

Orders of Commissioners Court
Bexar County, Texas

TUESDAY, NOVEMBER 1, 2011

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 November 1, 2011.

Present at roll call:

Nelson W. Wolff, County Judge;
Sergio "Chico" Rodriguez, County Commissioner Precinct No. 1;
Tommy Adkisson, County Commissioner Precinct No. 4;
David Smith, County Manager;
Susan Yeatts, 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;
Renee Green, County Engineer - Infrastructure Services Department;
Catherine Maras, Chief Information Officer - Information Technology Department;
Aurora Sanchez, Executive Director – Community Resources Department; and
Daniel Garza, Purchasing Agent.

When the following proceedings were had to-wit:

Janet Guadarrama gave the invocation at today's meeting. County Commissioner Sergio "Chico" Rodriguez led the Pledge of Allegiance.



A letter of condolence is to be sent to the family of Charles Duncan McNaughton expressing to them the sympathy of the court on the loss of their loved one. He graduated from Sterling H.S. in Sterling, Colorado. He obtained his B.A. from the University of Colorado in Boulder, M.Ed. from U.T. Austin and was a member of Teacher Corps and the Air Force. He spent most of his life as a teacher at J.T. Brackenridge Elementary and a Teacher's Union Organizer. He was known for his passion and love of politics, travel, literature and cinema. He is survived by his wife Mary; his children, Audrey, Rosemary, Duncan, and Sean; and 3 grandchildren and other family members.

A letter of condolence is to be sent to the family of Theodore Danysh expressing to them the sympathy of the court on the loss of their loved one. He is survived by his sister, Mary Schroller; brothers, Marvin, William, Patrick, David and Robert Danysh; and his former wife Yolanda Danysh Montes and many friends.

A letter of condolence is to be sent to the family of Daniel B. Puckett expressing to them the sympathy of the court on the loss of their loved one. He graduated from Karnes City High School in 1945 and attended Texas A&M College for a year before his service in the U.S. Army from 1946-48 and from 1950-52. A resident of Bexar County since 1953, he was long active in county government and the San Antonio Stock Show & Rodeo. He was a past chairman and director emeritus of San Antonio Livestock Exposition, Inc. and was also a member of the South Texas Farm & Ranch Club and the Nimrod Rifle Club. He was a Eucharistic minister at the Annunciation of the Blessed Virgin Mary Catholic Church in St. Hedwig. He is survived by his wife of 59 years, Jerry Ploch Puckett; a son, Daniel T. Puckett of Converse, three daughters, Joni Puckett, Deena Lehman, and Barbie Puckett Todd; and 5 grandchildren.

A letter of condolence is to be sent to the family of OraLee Mae Mull expressing to them the sympathy of the court on the loss of their loved one. She is survived by daughters; Leticia and Miguel Acosta, OraLee and Henry Valdez, Beatrice Dalia and Arnulfo Garcia, and Esmeralda and Michael Cabeldue; sons, RaliegLee and Stella Mull, Ruben and Edna Zuniga and Roger Mull; 25 grandchildren, 46 great-grandchildren and 3 great-great-grandchildren.

A letter of condolence is to be sent to the family of Louis Uribe Antu expressing to them the sympathy of the court on the loss of their loved one. He honorably served his country in the U.S. Army, retiring in 1987. He was an educator serving his community as Principal with SAISD and was an inspiration to his family and those who knew him. He is survived by daughter, Sylvia Carreon; and sons, Alexander A. Antu, George Antu, Louis J. Antu, and Xavier Antu; 9 grandchildren and 4 great-grandchildren.

A letter of condolence is to be sent to the family of Virginia Arnold expressing to them the sympathy of the court on the loss of their loved one. She is survived by her son Leroy Arnold Jr., and daughters, Denise Kjos, Kathy Arnold and Mary Whitaker; 10 grandchildren and 7 great-grandchildren.

A letter of condolence is to be sent to the family of Henry Pawelek expressing to them the sympathy of the court on the loss of their loved one. He is survived by his wife of 58 years, Anna Marie Kutac Pawelek of Floresville, his children, Ronald Lee Pawelek of San Antonio, and Sharon Kay Walker of Austin; and numerous grandchildren, great-grandchildren, nieces and nephews.

A letter of condolence is to be sent to the family of David P. Cobb expressing to them the sympathy of the court on the loss of their loved one. He is survived by his daughter, Jennifer Gordon; son, Jason Perez; 2 grandchildren and numerous extended family and friends.

A letter of condolence is to be sent to the family of Allie B. Floyd expressing to them the sympathy of the court on the loss of their loved one. She graduated from Phyllis Wheatley High School in 1940 and was a proud and devoted member of the Phyllis Wheatley Alumnus Association. She began working at Kelly AFB as a fuel mechanic on the C-130 and F-16 aircraft and during her tenure she served on the MIA – Equal Employment Opportunity Committee. She retired from Kelly after 35 years of committed services. She served on the San Antonio Planning Commission and was on the Board of Director for the San Antonio Food Bank. Her tremendous impact on the City of San Antonio also includes her service on the Housing Task Force and improving the city's Neighborhood Plan. She was also a Life Member of the NAACP. She is survived by her daughter, Julian (Herbert) Anderson; 6 grandchildren and numerous nieces, nephews and a host of other family members.

A letter of condolence is to be sent to the family of Jean Smith expressing to them the sympathy of the court on the loss of their loved one. She was a member of the United Methodist Women, she was an elected precinct Judge for many years and a Southeast Baptist Hospital Volunteer. She is survived by her daughter Kathryn A. Smith, son Howard A. Smith, Jr.; 4 grandchildren and 9 great-grandchildren and numerous nieces, nephews, and a host of friends.

A letter of condolence is to be sent to the family of Diane Cortez-Olivarri expressing to them the sympathy of the court on the loss of their loved one. She is survived by her husband Jerry Olivarri; her children, Olivia Jennine Gomez and Alan Michael Cortez; her three grandchildren; her mother Bertha Saucedo and various nieces and nephews, and extended family members

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

*U.S. Military Veterans of Bexar County, Texas
Lt. Col. William Kaupert, US Army Retired
Charles Duncan McNaughton
Theodore Danysh
Daniel B. Puckett
OraLee Mae Mull
Louis Uribe Antu
Virginia Arnold
Henry Pawelek
David P. Cobb
Allie B. Floyd
Diane Cortez-Olivarri
Jean Smith*



Item – 3a-c
November 1, 2011
Commissioners Court

The Court presented a Proclamation to The Philippine Women of America, Inc. and recognizing November 11, 2011 to be “Philippine Women Of American Day” in celebration of their 24th Anniversary of its existence in San Antonio. (Record)

The Court presented a Proclamation recognizing and proclaiming October 28, 2011 through November 13, 2011 to be “America’s Military Week” in Bexar County. (Record)

Commissioners Paul Elizondo and Kevin A. Wolff joined the meeting at this time.

The Court presented a Proclamation recognizing and proclaiming November 14, 2011 to be “World Diabetes Day” in Bexar County. (Record)



Item – 4a
November 1, 2011
Community Resources

Presentation by Craig Erickson regarding the LeRoy V.Green, Jr. award and introducing and recognizing the honoree for each precinct as follows:

- | | |
|--------------------------|---------------------------|
| Precinct 1 – Robert Otto | Precinct 2 – Bruce Alford |
| Precinct 3 – Sid Trawick | Precinct 4 – Andrew Roca |

Awarding the LeRoy V. Green, Jr., Award to Bruce Alford for making positive contributions to the lives of veterans, military members and their families.



Item – 5a
November 1, 2011
Commissioners Court

Public Hearing was called to order at 11:50 a.m. and Commissioners Court invites public input regarding legislative changes pursuant to Senate Bill 1 enacted by the 82nd Texas Legislature in Special Session relating to “goods-in-transit” tax exemption. (Record)

There being no citizens to be heard Public Hearing closed at 11: 50 a.m.



Item – 5b
November 1, 2011
Commissioners Court

Discussion was held regarding legislative changes pursuant to Senate Bill 1 enacted by the 82nd Texas Legislature relating to the “goods-in-transit” tax exemption, as provided under Section 11.253 of the Texas Tax Code and approval of an Order for Bexar County to retain the right to tax “Goods-in-transit” effective January 1, 2012. (Record)

The Court hereby ordered and approved a motion approving an Order for Bexar County to retain the right to tax “Goods-in-transit” effective January 1, 2012. (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 – 5c
November 1, 2011
Commissioners Court

Discussion was held regarding legislative changes pursuant to Senate Bill enacted by the 82nd Texas Legislature in Special Session relating to “goods-in-transit” tax exemption as provided under Section 11.253 of the Texas Tax Code; and approving an order of Bexar County Hospital District d/b/a University Health System, to retain the right to continue to tax goods-in-transit effective January 2012. (Record)

The Court hereby ordered and approved a motion approving an Order of Bexar County Commissioners Court to retain the right for Bexar County Hospital District d/b/a University Health System to tax goods-in-transit, as provided by Section 11.253 of the Texas 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 – 6
November 1, 2011
Commissioners Court

The Court hereby ordered and approved a motion approving the Consent Agenda (items 10-42) with the exception of agenda item 40, which will be pulled at this time.

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Commissioners Court

The Court hereby ordered and approved a motion approving a request by County Judge Nelson W. Wolff to re-appoint June R. Kachtik to the City South Management Authority for a two-year term to begin on January 1, 2012 and expire on December 1, 2013. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Commissioners Court

The Court hereby ordered and approved a motion approving the appointment of Alfred Lonnie Stockton to the Bexar County Emergency Services District # 7, to begin upon appointment and expire on December 31, 2013. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Commissioners Court

The Court hereby ordered and approved a motion correcting the re-appointment of James Lowak to the Bexar County Emergency Services District #12 to begin upon appointment and expire December 31, 2011 instead of December 31, 2012. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Commissioners Court

The Court hereby ordered and approved a motion approving the re-appointment of John Schaefer to the City South Management Authority to begin January 1, 2012 and expire December 31, 2013. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
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 \$1,487.12 on Account Number 16477-001-0010 & 18567-005-0110, David R. Jones, for tax year(s) 2010 in accordance with Section 33.011 of the Texas Property Tax Code. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Tax Assessor-Collector

The Court hereby ordered and approved a motion approving the First Amendment to the contract between Bexar County and River City Auto Title, Thomas Menchaca to act as a Deputy Tax Collector for the purpose of processing vehicle title and registration transactions. (Record-contract to be filed later)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
County Auditor’s Office

The Court hereby ordered and approved a motion authorizing the County Auditor to pay routine bills from Monday, October 31, 2011 through Thursday, November 10, 2011. The list of bills paid will be presented to the Court on Tuesday, November 15, 2011. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
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, Tuesday, November 15, 2011. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
County Auditor’s Office

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

\$ 8,768,979.91 (Checks printed October 19, 2011)
\$ 6,617,193.34 (Checks printed October 21, 2011)
\$ 1,330,194.97 (Checks printed October 26, 2011)
\$ 604,847.12 (Checks printed October 28, 2011)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
County Auditor’s Office

The Court hereby ordered and approved a motion approving the Tax Refunds for Paid in Error Requests totaling \$36,740.90, which have been reviewed by the Auditor’s Office and found to be valid. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Purchasing Department

The Court hereby ordered and approved a motion awarding a contract to the lowest and best qualified bid submitted by Slack & Company to provide for the one-time purchase of Construction Services for the City of Somerset Casias Court/Sixth Street Drainage Improvements Project in the contract amount of \$197,392.50, as requested by the Department of Community Resources, Community Development Block Grant Division; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Purchasing Department

The Court hereby ordered and approved a motion rejecting all proposals submitted in the response to RFP 2011-082, to provide Bexar County with the purchase of Waste Hauling and Recycling Services; and authorizing the Purchasing Agent to re-advertise an Invitation for Bids (IFB) that includes a revised scope of services and requirements to provide Bexar County with Waste Hauling and Recycling Services at various county-owned facilities as requested by the Infrastructure Services Department. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Department of Community Resources

The Court hereby ordered and approved a motion approving execution of the transfer of warranty deed between Bexar County and Parent-Child Incorporated located at 101 Daniel Road that was purchased with Community Development Block Grant (CDBG) funds. (Record-warranty deed to be filed in the Deed Records Department)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Economic Development

The Court hereby ordered and approved a motion approving a First Amendment for Personal Services with Vivian W. Lee a.k.a. Omega International Group, Inc. in an amount not to exceed \$175,000. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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 (1-2)
November 1, 2011
Economic Development

The Court hereby ordered and approved a motion approving the Tax Abatement Agreement with PETCO Animal Supplies, Inc. for a 10-year, 100% abatement of County ad valorem taxes on qualified real and personal property; and approving an Economic Development Grant with PETCO Animal Supplies, Inc. in an amount not to exceed \$200,000. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Information Technology

The Court hereby ordered and approved a motion correcting the minutes of Tuesday, October 18, 2011, Item – 42 to read as follows: (Record)

Authorizing the County Judge to sign agreement between Bexar County and Quick Court Records for the purpose of allowing access to the Bexar County Public Information Network for records limited to information obtainable by the public under the provision of Rule 12 of the Rules of Judicial Administration.

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Asset Management

The Court hereby ordered and approved a motion ratifying a revised order for the sale of 12 properties obtained by Bexar County through Bail Bond foreclosure or conveyed to Bexar County in lieu of foreclosure, appointing Commissioner Tommy Adkisson or his designee to conduct the sale at a public auction conducted by the Sheriff on Tuesday, November 1, 2011, pursuant to Local Government Code Chapter 263, and directing the Sheriff to auction the properties. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Flood Control Division

The Court hereby ordered and approved a motion authorizing the Award of Special Commissioners and payment as filed under eminent domain Cause Number 2011-ED-0029, County of Bexar v. Sedcor, Ltd. and Hunters Brook aka Hunters Bend (San Antonio) Homeowner’s Association, Inc., et al, for the purchase of a 5.395 acre tract of land and a 0.8414 acre tract of land out of New City Block 17263 San Antonio, Bexar County, Texas, in the amount of \$69,342.00 plus applicable court costs, closing costs, and associated costs with eminent domain cases, Flood Control Capital Project, Hausman Road Drainage Phase I, LC9, Precinct Number 3. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Flood Control Division

The Court hereby ordered and approved a motion approving an Engineering Services Agreement between Bexar County and HDR Engineering, Inc. for professional civil engineering design services in an amount not to exceed \$166,147.23 for design fees related to the Benton City Road Drainage Structure Project, BC 2011-356. Precinct Number 1 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Flood Control Division

The Court hereby ordered and approved a motion approving the Engineering Services Agreement between Bexar County and Lockwood, Andrews, and Newnam, Inc. in the amount of \$218,356.00 for professional engineering services in connection with the Flood Control Capital Project, Jones Maltsberger at Elm Creek, SC28, BC 2011-339. Precinct Number 3 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Flood Control Division

The Court hereby ordered and approved a motion approving an Interlocal Agreement between Bexar County and San Antonio Water System in the amount of \$1,402,317.50 to be paid for by SAWS for Flood Control Capital Project, Roland Road, SC18, at no cost to the County. Precinct Number 4 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Flood Control Division

The Court hereby ordered and approved a motion approving the Professional Services Agreement between Bexar County and AMEC Earth & Environmental, Inc. in the amount of \$23,754.12 for professional environmental services in connection with Flood Control Capital Project, Robert Glenn LWC Project, MR9, BC 2011-349. Precinct Number 1 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Flood Control Division

The Court hereby ordered and approved a motion approving a Professional Services Agreement between Bexar County and HNTB Corporation in the amount of \$65,653.60 for Environmental Services in connection with the Flood Control Capital Project, VFW Blvd. Drainage project, SA44, BC 2011-197. Precinct Number 1 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Flood Control Division

The Court hereby ordered and approved a motion approving the Professional Services Agreement between Bexar County and Westward Environmental, Inc. in the amount of \$328,333.29 for Hazardous Material Services in connection with the Flood Control Capital Project, Concepcion Creek Drainage Improvements, SA48, BC 2011-303. Precinct Number 4 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Asset Management

The Court hereby ordered and approved a motion approving a Professional Services Agreement for appraisal services between Bexar County and Eckmann Groll, Inc., Certified Appraiser, for a two year period, with one automatic two year extension, at a rate of \$150 per hour, for appraisal services on an as needed basis for a public purpose necessary for the acquisition or disposition of real property on various existing and upcoming projects, in accordance with Texas law. Countywide. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department

The Court hereby ordered and approved a motion approving a Field Alteration Number 7 to the contract between Bexar County and E.E. Hood and Sons, Inc. in connection with Shaenfield Road Street Reconstruction Project, BC 2004-469 increasing the contract amount by \$46,008.78. Precinct Number 2 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011
Public Works Division

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

Subdivision Plat of Kallison Ranch Phase I Unit 3B, owner: One KR Venture, L.P., located northeast of Kallison Bend and Culebra Road, not within the Edwards Aquifer Recharge Zone. Precinct Number 2

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Public Works Department

The Court hereby ordered and approved a motion approving a Resolution and authorization of Project Submittal Forms delineating four proposed projects for submittal to the San Antonio – Bexar County Metropolitan Planning Organization (MPO) to be considered for selection in the FY 2013-2016 Transportation Improvement Program (TIP). (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Public Works Department/Flood Control Program

The Court hereby ordered and approved a motion authorizing the use of the power of eminent domain and approving an Order declaring the public necessity for the acquisition in fee simple of a 0.0135 acre tract of land, out of the 3.715 acre tract described in the deed from Shameer T. Alghizzawi to Jerusalem Hills, Ltd., recorded under Volume 10930, Page 12136, in the Official Records of Real Property, Bexar County, Texas, in the Francisco Cadena Survey No. 460, A-134, Bexar County, Texas, for the public use of constructing, operating, repairing, and maintaining channel improvements to the “West Tributary to Rosillo Creek” beginning at FM78 and ending at Ackerman Road, as well as bridge constructing, operating, repairing, and maintaining bridge improvements to Old Seguin, Starfire Lane, Kirby Drive, Binz-Engleman, and Ackerman Road at the channel crossing to allow for unflooded access during a flood event and to resolve threats to the health and safety of the public and to resolve life-threatening situations and other issues related to dangerous low water crossings, dangerous roadways, and dangerous drainage as part of the Rosillo Creek Regional Storm Water Facility (“RSWF”) and authorizing institution of condemnation proceedings to acquire those land rights in the amount Awarded by Probate Court, plus applicable court cost, closing costs, and associated costs with eminent domain cases. Precinct Number 4 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011

Public Works Department/Flood Control Program

The Court hereby ordered and approved a motion authorizing the use of the power of eminent domain and approving an order declaring the public necessity for the acquisition in fee simple of a 1.293 acre tract of land, out of the 2.192 acre tract described in the deed from Cotton Investment Company to Texas Refrigerator Lines, Inc. recorded under Volume 4817, Page 418, in the Deed Records of Bexar County, Texas, in the Joseph W. Garrity Survey No. 19, A-258, Bexar County, Texas for the public purpose of constructing, operating, repairing, and maintaining channel improvement to the “West Tributary to Rosillo Creek” beginning at FM78 and ending at Ackerman Road, as well as constructing, operating, repairing, and maintaining bridge improvements to Old Seguin, Starfire Lane, Kirby Drive, Binz-Engleman, and Ackerman Road at the channel crossing to allow for unflooded access during a flood event and to resolve threats to the health and safety of the public and to resolve life-threatening situations and other issues related to dangerous low water crossings, dangerous roadways, and dangerous drainage as part of the Rosillo Creek Regional Storm Water Facility (“RSWF”) and authorizing institution of condemnation proceedings to acquire those land rights in the amount Awarded by Probate Court, plus applicable court cost, closing costs, and associated costs with eminent domain cases. Precinct Number 4 (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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(a-b)

November 1, 2011

Management Services

The Court hereby ordered and approved a motion approving a resolution by the Commissioners Court of Bexar County, Texas approving and authorizing publication of a Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and resolving other matters in connection therewith. (Record)

The Court hereby ordered and approved a motion approving a resolution by the Commissioners Court of Bexar County, Texas approving and authorizing publication of a Notice of Intention to issue Flood Control Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and resolving other matters in connection therewith. (Record)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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

November 1, 2011
Budget Department

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

Office/Department	BT No.	Amount	From	To
County Capital Improvement	12-003	\$48,000	Contingencies (90007)	Building Equipment (54008)
Capital Improvement Program	12-005	\$233,000	Communication & Security Equipment (54040); Capital Lease Purchases (54035)	Communication & Security Equipment (54040)
Capital Improvements Program	12-006	\$16,079	Computer Hardware & Software (54045)	Computer Hardware & Software (54045)
Civil District Courts	11-166	\$359,515	Undesignated Funds (9400)	Court Appointed Attorney-AD Litem (4224)
ATD & TxDot Multi Year Project	12-004	\$200,000	Unreserved Fund Balance (31000)	Road Project – Culebra (54012)
Criminal District Courts	11-167	\$1,062,565	Undesignated Funds (9400); Undesignated Funds (9450)	Court Appointed Attorney-Felony (4221)
County Court-At-Law	11-164	\$68,415	Undesignated Funds (9400)	Court Appointed Attorney-Ad Litem (4222)
Trial Expense	11-165	\$185,200	Undesignated Funds (9400)	Medical Services (3600); Psychiatric Evaluations (3620); Court Cost (4420); Investigation Services (4421); Professional Testimony (4426); Special Commissioners Fee (5841)

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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
November 1, 2011
Budget Department

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

Transfer From: Infrastructure (E. Highland) Facility

Company	Accounting Unit	Activity	Current Budget	New Balance
700	5022	1103201085022	\$5,728,000	\$4,028,000

Transfer To: Elections Facility

Company	Accounting Unit	Activity	Total Budget
700	5022	1205801035022	\$1,700,000

A motion was presented by County Commissioner Sergio “Chico” Rodriguez, 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 – 7
November 1, 2011
Commissioners Court

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

- a. Bexar County Sheriff’s Office FY 2-12 Budget for State Asset Forfeiture Fund 312 (860, Federal Asset Forfeiture Fund 313 (710), and Chapter 18 Gambling Forfeiture Fund 330 (855).
- b. Grant Agreement General Terms and Condition with the Texas Department of Transportation (TxDot) for project entitled, “Comprehensive Selected Traffic Enforcement Program”, approved March 8, 2011.
- c. Pass-Through Agreement for payment of Pass-Through Tolls by the Department with the Texas Department of Transportation and Bexar County, approved January 25, 2011.
- d. Case No. 04-11-0328-CV; Hermelinda Garza v. Bobby D. Barnes and Sharon L. Barnes; In the United States Court of Appeals for the Fourth Court of Appeals District Court, Bexar County, Texas, Case No. 2010-CI-18252.
- e. Case No. 04-11-00047-CV; Hermelinda Garza v. Rafael Cruz; In the United States Court of Appeals for the Fourth Court of Appeals District Court, Bexar County, Texas, Case No. 2010-CI-18008.
- f. Case No. 04-11-00328-CV; Hermelinda Garza v. Bobby D. Barnes and Sharon L. Barnes; In the United States Court of Appeals for the Fourth Court of Appeals District Court, Bexar County, Texas, Case No. 2010-CI-18252.
- g. Fax letter from James Hancock, DSABC Grievance Committee Chairman Re: 2011 DSABC- GC-10.
- h. Notice of Claim on Bond; And Statement of Account Martin Marietta Material SW, Inc. in the amount of \$8,134.45.
- i. Notice of Citation Directed to the County of Bexar, Re: Peanut Bar Cattle Company vs. The County of Bexar.



Item – 9
November 1, 2011
Commissioners Court

The Court hereby ordered and approved a motion approving the Commissioners Court minutes for Tuesday, October 18, 2011 as printed. (Record)

A motion was presented by County Commissioner Paul Elizondo, 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 – 45
November 1, 2011

Economic Development

The Court hereby ordered and approved a motion approving a Resolution nominating CC Media Holdings, Inc. for an Enterprise Zone Project designation under the Texas Enterprise Zone Program. (Record)

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".

♠♠

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

♠♠

Commissioners Court reconvened at this time. 1:30 p.m.

♠♠

Item – 5d November 1, 2011 Commissioners Court

The Court hereby ordered and approved accepting the final report for the Lackland Air Force Base Joint Land Use Study. (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 – 48 November 1, 2011 District Attorney's Office

The Court hereby ordered and approved a motion approving a request from the Bexar County Democratic Party to accept the balance of the original 2008 primary election debt owed to the county as a final payment, resolution and in full compromise and settlement of the pending lawsuit, Bexar County v. Bexar County Democratic Party (2010-CI-13623), to include waiving all remaining county claims for interest and attorney's fees, on condition that the Democratic Party agree to seek all possible restitution from Dwayne Adams in his criminal case and forward restitution first to Bexar County to be applied toward interest and attorney's fees due Bexar County in this lawsuit. Estimated interest owed to date is approximately \$25,000. (No record)

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

♠♠

Item – 5 (e-f) November 1, 2011

Commissioners Court

Commissioners Court recessed at this time 2:25 p.m. and the meeting of the Board of Directors for the Bexar County Housing Finance Corporation was called to order by Commissioner Paul Elizondo, president.

Meeting adjourned at 2:30 p.m. and the meeting of the Board of Directors for the Bexar County Health Facilities Development Corporation was called to order by Commissioner Kevin A. Wolff, president.

Meeting adjourned at 2:35 p.m. and Commissioners Court reconvened.



Item – 40

November 1, 2011

Facilities Management Department

The Court hereby ordered and approved a motion authorizing the County Judge to execute a Professional Services Agreement between Bexar County and Alamo Architects, in the amount of \$101,085.00 for Architectural and Engineering Services in connection with the Bexar County Courthouse Restoration. (Record)

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”.



Item – 8

November 1, 2011

Commissioners Court

Communications, including citizens who signed the registration/sign-in form to speak: (Record)

Hugo Gutierrez – item 5 (d) Jack Finger – item 48
Faris Hodge Jr.



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



Item – 44

November 1, 2011

Human Resources

Presentation given by Rita Compos regarding the upcoming Benefit Annual Enrollment for the 2012 Employee Medical and Voluntary Benefit Plans, and scheduled Health Fair. (Record)

No action taken.



Item – 46

November 1, 2011

Purchasing Department

The Court hereby ordered and approved a motion awarding an amendment for extension of a contract with Software AG USA, Inc. to provide for the purchase of Software AG licenses and maintenance for a three-year period beginning upon award and ending September 30, 2014 for an aggregate amount of \$1,294,692.00 as requested by the Information Technology Department; and authorizing the Purchasing Agent to execute and file the appropriate award documents for record. (Record-contract to be filed later)

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, and Adkisson voting "Aye".



Item – 50

November 1, 2011

District Attorney's Office

The Court hereby ordered and approved a motion increasing the cap on legal fees and costs by \$150,000 required for collective bargaining services from the law firm of Denton, Navarro, Rocha and Bernal. (No 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, and Adkisson voting "Aye".



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:
 - ii. Bexar County claims regarding the recovery of unpaid recording fees resulting from illegal and fraudulent actions of Mortgage Electronic Registrations System, Inc. (MERS), including its mortgage industry members and all participating similarly situated culpable parties.
- 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. Economic Development Grant Agreement with the Texas Nature Conservancy.

3:10 P.M.



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

3:40 P.M.



Item – 47
November 1, 2011
District Attorney’s Office

Discussion was held regarding authorization for Bexar County to bring suit to recover unpaid recording fees, including penalties, interest, attorney’s fees and any other monetary damages to which the Bexar County is entitled resulting from illegal and fraudulent actions of Mortgage Electronic Registration System, Inc. (MERS), including its mortgage industry members and all similarly situated culpable parties who participated in circumventing Bexar County real property recording fees; and approval of a professional services agreement with the law firm of Beirne, Maynard & Parsons, L.L.P. to represent Bexar County in this litigation. (No record)

The Court hereby ordered and approved a motion approving a professional services agreement with the law firm of Beirne, Maynard & Parsons, L.L.P., to represent Bexar County in this litigation. (No record-agreement to be filed later)

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



Item – 49
November 1, 2011
District Attorney’s Office

The Court hereby ordered and approved a motion approving, as updated, an Economic Development Grant Agreement in the amount of \$5,050,000 with the Nature Conservancy for the acquisition and stewardship of approximately 1,244.5 acres of unimproved land so that the U.S. Army may obtain environmental credits for Camp Bullis that will assist Fort Sam in expanding its mission capability at Camp Bullis, thus preserving current levels of economic activity in and around Bexar County and better positioning Fort Sam for additional growth during the next round of BRAC activity; to include the appropriate budgetary transfer. (Record-agreement to be filed later)

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”.



A motion for adjournment 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, and

Adkisson 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 US Military Veterans of Bexar County, Lt. Col. William Kaupert, Charles Duncan McNaughton, Theodore Danysh, Daniel B. Puckett, OraLee Mae Mull, Louis Uribe Antu, Virginia Arnold, Henry Pawelek, David P. Cobb, Allie B. Floyd, Jean Smith and Diane Cortez-Olivarri* until Tuesday, November 15, 2011 at 11:00 a.m.

3:50 P.M.

NELSON W. WOLFF, COUNTY JUDGE
BEXAR COUNTY, TEXAS

ATTEST:

GERARD RICKHOFF, COUNTY CLERK
BEXAR COUNTY, TEXAS