



# **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 March 1, 2016 – 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 2/23/16 and 3/1/16
  - b. Order for Payroll period ending 2/24/16 Bi-Weekly #5
  - c. Order for Supplemental Payroll period ending 2/24/16 Bi-Weekly #5
  - d. Receive and file the approval of early check release for Accounts Payable Checks dated 2/18/16
  - e. Review of requested transfer from Mosquito Control Fund Budgeted Reserves for pay oversight for a Mosquito Control Supervisor
- \*2. Receive and file *Restitution Check List from Odyssey* submitted by Collections Improvement Program.
- \*3. Receive and file *Refund Check List from Odyssey* submitted by the County Clerk.
- \*4. Receive and file *Refund Check List from Odyssey* submitted by the District Clerk.

- \*5. Receive and file *Summary of Bi-Weekly Personnel Movements pay period #4, January 28 - February 10, 2016* submitted by Human Resources.
- \*6. Receive and file *Appointment & Oath of Office for Reserve Deputy Constable* submitted by Human Resources on behalf of Constable Pct. 2-B.
- \*7. Consideration of *execution of Temporary Staffing Agreement with A-1 Best Staffing* submitted by Human Resources.
- \*8. Consideration of *a resolution honoring the retirement of Deputy Raul J. (R. J.) Vanda* submitted by the County Judge.
- \*9. Consideration of *approval of granting a reduction of a permit fee (Facility Permitting Policy, Section 5.1.2 and 5.1.3) for Sisters Helping Sisters, for use of Bayshore Park for a fishing tournament on Saturday, October 22nd, 2016*, submitted by the Parks & Cultural Services Department.
- \*10. Ratification of *amended FY 2017 Justice Assistance Grant Application to the Office of the Governor - Criminal Justice Division with amended resolution as previously approved at the February 16, 2016 Commissioners Court meeting* submitted by the Grants Manager.
- \*11. Ratification of *amended FY 2016 Veterans Treatment Court Grant Application to the Texas Veterans Commission as previously approved at the November 24, 2015 Commissioners Court meeting* submitted by the Grants Manager.
- \*12. Ratification of *FY 2017 Specialty Court - Commercially Sexually Exploited Persons Grant Application* submitted to the Office of the Governor - Criminal Justice Division as submitted by the Grants Manager.
- \*13. Consideration of *authorization for County Judge to sign final change order for the CDBG Round 2.2 Hurricane Ike Lawrence Road Project* submitted by CDBG Project Coordinator.
- \*14. Consideration of *approval for moving and reconfiguring SAN blade server enclosure at the new data center with Unique Digital Technology, LLC* submitted by Information Technology.
- \*15. Consideration of *approval for preventative maintenance of UPS units for multiple county facilities with United Power & Battery* submitted by Information Technology.
- \*16. Consideration of *approval for Software maintenance for Cisco Auto Attendant Software with Presidio* submitted by Information Technology.
- \*17. Consideration of *approval for Software maintenance ACS Ejuror & Juror Maintenance with Xerox Corporation* submitted by Information Technology.

- \*18. Receive and file *FY 2015 Budget for certain expenditures in fund 2240 (Sheriff's Commissary)* submitted by the Sheriff.
- \*19. Consideration for *authorization to issue formal solicitations for the following bids* submitted by the Purchasing Agent:
  - a. Freddiesville Water Line Replacement and Street Improvements
  - b. Tax Collection Software
- \*20. Consideration for *authorization to dispose of one (1) vehicle and request a replacement vehicle for the Sheriff's Department* submitted by the Purchasing Agent.
- \*21. Consideration for *authorization to extend the contract on the following bid* submitted by the Purchasing Agent:
  - a. Bid #B152007 Precoat Topping Rock
- \*22. Receive and file *Amendment No.5 from the Texas General Land Office for the Round 2 CDBG non-rental Housing Program (previously approved as item number 34 on 2/16/16 as amendment No. 6 as a clerical error)* submitted by Housing Department.
- \*23. Consideration of approval of *Texas City Hurricane Levee permit to GEL Texas Pipeline, LLC to install a 20" pipeline adjacent to the Texas City Hurricane Levee in the vicinity of FM 519 and Loop 197* submitted by the County Engineer.
- \*24. Consideration of *approval of application from Don and Sandra Treadway for a partial replat of Alta Loma Outlots subdivision* submitted by the County Engineer.
- \*25. Consideration of *approval of Sandpiper Beach, Section 4, Phase 2 subdivision plat* submitted by the County Engineer.
- \*26. Consideration of *approval of Lafitte's Landing, Section 2 subdivision plat* submitted by the County Engineer.
- \*27. Consideration of permission to *authorize the County Engineer to sign a letter to Galveston County Municipal Utility District 51 regarding a proposed wastewater treatment plant* submitted by the County Engineer.
- \*28. Consideration of *approval for Michael Lowe and Kristen Lowe to convey portions of Outlot 214 of Alta Loma Outlots by metes and bounds without revising the plat and authorizing the County Judge to sign the application* submitted by the County Engineer.

- \*29. Consideration of *approval of a three party agreement between Galveston County, City of Galveston and the Galveston Park Board of Trustees for Seawall Blvd. improvements located along the Galveston Seawall and authorizing the County Judge to sign related documents* submitted by the County Engineer.
- \*30. Consideration of *authorization for the County Judge to sign contracts for election services between the County Elections Division and the City of Bayou Vista to conduct their May 2016 entity elections* submitted by County Clerk.
- \*31. Consideration of *authorizing the renewal between Galveston County and Data Preservation Solutions for One Year Land and Vital Records Life Cycle Extension* submitted by County Clerk.
- \*32. Consideration of *Request of Tax Refunds in Excess of \$2,500.00* submitted by the Tax Assessor/Collector:
  - a.     **P514128**           \$6,460.54           SUPP Adjustment
  - R214914**           \$3,835.54           SUPP Adjustment
  - P512010**           \$46,388.83          SUPP Adjustment
  - R311584**           \$3,690.51           SUPP Adjustment
  - R365704**           \$2,539.89           SUPP Adjustment
- \*33. Request for *Waiver or Refund of Penalty and Interest Due to Clerical Errors as Recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:
  - a.     **R149895**           Dotson, Lawrence       2014    \$125.44 (W) \$250.84 (R)
  - R217605**           Schulz, Frank           2014    \$54.70 (W) \$109.39 (R)
  - R428630**           Durst, Ronald & Peggy   2014    \$43.50 (W)

**Action Agenda**

34.     **County Engineer**

- a.     Consideration of change order no. 4 to the J.W. Kelso Company, Inc. construction contract for the Lee & Joe Jamail Bay Park project.

35.     **Emergency Management**

- a.     Consideration of approving Memorandum of Understanding among Habitat for Horses, Inc. Galveston County, and the Galveston County Sheriff's Office relating to Horses in Times of a Declared Disaster and authorizing the County Judge to execute same.

36. **Parks & Senior Services**

- a. Consideration of approval of changes to the Facility Permitting Policy in regards to the Rodeo Arena.
- b. Consideration of approval to implement rodeo arena rules to be posted onsite and included in the facility permitting policy.
- c. Consideration of approval to revise the Fee Reduction Request for Special Events policy listed in the Facility Permitting Policy.
- d. Consideration of approval to execute an athletic field user group contract/agreement with Bayshore Youth Sports Association for use of Bayshore Park.

37. **Professional Services**

- a. Consideration of approval of the following budget amendments:
  1. 16-069-0301-A  
**Election Services Contract Fund** - Request transfer from Election Services Contract Fund Furniture and Fixtures account to Department Supplies - Non Cap FFE account
  2. 16-070-0301-B  
**FEMA** - Request transfer from General Fund Budgeted reserves for grant matches associated with the generator at Crystal Beach Road and Bridge and a boom lift.
  3. 16-071-0301-C  
**Sheriff's Department** - Request transfer from General Fund Budgeted Reserves for four (4) Sheriff positions associated with the La Marque ISD School Liaison Program
  4. 16-072-0301-D  
**Farm to Market Lateral Road Fund** - Request transfer from Farm to Market Lateral Road Budgeted Reserves for Terminal Vacation and Sick Pay and the Platting and Right-of-Way Agent position.
  5. 16-073-0301-E  
**Beach and Parks Fund** - Request transfer from Beach and Parks Fund Budgeted Reserves for Beach Sticker Patrol Overtime and associated benefits
  6. 16-074-0301-F  
**Beach and Parks Fund** - Request transfer from Beach and Parks Fund-

Budgeted Reserves for uniforms associated with the Beach Safety Patrol Units

38. **Purchasing**

- a. Consideration of the following:
  - 1. RFP #B162002 Online Legal Research & Proprietary Database Services
  - 2. RFP #B162005 Motor Fuels, Oils, Fluids & Greases

39. **County Legal**

- a. **Break into Executive Session:**
- b. **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, a settlement offer, 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-1061, Mark Long Et Al v Lutea, LLC, as Successor in Interest of Dodeka, LLC, Et Al in the 56<sup>th</sup> Judicial District Court.
- c. **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, a settlement offer, 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 01-15-00565-CV, County of Galveston v Triple B Services, LLP in the Court of Appeals for the First District of Texas.
- d. **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, a settlement offer, 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 Phillip Turner.
- e. **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, a settlement offer, 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 3:14-CV-00186, Tomasa Duran v. Galveston County, in the U.S. District Court for the Southern District of Texas, Galveston Division.

- 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 pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, 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 Texas City Hurricane Flood Protection Levee-Floodgate.
- 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 pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, 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 Texas General Land Office and Rollover Pass.
- 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 pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, 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 claims on bonds in the County's Severe Repetitive Loss Elevation Program.
- 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 pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, 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 Cause No. 15-0993, Hon. Mark Henry, v. Hon. Lonnie Cox, in the Supreme Court of Texas.

- 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 pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, 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 Cause No. 01-15-00797-CV, Hon. Lonnie Cox v. Hon. Mark Henry, et. al., in the Court of Appeals for the First District of Texas.
- 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 pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, 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.
- l. **Reconvene Into Regularly Scheduled Meeting.**
- m. Consideration of authorizing the County Judge to execute a letter of engagement for Kenneth McKay and the Baker Donelson law firm to represent Galveston County in condemnation proceedings for the acquisition of real property for public purposes in the vicinity of Rollover Pass.
- n. Consideration of authorizing County Legal to negotiate a settlement relating to Phillip Turner.
- o. Consideration of accepting the real property donation pursuant to the Interlocal Agreement between the High Island Independent School District and the County of Galveston dated January 19, 2016 and County Judge to execute the gift deed for such donation.
- p. Consideration of approval of agreements in each of the thirteen homes in the Severe Repetitive Loss Elevation Program for which Expert House Movers served as the Elevation Contractor and in which claims on performance bonds have been made to complete each project and authorizing the County Judge to execute each agreement; such projects are at: 20 Edgewater Street, Hitchcock; 53 Lakeside Drive, Hitchcock; 58 Lakeside Drive, Hitchcock; 79 Bayou Vista Drive, Hitchcock; 320 Empress Lane, League City; 616 Bel Road, Kemah; 631 Clear Lake Road, Clear Lake Shores; 1010 Rosewood Drive, Dickinson; 1629 Dick Bay Drive, San Leon; 1653 Dick Bay Drive, San Leon; 7026 Terrasso Drive, Hitchcock; and 16511 Jamaica Beach Road, Jamaica Beach.

## **Adjourn**

### **WORKSHOP AGENDA**

1. Discussion on change to the DOT minimum random drug testing rate submitted by Human Resources.

#### **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.

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