

July 14, 2009

MINUTES

BE IT REMEMBERED, That on this 14th DAY of JULY, 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 Morrison.

Invocation and Pledge of Allegiance by Commissioner Morrison.

3. Approve minutes of regular meeting held on July 7, 2009.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve minutes of regular meeting held on July 7, 2009.

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

4. Present Emergency Management Certificates to Water Utility Operators for completion of the National Incident Management System (NIMS) training hosted by the Office of Emergency Management.

Judge Hebert presented certificates to Severn Trent Services, Southwest Water Company and Municipal District Services LLC.

5. Public Comments regarding the Agenda and Announcements.

No public comments.

6. Public hearings: 1:00 p.m.: Conduct Public Hearings and take all appropriate action on the following matter:

Approval of replat: Canyon Gate at the Brazos, Section 2 Partial Replat No. 2, being a replat of Canyon Gate at the Brazos, Section 2 Partial Replat No. 1, Precinct 1.

Public hearing held. Public comments.

Shawn Shanehchian, Canyon Gate at the Brazos resident, expressed concerns with the replat.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve replat of Canyon Gate at the Brazos, Section 2 Partial Replat No. 2, being a replat of Canyon Gate at the Brazos, Section 2 Partial Replat No. 1, Precinct 1.

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

CONSENT AGENDA ITEMS 7-14:

7. OUT OF STATE TRAVEL: Approve out-of-state travel request for County personnel:

Engineering: Jesse Hegemier to Columbus, Ohio, September 11-16, 2009, to attend the 2009 American Public Works Congress & Exposition. (Fund: Engineering, Travel)

8. COUNTY JUDGE: Approve renewal of the Agreement between Fort Bend County and City of Sugar Land for the municipal court to make referrals to the Choices & Consequences program during FY 2009. (Fund: Choices & Consequences, Fees)

9. BUDGET TRANSFERS:

A. County Judge: Approve transfer in the amount of \$250 from Travel into Information Technology to allocate funds for purchase of new printer and external drive for office computer.

Item 9 continued - Budget Transfers:

B. Courthouse Security: Approve transfer in the amount of \$1,600 from Fees into Information Technology to allocate funds for upgrading software for badge system and external drive for camera computer.

C. Tax Assessor/Collector: Approve transfer in the amount of \$2,700 from Capital Acquisitions into Rentals to allocate additional funds for Registration Title Systems (RTS) leases.

10. ENGINEERING:

A. Approve payment of Invoice No. 3242 in the amount of \$25,943.75 to Property Acquisition Services (PAS) for various right of way acquisition services within Precincts 1, 2, 3, and 4. (Fund: Right of Way)

B. Approve payment of Invoice No. 609049 (Pay Estimate No. 16) in the amount of \$12,431.72 to Klotz Associates regarding labor rates for Fort Bend County Mobility Bond Projects in Precincts 1, 2, 3 and 4. (Fund: Mobility Bonds)

C. Approve release of Performance Bond #448514 in the amount of \$6,500.00 to Keith Faseler, Grand Mission Holdings, LP for completion of work on FM 1093 and Grand Mission Blvd., Permit #83380, Precinct 3.

D. Approve release of Performance Bond #929456559 in the amount of \$5,000.00 to Belisle Construction, Inc. / Pilian Properties, LLC for completion of work on Lewisville Drive, Permit #83557, Precinct 3.

E. Approve release of cashier's check #5319222726 in the amount of \$5,000.00 to Ann Graber for completion of work on Clauhead, Permit #83625, Precinct 3.

F. Approve application from Devon Street Homes to construct two driveway tie-ins onto Starling Creek, Drive, Precinct 3.

G. Approve plat for the roads within Sienna Village of Waters Lake, Section 14, Precinct 1.

H. Approve plat for the lots within Sienna Village of Waters Lake, Section 14, Precinct 1.

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

A. Pay Application No. 3 in the amount of \$298,943.40 to Crain Zamora LLC for professional services regarding the Missouri City Annex;

B. Pay Application No. 10 in the amount of \$870,792.54 to Brookstone, L. P. for construction services regarding the Sienna Library.

12. HEALTH & HUMAN SERVICES: Accept and sign Department of State Health Services Grant No. 2009-031680 in the amount of \$165,223; the content of which is covered under Texas Government Code § 418.183(f).

13. **PURCHASING: Authorize advertising for Statements of Qualification (SOQs), Bids, and/or Request for Proposals (RFPs) for the following:**
A. Chrysler repair parts;
B. Mowing of County right-of-ways;
C. Oil and Lubricants; and
D. Weed, brush and insect control chemicals.
14. **TAX ASSESSOR/COLLECTOR:**
A. Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on July 7, 2009, for an amount totaling \$5,361.62.

B. Record into Minutes the disposal of Tax Certificates dated July 6, 2005 through June 28, 2007, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.

C. Record into Minutes the disposal of deposit folders containing daily transactions and other tax documentation which has been scanned for the period of April 7, 2009 through June 8, 2009, Docu-Data Boxes 634 through 657, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.

D. Approve Amendment to Interlocal Cooperation Agreement for the Collection of Taxes between Fort Bend County and Cinco Municipal Utility District No. 9 effective through June 30, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 7-14 with correction to 10E - Clayhead.

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

15. **COMMISSIONER, PCT. 1: Take all appropriate action on Resolution of Non-Opposition to Closure of the Doris Road Crossing on the Kansas City Southern Rail Line near Kendleton.**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Resolution of Non-Opposition to Closure of the Doris Road Crossing on the Kansas City Southern Rail Line near Kendleton.

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

16. COMMISSIONER, PCT. 3:

A. Take all appropriate action to reappoint Manuela Arroyos and Emerald Jeso to the Fort Bend County Spanish Language Advisory Group for Elections Administration, with terms through December 31, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to reappoint Manuela Arroyos to the Fort Bend County Spanish Language Advisory Group for Elections Administration, with terms through December 31, 2010.

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

B. Take all appropriate action on Amendment to Project Agreement No. 48-001057 between Fort Bend County and Texas Parks & Wildlife Department to extend the project expiration date to July 15, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Amendment to Project Agreement No. 48-001057 between Fort Bend County and Texas Parks & Wildlife Department to extend the project expiration date to July 15, 2010.

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

17. COMMISSIONER, PCT. 4:

A. Take all appropriate action on request by Tajudeen Amoo to waive penalty and interest totaling \$681.97 on property taxes for tax year 2008.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to deny request by Tajudeen Amoo to waive penalty and interest totaling \$681.97 on property taxes for tax year 2008.

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

Item 17 continued - Commissioner Pct. 4:

B. Take all appropriate action on request by Tejal Chokshi on behalf of AA Management, Inc. to waive penalty and interest, including attorney fees, totaling \$1,062.57 on personal property taxes for tax year 2008.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to deny request by Tejal Chokshi on behalf of AA Management, Inc. to waive penalty and interest, including attorney fees, totaling \$1,062.57 on personal property taxes for tax year 2008.

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

Mavis Baker representing AA Management, explained reason for delinquency.

- 18. AUDITOR: Take all appropriate action on request to transfer the amount of \$5,345 from Non-Departmental Contingency into line items as detailed on Auditor's form dated July 8, 2009 to allocate funds for additional part-time assistance through September 30, 2009.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$5,345 from Non-Departmental Contingency into line items as detailed on Auditor's form dated July 8, 2009 to allocate funds for additional part-time assistance through September 30, 2009.

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

19. ELECTIONS ADMINISTRATION: Take all appropriate action to acknowledge and record the appointment of Ken Stubbe to the Fort Bend County Spanish Language Advisory Group by the Chairman of the Fort Bend County Democratic Party for a term ending December 31, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to acknowledge and record the appointment of Ken Stubbe to the Fort Bend County Spanish Language Advisory Group by the Chairman of the Fort Bend County Democratic Party for a term ending December 31, 2010.

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

20. ENGINEERING:

A. Take all appropriate action on the Engineering Services Agreement between Fort Bend County and LJA Engineering & Surveying, Inc. for the extension of South Post Oak Road to connect State Highway 6 to McKeever Road, and reconstruction of McKeever Road from South Post Oak Road to west of Steep Bank Trace, for an amount not to exceed \$383,188.82, Mobility Bond Project #763, Pct. 1. (Fund: Mobility Bonds)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Engineering Services Agreement between Fort Bend County and LJA Engineering & Surveying, Inc. for the extension of South Post Oak Road to connect State Highway 6 to McKeever Road, and reconstruction of McKeever Road from South Post Oak Road to west of Steep Bank Trace, for an amount not to exceed \$383,188.82, Mobility Bond Project #763, Pct. 1. (Fund: Mobility Bonds 2000)

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

Item 20 continued - Engineering:

B. Take all appropriate action on application to Houston Galveston Area Council (H-GAC) for grant funding in the amount of \$61,000 for the Source Reduction and Recycling portion of the FY 2010 Solid Waste Grant Program, with in-kind services provided by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve application to Houston Galveston Area Council (H-GAC) for grant funding in the amount of \$61,000 for the Source Reduction and Recycling portion of the FY 2010 Solid Waste Grant Program, with in-kind services provided by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.

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

C. Take all appropriate action on application to Houston Galveston Area Council (H-GAC) for grant funding in the amount of \$28,020 for the Household Hazardous Waste Management portion of the FY 2010 Solid Waste Grant Program, with in-kind services provided by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve application to Houston Galveston Area Council (H-GAC) for grant funding in the amount of \$28,020 for the Household Hazardous Waste Management portion of the FY 2010 Solid Waste Grant Program, with in-kind services provided by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.

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

Item 20 continued - Engineering:

D. Take all appropriate action to authorize payment in the amount of \$547,300.31 to the Texas Department of Transportation (TxDOT) pursuant to the Advance Funding Agreement between TxDOT, the County, and Fort Bend Levee Improvement District No. 7, for the project at US 90A, West of SH 99.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize payment in the amount of \$547,300.31 to the Texas Department of Transportation (TxDOT) pursuant to the Advance Funding Agreement between TxDOT, the County, and Fort Bend Levee Improvement District No. 7, for the project at US 90A, West of SH 99.

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

21. FACILITIES MANAGEMENT & PLANNING: Take all appropriate action on Second Amendment to the Agreement between Fort Bend County and QC Laboratories, Inc. for an additional amount of \$6,500 bringing the total contract amount to \$27,500 for construction materials testing services for the Justice Center. (Fund: Facility Bond Project)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Second Amendment to the Agreement between Fort Bend County and QC Laboratories, Inc. for an additional amount of \$6,500 bringing the total contract amount to \$27,500 for construction materials testing services for the Justice Center. (Fund: Facility Bond Project)

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

22. **HEALTH & HUMAN SERVICES:**

A. Emergency Medical Service: Take all appropriate action on request to reclassify Position No. 5401-0098 from EMT-Intermediate/Cadet, Grade 8 of the Public Health Policy Group to Paramedic I, Grade 9 of the Public Health Policy Group, effective July 25, 2009.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to reclassify Position No. 5401-0098 from EMT-Intermediate/Cadet, Grade 8 of the Public Health Policy Group to Paramedic I, Grade 9 of the Public Health Policy Group, effective July 25, 2009.

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

B. Environmental Health: Take all appropriate action on application to Houston Galveston Area Council (H-GAC) for grant funding in the amount of \$44,074.32 for the Local Enforcement portion of the FY 2010 Solid Waste Grant Program, with in-kind services provided by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve application to Houston Galveston Area Council (H-GAC) for grant funding in the amount of \$44,074.32 for the Local Enforcement portion of the FY 2010 Solid Waste Grant Program, with in-kind services provided by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.

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

23. PURCHASING:

A. Take all appropriate action on Amendment No. 2 to Consulting Services Agreement between Fort Bend County and with K. R. Moore & Associates for compensation review services. (Fund: Human Resources)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Amendment No. 2 to Consulting Services Agreement between Fort Bend County and with K. R. Moore & Associates for compensation review services. (Fund: Human Resources)

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

B. Take all appropriate action on trade package submissions from J. E. Dunn for the Justice Center Project.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve trade package submissions for asphalt, paving, cement and plaster from J. E. Dunn for the Justice Center Project.

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

C. Take all appropriate action to purchase the following items from State of Texas Department of Information Resources (DIR) contracts for various County departments from FY 09 and FY 2010 budgets, following review by Information Technology:

1) Microsoft software licensing, maintenance, and warranty from Dell Marketing, LP, Contract # DIR-SDD-1014;

2) Computer equipment from Dell Marketing, LP, Contract #DIR-SDD-890; and

3) Adobe software licensing from PC Mall Gov, Inc., Contract #DIR-SDD-1023.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve agenda item 23C 1-3.

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

Item 23 continued - Purchasing:

D. Take all appropriate action to authorize the purchase of voice and data cable from Total Technologies for the Gus George Law Enforcement Academy, pursuant to Bid #08-038 for an amount not to exceed \$128,074.45. (Fund: Facility Bond Project)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of voice and data cable from Total Technologies for the Gus George Law Enforcement Academy, pursuant to Bid #08-038 for an amount not to exceed \$128,074.45. (Fund: Facility Bond Project)

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

E. Take all appropriate action to authorize the purchase of tractor and mower utilizing the Houston-Galveston Area Council Buy Contract GR01-08, for an amount not to exceed \$110,000. (Fund: Road & Bridge)

Pass.

24. ROAD & BRIDGE:

A. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$4.17 to Advance Safe and Lock for keys made without a purchase order. (Fund: Road & Bridge)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$4.17 to Advance Safe and Lock for keys made without a purchase order. (Fund: Road & Bridge)

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

Item 24 continued - Road and Bridge:

B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$158.93 to Hlavinka Equipment Company Rosenberg for tractor repairs performed without a purchase order. (Fund: Road & Bridge)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$158.93 to Hlavinka Equipment Company Rosenberg for tractor repairs performed without a purchase order. (Fund: Road & Bridge)

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 Prestage

Duly put and unanimously carried (5-0), it is ordered to approve bills in the amount of \$3,837,899.33.

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

Recess:

Recessed at 1:30 p.m.

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

A. § 551.072. Deliberation Regarding Real Property. Commissioners Court will meet in Closed Session to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Acquisition of park trail from Cinco Residential Property Association, Inc., and Willow Fork Drainage District, Precinct 3.

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 – Parks Director.

Closed Session:

Convened at 1:40 p.m.
Adjourned at 1:55 p.m.

Reconvene:

Reconvened at 1:56 p.m.

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

A. § 551.072. Deliberation Regarding Real Property.

Acquisition of park trail from Cinco Residential Property Association, Inc., and Willow Fork Drainage District, Precinct 3.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve acquisition of park trail easement from Cinco Residential Property Association Inc. and Willow Fork Drainage District.

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

B. §551.074. Personnel Matters.

Executive Manager Evaluation – Parks Director.

Annual review conducted.

28. **Adjournment.**

Commissioners Court adjourned at 1:58 p.m. on Tuesday, July 14, 2009.