

MINUTES

BE IT REMEMBERED, That on this 10th DAY of JANUARY, 2012, 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 January 3, 2012.

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 3, 2012 with correction to item #22 - date should be December 21.

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 that Monday is a county holiday for Dr. Martin Luther King Jr.'s birthday.

Commissioner Patterson wants the public to be aware that on rainy days empty trash cans can block the flow of rain water.

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

Approval of replat: LaCenterra Central, being a replat of restricted Reserve "A" of Cinco Village Center, Section 1, Precinct 3.

Public hearing held. No public comments.

No action.

CONSENT AGENDA ITEMS 6 - 16:

6. OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:

- A. **Sheriff's Office: Ratify travel by T. Oxley and R. Rodriguez to Las Vegas, Nevada, January 4-5, 2012, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
- B. **Sheriff's Office: B. Wood and D. Wright to Jacksonville, Florida, January 12-14, 2012, to testify in trial. (Fund: Sheriff, Enforcement, Travel)**

7. COUNTY JUDGE:

Approve reappointment of the following Fort Bend Subsidence District Directors: Bobby Kunz, representing agricultural interests and Marvin Marcell representing business interests for a two-year term from January 31, 2012 until January 31, 2014.

8. COMMISSIONER, PCT. 1:

Approve the reappointment of Irene Compean to the Fort Bend County Children's Protective Services Child Welfare Board for a three year term, effective through February 2, 2015.

9. COMMISSIONER, PCT. 2:

Approve Third Extension to the Fifth Street Water and Sewer Service Agreement between Fort Bend County and Fort Bend County Water Control and Improvement District No. 2, extending the term for an additional ten years, through January 1, 2022.

10. BUDGET & FINANCE:

A. Record into Minutes the Fort Bend County Budget Calendar for FY 2013.

B. BUDGET TRANSFERS:

- 1. County Attorney: Approve transfer in the amount of \$20 from Fees into Information Technology to allocate additional funds needed due to price increase in purchase of scanner.**
- 2. Engineering: Approve transfer in the amount of \$1,500 as detailed on County Engineer's form dated January 4, 2012 to allocate funds into correct department for postage meter use.**
- 3. Indigent Health Care: Approve transfer in the amount of \$21,000 as detailed on Director's form dated January 4, 2012, to reallocate funds allotted for full time positions into temporary or part-time positions.**
- 4. Sheriff's Office: Approve transfer in the amount of \$45,382 from Sheriff, Forfeited Assets, Federal, Contingency, into Capital Acquisitions to allocate funds for the purchase of a replacement license plate reader.**
- 5. Sheriff's Office: Approve transfer in the amount of \$1,200 as detailed on Budget Director's form dated January 5, 2012, to amend the budget pursuant to Local Government Code Section 111.0706 and allocate funds to administer the updated security badge program.**

11. AGRILIFE 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, 2011 through September 30, 2012.

12. ENGINEERING:

- A. Approve payment of Invoice No. 3971 in the amount of \$14,850.00 to Property Acquisition Services (PAS) regarding various right of way acquisition services within Precincts 1, 2, 3, and 4. (Fund: Right of Way)**
- B. Approve payment of Invoice No. 27593 in the amount of \$19,430.99 to Landtech Consultants, Inc. regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)**
- C. Approve payment of Invoice No. 11-11-003 (Pay Estimate No. 2) in the amount of \$4,040.00 to Kelly R. Kaluza & Associates, Inc. regarding improvements to Harlem Road, Mobility Bond Project #726, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**
- D. Approve application from Identity Homes to construct a driveway tie-in onto Ashland Terrace Lane, Precinct 1.**

Item 12 continued - Engineering:

- E. **Accept the streets in Westheimer Lakes North, Section 4: Boyden Knoll Drive 427.31 LF; Brunson Grove Drive 508.18 LF; Blanchard Grove Drive 1,423.11 LF; Dover Creek Lane 281.69 LF; Remson Hollow Lane 411.28 LF; Prescott Run Lane 378.22 LF; Conroy Pointe Lane 375.90 LF; and Holton Gripp Drive 142.00 LF; for a total of 3,947.69 LF; and release bond #61BCSDR2547 in the amount of \$273,420.00, Pct. 3.**
- F. **Accept the streets in Westheimer Lakes North, Section 10: Planters Heath 822.56 LF; and Ginger Lily Lane 142.84 LF; for a total of 965.40 LF; and release bond #61BCSEK8790 in the amount of \$69,479.20, Precinct 3.**
- G. **Accept the streets in Westheimer Lakes North, Section 11: Planters Heath 197.12 LF; and Bella Meda Lane 281.12 LF; for a total of 478.24 LF; and release bond #61BCSEK8791 in the amount of \$25,881.10, Precinct 3.**
- H. **Set public hearing for acceptance of the traffic control plan for Westheimer Lakes North, Section 4, Section 10, and Section 11, Precinct 3. (Tuesday, February 7, 2012, at 1:00 p.m.)**
- I. **Set public hearing for Long Meadow Farms Commercial Reserve Sec. 2 Replat No. 3, Precinct 3. (Tuesday, February 14, 2012, at 1:00 p.m.)**
- 13. **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. 5 in the amount of \$47,193.50 to Archi*Technics/3, Inc. for Architectural Services provided for the Senior Center;**
 - B. **Pay Application No. 11-013 005 in the amount of \$143,703.10 to Bass Construction Co. Inc., for Construction Services regarding the Employee Clinic;**
 - C. **Pay Application No. 10-012 005 in the amount of \$131,246.10 to Bass Construction for Design/Build services regarding the Animal Services Expansion project;**
 - D. **Invoice No. 10031686 in the amount of \$165.15 to PGAL for Professional Services regarding the Justice Center.**
- 14. **HEALTH & HUMAN SERVICES:**

Approve renewal of Agreement between Fort Bend County and The University of Texas Medical Branch at Galveston for Autopsies and Related Services for FY 2012. (Fund: Social Services)
- 15. **PUBLIC TRANSPORTATION:**

Approve and submit FY12 Certifications and Assurances to the Texas Department of Transportation for FY12 Federal Transportation funding to be received from Texas Department of Transportation.

16. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on January 4, 2012, for an amount totaling \$3,213.47 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 - 16 with revised calendar on 10A.

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

17. COUNTY JUDGE:

Take all appropriate action on Resolution Appointing Directors of the Fort Bend County Toll Road Authority, to serve until January 22, 2016, or until their successors shall be appointed and qualified.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Resolution Appointing Directors of the Fort Bend County Toll Road Authority, to serve until January 22, 2016, or until their successors shall be appointed and qualified.

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

Directors are James Condrey, Bobbie Tallas, Charles Rencher, Cliff Terrel and Melody Hess.

18. COMMISSIONER, PCT. 1:

Take all appropriate action on Resolution stating the support of Fort Bend County Commissioners Court to apply for the Hog Out County Grants Program for 2012.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Resolution stating the support of Fort Bend County Commissioners Court to apply for the Hog Out County Grants Program for 2012.

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

19. ASSOCIATE COUNTY COURT AT LAW:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$27.00 to LexisNexis and \$354.10 to Matthew Bender & Company, Inc. for online and printed legal materials purchased without a purchase order. (Fund: Associate County Court at Law, Office Supplies)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$27.00 to LexisNexis and \$354.10 to Matthew Bender & Company, Inc. for online and printed legal materials purchased without a purchase order. (Fund: Associate County Court at Law, Office Supplies)

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

20. CONSTABLE, PCT. 2:

Take all appropriate action to authorize payment by Invoice Transmittal for an amount totaling \$2,860.00 to Willowridge Commons for rental of office space during the months of October and November 2011 without a purchase order. (Fund: Constable Precinct 2, Rental)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal for an amount totaling \$2,860.00 to Willowridge Commons for rental of office space during the months of October and November 2011 without a purchase order. (Fund: Constable Precinct 2, Rental)

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

21. COUNTY CLERK:

Take all appropriate action on request to transfer the amount of \$2,399 from Non-Departmental Contingency into County Clerk, Property and Equipment, to allocate funds for goods ordered in FY 2011, but not received until FY 2012.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$2,399 from Non-Departmental Contingency into County Clerk, Property and Equipment, to allocate funds for goods ordered in FY 2011, but not received until FY 2012.

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

22. HUMAN RESOURCES:

- A. Take all appropriate action on revisions to the Employee Information Manual, specifically a new policy, Section 616: Dress Code, Uniforms and Work Clothes, as submitted by the Director of Human Resources.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve revisions to the Employee Information Manual, specifically a new policy, Section 616: Dress Code, Uniforms and Work Clothes, as submitted by the Director of Human Resources.

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

- B. Take all appropriate action on request for a new position in the Health & Human Services Department, Receptionist, Grade 6 of the Administrative Clerical Policy Group, effective January 10, 2012.**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve a new position in the Health & Human Services Department, Receptionist, Grade 6 of the Administrative Clerical Policy Group, effective January 10, 2012.

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

23. HEALTH & HUMAN SERVICES:

Take all appropriate action on request to transfer the amount of \$30,783 from Non-Departmental Contingency into Health & Human Services salary and benefit line items to allocate funds for a Receptionist Position at the Rosenberg Annex.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$30,783 from Non-Departmental Contingency into Health & Human Services salary and benefit line items to allocate funds for a Receptionist Position at the Rosenberg Annex.

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

24. MENTAL HEALTH PUBLIC DEFENDER:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$120.00 to West for online services received after the FY 2011 purchase order closed. (Fund: Mental Health Public Defender Grant)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$120.00 to West for online services received after the FY 2011 purchase order closed. (Fund: Mental Health Public Defender Grant)

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

25. PARKS DEPARTMENT:

Take all appropriate action on request to transfer the amount of \$6,546 from Non-Departmental Contingency into Parks, Capital Acquisitions to allocate funds needed for a water connection for the Mustang Community Center and Fresno Volunteer Fire Department.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$6,546 from Non-Departmental Contingency into Parks, Capital Acquisitions to allocate funds needed for a water connection for the Mustang Community Center and Fresno Volunteer Fire Department.

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

26. PURCHASING:

A. Take all appropriate action on SOQ #12-012 for Design/Build of Kitty Hollow Park Pavilion.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to enter into contract negotiations with Digna Corporation on SOQ #12-012 for Design/Build of Kitty Hollow Park Pavilion.

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

B. Take all appropriate action on Bid #12-015 for Construction of Knight Road Bridge at Gulf Coast Water Authority Canal.

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to award Bid #12-015 for Construction of Knight Road Bridge at Gulf Coast Water Authority Canal to John Reed and Company.

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

Item 26 continued - Purchasing:

- C. Take all appropriate action on Addendum to Agency Agreement between Fort Bend County and LeadsOnline, Inc. for additional investigative services in the amount of \$13,234 effective through December 31, 2012. (Fund: Sheriff's Office Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Addendum to Agency Agreement between Fort Bend County and LeadsOnline, Inc. for additional investigative services in the amount of \$13,234 effective through December 31, 2012. (Fund: Sheriff's Office Fees)

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 audiovisual shelf ready materials from Midwest Tape for the Library System in an amount not to exceed \$175,000. (Fund: Library Office Supplies)**

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 Section 262.024 (a)(7) for the purchase of an item available from only one source, for audiovisual shelf ready materials from Midwest Tape for the Library System in an amount not to exceed \$175,000. (Fund: Library Office Supplies)

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

27. SHERIFF'S OFFICE:

- A. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$78.73 to Minnehaha County Treasurer's Office for overnight boarding an out-of-state extradited prisoner without a purchase order. (Fund: Sheriff, Enforcement, Operating, Fees)**

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$78.73 to Minnehaha County Treasurer's Office for overnight boarding an out-of-state extradited prisoner without a purchase order. (Fund: Sheriff, Enforcement, Operating, Fees)

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

- B. Take all appropriate action on request to transfer the amount of \$15,713 from Non-Departmental Contingency into Sheriff, Detention, Professional Services, to allocate funds for inmate medical expenses for FY 2011 billed after the close of the fiscal year.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$15,713 from Non-Departmental Contingency into Sheriff, Detention, Professional Services, to allocate funds for inmate medical expenses for FY 2011 billed after the close of the fiscal year.

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

- C. Take all appropriate action to authorize payment by Invoice Transmittal for an amount totaling \$13,778.20 to Simplex Grinnell for rezoning smoke detectors in the Jail, completed after purchase order closed. (Fund: Sheriff, Detention Operating, Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal for an amount totaling \$13,778.20 to Simplex Grinnell for rezoning smoke detectors in the Jail, completed after purchase order closed. (Fund: Sheriff, Detention Operating, Fees)

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

28. 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 \$3,181,131.37.

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

29. Authorize County Auditor to pay and release time sensitive bills on January 19, 2012, to be ratified by Commissioners Court on January 24, 2012.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize County Auditor to pay and release time sensitive bills on January 19, 2012, to be ratified by Commissioners Court on January 24, 2012.

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

Recess:

Recessed at 1:17 p.m.

30. 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.

Demand for Payment from Oak Bend Medical Office, Ltd.

Closed Session:

Convened at 1:28 p.m.
Adjourned at 1:29 p.m.

Reconvene:

Reconvened at 1:31 p.m.

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

§ 551.071. Consultation With Attorney.

Demand for Payment from Oak Bend Medical Office, Ltd.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve and accept the offer of settlement made by correspondence dated January 3, 2012 received from attorneys for Oak Bend Medical Office Ltd. for the full and final settlement of all obligations relating to County's occupancy of Richmond Professional Building for the Indigent Health Program and authorize County Judge to approve and execute Settlement Agreement recommended for approval by the County Attorney.

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

32. Adjournment.

Commissioners Court adjourned at 1:32 p.m. on Tuesday, January 10, 2012.