



# **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 April 12, 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 4/5/16 and 4/12/16
  - b. Order for Payroll period ending 4/6/16 Bi-Weekly #8
  - c. Order for Supplemental Payroll period ending 4/6/16 Bi-Weekly #8
  - d. Receive and file request for Paycheck Early Release dated 3/31/16
  - e. Receive and file request for Early Check Release dated 3/29/16
  - f. Monthly financial report for December 2015
  - g. Monthly financial report for January 2016
  - h. Consideration for action to be taken with the Texas Comptroller of Public Accounts-Unclaimed Property Division Sect. 74.602 of the Texas Property Code.
  
- \*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 Biweekly Personnel Movements pay period #6, February 25 - March 9, 2016* submitted by Human Resources.
- \*6. Receive and file *Summary of Biweekly Personnel Movements pay period #7, March 10-23, 2016* submitted by Human Resources.
- \*7. Consideration of *approval of reappointment to the United Board of Health* submitted by the County Judge.
- \*8. Consideration of a *resolution proclaiming April as Fair Housing Month* submitted by Housing Department
- \*9. Consideration of *resolution recognizing Shriners Hospital 50th anniversary* submitted by the Economic Development Director.
- \*10. Consideration of a *resolution designating the week of April 24- May 1, 2016 as Soil and Water Stewardship Week* submitted by County Judge.
- \*11. Receive and file *2015 Racial Profiling Report for calendar year 2015* submitted by the Sheriff.
- \*12. Receive and file *Performance Bond for High Island Emergency Shelter/Gymnasium* submitted by the County Judge.
- \*13. Consideration of *authorization for County Judge to sign The Children's Center organization Texas 2016 ESG application which will provide Emergency Shelter Activities* submitted by the County Judge.
- \*14. Consideration of *approval of agreement with Reliant Energy Retail Services, LLC. to participate in the CARE Program* submitted by Chief Financial Officer.
- \*15. Consideration of *approval of a Memorandum of Understanding between Galveston County and Port of Houston Authority for vehicular and rail bridges* submitted by Commissioner, Precinct 1.
- \*16. Consideration of *approval of the Certificate of Acceptance for the LED retrofit at the Galveston County Jail, Galveston County Courthouse, and the Galveston County Courthouse Parking Garage at the 722 Moody campus and the Galveston County Energy Savings Analysis that establishes the baseline energy savings associated with the LED retrofit at these 3 facilities* submitted by the County Architect.

- \*17. Consideration of *approval of cell phone for property manager* submitted by the Chief Financial Officer.
- \*18. Consideration of *approval of granting a reduction of a permit fee (Facility Permitting Policy, Section 5.1.2 and 5.1.3) for the American Public Works Association - Southeast Branch's use of the downstairs banquet hall & outdoor picnic pavilions at Walter Hall Park for their annual BBQ cook-off and luncheon on Wednesday and Thursday, May 18 & 19, 2016*, submitted by the Parks & Cultural Services Department.
- \*19. Consideration of *approval to submit RESTORE Direct Component "Bucket 1" Grant Application to the Texas Commission on Environmental Quality and Authorize County Judge to sign Resolution, Letter of Intent regarding local matching funds and all required documents* as submitted by the Grants Manager.
- \*20. Consideration of *approval to submit Project Amendment Request to the Federal Emergency Management Agency regarding Project Worksheet #15158* as submitted by the Grants Manager.
- \*21. Receive and file *Home Delivered Meals Waiver Request to the Texas Department of Aging and Disability Services through the Houston-Galveston Area Council* as submitted by the Grants Manager.
- \*22. Consideration of *approval to deed sold Round 2 CDBG HOP properties* submitted by Housing:
  - a. 215 1st Ave N, Texas City
  - b. 5 35th St. S, Texas City
  - c. 3141 Texas Ave, Texas City
  - d. 1304 4th Ave S, Texas City
  - e. 712 2nd Ave S, Texas City
- \*23. Consideration of *awarding additional funding for RFP #B141022A CDBG Round 2 Rental Program for Galveston County, Texas to DSW Homes, LLC, related to the Blue Jay Development* submitted by Housing Department.
- \*24. Consideration for *authorization to cancel and rebid the following RFPs* submitted by the Purchasing Agent:
  - a. RFP #B161009 Moore's Addition Water and Sewer Facilities
  - b. RFP #B162004 Veteran's Sports Complex in Jack Brooks Park

- \*25. Consideration for *authorization to dispose of Salvage or Surplus Property* submitted by the Purchasing Agent.
- \*26. Consideration for *approval of agreement with FBI for the National Vehicle Lease Program* submitted by the Sheriff.
- \*27. Consideration of *approval for GIS Online Service credits with Environmental Systems Research Institute, Inc.* submitted by Information Technology on behalf of County Engineer's Office.
- \*28. Receive and file *notice of termination of acquisition by Pacific Ridge GP I, LLC (Buyer) of approximately 3.759 acres located at Broadway and 54<sup>th</sup> Street, Galveston, Texas from Galveston County (Seller)* submitted by County Legal.
- \*29. Consideration of *approval of Broadway Breeze subdivision* submitted by the County Engineer.
- \*30. Consideration of *approval and appointment of members of the Early Voting Ballot Board and Central Count for the May 24, 2016 Primary Runoff Election* submitted by the County Clerk.
- \*31. Consideration of *granting authority to County Judge to sign Trustee's Deeds on the following tax foreclosed properties* submitted by the County Judge:
  - a. **CAD#: 5182-0248-0008-000**
- \*32. Request for *Waiver or Refund of Penalty and Interest Due to Clerical Errors* submitted by the Tax Assessor/Collector:
  - a. **R434341**                      Lavergne, Susan & Patrick                      2014                      \$1,668.38(R)
- \*33. Consideration of *Request of Tax Refunds in Excess of \$2,500.00* submitted by the Tax Assessor/Collector:
  - a. **N9907615**                      \$3,846.02                      Supp Adjustment
  - P510385**                      \$2,648.37                      Supp Adjustment
  - P513100**                      \$75,535.81                      Supp Adjustment
  - P516668**                      \$5,445.09                      Supp Adjustment
  - P516669**                      \$5,445.09                      Supp Adjustment
  - P516670**                      \$5,445.09                      Supp Adjustment
  - P516673**                      \$5,445.09                      Supp Adjustment
  - P516675**                      \$5,445.09                      Supp Adjustment
  - R112413**                      \$2,880.49                      Supp Adjustment
  - R117638**                      \$3,698.95                      Supp Adjustment
  - R380278**                      \$4,095.68                      Supp Adjustment

	<b>R380278</b>	\$4,248.38	Supp Adjustment
	<b>R410227</b>	\$3,225.93	Supp Adjustment
	<b>R408588</b>	\$8,517.21	Supp Adjustment
	<b>R510946</b>	\$3,789.38	Supp Adjustment
b.	<b>P417133</b>	\$5,314.11	Overpay
	<b>P510327</b>	\$3,851.78	Overpay
	<b>R113785</b>	\$3,398.61	Overpay
	<b>R130394</b>	\$2,909.66	Overpay
	<b>R138995</b>	\$3,607.93	Overpay
	<b>R151048</b>	\$10,276.15	Overpay
	<b>R155505</b>	\$3,901.34	Overpay
	<b>R219823</b>	\$3,225.86	Overpay
	<b>R222250</b>	\$3,884.63	Duplicate
	<b>R420576</b>	\$4,201.48	Overpay
	<b>R424238</b>	\$81,235.57	Overpay
	<b>R438470</b>	\$10,561.94	Overpay

## Action Agenda

### 34. County Architect

- a. Consideration of approval of a Change Order 01 to agreement between Galveston County and Teal Construction Company on the Galveston County Road and Bridge Department Crystal Beach Facility (agreement approved October 14, 2014).

### 35. Parks & Senior Services

- a. Consideration of approval to enter into a User Agreement with the Peninsula Sports Park for the Galveston County property located at 1210 19th Street, Port Bolivar, Texas 77650 submitted by the Parks & Cultural Services Department.
- b. Consideration of approval to execute an athletic field user group contract/agreement with League City Little League for use of the baseball field at Walter Hall Park, submitted by the Parks & Cultural Services Department.

### 36. 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 CV-0075399, County of Galveston v. Courtney R. McKnight, County Court at Law No. 1.

- 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 3:16-CV-00065, Estate of Jesse C. Jacobs, Jesse R. Jacobs and Diane S. Jacobs Individually and Heirs of the Estate of Jesse C. Jacobs and Representative of the Estate of Jesse C. Jacobs v Galveston County Sheriff-Henry Trochesset, in his Individual Capacity and Galveston County, and John Doe Galveston County Jailers 1-20, in their Individual Capacities, in the U.S. District Court for the Southern District of Texas, Galveston Division.
- 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 Civil Action No. 3:14-CV-406; Raymond Benoist vs Galveston County and Henry Trochesset, Individually and in his Official Capacity.
- 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 claim made by Philip Turner.
- 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 3:14-CV-00186, Tomasa Duran v. Galveston County, in the U.S. District Court for the Southern District of Texas, Galveston Division.

- 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 14-CV-1112, Kimberly Sullivan v. Galveston County Commissioners Court, Et Al, 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 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.
- 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 14-CV-1289, Bonnie Quiroga v. Galveston County, in the 212th 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 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.
- 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 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).

- l. **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 Flood Protection Levee.
- 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, 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.
- n. **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.
- o. **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).

- p. **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 Johnson Controls Contract.
- q. **Reconvene into Regularly Scheduled Meeting.**
- r. 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.
- s. Consideration of authorizing a Vehicle Use Agreement between the National Insurance Crime Bureau, Galveston County, and Galveston County Auto Crime Task Force to correct previous submission from March 29, 2016 submitted by County Legal on behalf of the Sheriff's Office.
- t. Consideration of authorizing the Legal Department to issue notice of termination to Johnson Controls Inc. for the extended warranty maintenance contract for Mid County Annex Chiller and Cooling Tower submitted by County Legal on behalf of Facilities.
- u. Consideration of authorizing the County Judge to execute a Release of Earnest Money form in connection with the termination of a real estate purchase agreement for the 3.7595 acre tract located at 54<sup>th</sup> and Broadway.
- v. Consideration of authorizing the County Legal Department to engage a consulting expert for matters pertaining to the Texas City Flood Protection Levee.

## **Adjourn**

## **WORKSHOP AGENDA**

1. Discussion regarding Section 2252.908 of the Government Code (HB1295), which pertains to disclosure of interested parties by business entities.

### **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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