



# **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 29, 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 3/22/16 and 3/29/16
  - b. Order for Payroll period ending 3/23/16 Bi-Weekly #7
  - c. Order for Supplemental Payroll period ending 3/23/16 Bi-Weekly #7
  - d. Receive and file the Internal Audit report for the Global Tel\*Link Corporation (GTL) commission payments review for period of Jan - Dec 2015
  - e. Receive and file the approval of early check release for Accounts Payable Checks dated 3/14/16
  - f. Receive and file the approval of early check release for Accounts Payable Check dated 3/21/16
  - g. Receive and file the approval of early check release for Accounts Payable Check dated 3/17/16
  
- \*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. Consideration of a *resolution Proclaiming April as Child Abuse Prevention and Awareness Month* submitted by Chief Financial Officer.
- \*6. Consideration of a *resolution honoring the retirement of Fred Dennis from the Sheriff's Office* submitted by County Legal.
- \*7. Consideration of *approval of appointments to League City TIRZ positions and Public Improvement District #1* submitted by the County Judge.
- \*8. Receive and file *notice pursuant to H.B. 3059, Section 366.005 of Texas-New Mexico Power Company providing utility service to Galveston County* submitted by the County Judge.
- \*9. Receive and file *FY 2016 Budget for certain expenditures in fund 2240 (Sheriff's Commissary)* submitted by the Sheriff
- \*10. Consideration of *approval of granting a reduction of a permit fee (Facility Permitting Policy, Section 5.1.2 and 5.1.3) for the League City Volunteer Fire Department's use of the downstairs banquet hall at Walter Hall Park for their annual banquet on Saturday, April 30, 2016*, submitted by the Parks & Cultural Services Department.
- \*11. Consideration of *application from Kimberly Johnson Willis and Kenneth L. Johnson to convey portions of the north 315.25 of Lot 2, Block D, Algoa Suburbs subdivision by metes and bounds without revising the plat* submitted by the County Engineer.
- \*12. Consideration of *approval of Fitz Beach subdivision plat* submitted by the County Engineer.
- \*13. Consideration of *approval for Solarwinds Serv-U Software for secured file sharing with SCW* submitted by Information Technology.
- \*14. Consideration of *approval for annual renewal of workman's comp Software for Human Resources with MicroNiche, Inc.* submitted by Information Technology.
- \*15. Consideration of *approval of twelve Early Voting Branch Locations recommended by the County Clerk for the May 24<sup>TH</sup> Primary Runoff Election* submitted by County Clerk.
- \*16. Consideration of *authorizing the estimated transfer of \$285,000 for State Non-Private Hospital Medicaid Fund (IGT)* submitted by the Chief Financial Officer.
- \*17. Consideration of *approval of a contract with Thomson Reuters/Westlaw for Legal-*

*Research* submitted by the Chief Financial Officer.

- \*18. Consideration for *authorization to accept donated furniture from Horne, LLC to be used by the Galveston County Treasurer's Office* submitted by the Purchasing Agent.
- \*19. Consideration for *authorization to cancel Bid #B161010 Sale of 1.21 Acres of Land* submitted by the Purchasing Agent.
- \*20. Consideration for *authorization to Request Qualifications for the Federal Mitigation Assistance Program* submitted by the Purchasing Agent.
- \*21. Consideration for *authorization to dispose of Salvage or Surplus Property* submitted by the Purchasing Agent.
- \*22. Request for *Waiver or Refund of Penalty and Interest Due to Clerical Errors* submitted by the Tax Assessor/Collector:
  - a. 

|                |                                |      |            |     |           |     |
|----------------|--------------------------------|------|------------|-----|-----------|-----|
| <b>R214786</b> | Schultz, Frank                 | 2014 | \$ 54.70   | (W) | \$109.39  | (R) |
| <b>R517710</b> | Trinity Service Group INC      | 2015 | \$ 196.64  | (R) |           |     |
| <b>R302357</b> | Becich, Peter                  | 2014 | \$ 1081.28 | (W) |           |     |
| <b>R525068</b> | Diaz, Mark & Koufmann, Charles | 2013 | \$ 670.63  | (R) |           |     |
| <b>R525068</b> | Diaz, Mark & Koufmann, Charles | 2014 | \$ 379.98  | (W) | \$1201.66 | (R) |
| <b>R421090</b> | Otium Properties               | 2015 | \$ 174.17  | (W) |           |     |
| <b>R421087</b> | Otium Properties               | 2015 | \$ 178.79  | (W) |           |     |
- \*23. Request for *Ratification of Denial of Request for Waiver or Refund of Penalty and Interest as recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:

- a. 

|                      |                |      |          |     |
|----------------------|----------------|------|----------|-----|
| <b>1084720000006</b> | Cotter, Gloria | 2014 | \$ 61.66 | (W) |
|----------------------|----------------|------|----------|-----|

## **Action Agenda**

### 24. **Housing Department**

- a. Consideration of approval for CDBG Round 2.2 Hurricane Ike Disaster Recovery Project Change Order #1 for Activity #GC201407.

### 25. **Professional Services**

- a. Consideration to allow County Judge to sign Final change order, Certificate of Construction Completion and Certificate of Acceptance for CDBG Round 1 Hurricane Ike Justice Center Generators Project presented by CDBG Project Coordinator.

- b. Consideration of approval of the following budget amendments:
  - 1. 16-081-0329-A  
**Farm to Market Lateral Road Fund** - Request transfer from Farm to Market Lateral Road Fund Budgeted Reserves for advertising legal notices for subdivision plats
  - 2. 16-082-0329-B  
**Legal Department** - Request transfer from General Fund Budgeted Reserves for outside counsel fees
  - 3. 16-083-0329-C  
**County Clerk Election Expense** - Request transfer from Other Contract Services to Auto Mileage and Election Expense

26. **Tax Assessor-Collector**

- a. Consideration of approval of request for waiver or refund of penalty and interest by the property owner:
  - 1. **Miller, Harry & Patricia R311608      2014 \$7030.19 (W)**

27. **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 leaks in the fire suppression system for the records storage facility.
- 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 requirements under Chapter 176 of the Local Government Code (which pertains to conflicts of interest reporting) and requirements under Section 2252.908 of the Government Code (which pertains to reporting of interested parties).

- 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 3:14-CV-00186, Tomasa Duran v. Galveston County, in the U.S. District Court for the Southern District of Texas, Galveston Division.
- 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 Texas City Hurricane Flood Protection Levee-Floodgate.
- 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 the Texas General Land Office and Rollover Pass.
- 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 claims on bonds in the County's Severe Repetitive Loss Elevation Program.
- 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 CDBG-DRS Non-Housing grant requirements (wastewater treatment).

- 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. CV-00775163, County of Galveston v. Texas First Bank; County Court at Law No. 3; Galveston County, 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. 15-0993, Hon. Mark Henry, v. Hon. Lonnie Cox, in the Supreme Court 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 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.

- n. Consideration of authorizing a Vehicle Use Agreement between the National Insurance Crime Bureau, Galveston County, and Galveston County Auto Crime Task Force submitted by County Legal on behalf of the Sheriff's Office.
- o. Consideration of approval to pay into the registry of the court, the amount of the award of the special commissioners, and any required costs, in Cause No. CV-00775163, County of Galveston v. Texas First Bank; County Court at Law No. 3; Galveston County, Texas.
- p. Consideration of authorizing the Galveston County Judge to execute a quitclaim deed upon receipt of \$40,000, conveying the County of Galveston's interest, if any, in a 1.21 acre tract of land at the intersection of Stewart Road and 13 Mile Road in the City of Galveston to Lafitte's Harbor Development II, LP, an abutting property owner, pursuant to Texas Local Government Code § 272.001(b).

## **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.

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