

MINUTES

BE IT REMEMBERED, That on this 12th DAY of JANUARY, 2010, 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
SHERRY FISK for 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 January 5, 2010.

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 January 5, 2010.

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

4. Public Comments regarding the Agenda and Announcements.

No public comments.

Judge Hebert announced the retirement of Allen Winter effective January 15 after 25 years as a custodian and special friend of Fort Bend County. Reception to be held Friday in the County Attorney's conference room. Commissioner Patterson thanked former County Judge Jodie Stavinoha for hiring Allen.

County offices will be closed Monday, January 18 for Dr. Martin Luther King Jr. Day.

Commissioner Patterson announced that work will begin along Highway 90A to extend Ditch H. Judge Hebert thanked Commissioner Patterson for working on this project.

CONSENT AGENDA ITEMS 5 - 14:

- 5. OUT-OF-STATE TRAVEL: Approve out-of-state travel request for County personnel: Sheriff's Office: James Fontenot to Albuquerque, New Mexico, February 9-13, 2010, to attend specialized polygraph training. (Fund: Sheriff, Enforcement, Travel)**
- 6. COUNTY JUDGE:**
 - A. Record into Minutes the final transcript of the \$20,780,000 Fort Bend County, Texas, Unlimited Tax Bond Refunding Bonds, Series 2009.**
 - B. Record into Minutes the Proclamation honoring the one hundredth birthday of Jessie M. Owens Brown, and declaring January 10, 2010 as Jessie M. Owens Brown Day in Fort Bend County.**
- 7. BUDGET OFFICER: Record into Minutes the Fort Bend County Budget Calendar for Fiscal Year 2011.**
- 8. BUDGET TRANSFERS:**
 - A. Courthouse Security: Approve transfer in the amount of \$1,836 from Fees into Information Technology to allocate additional funds for purchase of replacement badge printer.**
 - B. Department of Public Safety/License and Weight: Approve transfer in the amount of \$150 from Fees into Information Technology to allocate funds for the purchase of licenses for phone equipment.**
 - C. Treasurer's Office: Approve transfer in the amount of \$3,283 from Property and Equipment into Information Technology to allocate funds into correct line item for purchase of scanner.**

9. ENGINEERING:

A. Approve payment of Invoice No. 37519 (Pay Estimate No. 2) in the amount of \$19,932.50 to CLR, Inc. for professional services regarding Burney Road, Mobility Bond Project #719, Precinct 3. (Fund: 2007 Mobility Bonds)

B. Approve payment of Invoice No. TX2060-00-01 (Pay Estimate No. 1) in the amount of \$50,282.00 to AIA Engineering, Ltd. for professional services regarding Old Richmond Road Bridge at Red Gully, Mobility Bond Project #728, Precinct 4. (Fund: 2007 Mobility Bonds)

C. Approve payment of Invoice No. 1209186 (Pay Estimate No. 22) in the amount of \$12,464.32 to Klotz Associates for labor rates regarding Fort Bend County Mobility Bond Projects, Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)

D. Accept streets in Mission Sierra, Section 2 and release bond #6389110 in the amount of \$464,800.00, Pct. 3.

Kimble Ledge Lane	475.00 LF
Almond Place Lane	842.81 LF
Butterstone Ridge Lane	1,107.57 LF
Mossey Creek Lane	1,112.79 LF
Surrey Lake Lane	814.58 LF
Morgan Saddle Lane	288.83 LF
Mable Pond Lane	690.31 LF
Peach Stone Court	412.17 LF
Sorrel Trace Lane	149.17 LF
Creeks Gate Court	<u>599.61 LF</u>
TOTAL:	6,492.84 LF

E. Accept streets in Mission Sierra, Section 3 and release bond #6463110 in the amount of \$246,245.30, Pct. 3.

Hyde Cove Court	156.05 LF
Butterstone Ridge Lane	340.84 LF
Cimmaron Oak Lane	1,030.80 LF
Pecos Rose Lane	675.85 LF
Palisade Rock Court	733.92 LF
Mable Pond Lane	<u>553.29 LF</u>
TOTAL:	3,490.75 LF

F. Set public hearing for acceptance of the traffic control plan for Mission Sierra, Section 2 and Section 3, Precinct 3. (Tuesday, February 9, 2010, at 1:00 p.m.)

G. Set public hearing for Plantation Crossing Subdivision Partial Replat No. 1 of Unrestricted Reserve "B", Precinct 4. (Tuesday, February 23, 2010, at 1:00 p.m.)

Item 9 continued - Engineering:

H. Record into Minutes the Correction Special Warranty Deeds for public use as public rights-of-way and for utility purposes, previously recorded under County Clerk's File No. 2009020429, 2009020430, 2009020431, 2009020432, and 2009020433, to further clarify that the conveyance of the property is for right-of-way purposes, as detailed in correction deeds, Precinct 3.

- 10. 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. 16 in the amount of \$358,174.17 to Brookstone, LP for construction services regarding the Sienna Library;**
- B. Pay Application No. 7 in the amount of \$1,861,542.00 to JE Dunn South Central for construction services regarding the Justice Center.**
- 11. HEALTH & HUMAN SERVICES – CLINICAL HEALTH: Accept and sign Contract No. 2010-034503 between Fort Bend County and Texas Department of State Health Services to receive \$83,326.00 in grant funding for Tuberculosis Prevention and Control, for use from January 1 through December 31, 2010, with no cash match required by Fort Bend County.**
- 12. PURCHASING: Authorize advertising for bids for improvements to Katy Flewellen Road from Katy Gaston Road to Pin Oak Road, Mobility Bond Project #734, Precinct 3.**
- 13. ROAD & BRIDGE: Approve renewal of Primary Interlocal Agreements between Fort Bend County and the following entities effective through September 30, 2010, with automatic one-year renewals: City of Meadows Place and City of Stafford.**
- 14. TAX ASSESSOR/COLLECTOR: Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on January 5, 2010, for an amount totaling \$22,661.42.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 5 - 14 with correction to 8B - transfer from Office Supplies.

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

15. COMMISSIONER, PCT. 1:

A. Take all appropriate action on the Amended Master Agreement between Fort Bend County and the Fort Bend Fair Association regarding assistance in the oversight of programs of interest to the community, including but not limited to the use and operation of, and improvements to the Fort Bend County Fairgrounds effective through December 31, 2015.

Pulled.

B. Take all appropriate action to ratify the Antiquities Permit Application (Archeology) to the Texas Historical Commission regarding the widening of Crabb River Road from US 59 to future Lamar Consolidated Independent School District Complex, Precinct 1.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to ratify the Antiquities Permit Application (Archeology) to the Texas Historical Commission regarding the widening of Crabb River Road from US 59 to future Lamar Consolidated Independent School District Complex, Precinct 1.

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

C. Take appropriate action to reappoint Gloriela Pomare and Darrell Jackson to the Fresno/Arcola Advisory Committee for a term through September 30, 2012.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to reappoint Gloriela Pomare and Darrell Jackson to the Fresno/Arcola Advisory Committee for a term through September 30, 2012.

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

Item 15 continued - Commissioner Pct. 1:

D. Take appropriate action to reappoint Barbara Britt O'Donnell and John Carrington to the Fresno/Arcola Advisory Committee for a term through September 30, 2013.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to reappoint Barbara Britt O'Donnell and John Carrington to the Fresno/Arcola Advisory Committee for a term through September 30, 2013.

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

16. COMMISSIONER, PCT. 2: Take all appropriate action to appoint Dennis Young to Position No. 3 on the Board of Trustees for Texana Center effective immediately through August 31, 2010.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to appoint Dennis Young to Position No. 3 on the Board of Trustees for Texana Center effective immediately through August 31, 2010.

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

Note: This appointment is to replace Dr. Ernest Kendrick.

17. COMMISSIONER, PCT. 3: Take all appropriate action on request to waive penalty and interest, including attorney fees, for an amount totaling \$3,852.97 on property taxes for Terlingua Ventures for Tax Year 2008, Precinct 3.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to deny request to waive penalty and interest, including attorney fees, for an amount totaling \$3,852.97 on property taxes for Terlingua Ventures for Tax Year 2008, Precinct 3.

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

**18. CONSTABLE, PCT. 1:
A. Take all appropriate action on Agreement for Additional Law Enforcement Services between Fort Bend County and Greatwood Community Association to include motorcycle allowance for patrol, effective February 1, 2010 through September 30, 2010.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Agreement for Additional Law Enforcement Services between Fort Bend County and Greatwood Community Association to include motorcycle allowance for patrol, effective February 1, 2010 through September 30, 2010.

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

Item 18 continued - Constable Pct. 1:

B. Take all appropriate action on Motorcycle Lease Agreement between Fort Bend County and Sheppard H. Werlein, effective February 1, 2010 through September 30, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Motorcycle Lease Agreement between Fort Bend County and Sheppard H. Werlein, effective February 1, 2010 through September 30, 2010.

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

19. ENGINEERING: Take all appropriate action on Sanitary Sewer Easement (0.0205 acres) between Fort Bend County, Fort Bend County Toll Road Authority, and Fort Bend County Municipal Utility District No. 50, at Shops at Bella Terra in Precinct 3.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to accept Sanitary Sewer Easement (0.0205 acres) between Fort Bend County, Fort Bend County Toll Road Authority, and Fort Bend County Municipal Utility District No. 50, at Shops at Bella Terra in Precinct 3.

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 on request to create a new grant-funded position, Licensed Vocational Nurse, Grade 9, effective through December 31, 2010 to provide services for the Tuberculosis Prevention and Control Program. (Fund: Tuberculosis Prevention & Control Grant)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to create a new grant-funded position, Licensed Vocational Nurse, Grade 9, effective through December 31, 2010 to provide services for the Tuberculosis Prevention and Control Program. (Fund: Tuberculosis Prevention & Control Grant)

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

Note: Position ends when this grant ends.

B. Social Services: Take all appropriate action to ratify application to United Way of Greater Houston for participation in the Emergency Food and Shelter Program (EFSP), Phase 28 for FY2010, with no cash match required by Fort Bend County.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to ratify application to United Way of Greater Houston for participation in the Emergency Food and Shelter Program (EFSP), Phase 28 for FY2010, with no cash match required by Fort Bend County.

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

21. PURCHASING:

A. Take all appropriate action on request to increase the amount of Purchase Order 39095 to Louisiana Binding from \$55,000 to \$80,000 for record preservation, pursuant to Statement of Qualification #05-002. (Fund: County Clerk, Records Management)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to increase the amount of Purchase Order 39095 to Louisiana Binding from \$55,000 to \$80,000 for record preservation, pursuant to Statement of Qualification #05-002. (Fund: County Clerk, Records Management)

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

B. Take all appropriate action to authorize the purchase of technical support from Oracle utilizing Department of Information Resources (DIR) Contract DIR-VPC-03-018 for an amount not to exceed \$76,000. (Fund: Information Technology, Fees)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of technical support from Oracle utilizing Department of Information Resources (DIR) Contract DIR-VPC-03-018 for an amount not to exceed \$76,000. (Fund: Information Technology, Fees)

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

Item 21 continued - Purchasing:

C. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(7) to purchase an item available from only one source, for online services from The Gale Group in an amount not to exceed \$30,000. (Fund: Library, Office Supplies)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to grant an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(7) to purchase an item available from only one source, for online services from The Gale Group in an amount not to exceed \$30,000. (Fund: Library, Office Supplies)

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

D. Take all appropriate action to authorize the purchase of one (1) 2010 Ford Crown Victoria for the Sheriff's Office utilizing Bid #03-001. (Fund: Sheriff's Office, Risk Management)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of one (1) 2010 Ford Crown Victoria for the Sheriff's Office utilizing Bid #03-001. (Fund: Sheriff's Office, Risk Management)

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

Note: This is to replace a wrecked vehicle.

Item 21 continued - Purchasing:

E. Take all appropriate action on Bid #10-032 - Buses for Public Transportation Department.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to award Bid #10-032 - Buses for Public Transportation Department to National Bus Sales over a five year period.

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

F. Take all appropriate action on Agreement between Fort Bend County and Paradigm Consultants, Inc., in an amount not to exceed \$48,450 for Materials Testing Services regarding the Emergency Medical Service Medical One Facility. (Fund: Facility Bond Project)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Agreement between Fort Bend County and Paradigm Consultants, Inc., in an amount not to exceed \$48,450 for Materials Testing Services regarding the Emergency Medical Service Medical One Facility. (Fund: Facility Bond Project)

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

22. ROAD & BRIDGE: Take all appropriate action on Primary Interlocal Agreement between Fort Bend County and the City of Weston Lakes effective through September 30, 2010, with automatic one-year renewal.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Primary Interlocal Agreement between Fort Bend County and the City of Weston Lakes effective through September 30, 2010, with automatic one-year renewal.

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

23. SHERIFF'S OFFICE: Take all appropriate action on Agreement between Fort Bend County and City of Weston Lakes to provide law enforcement services effective through September 30, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Agreement between Fort Bend County and City of Weston Lakes to provide law enforcement services effective through September 30, 2010.

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

24. 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 \$4,310,398.45.

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

- 25. Authorize County Auditor to pay and release time sensitive bills on January 21, 2010, to be ratified by Commissioners Court on January 26, 2010.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to pay and release time sensitive bills on January 21, 2010, to be ratified by Commissioners Court on January 26, 2010.

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

Recess:

Recessed at 1:16 p.m.

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

Civil Action No. H-98-0653; The Burlington Northern and Santa Fe Railway Company vs. Fort Bend County, et al.; in the United States District Court for the Southern District of Texas, Houston Division.

Closed Session:

Convened at 1:23 p.m.

Adjourned at 1:57 p.m.

Reconvene:

Reconvened at 1:58 p.m.

- 27. Reconvene Open Session and consider taking action on the following matters:
§ 551.071. Consultation With Attorney.**

Civil Action No. H-98-0653; The Burlington Northern and Santa Fe Railway Company vs. Fort Bend County, et al.; in the United States District Court for the Southern District of Texas, Houston Division.

No action.

- 28. Adjournment.**

Commissioners Court adjourned at 2:00 p.m. on Tuesday, January 12, 2010.