



# **GALVESTON COUNTY, TEXAS**

**COMMISSIONERS COURT** 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry      Darrell Apffel      Joe Giusti      Stephen Holmes      Robin Armstrong, MD  
County Judge    Commissioner, Precinct 1    Commissioner, Precinct 2    Commissioner, Precinct 3    Commissioner, Precinct 4

## **AGENDA May 1, 2023 – 9:30 AM**

**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**

#### **Public Comment**

#### **Consent Agenda**

- \*1. Submitted by the Auditor's Office:
  - a. Approval of the accounts payable checks dated 4/24/2023 and 5/1/2023
  - b. Order for payroll ending 4/26/2023 bi-weekly #9
  - c. Order for supplemental payroll period ending 4/26/2023 bi-weekly #9
  - d. Internal audit report of the Personal Bond Office audit for period of 3/1/2022 - 2/28/2023 with response letter from Mr. Aaron Johnson, dated 4/18/2023
  - e. Internal audit report of the Other County Owned Vehicles, Inventory of Fixed Assets for period of 3/23/2023 - 4/14/2023
  - f. Internal audit quarterly audit report for Constable, Precinct 1 for period of 1/1/2023 - 3/31/2023
  - g. Internal audit quarterly audit report for Constable, Precinct 2 for period of 1/1/2023 - 3/31/2023

- h. Internal audit quarterly audit report for Constable, Precinct 3 for period of 1/1/2023 - 3/31/2023
  - i. Internal audit quarterly audit report for Constable, Precinct 4 for period of 1/1/2023 - 3/31/2023
  - j. Internal audit quarterly audit report for the Court Collections Office for period of 1/1/2023 - 3/31/2023
  - k. Internal audit quarterly audit report of the payroll audit for period of 1/1/2023 - 3/31/2023
  - l. Internal audit quarterly audit report of the continuous monitoring activities for period of 1/1/2023 - 3/31/2023
  - m. Internal audit report of Galveston County Healthcare for period of 1/1/2022 - 12/31/2022 with response letter from Arnel R. Wetzel, Director of Human Resources
  - n. Internal audit report of the inventory of fixed assets of the Road & Bridge Department with response letter from Mr. Lee Crowder, Director of Road & Bridge, dated 4/14/2023
  - o. FY2023 First Quarter Investment Report
- \*2. Receive and file *refund check list from Odyssey* submitted by the County Clerk
  - \*3. Receive and file *refund check list from Odyssey* submitted by the District Clerk
  - \*4. Receive and file *restitution check list from Odyssey* submitted by Personal Bond/Collections
  - \*5. Receive and file *summary of bi-weekly personnel movements pay period #8, March 30 - April 12, 2023* submitted by Human Resources
  - \*6. Consideration of a *resolution proclaiming May 4, 2023 as National Day of Prayer* submitted by Commissioner, Precinct 3
  - \*7. Consideration of a *resolution honoring the retirement of Marcia Nesemeyer from the Galveston County Community Supervision and Corrections Department* submitted by Commissioner, Precinct 3
  - \*8. Consideration of *resolution recognizing Hitchcock High School Boys Basketball Team on winning the 2023 UIL 3A State Championship* submitted by Commissioner, Precinct 2

- \*9. Consideration of a *resolution proclaiming May as Older Americans Month* submitted by Parks & Cultural Services
- \*10. Receive and file *March 2023 collections and personal bond report* submitted by Personal Bond/Collections
- \*11. Consideration of *approval of granting a reduction of a permit fee (Facility Permitting Policy, Section 5.1.2 and 5.1.3) for the Dickinson Optimist Club, for use of Paul Hopkins Pavilion for their annual "Little Buddy fishing tournament" Saturday, June 24th, 2023 and the last Saturday in June 2024 & 2025*, submitted by Parks & Cultural Services
- \*12. Consideration to *authorize the County Judge to sign an agreement for engineering services with Norex Engineering, Inc. for re-design services for the septic at Runge Park*, submitted by Parks & Cultural Services
- \*13. Consideration of *approval of authorizing the County Judge to execute electric distribution line easement for Texas New Mexico Power (TNMP) for a 16-foot utility easement at 1500 Hwy 146 San Leon* submitted by Facilities
- \*14. Consideration of *approval of third amendment to contract for sale of real property JMK5 Mall of the Mainland, LLC* submitted by County Clerk
- \*15. Consideration of *approval of a contract maintenance renewal with Bescorp Inc. DBA Formax for check tabber/sealer* submitted by the Treasurer's Office
- \*16. Consideration of *approval of Smartsheets software maintenance renewal with SHI Govt Solutions* submitted by Information Technology
- \*17. Consideration for *authorization to issue formal solicitations for a benefits insurance broker/consultant on behalf of the Human Resources* submitted by the Purchasing Agent
- \*18. Consideration for *authorization to issue formal solicitations for design/engineering services for Mental Health EOU Facility Project* submitted by the Purchasing Agent
- \*19. Consideration for *authorization to extend the contract for RFP #B212032, Galveston County Guardianship Program on behalf of Professional Services* submitted by the Purchasing Agent
- \*20. Consideration for *authorization to re-solicit for HVAC supplies & equipment on behalf of the Facilities Department* submitted by the Purchasing Agent
- \*21. Consideration for *authorization to re-solicit for grounds maintenance for Galveston County on behalf of the Facilities Department* submitted by the Purchasing Agent

- \*22. Consideration for *authorization to re-solicit for nuisance abatement services on behalf of Nuisance Abatement* submitted by the Purchasing Agent
- \*23. Consideration for *authorization to re-solicit for indigent burial services on behalf of the Professional Services* submitted by the Purchasing Agent
- \*24. Consideration for *authorization to cancel and re-solicit RFP #B231010, Septic Tank Services - Runge Park on behalf of Parks and Cultural Services* submitted by the Purchasing Agent
- \*25. Consideration for *authorization to dispose of salvage or surplus property* submitted by the Purchasing Agent
- \*26. Consideration for *authorization to accept donated equipment from the Law Enforcement Alliance for Galveston County to be utilized by Constable Pct. 4* submitted by the Purchasing Agent
- \*27. Consideration for *authorization to donate surplus vehicle to the Bacliff Volunteer Fire Department on behalf of the Road & Bridge Department* submitted by the Purchasing Agent
- \*28. Consideration of *authorization for County Judge to sign interlocal agreement with the City of Galveston and the City of Texas City for project implementation under the 2022 Justice Assistance Grant (JAG) from the U.S. Department of Justice* as submitted by Professional Services
- \*29. Consideration of *approval to submit FY 2024 Port Security Grant application to the U.S. Department of Homeland Security/FEMA* as submitted by Professional Services
- \*30. Consideration of *approval to submit FY 2024 Auto Crimes Task Force grant application to the Texas Motor Vehicle Crime Prevention Authority* as submitted by Professional Services
- \*31. Consideration of *acceptance of FEMA-Hurricane Laura Donated Resources project award from the Federal Emergency Management Administration* as submitted by Professional Services
- \*32. Consideration of *acceptance of FEMA-Winter Storm Uri Direct Administrative Cost project award from the Federal Emergency Management Administration* as submitted by Professional Services
- \*33. Consideration of *approval of the following budget amendments* submitted by Professional Services:

- a. 23-126-0501-A  
**Sheriff's Office - Administration** - Request transfer from General Fund - Fund Balance Reserves to Sheriff's Department- Administration - Vehicle Maintenance to fund the increased cost of vehicle maintenance
  - b. 23-127-0501-B  
**Sheriff's Office - Communications** - Request transfer from General Fund - Budgeted Reserves to Sheriff's Department-Communications - Overtime to fund increased need of overtime for the remainder of Fiscal Year 2023
  - c. 23-128-0501-C  
**Sheriff's Office - Warrants** - Request transfer from General Fund - Budgeted Reserves to Sheriff's Department- Warrants - Overtime to fund increased need of overtime for the remainder of Fiscal Year 2023
  - d. 23-129-0501-D  
**Sheriff's Office - Corrections** - Request transfer from General Fund - Budgeted Reserves to Sheriff's Department- Corrections - Overtime to fund increased need of overtime for the remainder of Fiscal Year 2023
  - e. 23-130-0501-E  
**Sheriff's Office - Patrol** - Request transfer from General Fund - Budgeted Reserves to Sheriff's Department- Patrol - Overtime to fund increased need of overtime for the remainder of Fiscal Year 2023
  - f. 23-131-0501-F  
**Sheriff's Office - Identification** - Request transfer from General Fund - Budgeted Reserves to Sheriff's Department- Identification - Overtime to fund increased need of overtime for the remainder of Fiscal Year 2023
  - g. 23-132-0501-G  
**County Engineering** - Request transfer within Unlimited Tax Road Bonds Series 2017 - Designated for Capital Projects & La Marque Road Projects - Interlocal Agreements to La Marque Road Projects - Other Contract Services to fund Change Order No.4 for the La Marque Various Roads project
  - h. 23-133-0501-H  
**Sheriff's Office - Warrants** - Request transfer from General Fund - Budgeted Reserves to Sheriff's Department- Warrants - Prisoner Extradition Travel to fund the rising cost of prisoner extradition for Fiscal Year 2023
- \*34. Consideration of *terminating consulting services agreement and business associate agreement between Galveston County and McGriff, Seibels & Williams of Texas, Inc.* submitted by Legal Services Manager

- \*35. Consideration of *approval of authorizing the County Judge to execute and enter into a legal services agreement with Endeavor Law, LLC* submitted by Legal Services Manager
- \*36. Consideration of *authorizing the County Judge to execute change order no. 4 to the Lucas Construction Co., Inc. contract for the La Marque Various Roads project* submitted by the County Engineer
- \*37. Consideration of *authorizing the County Judge to execute change order no. 2 to the Tandem Services, LLC contract for the 23rd Street Paving, Drainage & Utility Rehabilitation project* submitted by the County Engineer
- \*38. Consideration of *authorizing the County Judge to execute change order no. 2 to the SER Construction contract for the Ave S from 53rd to Seawall Blvd. project* submitted by the County Engineer
- \*39. Consideration of *authorizing the County Judge to sign "Declaration on Need for Re-evaluation of Environmental Findings" and Re-evaluation of Environmental Assessments and Other Environmental Findings" checklist associated with the GLO contract no. 20-065-0006-C004, CDBG Disaster Recovery Program Infrastructure Projects Harvey Round 1 Funding, Jackson Ave Improvements* submitted by the County Engineer
- \*40. Receive and file *amended Voter Registration Discretionary Budget #151552* submitted by Tax Assessor/Collector
- \*41. Request for *waiver or refund of penalty and interest due to clerical errors as recommended by Penalty & Interest Review Committee in accordance with County Policy* submitted by the Tax Assessor/Collector

**Action Agenda**

42. **County Engineer**

- a. Consideration of acknowledging receipt of a sand pit permit application form David Altemus on Bolivar Peninsula and authorizing the County Engineer to run the required newspaper notice

43. **Purchasing**

- a. Consideration of authorization to award the following:
  - 1. RFQ #B231013, Jail Access Control System Replacement
- b. Consideration of authorization to award and execute the following:

1. ITB #B232015, Crushed Limestone Materials

44. **General Counsel**

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, Chapter 551 of the Texas Government Code, 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 each of the following items:

1. Cause No. 3:21-CV-00256; Jaryd Peters, et al vs. Galveston County et al, in the United States District Court for the Southern District of Texas, Galveston Division
2. Cause No. 3:22-CV-00046; Mickey Andrews vs. Owen McIntyre, City of League City, TX and Galveston County, TX, in the United States District Court for the Southern District of Texas, Galveston Division
3. Cause No. 22-CV-1495; Steven Harvey vs. Dwight Sullivan et al, in the District Court of Galveston County, 56th Judicial District
4. Cause No. 22-40819; Dennis Reynard Benson vs. Galveston County et al, in the United States Court of Appeals, 5th Circuit

c. **Reconvene into Regular Meeting**

**Adjourn**

**WORKSHOP AGENDA**

1. Discussion of employee pharmacy program through interlocal agreement with the Galveston County Health District/Coastal Health and Wellness submitted by the County Judge

### **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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