



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 June 7, 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 Auditor's Office:
 - a. Approval of the Accounts Payable Checks dated 5/31/16 and 6/7/16
 - b. Order for Payroll period ending 6/1/16 Bi-Weekly #12
 - c. Order for Supplemental Payroll period ending 6/1/16 Bi-Weekly #12
 - d. Internal Audit report of the Tax Office's Registration and Title System for period of 1/1/15 - 12/31/15 with response letter from Honorable Cheryl E. Johnson dated 5/20/16
 - e. Indemnification request from the Tax Office dated 5/20/16
 - f. Indemnification request from Road District (San Luis Toll) dated 5/27/16
- *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. Receive and file *Summary of Biweekly Personnel Movements pay period #11, May 5 - 18, 2016* submitted by Human Resources.
- *6. Receive and file *District Attorney Financial Statement for October 1, 2014 to September 30, 2015 and authorize County Judge to sign Order releasing Contraband funds* submitted by District Attorney.
- *7. Receive and file *letter dated May 17, 2016 from Martin Rivera, Jr., Texas General Land Office, relating to CDBG-DRS Non-Housing grant (Crystal Beach wastewater treatment)* submitted by County Judge.
- *8. Consideration of acceptance of *FY 2016 - 2017 Veterans Treatment Court Grant from the Texas Veterans Commission and authorize County Judge to sign required documents* as submitted by the Grants Manager.
- *9. Consideration of *execution of an agreement with Xerox Government Systems, L.L.C., (formerly known as ACS Government Systems, Inc.), to provide Information Technology services for the District Clerk's Office relating to jury pools* submitted by the District Clerk.
- *10. Consideration of *approval of CDBG Round 2 Rental Program Multi-Family Rental Housing Program Agreement and associated Land Use Restriction Agreement with DSW Homes, LLC, related to the Blue Jay Development* submitted by Housing Department.
- *11. Consideration of *approval for annual software maintenance renewal of Netwrix Active Directory Change Reporter with SHI* submitted by Information Technology.
- *12. Consideration of *approval for Annual Drobo Support Renewal with SCW* submitted by Information Technology.
- *13. Consideration of *approval of an agreement with the Houston Zoo Inc. for the donation of services for murals on the Seawall* submitted by the Parks & Cultural Services Department.
- *14. Consideration of *approval to enter into an interlocal agreement with the City of Galveston Park Board to provide services for the Galveston Island Seawall and Fort Crockett Park* submitted by Parks & Cultural Services.
- *15. Consideration of *approval for County Judge to sign necessary Environmental Review Documents for the following projects funded by GLO Hurricane Ike CDBG Round 2.2* submitted by CDBG Coordinator:
 - a. San Leon MUD

- b. Gum Bayou Channel
 - c. Gum Bayou Tributary
- *16. Consideration of *approval to transfer funds for Narcotics Task Force from fund 2245 to fund 2242* submitted by the Sheriff's Office.
- *17. Consideration of *approval of an Interlocal Agreement for Emergency Medical Response Services in Unincorporated Portions of Galveston County Adjacent to the City of Dickinson and authorizing the Judge to sign* submitted by the Chief Financial Officer.
- *18. Consideration for *authorization to extend the contracts on the following bids* submitted by the Purchasing Agent:
- a. Bid #B142004A Portable Toilet Service for Galveston & Mainland
 - b. Bid #B142011A Portable Toilet Service - Port Bolivar Peninsula
- *19. Request for *waiver or refund of Penalty and Interest due to clerical errors by the USPS as recommended by Penalty & Interest Review Committee in accordance with county policy* submitted by the Tax Assessor/Collector:
- | | | | | |
|----|----------------|-----------------|------|--------------|
| a. | R107259 | Cohen, Clara Jo | 2015 | \$13.69 (R) |
| | R102028 | Cohen, Clara Jo | 2015 | \$126.38 (W) |
| | R107261 | Cohen, Clara Jo | 2015 | \$146.60 (W) |
- *20. Consideration of *Request of Tax Refunds in Excess of \$2,500.00* submitted by the Tax Assessor/Collector:
- | | | | |
|----|----------------|--------------|-----------------|
| a. | P423105 | \$ 2,690.90 | SUPP Adjustment |
| | R100818 | \$ 6,633.80 | SUPP Adjustment |
| | R125687 | \$ 5,155.66 | SUPP Adjustment |
| | R125705 | \$ 3,275.87 | SUPP Adjustment |
| | R131615 | \$ 36,168.56 | SUPP Adjustment |
| | R311418 | \$ 4,200.66 | SUPP Adjustment |
| | R311534 | \$ 3,700.11 | SUPP Adjustment |
| | R384693 | \$ 2,969.96 | SUPP Adjustment |
| | R384718 | \$ 3,661.87 | SUPP Adjustment |
| | R412111 | \$ 9,841.20 | SUPP Adjustment |
| | R413938 | \$ 4,518.99 | SUPP Adjustment |
| | R428290 | \$ 3,186.62 | SUPP Adjustment |
| | R429823 | \$ 4,126.74 | SUPP Adjustment |
| | R601393 | \$ 3,333.64 | SUPP Adjustment |
| | R607365 | \$ 5,957.03 | SUPP Adjustment |

- b. **R143725** \$ 2,675.23 OVER PAY
- R512627** \$ 4,028.15 OVER PAY

*21. Consideration of *authorizing the County Judge to execute parking lot license agreement with Minim Productions (One Mississippi)* submitted by the County Legal.

Action Agenda

22. **County Engineer**

- a. Consideration of approval of change order no. 2 to the Lucas Construction, Co. Inc. contract for the Galveston Seawall Endcap Repair and Replacement project.
- b. Consideration of approval of change order no. 5 to the J.W. Kelso Company, Inc. contract for the Construction for Lee & Joe Jamail Bay Park project.

23. **Housing Department**

- a. Consideration of approval to award Round 2 CDBG rental funding to Pine Forest Apartments, presented by the Housing Department of behalf of the Multi-Family Housing Committee.

24. **Professional Services**

- a. Consideration of approval of the following budget amendments:
 - 1. 16-100-0607-A
Collections Office & Personal Bond Office - Request transfer from Collections Office & Personal Bond Office Administrative Supplies to Collections Office & Personal Bond Office Uniform Expense for staff shirts and jackets
 - 2. 16-101-0607-B
Road District #1 - Request transfer from Road District #1 Budgeted Reserves to Road District #1 Extraordinary Supplies for replacement of San Luis Toll Bridge Cameras
 - 3. 16-102-0607-C
Court Administration - Request transfer from General Fund Budget Reserves to Court Administration Contract Services for expenses related to the temporary employment of substitute court coordinators to cover unavoidable absences in the courts
- b. Consideration of possible action relating to CDBG-DRS Non-Housing grant (Crystal Beach wastewater treatment) submitted by CDBG Coordinator.

- c. Consideration of an Order granting various residence homestead exemptions from the 2016 Tax Levy pursuant to the provisions of V.T.C.A. Tax Code §11.13 and §11.131.
- d. Consideration of an Order authorizing the split payment of 2016 ad-valorem taxes pursuant to the provisions of V.T.C.A Tax Code §31.03.

25. **Purchasing**

- a. Consideration of approval of the following:
 - 1. RFP #B162013 Heavy Equipment Rental

26. **Sheriff**

- a. Consideration of entering into a Memorandum of Understanding between the City of Houston, Mayor's Office of Public Safety and Homeland Security and the County of Galveston, Securing the Cities Regional Partner to work in concert with other regional agencies to develop and implement systems for detection/notification of illicit radiological and/or nuclear materials outside regulatory control submitted by County Legal.
- b. Consideration of approval of FY2017 Galveston County Resolution for the Automobile Burglary & Theft Prevention Authority Program submitted by County Legal.

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 3:16-CV-00065, Diane Jacobs, et. al. v. Henry Trochesset, et. al. in the U.S. District Court for the Southern District of Texas, Galveston Division.
- 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 15-CV-1215, The County of Galveston Texas A/S/O Wilford Garvin v Kert Butler Adams in the 10th Judicial District Court.

- 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 01-15-00565-CV, Triple B Services, LLP v. Galveston County in the Court of Appeals for the First District of Texas.
- 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 16-CV-0058, Clack v. Thompson in the 212th Judicial District Court.
- 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 Civil Action No. 3:14-CV-406; Raymond Benoist vs Galveston County and Henry Trochesset, Individually and in his Official Capacity.
- 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 3:14-CV-00186, Tomasa Duran v. Galveston County, in the U.S. District Court for the Southern District of Texas, Galveston Division.
- 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 Texas City Flood Protection Levee.
- 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 the Texas General Land Office and Rollover Pass.
- 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 claims on bonds in the County's Severe Repetitive Loss Elevation Program.
- 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 Reconstruction and Elevation in the Flood Mitigation Assistance Grant Program.

- n. **Reconvene Into Regularly Scheduled Meeting.**
- o. Consideration of approval of agreements in each of the following 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 County Judge to execute such agreements: these remaining projects are at 320 Empress Lane, League City; 7026 Terrasso Drive, Hitchcock; and 1653 Dick Bay Drive, San Leon.
- p. Consideration of retaining outside counsel to assist Galveston County and/or Sheriff Henry Trochesset in the legal defense of Galveston County and/or Sheriff Henry Trochesset in Cause No. 3:16-CV-00065, Diane Jacobs, et. al. v. Henry Trochesset, et. al. in the U.S. District Court for the Southern District of Texas, Galveston Division.
- q. Consideration of authorizing settlement related to 16-CV-0058, Clack v. Thompson in the 212th Judicial District Court.

Adjourn

WORKSHOP AGENDA

1. Discussion of Galveston County Truancy Court submitted by County Judge.
2. Discuss Voter Outreach for the November 2016 Election Cycle submitted by the County Clerk

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.
