



# **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 December 8, 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 12/1/15 and 12/8/15
  - b. Order for Payroll period ending 12/2/15 Bi-Weekly #25
  - c. Order for Supplemental Payroll period ending 12/2/15 Bi-Weekly #25
  - d. Internal Audit report of FY2015 Property Tax Refunds for period of 10/1/14 - 9/30/15 with response letter from Honorable Cheryl E. Johnson, Tax Assessor - Collector dated 11/18/15
  - e. Monthly Financial Report for period ending 9/30/2015
  - f. Indemnification request from the Tax Office
  - g. Audited FY2015 Chapter 59 Asset Forfeiture Report for period of 10/1/14 - 9/30/15
  
- \*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 #24, November 5-18, 2015, 2015* submitted by Human Resources.
- \*6. Consideration of *execution for extension of Temporary Staffing Agreement with AI Best Staffing* submitted by Human Resources on behalf of Veterans Service.
- \*7. 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.
- \*8. Consideration of a *resolution honoring the retirement of Claudette Fickessen, Chief Right of Way Agent*, submitted by Engineering Dept.
- \*9. Receive and file *letter of appreciation from the Children's Services Board for recognition of Froy Arcega* submitted by Director of Contract Services.
- \*10. Receive and file *OSPRA award recognizing Galveston County Sheriff's Office Investigator Perry Larvin and Emergency Management Coordinator Garret Foskit by the Texas General Land Office* submitted by Emergency Management.
- \*11. Receive and file *2015 Statement of Financial Position of the Galveston County Community Supervision and Corrections Department (Adult Probation) pursuant to Local Government Code 140.004* submitted by Adult Probation.
- \*12. Consideration of *adoption of Galveston County Economic Development Initiative Final Report and Plan (workshopped on June 30, 2015)* submitted by Director of Economic Development.
- \*13. Consideration of *authorization for Galveston County Elections and the Democratic and Republican Parties to conduct the 2016 March Primary and May Primary Runoff Elections as Countywide Vote Center Elections* submitted by the County Clerk.
- \*14. Consideration of *appointment of Judges and Alternate Judges for the March Primary and May Primary Runoff Elections submitted by the County's Elections Division on behalf of the Republican and Democratic Parties* submitted by the County Clerk.
- \*15. Consideration of *approval and appointment of Members of the Early Voting Ballot Board for the March Primary and May Primary Runoff Elections submitted by County Elections on behalf of the Republican and Democratic Party Chairs* submitted by the County Clerk.

- \*16. Receive and file *the names and positions for the staffing of the Central Counting Station for the March Primary and May Primary Runoff Elections submitted by County Elections on behalf of the Republican and Democratic Parties* submitted by the County Clerk.
- \*17. Consideration of *approval of granting a reduction of a permit fee (Facility Permitting Policy, Section 5.1.2 and 5.1.3) for Yay 4 Life! for use of the indoor banquet hall and grounds at Walter Hall Park for crawfish boil/fundraiser on Saturday, April 16, 2016 (with set-up on Friday, April 15, 2016)*, presented by the Parks & Cultural Services Department.
- \*18. Consideration of *approval of acceptance of a donation of books from the library of the Crystal Beach AARP, to be used at the Wayne Johnson Community Center for senior programming*, submitted by the Parks & Cultural Services Department.
- \*19. Consideration of *execution of an interlocal agreement with Interfaith Ministries of Greater Houston Meals on Wheels for home delivered meal service for fiscal year 2016*, submitted by the Parks & Cultural Services Department.
- \*20. Consideration of *approval for a contract amendment between Galveston County and the General Land Office CDBG contract amendment # 5* submitted by Housing Department.
- \*21. Consideration of *authorization to execute renewal contract with Galveston County Health District for Emergency Medical Services for Galveston County East* submitted by Director of Contract Services.
- \*22. Consideration of *authorization to execute renewal contract with Galveston County Health District for Emergency Medical Services for Galveston County West* submitted by Director of Contract Services.
- \*23. Consideration of *authorization for County Judge to sign Environmental Review Documents for Cowart Creek Tributary Two, Hurricane Ike CDBG Round 2.2 Project* presented by CDBG Coordinator.
- \*24. Consideration for *authorization to issue a formal solicitation for the following bid* submitted by the Purchasing Agent:
  - a. CDBG Round 2-Real Property Sales-December 2015
- \*25. Consideration for *authorization to purchase APEX6000 radios through HGAC BuyBoard for Emergency Management* submitted by the Purchasing Agent.
- \*26. 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>R123118</b>	Finnegan, William	2014	\$2,528.10 (R)
	<b>R424508</b>	Guffin, Gordon	2014	\$4,442.18 (W)
	<b>R364351</b>	Heylmun, Michael & Jennifer	2014	\$120.25 (W)
	<b>R117265</b>	Heylmun, Michael & Jennifer	2014	\$769.65 (W)
	<b>R434341</b>	Lavergne, Susan & Patrick	2014	\$1,668.38 (W)
	<b>R123737</b>	Beach Baby LLC	2014	\$2,370.71 (R)
	<b>R117575</b>	Schmidt, Eugene & Joan	2014	\$70.19 (W)
	<b>1050-1000-0003-4</b>	Flores, Sandra	2012	\$72.90(R)\$110.30(W)
	<b>R216440</b>	Place, Richard & Carol	2014	\$2,519.85 (W)
	<b>R118662</b>	Reegan, James D	2014	\$546.25 (W)
	<b>R388423</b>	Chavez, Lynda	2014	\$56.85 (W)
	<b>R604875</b>	Galveston Historical Foundation	2014	\$1,020.06 (W)
	<b>R100787</b>	Galveston Historical Foundation	2014	\$591.62 (W)
	<b>R516631</b>	Mann, David & Becky	2014	\$580.16 (W)

\*27. Request for *Waiver or Refund of Penalty and Interest Due to Clerical Errors* submitted by the Tax Assessor/Collector:

a.	<b>R511269</b>	Cripps, David	2014	\$606.07 (W)
	<b>R394580</b>	Carmenza, Gamero	2014	\$165.43 (W)

\*28. Consideration of *Request of Tax Refunds in Excess of \$2,500.00* submitted by the Tax Assessor/Collector:

a.	<b>R141844</b>	\$2,951.90	Over Payment
	<b>R224041</b>	\$2,713.98	Over Payment
	<b>R407362</b>	\$5,981.44	Over Payment
	<b>R519224</b>	\$4,000.00	Over Payment
	<b>R604177</b>	\$4,350.46	Over Payment

\*29. Receive and file *Buyer Pacific Ridge GP I, LLC Formal notice to Seller Galveston County of Buyer's election to exercise its first right under Section A.8 of the Contract to extend the expiration of the Due Diligence Period sixty (60) days* submitted by County Legal.

\*30. Receive and file *the following three disaster declarations/proclamations: 1.) Declaration of Local Disaster issued by the Galveston County Judge on November 2, 2015 (for disaster beginning on October 31, 2015); 2.) Proclamation issued by the Governor of the State of Texas proclaiming a disaster for specified counties, including Galveston County, for severe weather, tornado, and flooding occurring between October 22, 2015 and October 31, 2015; and 3.) Notice of filing in the Federal Register of November 25, 2015 Presidential Declaration of Major Disaster under the Stafford Act for specified counties in Texas (includes Galveston County), FEMA-4245-DR, for severe storms, tornadoes, straight-line winds, and flooding during the period of-*

October 22, 2015 through October 31, 2015 submitted by County Legal.

- \*31. Consideration of approval of a permit to Galveston Park Board of Trustees to use the Galveston Seawall, Seawall sidewalk, Seawall Blvd., Seawall groins, stairway and rip rap for construction activities for the Galveston Seawall Nourishment project and authorizing the County Judge to sign permit document submitted by the County Engineer.
- \*32. Consideration of authorizing the County Judge to execute the construction contract between Galveston County and Lucas Construction Company, Inc. for the Galveston Seawall Endcap Repair and Replacement project submitted by the County Engineer.
- \*33. Consideration of approval from Maria Franco and Gabriel Sanchez to convey portions of the south 1/2 of Lot 22 and Lots 23 & 24 in the Corrected Plat of Tenny's Subdivision on the mainland by metes and bounds without revising the plat and authorizing the County Judge to sign the application submitted by the County Engineer.

## **Action Agenda**

### 34. **Emergency Management**

- a. Consideration of approval of Second Supplement to Agreement between Galveston County and Greater Metropolitan Safety Council and authorizing the County Judge to execute same.

### 35. **Professional Services**

- a. Consideration of execution of construction contract between Galveston County and Nerie Construction, LLC. for Texas Department of Agriculture (TDA) CDBG Grant Project, WCID #1 Sewer Rehab, presented by CDBG Project Coordinator.
- b. Consideration of approval of the following Budget Amendments:
  - 1. 15-179-1208-A  
**Auditor's Office**-Request transfer from various accounts for Special Revenue Funds for FY2015 Clean-up
  - 2. 15-180-1208-B  
**Auditor's Office**- Request transfer from various accounts for Information Technology for FY2015 Clean-up
  - 3. 15-181-1208-C  
**Auditor's Office**-Request transfer from General Fund Budgeted Reserves and from various accounts for P-Card transactions associated with FY2015 for Clean-up

4. 15-182-1208-D  
**Auditor's Office**-Request transfer from General Fund Budgeted Reserves for Group Insurance for FY2015 Clean-up
5. 16-032-1208-A  
**Parks and Cultural Services Department**-Request transfer from parks Department Building Improvements account to Parks Department Carpet Cleaning account
6. 16-033-1208-B  
**Information Technology Department**-Request transfer from Information Technology Non Capital Account to Contract Services account
7. 16-034-1208-C  
**Human Resources Department**-Request transfer from General Fund Budgeted Reserves for temporary staffing agreement
8. 16-035-1208-D  
**Information Technology Department**-Request reallocation of Contract Services Professional Consulting Services
9. 16-036-1208-E  
**Beach and Parks Department**-Request transfer from Beach and Parks Fund Budgeted Reserves for the Beach Parking Sticker Supervisor position
10. 16-037-1208-F  
**Facilities Services Department**-Request transfer from Records Storage Building to Facilities Services Non-Cap account

36. **Purchasing**

- a. Consideration to award a contract on the following:
  1. Bid #B151028 2013-2014 CDBG Sanitary Sewer Improvement
  2. RFP #B161005 Galveston County Stop Loss for 2016

37. **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 Chapter 381 of the Texas Local Government Code.
- 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 the closure of City of Galveston Tax Increment Reinvestment Zone No. 11.
- 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 claims on bonds in the County's Severe Repetitive Loss Elevation Program.
- 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 the Galveston County Medical Examiner's Office.
- 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 14-CV-1289, Bonnie Quiroga v. Galveston County, in the 212<sup>th</sup>-

Judicial District Court.

- 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 Cause No. 01-15-00583-CV, Hon. Mark Henry, v. Hon. Lonnie Cox , in the Court of Appeals for the First Court of Appeals District of Texas.
- 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. 01-15-00797-CV, Hon. Lonnie Cox v. Hon. Mark Henry, et. al., in the Court of Appeals for the First Court of Appeals District of Texas.
- i. **Reconvene Into Regularly Scheduled Meeting.**
- j. Consideration of accepting completion proposal from HCC Surety Group from performance bonding on 1036 E. Canal Street property in the Severe Repetitive Loss Elevation Program and authorizing County Judge to execute the completion proposal on behalf of Galveston County.
- k. Consideration of approving Interlocal Agreement between Galveston County and Lubbock County relating to the Regional Public Defender for Capital Cases and authorizing the County Judge to execute same.

## **Adjourn**

### **WORKSHOP AGENDA**

1. Discussion about Paid Time Off options submitted by Human Resources
2. Health Insurance discussion regarding Fiscal Year 2015 submitted by Director of Finance and Administration
3. Discussion on the audit of the Collections Improvement Program performed by the County Auditor submitted by Commissioner, Precinct 2

### **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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