

## **MINUTES**

BE IT REMEMBERED, That on this 1st DAY of JUNE, 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. Public Comments regarding the Agenda and Announcements.**

No public comments.

Hurricane season starts today.

Commissioner Patterson discussed the donation of an outdoor landscaped rock for the Pct. 4 office.

4. **PUBLIC HEARING: 1:00 p.m.: Conduct Public Hearing and take all appropriate action on the following matter:**

**Acceptance of the traffic control plan for West Bellfort from FM 1464 to Martinez Street, Precinct 4.**

Public hearing held. No public comments.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to accept the traffic control plan for West Bellfort from FM 1464 to Martinez Street, Precinct 4.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**CONSENT AGENDA ITEM 5- 15**

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

**Office of Emergency Management: Approve travel by Miles Tollison to New Orleans, Louisiana, June 20-24, 2010, to attend the 2010 National UASI Conference, and authorize County Judge to sign letter required by the State of Texas for Emergency Management travel. (Fund: Emergency Management, 2008 UASI Grant)**

6. **COMMISSIONER, PCT. 3:**

- A. **Approve the appointment of John Schwin as a Commissioner for the Fort Bend County Emergency Services District #2 to fill the unexpired term of Charles Boggess.**
- B. **Approve the appointment of Denise McGuire to the Fort Bend County Children's Protective Services Board effective for a three year term commencing June 1, 2010.**
- C. **Approve Project Agreement between Fort Bend County and City of Simonton to provide assistance with surveying and cleaning ditches to improve drainage problems on Canyon, Stirrup, and Indian Streets, city-owned streets, County expenditure not to exceed \$15,300. (Fund: Road & Bridge)**
- D. **Approve Project Agreement between Fort Bend County and City of Simonton to provide assistance with adding material to intersection tie-ins and pothole patching on several city-owned streets, County expenditure not to exceed \$19,375. (Fund: Road & Bridge)**

**7. COMMISSIONER, PCT. 4:**

**Approve Project Agreement between Fort Bend County and Fort Bend County Levee Improvement District No. 17 to provide assistance with sandbagging, in the event of a potential emergency situation, based on the availability of labor and equipment, determined by the County Road & Bridge Commissioner.**

**8. BUDGET & FINANCE/BUDGET TRANSFERS:**

- A. County Judge: Approve transfer in the amount of \$550 from Non-Departmental, Operating Supplies, into Information Technology to allocate funds for reader device to use AgendaLink in Courtroom.**
- B. Constable, Pct. 1: Approve transfer in the amount of \$250 from Operating Supplies into Capital Acquisitions to allocate additional funds for purchase of VLA Office Standard software.**
- C. Road & Bridge: Approve transfer in the amount of \$700,000 as detailed on Auditor's form dated May 26, 2010 to reallocate funds for traffic signal projects.**

**9. ENGINEERING:**

- A. Approve payment of Invoice No. 31 in the amount of \$42,128.62 to Schaumburg & Polk, Inc. regarding Management and Administrative Support Services for the 2007 Mobility Bond Project Program, Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)**
- B. Approve payment of Invoice No. 1 (Pay Estimate No. 1) in the amount of \$1,930,933.96 to City of Rosenberg regarding FM 2218 (from US 59 to FM 1640), Mobility Bond Project #61, Precinct 1. (Funds: 2007 Mobility Bonds)**
- C. Approve application from Lennar Home to construct driveway tie-ins onto Carnaby Lane, Crescent Water and Wickshire Drive, Precinct 1.**
- D. Release bond#104984961 in the amount of \$448,350.00 for Aliana Binion Lane Cloudy Mills to West Airport STD and Accept the replacement reduction Letter of Credit #3102304 in the amount of \$118,415.15, Precinct 4.**
- E. Release bond #6496685 in the amount of \$144,130.00 for Aliana Westmoor Drive and Reserves Subdivision and accept the replacement reduction Letter of Credit #3102305 in the amount of \$36,032.50, Precinct 4.**
- F. Release bond #6496685 in the amount of \$144,130.00 for Aliana Westmoor Drive and Reserves Subdivision and accept the replacement reduction Letter of Credit #3102305 in the amount of \$36,032.50, Precinct 4.**
- G. Release bond #61BCSEV6515 in the amount of \$1,369,537.40 for Aliana West Airport Blvd. SH 99 to FM 1464 and accept the replacement reduction Letter of Credit #3102307 in the amount of \$342,384.35, Precinct 4.**

**Item 9 continued - Engineering:**

- H. Approve the plat for Sunrise Meadow Drive Street Dedication, Precinct 1.
  - I. Approve plat for the roads within Walnut Creek, Section 5, Precinct 1.
  - J. Approve plat for the lots within Walnut Creek, Section 5, Precinct 1.
  - K. Approve request for Fort Bend County to sponsor a Texas Department of Transportation Project on behalf of JDC/Firethorne, Ltd. to expedite the construction of a tie-in and turn lanes at the intersection of FM 1463 at North Firethorne Road, and tie-in and turn lanes at the intersection of FM 1463 at South Firethorne Road, at no cost to the County, Precinct 3.
  - L. Approve payment of Invoice No. 37651 (Pay Estimate No. 4) in the amount of \$9,975.00 to CLR, Inc. regarding Burney Road, Mobility Bond Project #719, Precinct 3. (Fund: 2007 Mobility Bonds)
  - M. Approve payment of Invoice No. 2 (Pay Estimate No. 2) in the amount of \$334,218.16 to Allgood Construction Company regarding road improvements to Katy Gaston Road, from FM 1093 to Cinco Ranch Blvd., Mobility Bond Project #733, Precinct 3. (Fund: 2007 Mobility Bonds)
  - N. Accept Oversize, Overweight...Letter of Credit #46971 in the amount of \$50,000.00 from Jilpetco, Inc. for any and all damages that may be sustained to any roads or bridges while operating equipment in Fort Bend County, Precinct 1.
10. **FACILITIES MANAGEMENT & PLANNING:**
- A. Approve payment of Invoice No. 1023 in the amount of \$3,924.50 to Cob's Carpet for construction services associated with the Child Support Build-Out on the 40-Acre Site (Fund: Facility Bond Project)
  - B. Approve payment of Invoice No. 15018 in the amount of \$2,330.00 to Glen Flora Farms, Inc., for landscape materials regarding the County's 40-Acre Site. (Fund: Facility Bond Project)
  - C. Approve payment of Invoice No. 4845 in the amount of \$768.95 to Total Technologies for Voice/Data Cabling associated with the Child Support Build-Out on the 40-Acre Site. (Fund: Facility Bond Project)
  - D. Approve payment of Invoice No. A 46965 in the amount of \$1,872.00 to Ray Glass for Construction Service and Materials associated with the Child Support Build-Out on the 40-Acre Site. (Fund: Facility Bond Project)
  - E. Approve payment of Invoice No. 6601 in the amount of \$487.00 to Steel Mailbox Company, for furniture, fixture, and equipment costs associated with the Child Support Build-Out on the 40-Acre Site. (Fund: Facility Bond Project)
  - F. Approve payment of Invoice No. H004811 in the amount of \$875.00 to Raba Kistner for Professional Services regarding the Precinct Three North Annex. (Fund: Facility Bond Project)

**Item 10 continued - Facilities Management and Planning:**

- G. Approve payment of Invoice No. 22900 in the amount of \$28,500.00 to The Mathis Group (TMG+), for Professional Services regarding the Justice Center. (Fund: Facilities Bond Project)
  - H. Approve payment of Invoice No. 3060931-0 in the amount of \$2,943.00 to Jones & Cook Stationers, for furniture, fixture, and equipment costs associated with the Missouri City Annex. (Fund: Facility Bond Project)
  - I. Approve payment of Invoice No. 96192482 RI in the amount of \$100.00 to Moore Medical, for furniture, fixture, and equipment costs associated with the Missouri City Annex (Fund: Facility Bond Project)
  - J. Approve payment of Invoice No. 3042833-0 in the amount of \$1,537.00 to Jones & Cook, for furniture, fixture, and equipment costs associated with the Gus George Academy. (Fund: Facility Bond Project)
  - K. Approve payment of Invoice No. IN100849, No. IN100757, and No. IN101042 for a total amount of \$3,962.80 to NWN Corporation for Telecom Equipment associated with the Child Support Build-Out on the 40-Acre Site. (Fund: Facility Bond Project)
  - L. Approve payment of Invoice No. 5-10068 in the amount of \$1,270.00 to Brown & Gay Engineers for Professional Services regarding the University Branch Library. (Fund: Facility Bond Project)
  - M. Approve the 100% Construction Documents for the University Branch Library as submitted by Bailey Architects, Inc.
11. HUMAN RESOURCES:
- Approve application for withdrawal of 160 hours from the Shared Sick Leave Pool for Employee of County Court at Law No. 2, Position No. 4262-0004.
12. PUBLIC TRANSPORTATION:
- Approve Amendment to Engineering Services Agreement between Fort Bend County and Pate Engineers, Inc. to include a revised Fee Schedule. (Fund: 2006 Allocation of Urban 5307 Grant)
13. PURCHASING:
- A. Authorize advertising for Bids for Carpet Replacement at the George Memorial Library.
  - B. Approve correction to Agenda Item 32 O presented to Commissioners Court on May 25, 2010: typing error to bid number, court ordered action to add Missouri City Annex, Jane Long Annex and Vehicle Maintenance for monitoring and add Missouri City Annex for backflow inspection to Bid 10-028 from Casteel, Inc. (Fund: Facilities Management)

**14. SHERIFF'S OFFICE:**

**Accept grant and approve Organized Crime Drug Enforcement Task Forces (OCDETF) Agreement in the amount of \$22,416.62 for use of the OCDETF Strike Force/Strategic Initiative Programs from May 24, 2010 through September 30, 2010, administrated by the Sheriff's Office, with no cash match required by the County.**

**15. TAX ASSESSOR/COLLECTOR:**

**Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on May 25, 2010, for an amount totaling \$7,556.95.**

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Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 5 - 9E and 9G - 15.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

Item 9F pulled.

**16. ENGINEERING:**

**Take all appropriate action on Change Order No. 2 to the Agreement between Fort Bend County and Allgood Construction Company, Inc. to increase the scope of services in the amount of \$16,206.83 regarding construction for improvements to Katy-Gaston Road, from FM 1093 to Cinco Ranch Blvd., Mobility Bond Project #733, Pct 3. (Fund: 2007 Mobility Bonds)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Change Order No. 2 to the Agreement between Fort Bend County and Allgood Construction Company, Inc. to increase the scope of services in the amount of \$16,206.83 regarding construction for improvements to Katy-Gaston Road, from FM 1093 to Cinco Ranch Blvd., Mobility Bond Project #733, Precinct 3. (Fund: 2007 Mobility Bonds)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**17. FACILITIES MANAGEMENT & PLANNING:**

- A. Take all appropriate action on Amendment No. 2 to the Lease Agreement between Fort Bend County and the Central Appraisal District (CAD) to increase leased premises to include the 4,510 square feet vacated by the Fort Bend County Child Support Department.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Amendment No. 2 to the Lease Agreement between Fort Bend County and the Central Appraisal District (CAD) to increase leased premises to include the 4,510 square feet vacated by the Fort Bend County Child Support Dept.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

- B. Take all appropriate action on Resolution and Order Decreeing the Acquisition of Property to be a Public Necessity and Authorizing the Acquisition and Payment of Compensation for public project known as Office of Emergency Management Project.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Resolution and Order Decreeing the Acquisition of Property to be a Public Necessity and Authorizing the Acquisition and Payment of Compensation for public project known as Office of Emergency Management Project.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**18. PURCHASING:**

- A. Take all appropriate action to authorize modifying Bid #10-023 for Armored Car Services from Dunbar Armored Inc., to add the Sienna Branch Library location for \$150.00 per month. (Fund: Non-Departmental, Fees)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize modifying Bid #10-023 for Armored Car Services from Dunbar Armored Inc., to add the Sienna Branch Library location for \$150.00 per month. (Fund: Non-Departmental, Fees)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**Item 18 continued - Purchasing:**

**B. Take all appropriate action on Bid #10-092 for a new herbicide truck. (Fund: Road & Bridge)**

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to award Bid #10-092 for a new herbicide truck to Houston Freightliner for \$58,747.00. (Fund: Road & Bridge)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**C. Take all appropriate action on Bid #10-089 for Improvements to Greenbusch Road, from Mills Manor Drive to Falcon Landing Boulevard, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to award Bid #10-089 for Improvements to Greenbusch Road, from Mills Manor Drive to Falcon Landing Boulevard, Precinct 3 to Allgood Construction.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**D. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code Section 262.024 (a)(7), for the purchase of an item available from only one source, for renewal of the eSlate Warranty, Support, and License Agreement between Fort Bend County and Hart Intercivic for an amount not to exceed \$125,000. (Fund: Elections Services, Fees)**

Moved by Commissioner Patterson Seconded by Commissioner Prestage

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 Section 262.024 (a)(7), for the purchase of an item available from only one source, for renewal of the eSlate Warranty, Support, and License Agreement between Fort Bend County and Hart Intercivic for an amount not to exceed \$125,000. (Fund: Elections Services, Fees)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes



**Item 18 continued - Purchasing:**

- E. Take all appropriate action on Professional Services Agreement between Fort Bend County and PIER Systems, Inc. for NIMS regional Emergency Public Information Plan and Joint Information Center exercises for an amount not to exceed \$96,250. (Fund: Office of Emergency Management, UASI Grant)**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Professional Services Agreement between Fort Bend County and PIER Systems, Inc. for NIMS regional Emergency Public Information Plan and Joint Information Center exercises for an amount not to exceed \$96,250. (Fund: Office of Emergency Management, UASI Grant)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**19. SHERIFF'S OFFICE:**

**Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$1,268.25 to Memorial Hermann Healthcare System for crime victim medical services submitted provided in FY 2009, submitted after blanket purchase order closed. (Fund: Sheriff's Office, Enforcement, Operating, Professional Services)**

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 \$1,268.25 to Memorial Hermann Healthcare System for crime victim medical services submitted provided in FY 2009, submitted after blanket purchase order closed. (Fund: Sheriff's Office, Enforcement, Operating, Professional Services)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**20. 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 \$4,160,162.76.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**Recess:**

Recessed at 1:15 p.m.

**21. 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.

**Medical Subrogation Lien Claim: Miller, Rita; Date of Incident: February 17, 2009.**

- 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.

**Annual Evaluation - County Engineer.**

**Closed Session:**

Convened at 1:30 p.m.

Adjourned at 1:31 p.m.

**Reconvene:**

Reconvened at 1:32 p.m.

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

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

**Medical Subrogation Lien Claim: Miller, Rita; Date of Incident: February 17, 2009.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve and accept the proposal made by letter dated May 21, 2010 for the settlement of the County Health Care Plan's subrogation lien against the personal injury claims asserted by Rita Miller (employee coverage) arising from the accident on November 17, 2009.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**B. § 551.074. Personnel Matters.**

**Annual Evaluation - County Engineer.**

Pass.

**23. Adjournment.**

Commissioners Court adjourned at 1:35 p.m. on Tuesday, June 1, 2010.