

MINUTES

BE IT REMEMBERED, That on October 10, 2016, Commissioners Court of Galveston County, Texas, met at a special meeting with the following present:

Mark Henry, County Judge

Ryan Dennard, Commissioner Precinct 1

Joe Giusti, Commissioner Precinct 2

Stephen D. Holmes, Commissioner Precinct 3

Kenneth D. Clark, Commissioner Precinct 4

Dwight D. Sullivan, County Clerk

CALL TO ORDER

Call to Order by Judge Henry at 1:30 P.M. at the Galveston County Courthouse.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Dennard led the Court in the Pledge of Allegiance.

The Invocation was given by Commissioner Holmes.

CONSENT AGENDA

- *1. Submitted by Auditor's Office:
 - a. Approval of Accounts Payable Checks dated 10/4/16 and 10/10/16
 - b. Order for Payroll period ending 10/5/16 Bi-Weekly #21
 - c. Order for Supplemental Payroll period ending 10/5/16 Bi-Weekly #21
 - d. Internal Audit report of the Personal Bond Office for period covered 7/1/15 - 6/30/16 with response letter from Tyler Drummond and LaDonna Kennie, both dated 9/29/16
 - e. Monthly financial report for period ending 9/30/16
 - f. Internal Audit report of the inventory of fixed assets of the Fleet Department with response letter from Fleet Director, John Fesler

- g. [Internal Audit report of the Department of Parks and Cultural Services period covered 6/1/15 - 5/31/16 with response letter from Director, Julie Diaz dated 9/30/16](#)
- *2. [Receive and file *Refund Check List from Odyssey* submitted by the District Clerk](#)
- *3. [Receive and file *Summary of Biweekly Personnel Movements pay period #20, September 8 - 21, 2016* submitted by Human Resources](#)
- *4. [Receive and file *Appointment & Oath of Office for Deputy Constable* submitted by Human Resources on behalf of Constable Pct. 4 \(Filed in Real Property Records of County Clerk's Office, having instrument File No. 2016062344.\)](#)
- *5. [Consideration of *execution of a contract with SmartDollar for online financial wellness program* submitted by Human Resources](#)
- *6. [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](#)
- *7. [Receive and file *Galveston County Emergency Communication District proposed FY2017 budget* submitted by the County Judge](#)
- *8. [Receive and file *History of Public Health in Galveston County* document submitted by the County Judge on behalf of the Health District](#)
- *9. [Consideration of a *resolution recognizing October 2nd - 8th, 2016 as National 4-H week in Galveston County* submitted by the County Judge](#)
- *10. [Consideration of *appointment of Delegate and Alternate to the HGAC Board of Directors* submitted by Commissioner, Precinct 4](#)

Motion to approve consent agenda item 10 only by County Judge Henry, seconded by Commissioner Clark that Commissioner Clark be appointed as the Delegate and County Judge Henry be appointed as the Alternate.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

- *11. [Consideration of *authorizing approval to submit a letter to Pelican Island Bridge stakeholders regarding formation of coordination committee* submitted by Commissioner, Precinct 1](#)

- *12. [Consideration of approval of granting a reduction of a permit fee \(Facility Permitting Policy, Section 5.1.2 and 5.1.3\) for Galveston-Houston Families Exploring Down Syndrome, for use of Walter Hall Park for the Step-Up for Down Syndrome Walk on Saturday, October 22, 2016 and Saturday, October 28, 2017, submitted by the Parks & Cultural Services Department](#)
- *13. [Consideration of executing a Permanent Pipeline Agreement between County of Galveston and Gel Texas Pipeline, LLC submitted by County Engineer](#)

Motion to approve consent agenda item 13 only by Commissioner Dennard, seconded by County Judge Henry in the amount of \$148,000.00.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

- *14. [Consideration of authorizing Galveston County to execute a waiver request regarding mortgage industry clients for Akerman LLP. submitted by County Legal](#)
- *15. [Consideration of approving payment of \\$75.93 to Claimant Vicky Taylor submitted by County Legal](#)
- *16. [Consideration of approval for OPAC Plus annual software renewal for the Human Resources Department with Biddle Consulting Group, Inc. submitted by Information Technology](#)
- *17. [Consideration of approval for Microsoft Project Online, term dates: 04/01/2016 - 03/31/2017 with SHI submitted by Information Technology](#)
- *18. [Consideration of approval for Microsoft Azure subscription, term dates: 04/01/2016 - 03/31/2017 with SHI submitted by Information Technology](#)
- *19. [Receive and file notice of reappointment of the Galveston County Purchasing Agent for a two-year term, Oath of Office for Rufus George Crowder submitted by the Purchasing Agent](#) (Filed in Real Property Records of County Clerk's Office, having instrument File No. 2016062518.)
- *20. [Consideration for authorization to extend the contract on the following bid submitted by the Purchasing Agent:](#)
 - a. [Bid #B152019 Vehicle Collision & Body Repair](#)
- *21. [Consideration for authorization to utilize cooperative purchasing program](#)

for replacement kitchen equipment for the Facilities Department submitted by the Purchasing Agent

- *22. Consideration of acceptance of construction contract for Coastal Impact Assistance Program (CIAP) Grant #F13AF00087 as awarded on September 27, 2016 and authorize County Judge to sign required contract documents as submitted by the Grants Manager
- *23. Consideration of granting authority to County Judge to sign Trustee's Deed on the following tax foreclosed property submitted by the County Judge:
 - a. **CAD#: 1100-0026-0023-000**
- *24. Consideration of granting authority to the County Judge to execute replacement deed (originally placed on the agenda on November 23, 1998) on the following property due to loss of original resale deed submitted by the County Judge:
 - a. **CAD#: 2655-0130-0006-000**
- *25. Consideration of authorization to execute renewal contract with the following Fire Departments for fire protection services submitted by Director of Contract Services:
 - a. League City VFD- Fire Protection Services Contract
 - b. City of Texas City Fire Department- Fire Protection Services Contract
 - c. Tiki Island VFD- Fire Protection Services Contract
 - d. Kemah VFD- Fire Protection Service
- *26. Consideration of approval of the following budget amendments submitted by Professional Services:
 - a. 16-177-1010-A
Courthouse Security - Request transfer from Courthouse Security Budgeted Reserves for Vacation/Sick Leave Payout, Longevity Pay, and Overtime for FY 2016

Motion to approve consent agenda item 26a only by County Judge Henry, seconded by Commissioner Dennard.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

- b. [16-178-1010-B](#)
[Law Library - Request transfer from General Fund Budgeted Reserves for expenses associated to the Law Library for FY 2016](#)

Motion to approve consent agenda item 26b only by Commissioner Dennard, seconded by County Judge Henry.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark
Nay: (None)

- c. [17-006-1010-B](#)
[Limited Tax County Bldg Bonds Series 2009 - Request transfer from various cost centers associated with the Limited Tax County Bldg Bonds Series 2009 to the Designated for Capital Projects account in Fund 3120](#)

Motion to approve consent agenda item 26c only by County Judge Henry, seconded by Commissioner Giusti.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark
Nay: (None)

- d. [17-007-1010-C](#)
[Professional Services - Budget request to roll forward budgets for various departmental contracts and projects which were not completed in FY 2016 to FY 2017](#)

Motion to approve consent agenda item 26d only by County Judge Henry, seconded by Commissioner Dennard.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark
Nay: (None)

- e. [17-008-1010-D](#)
[Constables - Request transfer from General Government Salaries and Benefits for the various Constables for FY 2017](#)

Motion to approve consent agenda item 26e only by Commissioner Holmes, seconded by Commissioner Dennard.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

- f. [17-009-1010-E](#)
[Sheriff's Department ISD'S - Request transfer from General Fund Budgeted Reserves for salary increases associated with the Clear Creek ISD contract](#)

Motion to defer by County Judge Henry, seconded by Commissioner Giusti.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

- *27. [Consideration of approval of annual service agreement with Southwest Solutions for mechanical filing systems submitted by the County Clerk](#)
- *28. [Consideration of authorization of the abatement of three \(3\) Public Nuisances submitted by the Housing Department:](#)
 - a. [2305 Avenue C, Dickinson](#)
 - b. [428 Beech, La Marque](#)
 - c. [8530 Avenue L, Santa Fe](#)
- *29. [Consideration of request of tax refunds in excess of \\$2,500.00 submitted by the Tax Assessor/Collector:](#)
 - a. [R119436](#) [\\$2,684.66](#) [Over Payment](#)
- *30. [Consideration of authorizing the County Right-of Way Agent to engage the services of a plumber, or plumbers, to move existing gas meters out of the construction right-of-way and other associated work for the F.M. 646 CSJ 0978-02-032 \(S.H. 6 to F.M. 1764\) project. This grant of authority to the Right-of-Way Agent includes getting any necessary authorizations or permissions required to perform these services submitted by County Legal.](#)

Motion to approve consent agenda items 1-30 by County Judge Henry, seconded by

Commissioner Dennard with the exception of item(s): 10, 11, 13, 16 and 26 a-f. (Agenda items 11 and 16 deferred. Agenda items 10, 13 and 26 a-f voted on separately.)

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

ACTION AGENDA

31. County Judge

- a. [Consideration of granting authority to County Judge to sign Trustee's Deeds on the following tax foreclosed properties:](#)

1. [CAD#: 3736-0000-0052-000](#)

Motion to defer by County Judge Henry, seconded by Commissioner Giusti.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

2. [CAD#: 3736-0000-0132-000 \(2 bids received\)](#)

Motion to approve by Commissioner Dennard, seconded by County Judge Henry that the above action be taken by the court to the high bidder Lucy C. & David F. Harper.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

32. Purchasing

- a. [Consideration of approval of awarding the following:](#)

1. [RFP #B161032 722 Moody Renovations for ADA Compliance](#)

Motion by County Judge Henry, seconded by Commissioner Dennard that authorization be granted to enter contract negotiations with General Contractor Services, Inc.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

33. County Legal

a. **Break into Executive Session:**

Break into Executive Session at 1:55 P.M.

- 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 October 5, 2016 letter from Honorable John Ellisor.
- 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 3:14-CV-300, Kyle Springer v. Unknown Rekoff, et. al., in the United States District Court for the Southern 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 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.
- 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 Texas General Land Office and Rollover Pass.

- 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 212th 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. 15-0993, Hon. Mark Henry, v. Hon. Lonnie Cox, in the Supreme Court 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 14-CV-1112, Kimberly Sullivan v. Galveston County Commissioners Court, Et Al, in the 212th Judicial District Court.

- 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 the Severe Repetitive Loss Elevation Projects at 1525 103rd Street, Galveston, and 715 Oak Road, Clear Lake Shores.

- 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 Open Space Restrictions and the granting of easements on buy-out lots in Jamaica Beach.

- k. **Executive Session:** Texas Government Code Section 551.074, Personnel Matters: the Commissioners Court will enter into executive session as permitted under the Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.074 of the Texas Government Code, Personnel Matters: to deliberate the appointment, employment, evaluation, reassignment, or duties of a public employee, the Chief Information Officer.

- l. **Reconvene into Regularly Scheduled Meeting**

Reconvene into Regularly Scheduled Meeting at 2:55 P.M.

- m. Consideration of response to October 5, 2016 letter from Honorable John Ellisor

(NO ACTION TAKEN)

ADJOURN

Commissioners Court adjourned at 2:56 P.M. on Monday, October 10, 2016.