

May 5, 2009

**MINUTES**

BE IT REMEMBERED, That on this 5th DAY of MAY, 2009, Commissioners Court of Fort Bend County, Texas, met at a regular meeting with the following present:

ROBERT E. HEBERT	COUNTY JUDGE
RICHARD MORRISON	COMMISSIONER PRECINCT 1
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
JAMES PATTERSON	COMMISSIONER PRECINCT 4
DIANNE WILSON	COUNTY CLERK

When the following were heard and the following orders were passed:

**1. Call to Order.**

Call to order by Judge Hebert at 1:00 p.m.

**2. Invocation and Pledge of Allegiance by Commissioner Prestage.**

Invocation and Pledge of Allegiance by Commissioner Prestage.

**3. Approve minutes of regular meeting held on April 28, 2009.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the minutes of regular meeting held on April 28, 2009.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**4. Public Comments regarding the Agenda and Announcements.**

Judge Hebert presented a Proclamation that May is Elder Abuse Prevention month.

5. **Public hearings: 1:00 p.m.: Conduct Public Hearings and take all appropriate action on the following matters:**
- A. **Acceptance of the traffic control plan for Andover Farms, Section 6, Pct. 1.**
  - B. **Acceptance of the traffic control plan for Sienna Village of Shipman's Landing, Section 24, Pct. 1.**
  - C. **Acceptance of the traffic control plan for Cinco Terrace Drive to Fry Road and Cinco Rose Drive to FM 1093 St. Ded., Cinco Ranch Southwest, Section 7, Section 8, Section 12, Section 13, Section 15, Section 20, Section 22, Section 24, Pct. 3.**
  - D. **Acceptance of the traffic control plan prohibiting overnight parking of commercial motor vehicles, in Townewest Subdivision, pursuant to Texas Transportation Code Ann. 545.307, Pct. 3.**

Public hearing held. No public comments.

Moved by Commissioner Meyers Seconded by Commissioner Morrison  
Duly put and unanimously carried (5-0), it is ordered to approve agenda item 5 A-D.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**CONSENT AGENDA ITEMS 6-14:**

6. **OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
- A. **Juvenile Probation: Ratify change in travel for Cynthia Albarado and Matthew Kyle Dobbs to Orlando, Florida, March 10-14, 2009, to attend the National Conference on Juvenile Justice (NCJJ). (Fund: Juvenile Probation, Travel)**
  - B. **Sheriff's Office:**
    - 1) **Ratify travel by J. L. Martin to Cairo, Georgia, April 5-7, 2009, for interview of capital murder suspect and extradition of same back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
    - 2) **Ratify travel by Chris Carlson to Shreveport, Louisiana, April 27, 2009, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
7. **COUNTY JUDGE: Reappoint by Resolution Richard McCarter to serve as the Fort Bend County Representative on the Gulf Coast Water Authority Committee.**

8. **BUDGET TRANSFERS:**

**A. Commissioner, Pct. 1: Approve transfer in the amount of \$500 from Rental into Property & Equipment to allocate funds for purchase of chairs for reception area.**

**B. Commissioner, Pct. 2: Approve transfer in the amount of \$75,000 as detailed on Commissioner's form dated April 27, 2009, to allocate additional funds required for completion of the Dew House Renovation, authorized by Commissioners Court on April 28, 2009.**

**C. Department of Public Safety: Approve transfer in the amount of \$312 from Office Supplies into Information Technology to allocate funds for purchase of flash drives.**

**D. Information Technology: Approve transfer in the amount of \$200 from Property & Equipment into Facilities, Utilities, to allocate funds for addition of 100 DID numbers.**

**E. Office of Emergency Management: Approve transfer in the amount of \$1,315 from Operating Supplies into Information Technology to allocate funds for purchase of replacement computer.**

**F. Vehicle Maintenance: Approve transfer in the amount of \$3,200 from Operating into Capital Acquisitions to allocate funds for purchase of new fuel pumps at the 230 Legion Drive location.**

9. **ENGINEERING:**

**A. Approve payment of Invoice No. 09-03-025 (Pay Estimate No. 13) in the amount of \$6,880.00 to Kelly Kaluza & Associates, Inc. regarding Professional Engineering and Surveying Services related to West Bellfort Paving and Drainage Project (from Martinez Street to Farm Market 1464), Precincts 3 and 4. (Fund: Construction in Progress)**

**B. Approve payment of Invoice No. 409130 (Pay Estimate No. 14) in the amount of \$19,700.34 to Klotz Associates regarding labor rates for Fort Bend County Mobility Bond Projects, Precincts 1, 2, 3, and 4. (Fund: Mobility Bonds)**

**C. Approve request for Fort Bend County to sponsor a Texas Department of Transportation project on behalf of LRI Investment Group, Ltd. to expedite the construction of two tie-in paving connections and two south-bound deceleration lanes and one north-bound left turn lane at proposed Lismer Road at FM 1464 and proposed Newcroft Boulevard at FM 1464 within The Cloisters Development, at no cost to the County, Pct. 4.**

**D. Approve the plat for Kingbell Shopping Center Replat No. 1, Pct. 3.**

**E. Approve application from AT&T Texas to perform an aerial crossing over Canel Road and bury Cable along Canel Road and Skinner Lane, Precinct 3.**

**Item 9 continued - Engineering:**

**F. Accept the streets in Fairpark Village, Section 1 and release bond #104887246 in the amount of \$209,519.10, Pct. 1.**

Amber Point	193.00 LF
Cardinal Sky Way	350.79 LF
Dogwood Knoll Trail	908.29 LF
Elm Hollow Way	526.33 LF
Fern Brook Lane	688.01 LF
Birch Bark Court	<u>127.17 LF</u>
<b>TOTAL:</b>	<b>2,793.59 LF</b>

**G. Accept the streets in Fairpark Village, Section 2 and release bond #104887247 in the amount of \$203,829.50, Pct. 1.**

Grove Hill Street	170.00 LF
Indian Clearing Trail	906.08 LF
Keystone Square Lane	420.39 LF
Holly Glen Lane	270.11 LF
Juniper Dale Drive	<u>900.55 LF</u>
<b>TOTAL:</b>	<b>2,667.13 LF</b>

**H. Set public hearing for acceptance of the traffic control plan for Fairpark Village, Section 1, and Section 2, Pct. 1. (Tuesday, June 2, 2009, at 1:00 p.m.)**

**I. Set public hearing for acceptance of the traffic control plan for Bob White Lane, Pct. 1. (Tuesday, June 2, 2009, at 1:00 p.m.)**

10. **FACILITIES MANAGEMENT & PLANNING: The Director of Facilities Management & Planning submits these invoices for approval of payment for projects that have been budgeted and funded by Facility Bonds and/or Capital Projects:**

**A. Pay Application No. 07-01500007 in the amount of \$72,145.61 to Bass Construction for services regarding the vehicle maintenance expansion;**

**B. Invoice No. 05042384 in the amount of \$31.02 to AC Plumbing Supply for supplies required for the vehicle maintenance expansion;**

**C. Pay Application No. 1 in the amount of \$200,300.34 to Crain Zamora, L.L.C. for professional services regarding the Missouri City Annex Building;**

**D. Invoice No. 28-495-2 in the amount of \$324,101.44 to Access Distributors, Inc. for furniture, fixture and equipment costs associated with the Jail Expansion;**

**E. Invoice No. UT1000110949 and UT1000110950 for an amount totaling \$47,352.96 to Bob Barker Company, Inc. for furniture, fixture and equipment costs associated with the Jail Expansion.**

11. **FORT BEND COUNTY TOLL ROAD AUTHORITY:** The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") reviewed this item at their regular meeting held on April 15, 2009, and makes the following recommendation to Commissioners Court:  
  
**Administration/Engineering:** Approve contract with Knudson, LP for landscape planting and maintenance for the Fort Bend Parkway, Project A.
12. **HUMAN RESOURCES:** Approve request for withdrawal of 160 hours from the Shared Sick Leave Pool for employee of Juvenile Probation, Position No. 5751-0153, to be ratified by the Juvenile Board at their next meeting.
13. **TAX ASSESSOR/COLLECTOR:** Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on April 28, 2009, for an amount totaling \$49,294.31.
14. **TREASURER:** Approve Monthly Report submitted by County Treasurer for February 2009, and authorize advertisement of Affidavit of same, in accordance with Local Government Code §114.026.

---

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6-7 and 8B-14.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Pass on item 8A.

15. **COMMISSIONER, PCT. 1: Take all appropriate action on the employment application of John Kendziora for a position in the Road & Bridge Department.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve employment application of John Kendziora for a position in the Road & Bridge Department.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to amend previous motion to approve employment application of John Kendziora for a part time position in the Road & Bridge Department.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

16. **COMMISSIONER, PCT. 3: Take all appropriate action on request by Gladys Busby to waive penalty and interest totaling \$28.69 on property taxes for Tax Years 2004 through 2007.**

Pass.

17. **AUDITOR: Take all appropriate action on request to revise the weekend/holiday magistrate policy to set the daily rate at sixty-five percent (65%) of the daily rate of a District Judge, effective May 5, 2009. (Fund: Indigent Defense Program)**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to revise the weekend/holiday magistrate policy to set the daily rate at sixty-five percent (65%) of the daily rate of a District Judge, effective May 5, 2009. (Fund: Indigent Defense Program)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

18. **CONSTABLE, PCT. 4:**  
**A. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$17.50 to Harris County for repairs to patrol vehicle camera done without a purchase order. (Fund: Westpark Tollway Law Enforcement Agreement)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$17.50 to Harris County for repairs to patrol vehicle camera done without a purchase order. (Fund: Westpark Tollway Law Enforcement Agreement)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

- B. Take all appropriate action to authorize reimbursement in the amount of \$74.99 to Wayne Coleman for auto repairs performed without a purchase order. (Fund: New Territory Law Enforcement Agreement)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize reimbursement in the amount of \$74.99 to Wayne Coleman for auto repairs performed without a purchase order. (Fund: New Territory Law Enforcement Agreement)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

19. **ENGINEERING: Take all appropriate action on Change Order No. 2 to increase by \$60,856.81 the Agreement with Texas Sterling Construction regarding SH 99 to northbound frontage road from FM 1093 to Fry Road, Mobility Bond Project #79, Pct. 3. (Fund: Mobility Bonds)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Change Order No. 2 to increase by \$60,856.21 the Agreement with Texas Sterling Construction regarding SH 99 to northbound frontage road from FM 1093 to Fry Road, Mobility Bond Project #79, Pct. 3. (Fund: 2000 Mobility Bonds)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

20. **HEALTH & HUMAN SERVICES**

**A. Clinical Health: Take all appropriate action to ratify application to the Department of State Health Services for FY 2010 Immunization Grant funds in the amount of \$258,364, with no cash match required by Fort Bend County.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to ratify application to the Department of State Health Services for FY 2010 Immunization Grant funds in the amount of \$258,364, with no cash match required by Fort Bend County.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**B. Emergency Medical Service: Take all appropriate action on request to reclassify Position Nos. 5401-0092 and 5401-0093 from EMT-Basic, Grade 6 and Position Nos. 5401-0039 and 5401-0051 from Paramedic II, Grade 10, Public Health Policy Group, to Paramedic I, Grade 9, Public Health Policy Group, effective May 16, 2009.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to reclassify Position Nos. 5401-0092 and 5401-0093 from EMT-Basic, Grade 6 and Position Nos. 5401-0039 and 5401-0051 from Paramedic II, Grade 10, Public Health Policy Group, to Paramedic I, Grade 9, Public Health Policy Group, effective May 16, 2009.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

21. **HUMAN RESOURCES: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$367.70 to Seewee's Travel By Jackie for airfare purchased without a purchase order. (Fund: Human Resources, Travel)**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$367.70 to Seewee's Travel By Jackie for airfare purchased without a purchase order. (Fund: Human Resources, Travel)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

22. **INFORMATION TECHNOLOGY: Take all appropriate action to authorize reimbursement in the amount of \$13.05 to Connie Heinecke for postal charges incurred without a purchase order. (Fund: Information Technology, Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize reimbursement in the amount of \$13.05 to Connie Heinecke for postal charges incurred without a purchase order. (Fund: Information Technology, Fees)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

23. **PURCHASING:**

**A. Take all appropriate action to authorize contract negotiations with Bass Construction for design/build services on Medic 1 Facility, pursuant to SOQ #09-069.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize contract negotiations with Bass Construction for design/build services on Medic 1 Facility, pursuant to SOQ #09-069.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**B. Take all appropriate action on request from Town of Thompsons to purchase one (1) 1998 Ford F150 pickup truck as authorized by Local Government Code §263.152 (a)(1).**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve request from Town of Thompsons to purchase one (1) 1998 Ford F150 pickup truck as authorized by Local Government Code §263.152 (a)(1).

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**Item 23 continued - Purchasing:**

**C. Take all appropriate action on request from City of Arcola to purchase the following equipment as authorized by Local Government Code §263.152 (a)(1):**

- 1) 1997 Ford F150 Pickup;**
- 2) 1995 Ford 5640 MFD Tractor; and**
- 3) 2002 Rhino FL 15-Foot Shredder.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve request from City of Arcola to purchase the following equipment as authorized by Local Government Code §263.152 (a)(1): 1) 1997 Ford F150 Pickup; 2) 1995 Ford 5640 MFD Tractor; and 3) 2002 Rhino FL 15-Foot Shredder.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**24. SHERIFF'S OFFICE:**

**A. Take all appropriate action on request to temporarily reclassify Position No. 5601-0711, Detention Officer, Civilian, Grade 7 of the Law Enforcement Policy Group to Bonding Clerk, Grade 5 of the Administrative/Clerical Policy Group for the term of May 16 through July 31, 2009, and authorize reclassification back to Detention Officer, Civilian, Grade 7 effective August 1, 2009.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to temporarily reclassify Position No. 5601-0711, Detention Officer, Civilian, Grade 7 of the Law Enforcement Policy Group to Bonding Clerk, Grade 5 of the Administrative/Clerical Policy Group for the term of May 16 through July 31, 2009, and authorize reclassification back to Detention Officer, Civilian, Grade 7 effective August 1, 2009.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**Item 24 continued - Sheriff's Office:**

**B. Take all appropriate action on request to apply for State Criminal Alien Assistance Program (SCAAP) to Department of Justice, with no required match from Fort Bend County.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to apply for State Criminal Alien Assistance Program (SCAAP) to Department of Justice, with no required match from Fort Bend County.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**25. Approve Bills.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve bills in the amount of \$1,883,515.80.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**Recess:**

Recessed at 1:15 p.m.

**26. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:**

**A. § 551.071. Consultation With Attorney. Commissioners Court will meet in Closed Session 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 Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.**

**Cause No. 35,194; Fort Bend County, Texas vs. Gloria Lewis, Linda Duckworth, Cathy White, Carline Bradley, Shirie White, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.**

**B. § 551.074. Personnel Matters. Commissioners Court will meet in Closed Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.  
Executive Manager Evaluation – Director, Facilities Management & Planning.**

**Closed Session:**

Convened at 1:31 p.m.  
Adjourned at 1:49 p.m.

**Reconvene:**

Reconvened at 1:51 p.m.

**27. Reconvene Open Session and consider taking action on the following matters:**

**A. § 551.071. Consultation With Attorney.**

**Cause No. 35,194; Fort Bend County, Texas vs. Gloria Lewis, Linda Duckworth, Cathy White, Carline Bradley, Shirie White, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to incur litigation expenses as set out in an additional amount of seven thousand dollars (\$7,000.00) with funds from fund account 100685888-P685-06ROW PURCH-35000-64600 for Cause No. 35,194; Fort Bend County, Texas vs. Gloria Lewis, Linda Duckworth, Cathy White, Carline Bradley, Shirie White, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**B. § 551.074. Personnel Matters.**

**Executive Manager Evaluation – Director, Facilities Management & Planning.**

Annual evaluation conducted.

**28. Adjournment.**

Commissioners Court adjourned at 1:56 p.m. on Tuesday, May 5, 2009.