

MINUTES

BE IT REMEMBERED, That on this 2nd DAY of NOVEMBER, 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 Prestage.

Invocation and Pledge of Allegiance by Commissioner Prestage.

3. Approve minutes of regular meeting held on October 26, 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 October 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.

Judge Hebert announced the passing of Orin Covell, a longtime Richmond resident.

Today is Election Day.

Commissioner Morrison congratulated the Baylor Bears for beating the Texas Longhorns for the first time since 1997 and the first time in Austin since 1991.

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

Approval of replat: Long Meadow Farms Commercial Reserve Section 4, Partial Replat No.1, Precinct 3.

Public hearing held. No public comments.

No action. Plat is not ready.

CONSENT AGENDA ITEMS 6 - 15:

6. BUDGET & FINANCE/BUDGET TRANSFER:

Facilities Management & Planning: Approve transfer in the amount of \$250 from Fees into Property and Equipment to allocate funds for purchase of various communication equipment.

7. AGRI LIFE EXTENSION OFFICE:

Approve renewal of Memorandum of Agreement between Fort Bend County and Texas Agrilife Extension Service for supplemental pay to Extension Office Agents for the term of October 1, 2010 through September 30, 2011.

8. DISTRICT ATTORNEY:

Approve and record into Minutes the 2010 Federal Equitable Sharing Agreement and Certification for the Office of District Attorney.

9. ENGINEERING:

- A. Authorize County Judge to sign the joint submission of the Phase II MS4 Annual Report Form for Permit No. STW/TXR04383/RP on behalf of Fort Bend County and the Fort Bend County Drainage District, and record same into the minutes.**

Item 9 continued - Engineering:

- B. Approve payment of Invoice No. 100143 (Pay Estimate No. 32) in the amount of \$14,306.50 to Klotz Associates regarding labor rates pertaining to Fort Bend County Mobility Projects located within Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)**
- C. Approve payment of Invoice No. 7081701 in the amount of \$4,162.90 to AECOM USA, Inc. regarding Old Richmond Road (from FM 1464 to West Airport), Mobility Bond Project #728, Precinct 4. (Fund: 2007 Mobility Bonds)**
- D. Approve payment of Invoice No. 10-2033C.04.CM7308 (Pay Estimate No. 6) in the amount of \$12,570.13 to Geotech Engineering and Testing regarding improvements to Katy Gaston Road (from FM 1093 to Cinco Ranch Blvd.), Mobility Bond Project #733, Precinct 3. (Fund: 2007 Mobility Bonds)**
- E. Approve payment of Invoice No. 26 (Pay Estimate No. 26) in the amount of \$600.00 to Percheron Acquisitions, LLC regarding Mason Road Expansion Project #735, Precinct 3. (Fund: Right of Way)**
- F. Approve payment of Invoice No. 27 (Pay Estimate No. 27) in the amount of \$3,000.00 to Percheron Acquisitions, LLC regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: Right of Way)**
- G. Approve application from DMAC Construction, Inc. to construct a driveway tie-in and a median cut on Cinco Ranch Boulevard, Precinct 3.**
- H. Approve application from Gordy Oil Company to construct a driveway tie-in onto Battle, Precinct 1.**
- I. Approve application from AT&T to bore under and bury fiber optic along West Bellfort, Precinct 3.**
- J. Approve plat for the roads within Firethorne West, Section 1, Precinct 3.**
- K. Approve plat for the lots within Firethorne West, Section 1, Precinct 3.**
- L. Approve plat for the roads within Firethorne West, Section 2, Precinct 3.**
- M. Approve plat for the lots within Firethorne West, Section 2, 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 Bond and/or Capital Projects:
 - A. Invoice No. P24326330101 in the amount of \$19.25 to Global Global Gov't/ED for furniture, fixture, and equipment costs associated with the Missouri City Annex;
 - B. Invoice No. 10-10093 in the amount of \$700.00 to Brown & Gay Engineers for Professional Services regarding the University Branch Library in Sugar Land;
 - C. Invoice No. 20103682 in the amount of \$1,262.54 to LJA Engineering, Inc. for Professional Services regarding the University Branch Library in Sugar Land;
 - D. Invoice No. 6530-129143 in the amount of \$426.00 to Home Depot for Lawn Equipment necessary for the maintenance of the 40 Acre Site.
11. **FORT BEND GRAND PARKWAY TOLL ROAD AUTHORITY:** The Board of Directors of the Fort Bend Grand Parkway Toll Road Authority (GPTRA) reviewed this following item at their regular meeting held on October 20, 2010, and makes the following recommendation to Commissioners Court:

Approve negotiations with Tejas Surveying, Inc. and Weisser Engineering Company for surveying services for the Fort Bend Grand Parkway Toll Road Authority.
12. **HUMAN RESOURCES:**

Approve request for withdrawal of hours from the Shared Sick Leave Pool as follows: Employee of County Court at Law No. 2, Position No. 4262-0004: 116 hours; and Employee of Treasurer's Office, Position No. 4971-0003: 80 hours.
13. **PURCHASING:**

Authorize renewal of the following non-medical programs through Gallagher Benefit Services: Basic Life and Accidental Death and Dismemberment Insurance; Long Term Care Insurance; Long Term Disability Insurance; and Optional Life Insurance.
14. **RISK MANAGEMENT:**

Approve election of exemption to the Health Insurance Portability and Accountability Act (HIPAA) of 1996 for Plan Year 2011.

15. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on October 26, 2010, for an amount totaling \$4,013.69 for the Office of Patsy Schultz.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 15.

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

16. COUNTY JUDGE:

Take all appropriate action to adopt Order Prohibiting Outdoor Burning in Fort Bend County.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to adopt an Order Prohibiting Outdoor Burning in Fort Bend County.

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

Vance Cooper, County Fire Marshal, recommends the burn ban based on the Forestry Service report.

17. COMMISSIONER, PCT. 2:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$1,850.00 to PSA Consulting for Focus & Communications Workshop conducted without a purchase order. (Fund: Commissioner, Pct. 2, Fees)

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$1,850.00 to PSA Consulting for Focus & Communications Workshop conducted without a purchase order. (Fund: Commissioner, Pct. 2, Fees)

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

18. CONSTABLE, PCT. 4:

Take all appropriate action on request to transfer the amount of \$12,463 from Non-Departmental Contingency into Constable, Precinct 4-Toll Road Contract Deputy, to allocate funds for the purchase of a replacement vehicle for the Agreement for Additional Law Enforcement Services with the Fort Bend County Toll Road Authority.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$12,463 from Non-Departmental Contingency into Constable, Precinct 4-Toll Road Contract Deputy, to allocate funds for the purchase of a replacement vehicle for the Agreement for Additional Law Enforcement Services with the Fort Bend County Toll Road Authority.

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

19. ENGINEERING:

- A. Take all appropriate action to authorize the County Judge to sign on behalf of Fort Bend County the Notice of Change (NOC) to an Authorization for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR04-0045) for submission to Texas Commission on Environmental Quality.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize the County Judge to sign on behalf of Fort Bend County the Notice of Change (NOC) to an Authorization for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR04-0045) for submission to Texas Commission on Environmental Quality.

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

- B. Take all appropriate action on request by James and Lucille Freund for a variance to the Fort Bend County Regulations of Subdivision as given in Section 2.2 B&C, to allow 2.0 acres + or - (plus or minus) and 2.0 acre + or - (plus or minus) for a private 60 ft. road right of way, to be divided from the parent 50.1825 acre tract located in the Anthony 1/4 League, Abstract 437, recorded in official Fort Bend County Deed Records, Vol. 602, Page 394, Fort Bend County, Texas, Precinct 1.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve request by James and Lucille Freund for a variance to the Fort Bend County Regulations of Subdivision as given in Section 2.2 B&C, to allow 2.0 acres + or - (plus or minus) and 2.0 acre + or - (plus or minus) for a private 60 ft. road right of way, to be divided from the parent 50.1825 acre tract located in the Anthony 1/4 League, Abstract 437, recorded in official Fort Bend County Deed Records, Vol. 602, Page 394, Fort Bend County, Texas, Precinct 1.

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

Item 19 continued - Engineering:

- C. Take all appropriate action on request for variance to the center line curve radius requirement, (Section 5.2 C1 of the Fort Bend County Regulations of Subdivisions), for Katy Gaston Road from FM 1093 to Bellagio Drive, on behalf of L.O.B. Partnership, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve request for variance to the center line curve radius requirement, (Section 5.2 C1 of the Fort Bend County Regulations of Subdivisions), for Katy Gaston Road from FM 1093 to Bellagio Drive, on behalf of L.O.B. Partnership, Precinct 3.

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

- D. Take all appropriate action on the plat for Bellagio Drive from Katy Gaston Road to West Torino Reale Drive, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the plat for Bellagio Drive from Katy Gaston Road to West Torino Reale Drive, Precinct 3.

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

Item 19 continued - Engineering:

- E. Take all appropriate action on the plat for Katy Gaston Road from FM 1093 to Bellagio Drive, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve the plat for Katy Gaston Road from FM 1093 to Bellagio Drive, Precinct 3.

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

20. HUMAN RESOURCES:

Take all appropriate action on request to reclassify Position No. 5601-0317 in the Sheriff's Office from Communications System Specialist, Grade 10 of the Professional Management Policy Group to Civilian Communications System Specialist, Grade 10 of the Administrative Clerical Policy Group, effective November 2, 2010.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to reclassify Position No. 5601-0317 in the Sheriff's Office from Communications System Specialist, Grade 10 of the Professional Management Policy Group to Civilian Communications System Specialist, Grade 10 of the Administrative Clerical Policy Group, effective November 2, 2010.

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

21. INDIGENT HEALTH:

- A. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$28,750 per month for October 2010, to Oak Bend Medical Group for primary care physician services provided without a purchase order through the Indigent Health Care Physicians Clinic. (Fund: Indigent Health Care, Professional Services)**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$28,750 per month for October 2010, to Oak Bend Medical Group for primary care physician services provided without a purchase order through the Indigent Health Care Physicians Clinic. (Fund: Indigent Health Care, Professional Services)

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

- B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$4,936.41 per month to Oak Bend Medical Office, LTD for October 2010 for rental of office space without a Purchase Order to house the Indigent Health Care Physicians Clinic. (Fund: Indigent Health Care, Rental)**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$4,936.41 per month to Oak Bend Medical Office, LTD for October 2010 for rental of office space without a Purchase Order to house the Indigent Health Care Physicians Clinic. (Fund: Indigent Health Care, Rental)

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

22. INFORMATION TECHNOLOGY:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$1,660.95 to DecisionOne Corporation for maintenance service performed without a purchase order. (Fund: FY 2010 Information Technology, 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 \$1,660.95 to DecisionOne Corporation for maintenance service performed without a purchase order. (Fund: FY 2010 Information Technology, Fees)

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

23. PURCHASING:

- A. Take all appropriate action to grant an exemption to the competitive bid process as authorized by Section 262.024 (a)(4) for the purchase of a professional service. Primary physician services through the Indigent Healthcare Physicians Clinic from Oak Bend Medical Group in an amount not to exceed \$28,750 per month through December 31, 2010 (funding: Indigent Healthcare, Professional Services).**

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)(4) for the purchase of a professional service. Primary physician services through the Indigent Healthcare Physicians Clinic from Oak Bend Medical Group in an amount not to exceed \$28,750 per month through December 31, 2010 (funding: Indigent Healthcare, Professional Services).

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

Item 23 continued - Purchasing:

- B. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(7) for the purchase of an item from only one source, for commitment hearings to State mental facilities from the following: Travis County for Austin State Hospital; Howard County for Big Spring Hospital; Cherokee County for Rusk State Hospital; Kerr County for Kerrville State Hospital; Wilbarger County for Vernon State Hospital; Bexar County for San Antonio State Hospital; and Kaufman County for Terrell State Hospital. (Fund: Non-Departmental, 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 Local Government Code §262.024 (a)(7) for the purchase of an item from only one source, for commitment hearings to State mental facilities from the following: Travis County for Austin State Hospital; Howard County for Big Spring Hospital; Cherokee County for Rusk State Hospital; Kerr County for Kerrville State Hospital; Wilbarger County for Vernon State Hospital; Bexar County for San Antonio State Hospital; and Kaufman County for Terrell State Hospital. (Fund: Non-Departmental, Fees)

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

- C. Take all appropriate action to authorize the purchase of one (1) ambulance module from Frazer, Ltd. utilizing Buy Board agreement 324-09, for an amount not to exceed \$88,475. (Fund: Emergency Medical Service, Capital Acquisitions)**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of one (1) ambulance module from Frazer, Ltd. utilizing Buy Board agreement 324-09, for an amount not to exceed \$88,475. (Fund: Emergency Medical Service, Capital Acquisitions)

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

Item 23 continued - Purchasing:

- D. Take all appropriate action to authorize the purchase of two (2) Ford Crown Victoria police package sedans with Options 2 and 3 from Helfman Ford, pursuant to Bid #03-001. (Fund: Constable Pct 1)**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of two (2) Ford Crown Victoria police package sedans with Options 2 and 3 from Helfman Ford, pursuant to Bid #03-001. (Fund: Constable Pct 1)

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

- E. Take all appropriate action to authorize contract negotiations pursuant to Statement of Qualification #11-016 for a Hazardous Mitigation Action Plan.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize contract negotiations pursuant to Statement of Qualification #11-016 for a Hazard Mitigation Action Plan with JSW and Associates.

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

Item 23 continued - Purchasing:

- F. Take all appropriate action to authorize the purchase of one (1) Ford Crown Victoria police package vehicle from Helfman Ford with Options 1 and 3 for Constable, Pct. 4 pursuant to Bid #03-001. (Fund: Insurance and Toll Road Contract)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of one (1) Ford Crown Victoria police package vehicle from Helfman Ford with Options 1 and 3 for Constable, Pct. 4 pursuant to Bid #03-001. (Fund: Insurance and Toll Road Contract)

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

- G. Take all appropriate action to authorize the purchase of one (1) Pick-up Truck #5 (V) from Helfman Ford for Constable Pct. 3, pursuant to Bid #08-027. (Fund: Constable Pct 3)**

Pulled.

24. RISK MANAGEMENT:

Take all appropriate action on request for settlement authority by NovaPro (Third-Party Administrator) to settle bodily injury Claim No. 1000-160-A00520 on behalf of Fort Bend County. (Fund: Risk Management)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve settlement authority by NovaPro (Third-Party Administrator) to settle bodily injury Claim No. 1000-160-A00520 on behalf of Fort Bend County. (Fund: Risk Management)

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

25. SHERIFF'S OFFICE:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$953.53 to PC Crime Solution for training class provided without a purchase order. (Fund: OCDETF Grant)

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 \$953.53 to PC Crime Solution for training class provided without a purchase order. (Fund: OCDETF Grant)

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

26. 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 \$3,651,189.19.

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

27. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:

§ 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, Parcel 3, Lots 1, 2, 3 and 4; Office of Emergency Management Project; Pct 1.

Pulled.

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

§ 551.072. Deliberation Regarding Real Property.

Acquisition of Property, Parcel 3, Lots 1, 2, 3 and 4; Office of Emergency Management Project; Pct 1.

Pulled.

29. Adjournment.

Commissioners Court adjourned at 1:19 p.m. on Tuesday, November 2, 2010.