



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry Ryan Dennard Joe Giusti Stephen Holmes Ken Clark
County Judge Commissioner, Precinct 1 Commissioner, Precinct 2 Commissioner, Precinct 3 Commissioner, Precinct 4

AGENDA

August 4, 2015 – 1:30 PM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the Accounts Payable Checks dated 7/28/15 and 8/4/15
 - b. Order for Payroll period ending 7/29/15 Bi-Weekly #16
 - c. Order for Supplemental Payroll period ending 7/29/15 Bi-Weekly #16
 - d. Order for monthly Health Insurance Claims made by Boon Chapman for month ending 6/30/15
 - e. Order for monthly Indigent Healthcare Fund made by Boon Chapman for month ending 6/30/15
 - f. Order for Worker's Compensation Claims made by The Littleton Group for month ending 6/30/15
 - g. Quarterly Audit Report for Justice of the Peace, Precinct 1 (Bacliff and Texas City locations) for period of April - June 2015
 - h. Quarterly Audit Report for Justice of the Peace, Precinct 2 (Galveston and Santa Fe locations) for period of April - June 2015

- i. Quarterly Audit Report for Justice of the Peace, Precinct 3 (Galveston, La Marque, and Crystal Beach locations) for period of April - June 2015
- j. Quarterly Audit Report for Justice of the Peace, Precinct 4 for the period of April - June 2015
- *2. Receive and file *Summary of Bi-Weekly Personnel Movements pay period #15, July 2-15, 2015* submitted by Human Resources.
- *3. Consideration of *approving exemption to the 4 pay period mandatory vacancy policy for Cooperative Extension Specialist (Psn #5)* submitted by Human Resources on behalf of AgriLife Extension.
- *4. Consideration of a *Resolution Honoring the Retirement of Deputy Cynthia Daughtry* of the Galveston County Sheriff's Office submitted by County Legal.
- *5. Receive and File *acknowledgement of receipt of payment in the amount of \$5,000.00 from Reliant an NRG Company for the Reliant Care Program* submitted by the Director of Contract Services.
- *6. Consideration of approval *for the Cooperative Working Agreement with the Upward Hope Academy regarding services pertaining to the Juvenile Justice and Delinquency Prevention Grants from the Office of the Governor's Criminal Justice Division to the Sheriff's Department and authorize County Judge to sign* submitted by the Grants Manager.
- *7. Consideration of acceptance of the *FY 2016 Automobile Burglary and Theft Prevention Authority Grant for the Sheriff's Auto Crimes Task Force and authorize County Judge to sign required documents* submitted by the Grants Manager.
- *8. Consideration of approval for *Engineering Contract for the San Leon Roads Project and authorize County Judge to sign contract* submitted by Grants Manager.
- *9. Consideration of *approval of time extension change order for Justice Center Generator CDBG Round 2.2 Hurricane Ike Disaster Recovery Program* presented by CDBG Project Coordinator.
- *10. Consideration of *allowing County Judge to sign Environmental Assessment forms for CDBG Round 2.2 Hurricane Ike Disaster Recovery Projects: Moore's Addition Water and Sewer Facilities and I-45/ Highway 6 Water Distribution System* presented by the CDBG Project Coordinator.
- *11. Consideration to *ratify the notice of intent issued to terminate with CGI Communications, Inc.*, submitted by County Legal.

- *12. Receive and file *full and final settlement with Vidrine Pershing* submitted by County Legal.
- *13. Receive and file *full and final settlement mediation results of EEOC Charge pertaining to Bruce Watkins* submitted by County Legal.
- *14. Consideration of *Request of Tax Refunds in Excess of \$2,500.00* submitted by the Tax Assessor/Collector:
 - a. **R142626** \$25,238.27 SUPP Adjustment
- *15. Request for *Waiver or Refund of Penalty and Interest Due to Clerical Errors* submitted by the Tax Assessor/Collector:
 - a.

R112187	Fertitta Hospitality Inc	2014	\$28,006.94 (W)
R290613	Fertitta Hospitality Inc	2014	\$2.43 (W)
R111888	Fertitta Hospitality Inc	2014	\$0.18 (W)
R290609	Fertitta Hospitality Inc	2014	\$0.60 (W)
R111895	Fertitta Hospitality Inc	2014	\$13,267.21(W)
R112213	Fertitta Hospitality Inc	2014	\$945.67 (W)
R290265	Fertitta Hospitality Inc	2014	\$308.54 (W)
R290239	Fertitta Hospitality Inc	2014	\$307.07 (W)
R290229	Fertitta Hospitality Inc	2014	\$308.54 (W)
R290177	Fertitta Hospitality Inc	2014	\$197.91 (W)
R290245	Fertitta Hospitality Inc	2014	\$308.54 (W)
R290242	Fertitta Hospitality Inc	2014	\$308.54 (W)
R112196	Island Hospitality, Inc	2014	\$11,050.72 (W)
P403169	Island Hospitality, Inc	2014	\$0.82 (W)
P369474	International House of Pancakes	2014	\$105.92 (W)
P427983	Spa San Luis	2014	\$40.75 (W)
R120316	Sifuentes, Jose & Rosalva	2014	\$87.08(W)
- *16. Consideration of *approval of Motor Vehicle License Registration Agent Agreement with HEB Grocery Company, LP* submitted by the Tax Assessor/Collector.
- *17. Consideration of *approval for Hyland Onbase Premium Training Subscription with Databank* submitted by Information Technology.
- *18. Consideration of *approval for Hyland Onbase Directory Import Processor License with Databank* submitted by Information Technology.
- *19. Consideration of *approval for Collections Expert Module with Net Data* submitted by Information Technology.

- *20. Consideration of *approval for Extended Support for Various Dell Server Models with Dell, Inc* submitted by Information Technology.
- *21. Consideration of *approval for Annual Support Renewal for Vmware with SHI* submitted by Information Technology.
- *22. Consideration for *authorization to issue a formal solicitation for the following bids* submitted by the Purchasing Agent:
 - a. Online Legal Research and Proprietary Database Services
 - b. Bolivar Peninsula Special Utility District Generators
- *23. Consideration for *authorization to extend the contract on the following bid* submitted by the Purchasing Agent:
 - a. Bid #B142017A Crushed Limestone Material
- *24. Consideration for *authorization to dispose of Salvage or Surplus Property* submitted by the Purchasing Agent.
- *25. Consideration for *authorization to re-bid the following bids* submitted by the Purchasing Agent:
 - a. Bid #B122031 Casebinder File Folders
 - b. Bid #B122033 Automotive Parts & Supplies
- *26. Consideration for *authorization to accept a donated boat trailer to be used by the Galveston County Sheriff's Office* submitted by the Purchasing Agent.
- *27. Consideration for *authorization to use DIR pricing to procure Data Domain Software and Hardware to be used by Information Technology* submitted by the Purchasing Agent.
- *28. Consideration of *accepting deeds for Parcels 162 and 163 required for the F.M. 646 Project* submitted by Right of Way.
- *29. Consideration of *approval for Jeff D. Cunningham and Dixie C. Cunningham to convey portions of Tract 344-A and Lots 345, 346 and the north 1/2 of Lot 347, Blue Water Addition No. 2 on Bolivar Peninsula by metes and bounds without revising the plat and authorizing the County Judge to sign the application* submitted by the County Engineer.
- *30. Consideration of *approval of a renewal contract with Fidlar of Texas for Vital Records Scanning* submitted by the County Clerk.

Action Agenda

31. County Clerk

- a. **Public Hearing on the County Clerk's Proposed Records Archive Fee Established under §118.025 and §118.011(f) of the Texas Local Government Code Submitted by the County Clerk.**
- b. Consideration of adoption of the County Clerk's Proposed Records Archive Fee Established under §118.025 and §118.011(f) of the Texas Local Government Code submitted by the County Clerk.

32. County Judge

- a. Consideration of granting authority to the County Judge to sign a Trustee's Deed on the following tax foreclosed properties:
 1. **CAD#: 6852-0008-0042-000**
 2. **CAD#: 6790-0000-0009-000**
 3. **CAD#: 6126-0000-0049-001**
 4. **CAD#: 6126-0000-0047-001**
 5. **CAD#: 6125-0000-0046-000**
 6. **CAD#: 6710-0000-0027-000**
- b. Discussion and consideration to take the following actions regarding the Office of Court Administration Collection Improvement Program Audit:
 1. Receive and file Final Audit Report
 2. Consideration of approval for Compliance Software with i-Plow.com, LLC.

33. District Clerk

- a. **Public Hearing on the District Clerk's Proposed Records Archive Fee Established under §51.305 of the Texas Government Code Submitted by the District Clerk.**
- b. Consideration of adoption of the District Clerk's Proposed Records Archive Fee Established Under §51.305 of the Texas Government Code submitted by the District Clerk.

34. **Housing Department**

- a. Consideration of approval to deed a sold Round 2 CDBG HOP program property.

35. **Human Resources**

- a. Consideration of approving New Benefit Plan Rates for 2016 Plan year.
- b. Consideration of approving New Enrollment Dates.
- c. Consideration of approving out of policy Request for Appointment of Probate Court Administrator (#6) – submitted by Human Resources on behalf of Probate Court

36. **Professional Services**

- a. Consideration of approval of the following Budget Amendments:
 1. 15-128-0804-A
District Clerk - Request transfer from General Fund Budgeted Reserves for an additional Administrative Coordinator to handle passport processing at the North Annex in League City
 2. 15-129-0804-B
Juvenile Justice - Request transfer from Juvenile Justice Fund Budgeted Reserves for additional budgeted funds in Professional Services Interpreter account
 3. 15-130-0804-C
Information Technology - Request change in DR Coordinator position from 23M to 23B resulting in savings in the Information Technology budgeted salaries and benefits
 4. 15-131-0804-D
Legal Department - Request change in title for Position #7 from Staff Attorney to Senior Staff Attorney in the Legal Department
 5. 15-132-0804-E
Justice Administration - Request transfer from General Fund Budgeted Reserves for various accounts in Justice Administration
 6. 15-133-0804-F
County Engineer - Request funds to cover the construction phase of the TCHFP Levee Repair at IH-45

7. 15-134-0804-G
Economic Development - Request transfer of funds from Fund 2109 Economic Development to newly created Fund 1207 Economic Development
8. 15-135-0804-H
County Engineer - Request Flood Control Budgeted Reserves for review and update of Galveston County Floodplain Regulations
9. 15-136-0804-I
Professional Services - Request to budget donation for Summer Relief Program
10. 15-137-0804-J
Legal Department - Request transfer from General Fund Budgeted Reserves for Professional Services Legal Fees
11. 15-138-0804-K
Sheriff's Department - Request transfer Sheriff's Department Heavy Equipment to Auto Maintenance for the rest of the fiscal year
12. 15-139-0804-L
County Architect - Request Emergency Management Fund budgeted reserves to be transferred to Disaster Recovery - Ike fund for additional funding for Crystal Beach Fueling Station
13. 15-140-0804-M
Constables - Request transfer from General Fund Budgeted Reserves for Car Allowances in various Constable precincts
14. 15-141-0804-N
County Engineer - Request transfer for Grant Match - Mandatory account for the CEPRA GLO Contract

b. Consideration of approval of request for cell phone for the following position:

1. Policy & Constituent Advisor, Precinct 4

37. **Tax Assessor-Collector**

a. Request for waiver of refund of penalty and interest by the Property Owner:

1. **R126555** Richard Brake

38. **County Legal**

- a. Consideration of authorizing an Interlocal Governmental Agreement for School Liaison Officer Program with Texas City Independent School District and Galveston County.
- b. Consideration of authorizing an Interlocal Governmental Agreement for School Liaison Officer Program with Dickinson Independent School District and Galveston County.
- c. Consideration of execution of Real Estate Sales Contract between Pacific Ridge Development Company, LLC and Galveston County.
- d. Consideration of entering into an agreement with Stewart Title Company to perform a title examination on approximately 1.2 acres of land near Stewart Road, Galveston, Texas.
- e. **Break into Executive Session:**
- f. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to DJ # 204-74-343, The United States of America and Galveston County, Texas under the Americans with Disabilities Act.
- g. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 14-CV-1289, Bonnie Quiroga v. Galveston County, in the 212th Judicial District Court.
- h. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly-

conflicts with the Open Meetings Act relating to 15-CV-0583, The Hon. Lonnie Cox V. The Hon. Mark Henry, County Judge of Galveston County in the 56th Judicial District Court.

- i. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 14-CV-0447, Wilford Lloyd Garvin vs. Phillip Gilliam, et al in the 122nd Judicial District Court.
- j. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to State Farm Mutual Automobile Insurance Company subrogation release agreement.
- k. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to Attorney General of Texas letter ruling OR2015-14468.
- l. **Executive Session:** Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to real property in the vicinity of Rollover Pass.
- m. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of-

the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to the use of tax increment funds attributable to the City of Galveston Tax Increment Zone No. 11.

- n. **Reconvene Into Regularly Scheduled Meeting.**
- o. Consideration of authorizing County Legal to intervene in 14-CV-0447, Wilford Garvin v. Phillip Gilliam, et al in the 122nd Judicial District Court of Galveston County.
- p. Consideration of authorizing the County Judge to execute a Subrogation Release Agreement with State Farm Mutual Automobile Insurance Company in settlement of a claim arising from an automobile collision on July 6, 2014.
- q. Consideration of action concerning Attorney General of Texas letter ruling OR2015-14468.
- r. Consideration of authorizing the County Judge to sign an engagement letter with Veritas Advisory Group for expert witness services in Triple B Services, LLP v. Galveston County.

Adjourn

Appearances before Commissioners Court

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to speak before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.

Executive Sessions

The Galveston County Commissioners Court may recess into closed meeting (Executive Session) on any item listed on this agenda if the Executive Session is authorized under the Open Meetings Act pursuant to one or more the following exceptions: Tex. Gov't Code §§ 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding a prospective gift or donation), 551.074 (personnel matters), 551.0745 (personnel matters affecting County advisory body), 551.076 (deliberation regarding security devices or security audits), and/or 551.087 (deliberations regarding economic development negotiations). The Presiding Officer of the Commissioners Court shall announce the basis for the Executive Session prior to recessing into Executive Session. However, the Commissioners Court may only enter into the Executive Session on any agenda item for which a separate Executive Session has not been separately posted if, prior to conducting the Executive Session, a majority of the Commissioners Court votes to go into Executive Session. This motion requirement does not apply to any agenda item that has been previously noticed to constitute or include an Executive Session.
