

MINUTES

BE IT REMEMBERED, That on this 2nd DAY of FEBRUARY, 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
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 Meyers.

Invocation and Pledge of Allegiance by Commissioner Meyers.

3. Approve minutes of regular meeting held on January 26, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve minutes of regular meeting held on January 26, 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.

5. PUBLIC HEARINGS: 1:00 p.m.: Conduct Public Hearings and take all appropriate action on the following matters:

Regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of Houston Executive Airport.

Public hearing held. No public comments.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of Houston Executive Airport.

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:

A. District Attorney: Ratify change in travel dates for Suzy Morton and Lisa Gregg to Santa Fe, New Mexico, from January 29 through February 5, 2010, to attend seminar by National Center for Prosecution of Child Abuse. (Fund: District Attorney, Travel)

B. Office of Emergency Management:

1) Jeff Braun, Terrance Harris, Alan Spears and Janette Walker to Augusta, Georgia, from May 16-21, 2010, to attend WebEOC User Training. (Fund: 2008 Regional Planning Coordination Grant)

2) Doug Barnes to San Diego, California, from July 11-16, 2010, to attend ESRI International Users Conference (GIS). (Fund: 2008 Regional Planning Coordination Grant)

C. Purchasing: Debbie Kaminski to Louisville, Kentucky, from June 21-25, 2010, to attend a National Transit Institute Disadvantaged Business Enterprise course. (Fund: Public Transportation, Travel)

D. Sheriff's Office: Mary Smith and Carol Papenfuss to Waseca, Minnesota, March 3-4, 2010, to transport prisoner to Fort Bend County from Federal Prison on Bench Warrant. (Fund: Sheriff, Enforcement, Travel)

7. BUDGET TRANSFERS:

A. County Clerk: Approve transfer in the amount of \$2,927 from County Clerk's Record Management Fund - Information Technology to Property & Equipment to allocate purchases into correct object codes per Auditor's request.

B. Office of Emergency Management: Approve transfer in the amount of \$555 from Fees into Information Technology to allocate funds for software and equipment.

8. COUNTY CLERK:

Record into Minutes the Certificate of Completion awarded to Dianne Wilson, County Clerk, for 2009 Continuing Education from the County and District Clerks' Association of Texas.

9. ENGINEERING:

A. Approve Payment of Invoice No. 20095036 (Pay Estimate No.4) in the amount of \$4,650 to LJA Engineering & Surveying, Inc. regarding Teal Bend Boulevard Paving and Storm Sewer Facilities, Mobility Bond Project #746, Precinct 1. (Fund: 2007 Mobility Bonds)

B. Approve Payment of Invoice No. 2 (Pay Estimate No.2) in the amount of \$15,000 to Integra Realty Resources regarding Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)

C. Approve Payment of Invoice No. 47470 (Pay Estimate No. 11) in the amount of \$18,904.98 to Burk-Kleinpeter, Inc. regarding the expansion of Trammel-Fresno Road, Mobility Bond Project #746, Precinct 1 &2. (Fund: 2007 Mobility Bonds)

D. Approve extension of the following Professional Engineering Services Agreements between Fort Bend County and the organizations listed below for the 2007 Mobility Bond Projects until December 31, 2011:

- 1) Huitt Zollars, Inc. for Mobility Bond Project No. 703, Falcon Landing**
- 2) CLR, Inc. for Mobility Bond Project No. 719, Burney Road**
- 3) IDCUS INC. dba IDC Inc. for Mobility Bond Project No. 725, Harlem Road**
- 4) Cobb Fendley & Associates, Inc. for Mobility Bond Project No. 732, Greenbusch Road**
- 5) Jacobs Engineering Group, Inc. for Mobility Bond Project No. 733, Katy-Gaston Road**
- 6) Chiang, Patel & Yerby, Inc. for Mobility Bond Project No. 734, Katy- Flewellen Road**
- 7) Bury + Partners – HOU, Inc. for Mobility Bond Project No. 741, West Bellfort Road**
- 8) SES Horizon Consulting Engineers, Inc. for Mobility Bond Project No. 718/769, Brand Lane**

E. Approve application from Devon Street Homes to construct a driveway tie-in onto Travertine Point, Precinct 3.

F. Approve application from Advanced Pipeline Services, Inc. to construct a driveway tie-in onto Daily, Precinct 1.

G. Approve application from Hammon Oil and Refining Company to lay seismic cable along several County roads and drainage easements, Precinct 1.

H. Approve application from CenterPoint Entex to bury a 6-inch plastic gas main along Roesner Road, Precinct 3.

I. Approve releasing Performance Bond #58609003 in the amount of \$5,000.00 to W.C. Bell Inc. for completion of work on Old Richmond Road, Permit #82603, Precinct 4.

J. Approve accepting bond rider #B003556, as the principal name has changed from ECA Holdings, LP to Energy Corporation of America.

K. Set public hearing for Christian Brothers Automotive being a partial replat of Reserve "B" of Waterside Development, Precinct 3. (Tuesday, March 9, 2010 at 1:00 p.m.)

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

 - A. Approve Invoice No. H004676 in the amount of \$3,196.75 from Raba Kistner for Professional Services rendered for the Precinct 3 Annex.**
 - B. Approve Invoice No. 22816 in the amount of \$28,500 to The Mathis Group (TMG+) for Professional Services rendered for the Justice Center**
 - C. Approve Invoice No 09-31979 in the amount of \$22,632 from QC Laboratories, Inc. for Professional Services provided for the Justice Center.**
 - D. Approve Invoice No. 1 in the amount of \$17,228.15 to PTI, Inc. for Professional Services rendered for the JP, Precinct 2 Expansion.**
- 11. PURCHASING: Authorize advertising for Bids/RFPs/SOQs for the following:**

 - A. Auctioneer Services for Public Transportation assets**
 - B. Office Supplies for Public Transportation**
 - C. Energy Audit Services**
- 12. SHERIFF's OFFICE:**

 - A. Accept Modification Number 2 for a supplemental amount of \$164,001 to the HIDTA grant (Award No. G09HN0010A) for use of law enforcement through December 31, 2010, original application approved by Commissioners Court May 26, 2009, new grant total \$546,806.**
 - B. Authorize County Judge to approve payment in the amount of \$200 to Esperanza Gutierrez for property loss claims at the jail between September 17-18, 2009 and execute Release of All Claims against Fort Bend County.**
- 13. TAX ASSESSOR/COLLECTOR: Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on January 26, 2010 totaling \$82,170.16.**

14. TREASURER:

A. Approve Monthly Reports submitted by county Treasurer for November, 2009 and authorize advertisement of Affidavit of same, in accordance with Local Government code §114.026.

B. Record into the Minutes Certificate of Completion awarded to Jeff Council, County Treasurer for 2009 continuing education from the V.G. Young Institute of County Government for 40 hours as a County Investment Officer and 10 hours of instruction as the requirements of the Public Funds Investment Act.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

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

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

15. COMMISSIONER, PCT 1: Take all appropriate action to renew the Master Agreement between Fort Bend County and Fort Bend County Fair Association until February 28, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to renew the Master Agreement between Fort Bend County and Fort Bend County Fair Association until February 28, 2010.

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

- 16. AUDITOR: Take all appropriate action on payment to Ernie Croucher Auctioneer, Inc. in the amount of \$3,385.88 for advertising related to the December 2009 auction that does not meet the requirements of at least 14 days prior to the auction date.**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve payment to Ernie Croucher Auctioneer, Inc. in the amount of \$3,385.88 for advertising related to the December 2009 auction that does not meet the requirements of at least 14 days prior to the auction date.

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

- 17. CONSTABLE, PCT 4: Take all appropriate action to approve payment by invoice transmittal to Barbara Magana Robertson in the amount of \$125 for law enforcement training conducted without a purchase order.**

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve payment by invoice transmittal to Barbara Magana Robertson in the amount of \$125 for law enforcement training conducted without a purchase order.

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

18. ENGINEERING:

A. Take all appropriate action on the Third Amendment to Project Management Agreement between Fort Bend County and Schaumburg & Polk, Inc. increasing compensation in an amount not to exceed \$374,742 for services relating to the management and administrative support for the 2007 Mobility Bond Program and extend agreement through December 31, 2010. (Fund: 2007 Mobility Bonds)

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the Third Amendment to Project Management Agreement between Fort Bend County and Schaumburg & Polk, Inc. increasing compensation in an amount not to exceed \$374,742 for services relating to the management and administrative support for the 2007 Mobility Bond Program and extend agreement through December 31, 2010. (Fund: 2007 Mobility Bonds)

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

B. Take all appropriate action on the First Amendment to the Professional Services Agreement between Fort Bend County and TEDSI Infrastructure Group increasing compensation in an amount not to exceed \$10,000 and extend the agreement through December 31, 2011 for Mobility Bond Project Number 725a (Fund: 2007 Mobility Bonds)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve the First Amendment to the Professional Services Agreement between Fort Bend County and TEDSI Infrastructure Group increasing compensation in an amount not to exceed \$10,000 and extend the agreement through December 31, 2011 for Mobility Bond Project Number 725a (Fund: 2007 Mobility Bonds)

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

Item 18 continued - Engineering:

C. Take all appropriate action on Standard Utility Agreement between Fort Bend County, the State of Texas, and Williams Gas Pipeline regarding roadway changes (will extend 17 feet and 25-feet of 36" casing on two 30" pipelines for Greenbush Road Widening) for an amount not to exceed \$184,574, Precinct 3. (Fund: Right of Way)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Standard Utility Agreement between Fort Bend County, the State of Texas, and Williams Gas Pipeline regarding roadway changes (will extend 17 feet and 25-feet of 36" casing on two 30" pipelines for Greenbush Road Widening) for an amount not to exceed \$184,574, Precinct 3. (Fund: Right of Way)

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

19. HUMAN RESOURCES: Take all appropriate action on changes to the Employee Information Manual as follows: Section 401: Categories of Employment.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve changes to the Employee Information Manual as follows: Section 401: Categories of Employment.

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

20. PURCHASING:

A. Take all appropriate action to authorize the purchase of computer equipment from CDW-G utilizing Department of Information Resources (DIR) contact DIR-SDD-592 in an amount not to exceed \$216,000. (Fund: Sheriff, Capital Acquisitions)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of computer equipment from CDW-G utilizing Department of Information Resources (DIR) contact DIR-SDD-592 in an amount not to exceed \$216,000. (Fund: Sheriff, Capital Acquisitions)

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

B. Take all appropriate action on SOQ 10-039 Roof inspector and consultant.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to accept recommendation of Raba Kistner for SOQ 10-039 Roof inspector and consultant.

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

C. Take all appropriate action on request from City of Richmond to purchase one (1) copier as authorized by Local Government Code §263.152 (a)(1).

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve request from City of Richmond to purchase one (1) copier 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 20 continued - Purchasing:

D. Take all appropriate action to ratify acceptance of Supplemental Agreement No 2 with TEDSI Infrastructure Group for engineering services for Fry Road and Seven Meadows Parkway traffic signalization, in an amount not to exceed \$90,571.37. (Fund: Road & Bridge, Traffic Signalization Project)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to ratify acceptance of Supplemental Agreement No 2 with TEDSI Infrastructure Group for engineering services for Fry Road and Seven Meadows Parkway traffic signalization, in an amount not to exceed \$90,571.37. (Fund: Road & Bridge, Traffic Signalization Project)

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

Note: This is for three traffic signals.

E. Take all appropriate action to purchase radio frequency file tracking system from FileTrail, Inc. utilizing Williamson County RFP, in an amount not to exceed \$35,720 for the first year. (Fund: County Clerk-Records Management, Fees)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to purchase radio frequency file tracking system from FileTrail, Inc. utilizing Williamson County RFP, in an amount not to exceed \$35,720 for the first year. (Fund: County Clerk-Records Management, Fees)

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

Item 20 continued - Purchasing:

F. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Section 262.024 (a)(7) Texas Local Government Code for the purchase of real time phone search capability available from only one source from LexisNexis Accurint, in an amount not to exceed \$600 annually. (Fund: Sheriff's Office, Fees)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to grant an exemption to the competitive bid process as authorized by Section 262.024 (a)(7) Texas Local Government Code for the purchase of real time phone search capability available from only one source from LexisNexis Accurint, in an amount not to exceed \$600 annually. (Fund: Sheriff's Office, Fees)

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

G. Take all appropriate action on Second Amendment to Design/Build Agreement for EMS Medic 1 facility with Bass Construction for \$2,094,660, for the total contract not to exceed \$2,198,500.79. (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 Design/Build Agreement for EMS Medic 1 facility with Bass Construction for \$2,094,660, for the total contract not to exceed \$2,198,500.79. (Fund: Facility Bond Project)

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

21. **RISK MANAGEMENT: Take all appropriate action to approve Amendment #4 between Fort Bend County and Boon-Chapman Benefits Administrators, Inc. to change fee agreement for the process of premium collection and reporting services.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Amendment #4 between Fort Bend County and Boon-Chapman Benefits Administrators, Inc. to change fee agreement for the process of premium collection and reporting services.

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

22. **SHERIFF's OFFICE:**

A. Take all appropriate on Contract Deputy Agreement between Fort Bend County and Cinco Ranch Residential Association II, Inc. effective for an eight-month period from February 1, 2010 through September 30, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Contract Deputy Agreement between Fort Bend County and Cinco Ranch Residential Association II, Inc. effective for an eight-month period from February 1, 2010 through September 30, 2010.

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

B. Take all appropriate action in payment by invoice transmittal in the amount of \$25.85 to Michael Lorenz for payment of purchase of batteries without a purchase order.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve payment by invoice transmittal in the amount of \$25.85 to Michael Lorenz for payment of purchase of batteries without a purchase order.

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

23. 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 \$4,043,248.80.

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

Recess:

Recessed at 1:15 p.m.

24. 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.

A. 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.

B. Thor Ranch, FM 1093 at Spring Green Road.

Closed Session:

Convened at 1:24 p.m.

Adjourned at 1:34 p.m.

Reconvene:

Reconvened at 1:35 p.m.

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

§ 551.071. Consultation With Attorney.

A. 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.

B. Thor Ranch, FM 1093 at Spring Green Road.

No action.

26. Adjournment.

Commissioners Court adjourned at 1:37 p.m. on Tuesday, February 2, 2010.