

APPROVAL OF MINUTES
COMMISSIONERS COURT
FORT BEND COUNTY

I, Dianne Wilson, duly elected County Clerk and Clerk of Court, Fort Bend County, Texas do hereby submit the Official Minutes of Commissioners Court held on the 10th day of April, 2012.



DIANNE WILSON, COUNTY CLERK

Now, therefore, be it resolved upon the motion of Commissioner Meyers seconded by Commissioner Prestage, duly put and carried, it is ordered to accept as presented for record the attached minutes approved on this the 24th day of April, 2012.



ROBERT E. HEBERT, COUNTY JUDGE

MINUTES

BE IT REMEMBERED, That on this 10th DAY of APRIL, 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
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 April 3, 2012.

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 April 3, 2012.

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 or announcements.

April 10, 2012

5. **PUBLIC HEARINGS: 1:00 p.m.: Conduct Public Hearings and take all appropriate action on the following matters:**
- A. **Acceptance of the traffic control plan for Parkway Lakes Shops, Section 1, Precinct 3.**
 - B. **Acceptance of the traffic control plan for Lakemont Ridge, Section 2, Precinct 3.**
 - C. **Approval of replat: Fulbrook, Section 4A, Replat of Lots 3 and 4, Block 2, Precinct 3.**

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 agenda item 5 A-C.

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

CONSENT AGENDA ITEMS 6 -14:

6. **COUNTY JUDGE:**

Authorize County Judge to sign, on behalf of Commissioners Court, the Management Representation Letter to Sandersen Knox & Co., L.L.P. for their audit of the Fort Bend County Comprehensive Annual Financial Report for the year ended September 30, 2011, accepted by Commissioners Court on March 27, 2012.

7. **COMMISSIONER PCT 1:**

Approve use of the Jury Assembly Room at the Fort Bend County Justice Center for the Democratic Senatorial Convention for District 18 on April 21, 2012.

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

Sheriff's Office: Approve transfer in the amount of \$3,250 from Detention, Operating, Capital Acquisitions, into Fees to allocate funds for the installation of a new garbage disposal in the kitchen.

9. **CONSTABLE, PCT. 4:**

Approve and record into Minutes the State FY 2011 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency for the Office of Constable Precinct 4.

10. ENGINEERING:

- A. Approve payment of final Invoice No. 102414 (Pay Estimate No. 14) in the amount of \$372,866.01 to Hassell Construction Company regarding Williams Way Boulevard Phase I (from Ransom Road to Pilgrim), Mobility Bond Project #747, Precinct 1. (Fund: 2007 Mobility Bonds)**
- B. Approve payment of Invoice No. 50882 in the amount of \$1,630.00 to Edminster Hinshaw Russ & Associates, Inc. regarding Harlem Road and Madden Road/West Belfort Road traffic signalization, Precincts 3 and 4. (Fund: Road and Bridge)**
- C. Approve payment of Invoice No. 236782 (Pay Estimate No. 3) in the amount of \$48,169.40 to Cobb-Fendley & Associates, Inc. regarding improvements to Gaston Road, Mobility Bond Project #733, Precinct 3. (Fund: 2007 Mobility Bonds)**
- D. Approve application from Phonoscope, LLC to bore under and bury fiber optic cable along Falcon Landing Blvd., Precinct 3.**
- E. Approve application from M Street Homes to construct a driveway tie-in onto Carnaby Lane, Precinct 1.**
- F. Approve application from CenterPoint-Entex to bore under and bury a 2-inch plastic gas line along Shiloh Lake, Precinct 3.**
- G. Approve release of cashier's check #29706762 in the amount of \$5,000.00 to JRG CT 316 LP for completion of work on Cinco Terrace Drive, Permit # 83948, Precinct 3.**
- H. Approve the plat for Churchill Farms Drainage/Detention, Precinct 3.**
- I. Approve the plat for Stripes at Great Oaks, Precinct 3.**
- J. Approve the plat for Silver Ranch Section 5 Amending Plat No. 1, Precinct 3.**
- K. Approve plat for the roads within Briarwood Crossing, Section 2, Precinct 1.**
- L. Approve plat for the lots within Briarwood Crossing, Section 2, Precinct 1.**
- M. Approve plat for the roads within Lakes of Bella Terra, Section 15, Precinct 3.**
- N. Approve plat for the lots within Lakes of Bella Terra, Section 15, Precinct 3.**
- O. Approve plat for the roads within Pine Mill Ranch, Section 19, Precinct 3.**
- P. Approve plat for the lots within Pine Mill Ranch, Section 19, Precinct 3.**
- Q. Approve plat for the roads within Pine Mill Ranch, Section 20, Precinct 3.**
- R. Approve plat for the lots within Pine Mill Ranch, Section 20, Precinct 3.**
- S. Approve plat for the roads within Pine Mill Ranch, Section 21, Precinct 3.**

Item 10 continued - Engineering:

- T. Approve plat for the lots within Pine Mill Ranch, Section 21, Precinct 3.
 - U. Approve plat for the roads within Pine Mill Ranch, Section 22, Precinct 3.
 - V. Approve plat for the lots within Pine Mill Ranch, Section 22, Precinct 3.
11. **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. Pay Application No. 11-013 008 in the amount of \$3,846.27 to Bass Construction Co., Inc., for Construction Services regarding the Employee Clinic;
 - B. Invoice No. 35 in the amount of \$66.24 to Bailey Architects for Architectural Services regarding the University Branch Library in Sugar Land.
12. **FIRE MARSHAL:**
- Approve and record renewal of Texas Official Bond and Oath for Vance T. Cooper and six Investigator positions to establish a Blanket Bond.
13. **HEALTH & HUMAN SERVICES:**
- A. Accept and sign Memorandum of Understanding between Fort Bend County and Texana Center, the content of which is confidential as allowed by Texas Govt. Code 418.183(f).
 - B. **Social Services:** Approve Letter Agreement from Reliant Energy Retail Services, to renew Fort Bend County participation in the CARE Program to provide utility assistance to qualifying individuals through December 31, 2012.

14. TAX ASSESSOR/COLLECTOR:

Record into Minutes the disposal of miscellaneous tax documents, scanned by Winward Group as Box #1098 through 1118, and dated January 11, 2012 through January 31, 2012, in accordance with State Archive Retention Schedule of Destruction 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 6-10G and 10I-14.

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

Item 10H pulled.

15. COUNTY JUDGE:

Take all appropriate action on The George Foundation Grant Contract to support restoration of the historic Fort Bend County Courthouse in the amount of \$2,000,000 towards the approximate total project cost of \$4,200,000; record the letter of inquiry, and authorize the Fort Bend County Judge to sign any and all documents necessary for the Grant.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve The George Foundation Grant Contract to support restoration of the historic Fort Bend County Courthouse in the amount of \$2,000,000 towards the approximate total project cost of \$4,200,000; record the letter of inquiry, and authorize the Fort Bend County Judge to sign any and all documents necessary for the Grant.

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

16. ENGINEERING:

- A. Take all appropriate action on request by James Michael Gerner for a variance to the Fort Bend County Regulations of Subdivision, Section 2.2 A, C, and G, to combine the remainder of a tract with a 16.76 acre tract to create a tract of 40.129 acres with all tracts being within the Samuel Isaac League, Abstract No. 35, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve request by James Michael Gerner for a variance to the Fort Bend County Regulations of Subdivision, Section 2.2 A, C, and G, to combine the remainder of a tract with a 16.76 acre tract to create a tract of 40.129 acres with all tracts being within the Samuel Isaac League, Abstract No. 35, Precinct 3.

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

- B. Take all appropriate action on the Standard Utility Agreement between Fort Bend County and Kinder Morgan Tejas Pipeline LLC in an amount not to exceed \$261,213.00 for the expansion of Burney Road, Pct. 3, Mobility Bond Project No. 719. (Fund: 2007 Mobility Bonds)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Standard Utility Agreement between Fort Bend County and Kinder Morgan Tejas Pipeline LLC in an amount not to exceed \$261,213.00 for the expansion of Burney Road, Pct. 3, Mobility Bond Project No. 719 Precincts 3 & 4. (Fund: 2007 Mobility Bonds)

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

17. **HEALTH & HUMAN SERVICES:**

- A. **Take all appropriate action on request to transfer the amount of \$21,600 from Non-Departmental Contingency into Health & Human Services, Fees, to allocate funds for physician services for the Tuberculosis Clinic through September 30, 2012.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$21,600 from Non-Departmental Contingency into Health & Human Services, Fees, to allocate funds for physician services for the Tuberculosis Clinic through September 30, 2012.

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

- B. **Social Services: Take all appropriate action on Vendor Agreement between Fort Bend County and Gexa Energy LP to participate in the Gexa Bill Payment Assistance Program.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Vendor Agreement between Fort Bend County and Gexa Energy LP to participate in the Gexa Bill Payment Assistance Program.

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

- C. **Social Services: Take all appropriate action to accept funds in the amount of \$11,068.38 from TXU Energy for the TXU Energy Aid Program to assist Fort Bend County residents.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to accept funds in the amount of \$11,068.38 from TXU Energy for the TXU Energy Aid Program to assist Fort Bend County residents.

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

18. MENTAL HEALTH PUBLIC DEFENDER:

Take all appropriate action on Discretionary Grant Application and Resolution to the Texas Task Force on Indigent Defense in the amount of \$110,056 for the FY 2013 Fort Bend County Mental Health Public Defender (MHPD) Program, with a cash match of \$440,224; authorize County Judge to sign all documents pertaining to the application, and authorize MHPD Director to electronically submit the application. (Fund: FY 2013 Mental Health Public Defender)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Discretionary Grant Application and Resolution to the Texas Task Force on Indigent Defense in the amount of \$110,056 for the FY 2013 Fort Bend County Mental Health Public Defender (MHPD) Program, with a cash match of \$440,224; authorize County Judge to sign all documents pertaining to the application, and authorize MHPD Director to electronically submit the application. (Fund: FY 2013 Mental Health Public Defender)

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

19. PARKS DEPARTMENT:

Take all appropriate action to authorize County Judge to approve the Summer Food Special Nutrition Programs Agreement for Fort Bend County to apply for the FY 2012 Summer Food Program and authorize electronic submission of the application.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize County Judge to approve the Summer Food Special Nutrition Programs Agreement for Fort Bend County to apply for the FY 2012 Summer Food Program and authorize electronic submission of the application.

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

20. PURCHASING:

- A. Take all appropriate action on Statements of Work for phone system upgrades from Datavox, Inc. utilizing Department of Information Resources Contract DIR-SDD-1513, for an amount not to exceed \$187,071.52. (Fund: Capital Improvement Projects)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Statements of Work for phone system upgrades from Datavox, Inc. utilizing Department of Information Resources Contract DIR-SDD-1513, for an amount not to exceed \$187,071.52. (Fund: Capital Improvement Projects)

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

- B. Take all appropriate action on proposal from WalkerCom Inc. for the renewal of phone system maintenance and upgrade utilizing Department of Information Resources Contract DIR-SDD-1499, for an amount not to exceed \$26,207.10. (Fund: Library, Fees)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to accept proposal from WalkerCom Inc. for the renewal of phone system maintenance and upgrade utilizing Department of Information Resources Contract DIR-SDD-1499, for an amount not to exceed \$26,207.10. (Fund: Library, 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 radio equipment for command vehicle utilizing Houston-Galveston Area Council Agreement, for an amount not to exceed \$110,160.17. (Fund: Office of Emergency Management, UASI Grant)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of radio equipment for command vehicle utilizing Houston-Galveston Area Council Agreement, for an amount not to exceed \$110,160.17. (Fund: Office of Emergency Management, UASI Grant)

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

Item 20 continued - Purchasing:

- D. Take all appropriate action on renewal and purchase of additional licenses of Proofpoint Appliance purchased from reseller, SHI Government Solutions Inc., utilizing Department of Information Resources Contract DIR-SDD-1009 for an amount not to exceed \$113,948. (Fund: Information Technology, Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve renewal and purchase of additional licenses of Proofpoint Appliance purchased from reseller, SHI Government Solutions Inc., utilizing Department of Information Resources Contract DIR-SDD-1009 for an amount not to exceed \$113,948. (Fund: Information Technology, Fees)

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

- E. Take all appropriate action on request for changes to Bid #10-028, a Term Contract for Fire Alarm, Sprinkler, Anti-Backflow, Ansul Systems Maintenance Service and Fire/Security Monitoring. (Fund: Facilities)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve changes to Bid #10-028, a Term Contract for Fire Alarm, Sprinkler, Anti-Backflow, Ansul Systems Maintenance Service and Fire/Security Monitoring. (Fund: Facilities)

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

21. SHERIFF'S OFFICE:

Take all appropriate action on Modification Number 4 to Award No. G11HN0010A, to receive additional funds in the amount of \$6,100 from the Executive Office of the President for the High Intensity Drug Trafficking Area (HIDTA) program, for a total award of \$570,797 for use through December 31, 2012, with no cash match required by Fort Bend County.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Modification Number 4 to Award No. G11HN0010A, to receive additional funds in the amount of \$6,100 from the Executive Office of the President for the High Intensity Drug Trafficking Area (HIDTA) program, for a total award of \$570,797 for use through December 31, 2012, with no cash match required by Fort Bend County.

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 \$4,134,745.64.

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 April 19, 2012, to be ratified by Commissioners Court on April 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 April 19, 2012, to be ratified by Commissioners Court on April 24, 2012.

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

April 10, 2012

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.**

Cause No. 11-CCV045728; State Farm Mutual Automobile Insurance Company as Subrogee of Scott Perlman vs Fort Bend County; In the County Court at Law Number Four (4) of Fort Bend County, Texas.

- B. § 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.**

- 1. Old Richmond Road, Mobility Bond Project #729, Precinct 4.**
- 2. Spur 10 (Texas Department of Transportation 90/10 Reimbursement); Precinct 1.**
- 3. Sugar Land Industrial Park Property, Precinct 3.**

Closed Session:

Convened at 1:37 p.m.
Adjourned at 1:44 p.m.

Reconvene:

Reconvened at 1:46 p.m.

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

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

Cause No. 11-CCV045728; State Farm Mutual Automobile Insurance Company as Subrogee of Scott Perlman vs Fort Bend County; In the County Court at Law Number Four (4) of Fort Bend County, Texas.

No action.

April 10, 2012

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

B. § 551.072. Deliberation Regarding Real Property.

1. Old Richmond Road, Mobility Bond Project #729, Precinct 4.

Pulled.

2. Spur 10 (Texas Department of Transportation 90/10 Reimbursement); Precinct 1.

Pulled.

3. Sugar Land Industrial Park Property, Precinct 3.

No action.

26. Adjournment.

Commissioners Court adjourned at 1:48 p.m. on Tuesday, April 10, 2012.

April 10, 2012

DRAINAGE DISTRICT BOARD MINUTES

BE IT REMEMBERED, That on this 10th DAY of APRIL, 2012, The Drainage District Board of Fort Bend County, Texas, met at a scheduled 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
MARK VOGLER	DRAINAGE DISTRICT MANAGER

When the following were heard and the following orders were passed:

1. Call to Order.

Call to Order by Judge Hebert at 1:03 p.m.

Recess:

Recessed at 1:03 p.m.

2. 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.

Big Creek Drop Structure.

April 10, 2012

Closed Session:

Convened at 1:24 p.m.
Adjourned at 1:37 p.m.

Reconvene:

Reconvened at 1:45 p.m.

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

§ 551.071. Consultation With Attorney.

Big Creek Drop Structure.

No action.

4. Adjournment.

The Drainage District Board adjourned at 1:46 p.m. on Tuesday, April 10, 2012.