

MINUTES

BE IT REMEMBERED, That on this 13th DAY of JULY, 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 July 6, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the minutes of regular meeting held on July 6, 2010.

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

July 13, 2010

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:

- A. Approval of Replat: Fulbrook, Section 3B; Replat of Lots 1 and 2, Block 1, Precinct 3; and**
- B. Approval of Replat: Fulbrook, Section 3B; Replat of Lots 3, 4, and 5, Block 1, Precinct 3.**

Public hearing held. No public comments.

No court action.

CONSENT AGENDA ITEMS 6 - 12

6. OUT-OF-STATE TRAVEL:

- A. Record into Minutes the out-of-state travel by elected official:**

Commissioner, Pct. 2: Commissioner Grady Prestage to Washington, DC, September 15-19, 2010, to attend the Congressional Black Caucus Annual Legislative Conference. (Fund: Commissioner Pct. 2, Travel)

- B. Approve out-of-state travel requests for county personnel:**

Public Transportation: Ratify travel dates for Christina Bune and Robyn McFadden to Denver, Colorado, from June 15-18, 2010, to attend the Federal Transit Administration Financial Management Seminar. (Fund: Public Transportation, Grants)

7. BUDGET & FINANCE/BUDGET TRANSFERS:

- A. Constable, Pct. 4:** Approve transfer in the amount of \$375 from Operating into Capital Acquisitions to allocate additional funds needed to stripe replacement patrol vehicle.
- B. Road & Bridge:** Approve transfer in the amount of \$12,921 from miscellaneous revenue to road materials and amend the budget pursuant to Local Government Code Section 111.0706 for revenue received from the Fort Bend Central Appraisal District for work done to the parking lot.

8. ENGINEERING:

- A. Approve payment of Invoice No. 10-05-3-631 (Pay Estimate No. 20) in the amount of \$393.70 to Percheron Acquisitions, LLC regarding Mason Road Expansion Project #735, Precinct 3. (Fund: Right of Way)**
- B. Approve payment of Invoice No. T129962 (Pay Estimate No. 11) in the amount of \$6,561.38 to Terracon Consultants, Inc. regarding Greenbusch Road, Phase I (from Katy Flewellen Road to Shadow Forest), Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**

Item 8 continued - Engineering:

- C. Approve payment of Invoice No. 3543 in the amount of \$16,135.00 to Property Acquisition Services, Inc. (PAS) for various right of way acquisition services within Precincts 1, 2, 3, and 4. (Fund: Right of Way)
 - D. Approve payment of Invoice No. 201006-104 (Pay Estimate No. 11) in the amount of \$369,462.35 to Durwood Greene Construction Company regarding West Bellfort paving and drainage Project, Mobility Bond Project #731, Precinct 4. (Fund: 2007 Mobility Bonds)
 - E. Approve application from AT&T to bury communication cable along Morton, Pct. 3.
 - F. Approve application from Comcast of Houston LLC to bore under Weldridge Drive, Precinct 3.
 - G. Approve plat for the roads within Firethorne, Section 20, Precinct 3.
 - H. Approve plat for the lots within Firethorne, Section 20, Precinct 3.
 - I. Approve plat for the roads within Sienna Village of Anderson Springs, Section 10B, Precinct 2.
 - J. Approve plat for the lots within Sienna Village of Anderson Springs, Section 10B, Precinct 2.
 - K. Approve plat for the roads within Sienna Village of Anderson Springs, Section 13A, Precinct 2.
 - L. Approve plat for the lots within Sienna Village of Anderson Springs, Section 13A, Precinct 2.
9. **FACILITIES MANAGEMENT & PLANNING:**
- A. Approve payment of Pay Application No. 13 in the amount of \$3,215,991.00 to JE Dunn South Central, Inc., for Construction Services regarding the Justice Center. (Fund: Facility Bond Project)
 - B. Approve payment of Pay Application No. Nine (9) in the amount of \$371,207.00 to Rosenberger Construction LP., for Construction Services regarding the Precinct Three North Annex. (Fund: Facility Bond Project)
10. **LIBRARY:**
- Approve Barnes & Noble Bookfair Agreement for the Fort Bend County Libraries to participate in Bookfairs, both in-store and online during September, 2010.
11. **PURCHASING:**
- Authorize advertising for requests for proposals for propane powered vehicle conversion refueling infrastructure.

12. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on July 6, 2010, for an amount totaling \$102,986.95.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 12.

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

13. COMMISSIONER, PCT. 1:

Take all appropriate action on request by Burton Wolfe and Lawrence Wong to waive penalty and interest totaling \$209.49 on property taxes for Tax Year 2009, Precinct 1.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to deny request by Burton Wolfe and Lawrence Wong to waive penalty and interest totaling \$209.49 on property taxes for Tax Year 2009, Precinct 1.

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

14. COMMISSIONER, PCT. 3:

Take all appropriate action on request by Ramakrishna Thirugnanasambandam to waive penalty and interest totaling \$95.00 on property taxes for Tax Year 2009, Precinct 3.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to deny request by Ramakrishna Thirugnanasambandam to waive penalty and interest totaling \$95.00 on property taxes for Tax Year 2009, Precinct 3.

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

15. ENGINEERING:

- A. Take all appropriate action on request to amend the Traffic Control Plan for West Bellfort from FM 1464 to Martinez Street, Precinct 4 (Agenda Item #4, June 1, 2010) to include a multi-way stop at Old Richmond Road, pursuant to Section 251.159 of the Texas Transportation Code.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to amend the Traffic Control Plan for West Bellfort from FM 1464 to Martinez Street, Precinct 4 (Agenda Item #4, June 1, 2010) to include a multi-way stop at Old Richmond Road, pursuant to Section 251.159 of the Texas Transportation Code.

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

Item 15 continued - Engineering:

- B. Take all appropriate action on request for variance to the building set back line requirement (Section 5.12 of the Fort Bend County Regulations of Subdivisions), for Pine Mill Ranch, Sec. 12, on behalf of Cardiff Ranch, L.P., Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve variance to the building set back line requirement (Section 5.12 of the Fort Bend County Regulations of Subdivisions), for Pine Mill Ranch, Sec. 12, on behalf of Cardiff Ranch, L.P., Precinct 3.

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

- C. Approve plat for the roads within Pine Mill Ranch, Section 12, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve plat for the roads within Pine Mill Ranch, Section 12, Precinct 3.

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

- D. Approve plat for the lots within Pine Mill Ranch, Section 12, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve plat for the lots within Pine Mill Ranch, Section 12, Precinct 3.

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

Item 15 continued - Engineering:

- E. Take all appropriate action on Interlocal Agreement between Fort Bend County and the City of Missouri City for Prepaid Household Hazardous Waste Services.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreement between Fort Bend County and the City of Missouri City for Prepaid Household Hazardous Waste Services.

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

- F. Take all appropriate action on Change Order Number 5 to the Agreement between Fort Bend County and Durwood Greene Construction Company to increase the amount by \$106,361.92 regarding paving and drainage improvements to West Bellfort, Mobility Bond Project #731, Precinct 4. (Funds: 2007 Mobility Bonds)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Change Order Number 5 to the Agreement between Fort Bend County and Durwood Greene Construction Company to increase the amount by \$106,361.92 regarding paving and drainage improvements to West Bellfort, Mobility Bond Project #731, Precinct 4. (Funds: 2007 Mobility Bonds)

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

Item 15 continued - Engineering:

- G. Take all appropriate action on Standard Utility Agreement between Fort Bend County, the State of Texas, and Enstor Katy Transportation and Storage, L.P. regarding water line adjustments to Greenbusch Road, County expenditure not to exceed \$74,842.90, Mobility Bond Project #732, 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 Enstor Katy Transportation and Storage, L.P. regarding water line adjustments to Greenbusch Road, County expenditure not to exceed \$74,842.90, Mobility Bond Project #732, Precinct 3. (Fund: Right of Way)

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

- H. Take all appropriate action on the Agreements between Fort Bend County and Elise Jacobson and Courtney White for program instruction of the Beat the Baron Waste Elementary Education Program, pursuant to the County's Agreement with Houston-Galveston Area Council (H-GAC). (Fund: H-GAC Grant)**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Agreements between Fort Bend County and Elise Jacobson and Courtney White for program instruction of the Beat the Baron Waste Elementary Education Program, pursuant to the County's Agreement with Houston-Galveston Area Council (H-GAC). (Fund: H-GAC Grant)

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

16. HEALTH & HUMAN SERVICES:

Clinical Health: Take all appropriate action on Application to the Texas Department of State Health Services for FY 2011 Tuberculosis Prevention grant funding for use from January 1, 2011 through December 31, 2011.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Application to the Texas Department of State Health Services for FY 2011 Tuberculosis Prevention grant funding for use from January 1, 2011 through December 31, 2011.

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

17. HUMAN RESOURCES:

Take all appropriate action on request to reclassify Position No. 5031-0031, Information Technology Department, from Computer Operator, Grade 8 of the Administrative Clerical Policy Group to Communications Specialist, Grade 10 of the Administrative Policy Group effective July 13, 2010.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to reclassify Position No. 5031-0031, Information Technology Department, from Computer Operator, Grade 8 of the Administrative Clerical Policy Group to Communications Specialist, Grade 10 of the Administrative Policy Group effective July 13, 2010.

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

18. PARKS DEPARTMENT:

Take all appropriate action on request to transfer the amount of \$21,773 from Non-Departmental Contingency into Parks to allocate additional funds required for operation of the Summer Food Program.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$21,773 from Non-Departmental Contingency into Parks to allocate additional funds required for operation of the Summer Food Program.

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

19. PUBLIC TRANSPORTATION:

- A. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$50.00 to Community Transportation Association of America for CCTM Recertification provided to Paulette Shelton without a purchase order. (Fund: Public Transportation, Grants)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$50.00 to Community Transportation Association of America for CCTM Recertification provided to Paulette Shelton without a purchase order. (Fund: Public Transportation, Grants)

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

Item 19 continued - Public Transportation:

- B. Take all appropriate action on the Revised Project Summary for the Texas Commission on Environmental Quality, Air Quality Division, Local Initiatives Projects, Contract# 582-8-89960, and authorize County Judge to sign the Summary document.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the Revised Project Summary for the Texas Commission on Environmental Quality, Air Quality Division, Local Initiatives Projects, Contract# 582-8-89960, and authorize County Judge to sign the Summary document.

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

20. PURCHASING:

- A. Take all appropriate action on Agreement between Fort Bend County and Phonoscope for ethernet service pursuant to RFP #10-086. (Fund: Facilities, Operations, Utilities)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Agreement between Fort Bend County and Phonoscope for ethernet service pursuant to RFP #10-086. (Fund: Facilities, Operations, Utilities)

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

- B. Take all appropriate action on Agreement between Fort Bend County and Harris County Department of Education in the amount of \$100,000 for Offsite Records Storage Service, pursuant to RFP #10-033. (Fund: Records Management and County Clerk)**

Pass.

Item 20 continued - Purchasing:

- C. Take all appropriate action on Agreement between Fort Bend County and Audio Visual Technologies Group in the amount of \$147,727.57 for the design and installation of a Critical Incident Command Center, pursuant to RFP #10-068. (Fund: Office of Emergency Management Grant)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Agreement between Fort Bend County and Audio Visual Technologies Group in the amount of \$147,727.57 for the design and installation of a Critical Incident Command Center, pursuant to RFP #10-068. (Fund: Office of Emergency Management Grant)

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

- D. Take all appropriate action on SOQ #10-076 for operation of a County Employee, Dependent and Retiree On-site Medical Clinic.**

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize the team to negotiate with Concentra and CareHere for SOQ #10-076 for operation of a County Employee, Dependent and Retiree On-site Medical Clinic.

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

21. SHERIFF'S OFFICE:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$1,106.12 to Konica Minolta for copier overages from July 1, 2009 through September 30, 2009, not invoiced until FY 2010. (Fund: Sheriff, Detention, Fees)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$1,106.12 to Konica Minolta for copier overages from July 1, 2009 through September 30, 2009, not invoiced until FY 2010. (Fund: Sheriff, Detention, Fees)

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

22. 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 \$6,973,336.98.

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

23. Authorize County Auditor to pay and release time-sensitive bills on July 22, 2010, to be ratified by Commissioners Court on July 27, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize County Auditor to pay and release time-sensitive bills on July 22, 2010, to be ratified by Commissioners Court on July 27, 2010.

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

Recess:

Recessed at 1:14 p.m.

24. 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.

1. Pending/Threatened Litigation; Grand Lakes Community Association.

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.

1. Annual Evaluation - Community Development Director.

2. Director, Information Technology.

Closed Session:

Convened at 2:07 p.m.

Adjourned at 2:37 p.m.

Reconvene:

Reconvened at 2:41 p.m.

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

A. § 551.071. Consultation With Attorney.

1. Pending/Threatened Litigation; Grand Lakes Community Association.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to negotiate the Settlement Agreement with Grand Lakes Community Association and Aguirre Fields Engineering regarding the threatened litigation and authorize the County Judge to execute all agreements.

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

Item 25 continued - Reconvene Open Session and consider taking action on the following matters:

B. § 551.074. Personnel Matters.

1. Annual Evaluation - Community Development Director.

Annual review conducted.

2. Director, Information Technology.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the Human Resources Director to offer employment as the IT Director to Thomas Ray Webb effective July 26, 2010.

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

26. Adjournment.

Commissioners Court adjourned at 2:43 p.m. on Tuesday, July 13, 2010.