

MINUTES

BE IT REMEMBERED, That on this 21st 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
JAMES PATTERSON	COMMISSIONER PRECINCT 4
DIANNE WILSON	COUNTY CLERK

Commissioner Meyers absent.

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

1. Call to Order.

Call to Order by Judge Hebert at 1:01 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 July 14, 2009.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to approve minutes of regular meeting held on July 14, 2009.

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

4. Public Comments regarding the Agenda and Announcements.

July Service Awards were presented to county employees.

Leighton Iles, CSCD Director, thanked the court for their support. He has accepted the CSCD Director position with Tarrant County.

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 Cinco Ranch Southwest, Section 19, Pct. 3.

B. Acceptance of the traffic control plan for Lamar Consolidated Independent School District (LCISD) Elementary School No. 20 (Cora Thomas), Precinct 1.

C. Acceptance of the traffic control plan for Lamar Consolidated Independent School (LCISD) Elementary School No. 21 (Joe Hubenak), Precinct 3.

Public hearing held. No public comments.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to approve agenda item 5 A-C.

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

CONSENT AGENDA ITEMS 6 - 19

6. OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:

A. Human Resources: Ratify change in travel date for Kent Edwards to New Orleans, Louisiana, June 27-July 1, 2009, to attend SHRM Conference. (Fund: Human Resources, Travel)

B. Sheriff's Office:

1) Ratify travel by Michael Kubricht and Richard Rodriguez to San Diego, California, July 14-15, 2009, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

2) Ratify travel by Aramis Gonzales and Carol Papenfuss to Akron, Ohio, July 15-16, 2009, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

3) Ratify travel by Bryan Baker to Atlanta, Georgia, July 15-17, 2009, for investigative purposes. (Fund: Drug Enforcement Agency)

4) Ratify travel by Brian Schmitt and Carol Papenfuss to New Orleans and Lafayette, Louisiana, July 21, 2009, for extradition of two prisoners back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

7. **COUNTY JUDGE:**
 - A. **Approve First Amended Agreement between Fort Bend County and Debbie Leavey, Facilitator, Choices and Consequences Program, for additional services related to referrals from the Municipal Court of the City of Sugar Land. (Fund: Choices and Consequences, Fees)**
 - B. **Record into Minutes the Transcript from Allen Boone Humphries Robinson, LLP for the issuance of the \$73,430,000 Fort Bend County, Texas Limited Tax and Refunding Bonds, Series 2009.**
8. **COMMISSIONER, PCT. 1:**
 - A. **Approve Project Agreement between Fort Bend County and City of Rosenberg to provide assistance with construction of an asphalt road surface with open ditches in Seabourne Creek Park, a city-owned park, County expenditure not to exceed \$33,030. (Fund: Road & Bridge, Multi)**
 - B. **Approve Project Agreement between Fort Bend County and Richmond State School to provide assistance with excavating roadside ditches to improve drainage on school property, County expenditure not to exceed \$13,500. (Fund: Road & Bridge, Multi)**
9. **AUDITOR: Approve extension of grant period through December 31, 2009, for High Intensity Drug Trafficking Area (HIDTA) Grant Contract 16PHNP540Z, administered through the Sheriff's Office, to allow for the expenditure of remaining funds.**
10. **BUDGET TRANSFERS:**
 - A. **County Judge: Approve transfer in the amount of \$717 from Travel into Information Technology to allocate funds for laser printer and upgrade of computer licenses.**
 - B. **Choices & Consequences: Approve transfer in the amount of \$4,590 as detailed on County Judge's form dated July 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds received from City of Sugar Land for the Choices and Consequences Program.**
 - C. **Emergency Management: Approve transfer in the amount of \$305 from Fees into Information Technology (IT) for equipment needed for the IT Specialist.**
 - D. **Health & Human Services – Emergency Medical Service (EMS): Approve transfer in the amount of \$2,189 from EMS Rentals into Facilities, Utilities, to cover installation and monthly cost of a data circuit at Medic 10.**
11. **COMMUNITY DEVELOPMENT: Authorize County Judge to sign the Notification of Intent to Proceed with Hurricane Ike Community Development Block Grant (CDBG) Disaster Recovery Fund project under the Pre-Agreement Costs Approval Stratagem and other necessary assurances for the Grant.**
12. **ENGINEERING:**
 - A. **Approve payment of Invoice No. 20 (Pay Estimate No. 20) in the amount of \$27,230.25 to Schaumburg & Polk, Inc. regarding Management and Administrative Support Services for the 2007 Mobility Bond Project Program, Precincts 1, 2, 3 and 4. (Fund: Mobility Bond)**
 - B. **Approve payment of Invoice No. 21 (Pay Estimate No. 21) in the amount of \$40,108.51 to Schaumburg & Polk, Inc. regarding Management and Administrative Support Services for the 2007 Mobility Bond Project Program, Precincts 1, 2, 3 and 4. (Fund: Mobility Bond)**

Item 12 continued - Engineering:

C. Approve application from Texas Commission on Environmental Quality (TCEQ) in care of In Control Technologies, to install an environmental monitoring well in Atterbury Park at 9500 Emery Hill Drive, Precinct 3.

D. Approve plat for West Airport Storage, Precinct 4.

E. Approve plat for the roads within Creekstone Village at Riverstone, Section 6 Phase I, Precinct 4.

F. Approve plat for the lots within Creekstone Village at Riverstone, Section 6 Phase I, Precinct 4.

G. Set public hearing for replat of Sugarland at Greatwood Mini-Storage, Partial Replat, Precinct 1. (Tuesday, August 25, 2009, at 1:00 p.m.)

13. 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. Invoice No. 20233-1 in the amount of \$20,413.41 to Southwest Solutions Group, Inc. for furniture, fixture, and equipment costs associated with the Jail Expansion;

B. Pay Application No. 1 in the amount of \$1,586,319.00 to JE Dunn South Central, Inc. for construction services regarding the Justice Center;

C. Payment of Permit Nos. 200962 and 200963 for an amount totaling \$114,675.29 to the City of Richmond for impact fees regarding the Gus George Academy;

D. Invoice No. 28-495-3 in the amount of \$8,820.00 to Access Distributors, Inc. for furniture, fixture, and equipment costs associated with the Jail Expansion;

E. Invoice Nos. 093338 and 093583, for an amount totaling \$106,414.00 to Gowan Inc. for professional services regarding the Jail Expansion;

F. Order Number 2794912-0 in the amount of \$31,176.47 from Jones & Cook Stationers for furniture, fixture, and equipment costs associated with the Jail Expansion;

G. Periodical Estimate No. 21 in the amount of \$4,181,618.82 to Turner Construction for services provided regarding the Jail Expansion project;

H. Invoice No. 09-06-006 in the amount of \$3,800.00 to Kelly Kaluza & Associates, Inc. for professional services regarding the Jail Expansion;

I. Invoice No. 09-5-000063 in the amount of \$3,919.75 to Paradigm Consultants, Inc. for materials testing regarding the Sienna Library.

14. **FORT BEND COUNTY TOLL ROAD AUTHORITY:** The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") reviewed these items at their regular meeting held on July 15, 2009, and makes the following recommendation to Commissioners Court:
Treasurer:
 - A. Authorize payment of construction invoices for work performed by consultants and/or contractors as listed on Board Report dated July 15, 2009, for an amount totaling \$5,435.00, of which \$2,535.00 is for construction work done on Section B of the Fort Bend Parkway, \$850.00 for Westpark, Section B, and \$2,050.00 for Grand Parkway, Segment D, (Fund: Toll Road Authority, Construction)
 - B. Authorize payment of operations invoices in the amount of \$53,448.52 for the Fort Bend Parkway, Section A and Westpark Corridor. (Fund: Toll Road Authority, Operations)
15. **HEALTH & HUMAN SERVICES:**
 - A. Ratify renewal of application to Department of State Health Services for grant funding in the amount of \$174,826 for the FY 2010 Tuberculosis Control Program, with no cash match required by Fort Bend County.
 - B. Accept and sign Department of State Health Services Grant No. 2009-031827, regarding Public Health Preparedness, the content of which is covered by Texas Government Code §418.183(f).
16. **HUMAN RESOURCES:** Approve applications for withdrawal of hours from the Shared Sick Leave Pool as follows:
 - A. Employee of Road & Bridge, Position No. 6111-0025; 180 hours; and
 - B. Employee of District Clerk, Position No. 4501-0018; 160 hours.
17. **PURCHASING:** Authorize advertising for Statements of Qualification (SOQs), Bids, and/or Request for Proposals (RFPs) for Traffic Signs, Posts and Supplies.
18. **SHERIFF:** Approve renewal of Interlocal Agreement between Fort Bend County and the City of Houston to work with the City on the Automobile Burglary Theft Prevention Authority Fund Grant Program, for which the City will reimburse fifty percent (50%) of County Investigator expenses effective September 1, 2009 through August 31, 2010.
19. **TAX ASSESSOR/COLLECTOR:** Records into Minutes the Summary Monthly Report of Property Taxes Collected in June, 2009, as submitted by the Office of Patsy Schultz, Tax Assessor/Collector.

Moved by Commissioner Morrison Seconded by Commissioner Prestage
Duly put and unanimously carried (4-0), it is ordered to approve consent agenda items 6 - 19.

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

20. COUNTY JUDGE: Take all appropriate action on First Restated as Amended Tax Abatement Agreement between Fort Bend County and Spear Pharmaceuticals, Inc., changing the name of owner to Spirra Pharmaceuticals, Inc.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve First Restated as Amended Tax Abatement Agreement between Fort Bend County and Spera Pharmaceuticals, Inc., changing the name of owner to Spirra Pharmaceuticals, Inc.

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

21. COMMUNITY SUPERVISION & CORRECTIONS DEPARTMENT: Take all appropriate action on request to transfer the amount of \$8,000 from Non-Departmental Contingency into Temporary Part-Time, to allocate additional funds needed through September 30, 2009, due to heavy use of part-time staff during recovery from Hurricane Ike and Summer coverage.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to transfer the amount of \$8,000 from Non-Departmental Contingency into Temporary Part-Time, to allocate additional funds needed through September 30, 2009, due to heavy use of part-time staff during recovery from Hurricane Ike and Summer coverage.

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

22. **ENGINEERING:**

A. Take all appropriate action on Standard Utility Agreement between Fort Bend County, the State of Texas, and Houston Pipeline Company, LP regarding Katy-Flewellen Road (from Gaston Road to Pin Oak Boulevard), County expenditure not to exceed \$344,576; Mobility Bond Project #734, Precinct 4.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to approve Standard Utility Agreement between Fort Bend County, the State of Texas, and Houston Pipeline Company, LP regarding Katy-Flewellen Road (from Gaston Road to Pin Oak Boulevard), County expenditure not to exceed \$344,576; Mobility Bond Project #734, Precinct 3.

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

B. Take all appropriate action on Professional Engineering Services Agreement between Fort Bend County and AIA Engineers, Ltd. regarding Old Richmond Road Bridge at Red Gully, for an amount not to exceed \$107,654; Mobility Bond Project #728, Pct. 4.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to approve Professional Engineering Services Agreement between Fort Bend County and AIA Engineers, Ltd. regarding Old Richmond Road Bridge at Red Gully, for an amount not to exceed \$80,605; Mobility Bond Project #728, Pct. 4.

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

Item 22 continued - Engineering:

C. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$9,702.63 to Wessendorff Estate for removal and replacement of fence along Ransom Road; Mobility Bond Project #747, Precinct 1. (Fund: Right of Way)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$9,702.63 to Wessendorff Estate for removal and replacement of fence along Ransom Road; Mobility Bond Project #747, Precinct 1. (Fund: Right of Way)

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

D. Take all appropriate action to add the name "Eugene Heiman Circle" to the road within the 40-acre tract adjacent to Williams Way Boulevard at Hillcrest Drive, and near Legion Drive in the City of Richmond, Pct. 1.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to add the name "Eugene Heimann Circle" to the road within the 40-acre tract adjacent to Williams Way Boulevard at Hillcrest Drive, and near Legion Drive in the City of Richmond, Pct. 1.

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

Note: Deputy Heimann is the last Sheriff's deputy killed in the line of duty since 1988.

Item 22 continued - Engineering:

E. Take all appropriate action on Resolution requesting a Waiver of Local Match Fund Participation Requirement on Federal Off-System Bridge Program Project, Pct. 1

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to approve Resolution requesting a Waiver of Local Match Fund Participation Requirement on Federal Off-System Bridge Program Project, Pct. 1

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

F. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$120.00 to Courtney White for training preparation without a purchase order through the Lower Colorado River Authority for the Beat the Baron Waste Program. (Fund: FY09 Solid Waste Grant G05)

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$120.00 to Courtney White for training preparation without a purchase order through the Lower Colorado River Authority for the Beat the Baron Waste Program. (Fund: FY09 Solid Waste Grant G05)

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

23. FORT BEND COUNTY TOLL ROAD AUTHORITY: The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") requests an appointment to the Board of Directors to fill the vacancy created by the resignation of Joe R. Zimmerman.

Pass.

24. LIBRARY: Take all appropriate action to reappoint Ann Crockett as Fort Bend County's Lay Representative for the Houston Area Library System (HALS) and Dave Brittain, Sr. as Alternate Representative for the term of September 1, 2009 through August 31, 2011.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to reappoint Ann Crockett as Fort Bend County's Lay Representative for the Houston Area Library System (HALS) and Dave Brittain, Sr. as Alternate Representative for the term of September 1, 2009 through August 31, 2011.

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

25. PURCHASING:

A. Take all appropriate action to authorize the purchase of replacement firewall equipment, software, and services from NWN Corporation utilizing the State of Texas Department of Information Resources contract # DIR-SDD-249 for an amount not to exceed \$51,000. (Fund: Information Technology)

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to authorize the purchase of replacement firewall equipment, software, and services from NWN Corporation utilizing the State of Texas Department of Information Resources contract # DIR-SDD-249 for an amount not to exceed \$51,000. (Fund: Information Technology)

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

B. Take all appropriate action on Bid #09-078 for Window Washing of Various Buildings.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to award Bid #09-078 for Window Washing of Various Buildings to Fish Window with two cleanings per year for a total of \$22,685.20.

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

Item 25 continued - Purchasing:

C. Take all appropriate action to authorize contract negotiations with Crain Zamora for design/build renovations of Jane Long Annex pursuant to SOQ #09-090.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to authorize contract negotiations with Crain Zamora for design/build renovations of Jane Long Annex pursuant to SOQ #09-090.

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

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

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve trade package submissions from J. E. Dunn for the Justice Center Project.

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

Note: Submissions were carpet, tile, aluminum, terrazzo, louvers, communications, ornamental metals, hand rails and vertical platform lifts.

26. **TREASURER:**

A. Take all appropriate action on request for an interim position, Accounting Clerk II/System Specialist, Grade 8 of the Administrative Clerical Policy Group for County Treasurer effective July 22, 2009. (Fund: Treasurer)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to approve request for an interim position, Accounting Clerk II/System Specialist, Grade 8 of the Administrative Clerical Policy Group for County Treasurer effective July 22, 2009. (Fund: Treasurer)

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

B. Take all appropriate action on request to transfer the amount of \$6,307 from Non-Departmental Contingency into Treasurer, Fees, to allocate additional funds for invoices from BSI for tax factory support of payroll.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to transfer the amount of \$6,307 from Non-Departmental Contingency into Treasurer, Fees, to allocate additional funds for invoices from BSI for tax factory support of payroll.

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

27. **Approve Bills.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve bills in the amount of \$10,081,737.92.

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

28. Authorize County Auditor to pay and release time sensitive bills on July 30, 2009 to be ratified by Commissioners Court on August 4, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to authorize County Auditor to pay and release time sensitive bills on July 30, 2009 to be ratified by Commissioners Court on August 4, 2009.

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

Recess:

Recessed at 1:20 p.m.

29. 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 property, Fort Bend Parkway, Project B.

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 of Community Development.

Closed Session:

Convened at 1:30 p.m.

Adjourned at 1:44 p.m.

Reconvene:

Reconvened at 1:45 p.m.

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

A. § 551.072. Deliberation Regarding Real Property.

Acquisition of property, Fort Bend Parkway, Project B.

Pass.

B. § 551.074. Personnel Matters

Executive Manager Evaluation – Director of Community Development.

Annual review conducted.

31. Adjourment.

Commissioners Court adjourned at 1:46 p.m. on Tuesday, July 21, 2009.