510
(Precinct Number 2)

Silver Spot (879.38 1f)
Raw Silver (904 1f)
Mexican Silver (295 1f)
Autumn Cherry (500 1f)
Silver Dollar (295.35 1f)
Silver Mine (561.80 1f)
Silver Vista (666.55 1f)
Java Wood (316.51 1f)

Silver Oaks, Unit 12
Plat #060510
(Precinct Number 2)

Drain A (11.0 1f)
Drain B (105.92 1f)
Drain C (128.0 1f)
Drain D (139.54 1f)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 74
May 5, 2009
Community Investment

The Court hereby ordered and approved a motion approving the appointment of Charlie Pena as the representative from Commissioner Paul Elizondo, Precinct 2, to the 2010 Census Communication Campaign – Complete Count Committee. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 75
May 5, 2009
Community Investment

The Court hereby ordered and approved a motion approving the submission of an on-line grant application to the U.S. Department of Justice FY 2009 State Criminal Alien Assistance Program (SCAAP) for the reporting period of July 1, 2007 through June 30, 2008, with no Bexar County match; authority to have applied the digital signature of the County Judge on the application, including acceptance of funding, if awarded. (Record-to be filed later)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 76

May 5, 2009

Community Investment

The Court hereby ordered and approved a motion approving a grant application to the Substance Abuse and Mental Health Services Administration (SAMHSA) for Drug Court Funding for the Bexar County Adult Drug Court in the amount of \$900,000 over three years, and acceptance of funds if awarded with no County match requirement. (Record-to be filed later)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 77

May 5, 2009

Planning and Resource Management

The Court hereby ordered and approved a motion approving the following budgetary transfer(s): (Record)

Office/Department	BT#	Amount	From	To
Infrastructure Services	BT09-080	\$39,660	Undesignated Funds (9300)	Building Improvement (6001)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 78

May 5, 2009

Planning and Resource Management

The Court hereby ordered and approved a motion approving the addition of the firm of Morgan Keegan to the County’s pre-approved underwriting pool. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Commissioners Court recessed at this time. 12:05 p.m.



Commissioners Court reconvened at this time. 1:45 p.m.



Item – 83
May 5, 2009
County Auditor’s Office

Presentation of a financial overview of the County’s fiscal year ended September 30, 2008. (Record)

No action was taken.



Item – 84
May 5, 2009
County Auditor’s Office

Discussion was held regarding the comparative analysis of the County’s revenue stream for the first six months of the year compared to the initial budget for Fiscal-Year 2009 and a projection of the anticipated revenue stream for remainder of the fiscal year. (Record)

No action was taken.



Item – 7
May 5, 2009
Commissioners Court

Communications, including citizens who signed the registration sign/in form to speak:

Burton Kahn – items 45-70



Item – 80
May 5, 2009
Purchasing Department

The Court hereby ordered and approved a motion approving authorization to develop a contract from the proposal submitted by Aramark Correctional Services, LLC which is determined to be the lowest evaluated offer resulting from negotiation taking into consideration the relative importance of price and other evaluation factors set forth in the Bexar County RFP for the purchase of food services for Bexar County Adult Detention Center, Detention Center Annex, Juvenile Detention Center, and the Cyndi Taylor Krier Correctional Center. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



County Judge Nelson W. Wolff left the meeting at this time.
Commissioner Paul Elizondo is presiding officer.



Item – 4b

May 5, 2009

Commissioners Court – Time Certain

A presentation regarding VIA and Fort Sam Houston Transportation Working Group. (Record)

No action was taken.



Item – 6

May 5, 2009

Commissioners Court

Filing for record the following legal and administrative documents and directing the Criminal District Attorney to take action, if necessary: (Record)

- a. Professional Services Agreement with Cox Smith Mathews Incorporated, to provide legal representation to Bexar County as to Associate Judge Richard Garcia, approved March 10, 2009.
- b. Construction and Maintenance agreement between the State of Texas and the County of Bexar for the construction of Highway Improvements with the Right-of-Way of IH-10 in Bexar County, Texas approved April 7, 2009.
- c. Alamo Regional Mobility Authority Quarterly Financial Report, for the period ended March 31, 2009.
- d. Bexar County Sheriff' s Civil Service Commission, Bexar County, Texas - Order regarding Rosinder Brar.
- e. Bexar County Sheriff' s Civil Service Commission, Bexar County, Texas – Order regarding Eve Tobleman.
- f. Bexar County Sheriff' s Civil Service Commission, Bexar County, Texas – Order regarding Charles Cagle.
- g. Notice of claim on behalf of Jose Martin Lara from Gonzalez & Otero, LLC, Attorneys at Law.
- h. Notice of claim on behalf of Freddy, Ruben & Guadalupe Ortiz, Jose Chavez, Gilbert Gutierrez Jr. from Law Offices of Dain A. Dreyer.
- i. Notice of Claim of behalf of Joe Pena from Bernie Martinez, Attorney at Law.



Commissioners Sergio “Chico” Rodriguez left the meeting at this time.



Item – 8

May 5, 2009

Commissioners Court

The Court hereby ordered and approved a motion approving the Commissioners Court minutes for Tuesday, April 21, 2009 as printed. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Kevin A. Wolff, which motion was voted on as follows: Commissioners Elizondo, Wolff, and Adkisson voting "Aye".

♠♠

Item – 4c
May 5, 2009
Economic Development

Special presentation and update given by David Marquez on the SATAI Network. (Record)

No action was taken.

♠♠

Commissioner Sergio "Chico" Rodriguez returned to the meeting at this time.

♠♠

Item – 81
May 5, 2009
Purchasing Department

The Court hereby ordered and approved a motion authorizing signature and execution of a contract in the amount of \$4,104,490.00 with the LD Tebben Company for the purchase of construction services to replace the roof at the Bexar County Courthouse; and authorizing the Purchasing Agent to file the appropriate award documents for the record. (Record)

A motion was presented by County Commissioner Kevin A. Wolff, duly seconded by County Commissioner Tommy Adkisson, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, and Adkisson voting "Aye".

♠♠

County Judge Nelson W. Wolff returned to the meeting at this time.

♠♠

Item – 82 (a-b)
May 5, 2009
Sheriff's Office

Discussion was held regarding status report on jail population monitoring and mitigation strategies, including the processing of paper ready and mentally ill inmates. (Record)

The Court hereby ordered and approved a motion approving the Sheriff's request to authorize payment of overtime to Deputy Sheriffs serving in Detention up to 336 overtime hours per week worked in Towers C and D in the jail annex.

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Sergio "Chico" Rodriguez, which motion was voted on as follows: Commissioners Elizondo, Wolff, Adkisson and Judge Wolff voting "Aye".

♠♠

Item – 79
May 5, 2009
County Clerk' s Office

Drawing twenty-five (25) additional names from the 2008 Grand Jury List, 9 alternate names are needed to serve on the 2009 Salary Grievance Committee. (Record)

Diana Sapphire	Bruce M. Brazell	Melissa Juarez
Irene Villarreal	Christy R. Niell	Colette Millican
Kathryn Thrush Franks	Daniel Huffman	John David West
Paul Lawrence Anderson	Sophia M. Muniz	Rhonda Jenell Wilcox
Joe Anthony Ramirez	Christopher Perez	Pepe Pascual Herrera
Rosa G. Caldera	Tomas R. Hinojosa	Leland Larson
Gilbert Gonzalez	Valerie Pedroza	Gloria Hofilena
Mark Lineberry	Robert Valverde III	Mark Keith Boyer
Devorah Jen Guiher		

♠♠

Item – 85
May 5, 2009
Sheriff' s Office/Planning and Resource Management

The Court hereby ordered and approved a motion approving the Sheriff's request to fill two Dispatcher II positions and work with the budget office and return to court in two weeks to see if it can be handled by overtime. (Record)

A motion was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioner Kevin A. Wolff, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".

♠♠

Item – 86
May 5, 2009
Planning and Resource Management

The Court hereby ordered and approved a motion approving the appointment of Coastal Securities and Duncan-Williams, Inc., additional members of each of the underwriting syndicates for the issuance of Limited Tax Refunding Bonds, Series 2009, and Public Property Finance Contractual Obligations, Series 2009. (Record)

A motion was presented by County Commissioner Sergio "Chico" Rodriguez, duly seconded by County Commissioner Kevin A. Wolff, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".

♠♠

Item – 87
May 5, 2009
Fire Marshal's Office

Discussion was held regarding the H1N1 flu event in Bexar County and the supplies purchased in preparation of the H1N1 flu event. (Record)

No action was taken.



Item – 88
May 5, 2009
Economic Development

The Court hereby ordered and approved a motion directing staff to engage a Legal Expert for Disparity Study Consultant Services, in consultation with the District Attorney’s office, at a cost not to exceed \$25,000 to review all existing utilization data, identify data required for FY2007 & 2008 and to provide a recommendation to Court by the end of July 2009 regarding the Disparity Study. (Record)

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Kevin A. Wolff, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 89 (a-b)
May 5, 2009
Economic Development

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Kevin A. Wolff, to defer action on agenda item 89 (a-b) (Presentation, discussion and appropriate action regarding: A request for incentive assistance from MiniMed Distribution Corp. for a National Diabetes Therapy Management and Education Center; and a Resolution to the CPS Energy Board requesting approval of a one-time waiver of the Community Infrastructure and Economic Development (CIED) Fund Policy to authorize a transfer of \$1.1 million from the County of Bexar’s CIED Fund to MiniMed Distribution Corp.), until the next court meeting.

Motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.

Motion carried and agenda item 89 (a-b) be, and hereby, is deferred until the next court meeting.



Item – 90
May 5, 2009
Government Relations

Discussion was held regarding Bexar County’s State and Federal Legislative Programs. (Record)

No action was taken.



Item – 91
May 5, 2009
Community Investment

The Court hereby ordered and approved a motion approving the following reprogramming of Community Development Block Grant (CDBG) funds in the amount of \$125,807 from the Public Service category, Bexar County’s Utility Assistance project, and permission to advertise for public comment. (Record)

Public Service Projects:

Any Baby Can	\$12,250
GRASP	\$ 5,000
San Antonio Food Bank	\$20,000
Christian Senior Services	\$20,353
JOVEN	\$17,034
Project MEND	\$31,170
Bexar County Detention Ministries	\$ 4,000
San Antonio Boys and Girls Club	\$16,000

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Sergio “Chico” Rodriguez, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 92

May 5, 2009

Infrastructure Services

The Court hereby ordered and approved a motion authorizing approval of the third Amendment to the Design-Build Agreement between Bexar County and Zachry Construction Corporation in connection with the Bexar County Justice Center Expansion establishing a stipulated sum and Guaranteed Maximum Price of the project in the amount of \$53,557,780, which is an increase of \$2,473,000 from the original Initial Guaranteed Maximum Price. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, duly seconded by County Commissioner Tommy Adkisson, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting “Aye”.



Item – 93

May 5, 2009

Community Venues Program

There was nothing to report on item – 93 (Discussion and appropriate action regarding a status report on the Community Venues Programs).



Commissioners Court met in Executive Session at this time pursuant to Chapter 551, Texas Government Code and the following items were discussed:

551.071 –

Consultation with Attorney for advice regarding:

- a. Pending or contemplated litigation or settlement offers in the following matters:
 - iii. Deanna Lynn Warren v. Bexar County, Texas; and
 - iv. City of San Antonio v. Hotels.com, et al. (Cause No. SA-06-CA-381-OG); and
 - v. Legal claims against web based hotel booking service companies such as Hotels.com, Expedia.com, Travelocity and others.

4:55 p.m.



Commissioners Court returned to Open Session at this time and the following action was taken.

5:15 p.m.



Item – 94

May 5, 2009

District Attorney's Office

The Court hereby ordered and approved a motion approving the Legal Services Agreement with Baron & Budd, P.C., Boucher & Larson, LLP, and the Law Offices of Frank Herrera, P.C. for legal services to be made by contingency fee of 25% for the recovery of Hotel Occupancy Taxes against web based hotel booking services companies such as Hotels.com, Expedia.com, Travelocity and others. (Record-agreement to be filed later)

A motion was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioner Tommy Adkisson, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson, and Judge Wolff voting "Aye".



A motion for adjournment was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioner Tommy Adkisson, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, Wolff, Adkisson and Judge Wolff voting "Aye." It is ordered by the Court that Commissioners Court of Bexar County, Texas be, and hereby stands, adjourned: *In honor and memory of Saul G. Gonzales, Rebekah Ware, Carol Pantoja and Jesse Poston* until May 19, 2009 at 11:00 a.m.

5:20 P.M.

NELSON W. WOLFF, COUNTY JUDGE
BEXAR COUNTY, TEXAS

ATTEST: GERARD RICKHOFF
COUNTY CLERK
BEXAR COUNTY, TEXAS
