

MINUTES

BE IT REMEMBERED, That on this 13th DAY of NOVEMBER, 2012, Commissioners Court of Fort Bend County, Texas, met at a regular meeting with the following present:

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

Judge Hebert absent. Commissioner Prestage presided.

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

1. Call to Order.

Call to Order by Commissioner Prestage at 1:00 p.m.

2. Invocation and Pledge of Allegiance by Commissioner Morrison.

Invocation and Pledge of Allegiance by Commissioner Morrison.

3. Approve minutes of regular meeting held on November 6, 2012.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve the minutes of regular meeting held on November 6, 2012.

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

4. Public Comments regarding the Agenda and Announcements.

No public comments.

Commissioner Prestage congratulated Commissioner Morrison on his re-election and congratulated all those who were successful at last week's election.

CONSENT AGENDA ITEMS 5-12:

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

- A. **Sheriff's Office: K. Carter and L. Williams to San Bernadino, California, November 14-15, 2012, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
- B. **Sheriff's Office: M. Kubricht and C. Matthews to Chicago, Illinois, November 14-15, 2012, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**

6. BUDGET & FINANCE/BUDGET TRANSFERS:

- A. **Commissioner, Pct. 2: Approve FY2013 transfer in the amount of \$500,000 as detailed on Auditor's form dated November 7, 2012, to amend the budget pursuant to Local Government Code 111.0707 and allocate revenue received from the City of Houston for the Fort Bend County Seniors Center project, per the Agreement approved by Commissioners Court September 27, 2011.**
- B. **Auditor: Approve FY2012 transfer in the amount of \$29,077 as detailed on Auditor's form dated November 6, 2012 to reimburse Non-Departmental Contingency for capital mileage incurred by law enforcement agreements for the month of September 2012.**
- C. **Auditor: Approve FY2013 transfer in the amount of \$2,000,000 as detailed on Auditor's form dated November 7, 2012 to amend the budget pursuant to Local Government Code 111.0707 and allocate revenue reimbursement from Fort Bend County Assistance District #2 regarding the Joint Participation Agreement for construction of an access road approved by Commissioners Court on May 8, 2012.**
- D. **Sheriff's Office: Approve FY2013 transfer in the amount of \$264,654 from Sheriff, Federal Forfeited Assets, Contingency, into line items detailed on Sheriff's form dated November 7, 2012, to allocate funds for FY2012 and FY2013 expenditures from the correct line items.**

7. COMMUNITY SUPERVISION & CORRECTION:

Record into Minutes the FY 2012 Community Supervision & Corrections Department (CSCD) Statement of Financial Position, pursuant to Local Government Code Section 140.004 and CJAD Standard 163.43 (a)(1)(F).

8. ENGINEERING:

- A. Approve payment of Invoice No. 43619 in the amount of \$6,999,016.50 to City of Sugar Land regarding road improvements to University Blvd., Mobility Bond Project #723, Precinct 4. (Fund: 2007 Mobility Bonds)**
- B. Approve payment of Invoice No. 3 (Pay Estimate No. 3) in the amount of \$252,441.17 to Mar-Con Services, LLC regarding drainage and paving improvements for West Bellfort Road, Mobility Bond Project #741, Precinct 4. (Fund: 2007 Mobility Bonds)**
- C. Approve payment of Invoice No. 27227 in the amount of \$9,274.60 to Costello, Inc. for professional services regarding improvements to Mason Road, Mobility Bond Project #735, Precinct 4. (Fund: 2007 Mobility Bonds)**
- D. Approve payment to SES Horizon Consulting Engineers, Inc. for Invoice No. FBC2012-1009 718 in the amount of \$44,043.22 regarding Brand Lane, from Ludwig to US 90A, Mobility Bond Project #718, and Invoice No. FBC2012-1009-769 in the amount of \$40,655.28 regarding Brand Lane, from Avenue E to Ludwig, Mobility Bond Project #769, Precinct 2. (Fund: 2007 Mobility Bonds)**
- E. Approve payment of Invoice No. 38205 in the amount of \$2,295.00 to CLR, Inc. regarding improvements to Burney Road, Mobility Bond Project #719, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**
- F. Authorize acceptance of the FY13 Hazardous Materials Emergency Preparedness (HMEP) Planning Grant Award Letter from the Fort Bend County Local Emergency Planning Committee (LEPC) to the Texas Division of Emergency Management (TDEM) representing the State Emergency Response Commission (SERC), in-kind match to be provided by Fort Bend County LEPC and authorize County Judge to sign all documents pertaining to acceptance of the grant.**
- G. Approve application from CenterPoint Entex to bore a 4-inch plastic gas main under Mason Road, Precinct 4.**
- H. Approve application from Debo Homes, LLC to construct a driveway tie-in onto Aaron Way, Precinct 1.**
- I. Approve application from Devon Street Homes to construct two driveway tie-ins, one on Water Violet Lane and one on Brookwood Hollow, Precinct 3.**
- J. Approve application from Verizon Communications to bore under and bury cable along Post Road, Precinct 1.**
- K. Approve application from CenterPoint Energy to bore under Grand Parkway (State Highway 99) and install an electrical duct bank, Precinct 4.**
- L. Approve application from CenterPoint Energy to bore under Grand Parkway (State Highway 99 West) and install an electrical duct bank, Precinct 4.**
- M. Approve application from Nustar Logistics, L.P./Tennessee Pipeline Construction Company to bore under Big Creek, Precinct 1.**

Item 8 continued - Engineering:

- N. Approve application from Center Point Entex to bore under and bury a 6-inch gas main along Streets in Pin Oak Village, Section #1 and #2, Precinct 3.
 - O. Accept the streets in Vintage Trail at Riverstone: Winding Waters Lane 580.67 LF; Lake Riverstone Drive 969.88 LF; Wellshire Springs Lane 207.00 LF; Briarwick Meadow Lane 1,199.08 LF; Riley Way Lane 917.36 LF; Broken Rock Lane 766.17 LF; Beacon View Court 381.76 LF; Vintage Trail Lane 105.88 LF; for a total of 5,127.80 LF; and release bond #MNT8871682 in the amount of \$391,860.00, Precinct 4.
 - P. Accept the streets in Nandina at Riverstone: Stonebank Drive 172.49 LF; Taylor Medford Lane 737.37 LF; Overlook Hill Lane 887.66 LF; Cozac Lane 568.78 LF; for a total of 2,366.30 LF; and release bond # MNT9007865 in the amount of \$176,820.00, Precinct 4.
 - Q. Accept the streets in Shadow Glen at Rivestone: JD Norsworthy Way 98.70 LF; North Shadow Mist Lane 726.26 LF; Emmit Creek Lane 352.86 LF; South Shadow Mist Lane 887.59 LF; Ravens Mill Court 424.46 LF; for a total of 2,489.87 LF ; and release bond #MNT9007892 in the amount of \$170,800.00, Precinct 4.
 - R. Rescind Court approval of Agenda Item 5D on October 23, 2012, acceptance of the traffic control plan for Hawks Landing, Section 1, Hawks Prairie Boulevard Extension North of Spring Green Boulevard STD, and Hawks Prairie Boulevard North of Spring Green Boulevard to Katy Gaston Road STD, Precinct 3, due to error of non-publication by India Herald.
 - S. Set public hearing for the traffic control plan for Hawks Landing, Section 1, Hawks Prairie Boulevard Extension North of Spring Green Boulevard STD, and Hawks Prairie Boulevard North of Spring Green Boulevard to Katy Gaston Road STD, Precinct 3. *(Tuesday, December 11, 2012, at 1:00 p.m.)*
 - T. Set public hearing for acceptance of the traffic control plan for Vintage Trail at Riverstone, Nandina at Riverstone and Shadow Glen at Riverstone, Precinct 4. *(Tuesday, December 11, 2012, at 1:00 p.m.)*
 - U. Set public hearing for the street name change in the Del Webb-Richmond Development from Honey Bee Court to Wild Olive Way, within the Del Webb-Richmond , Section 3 plat, FBC plat records instrument #20110090, (small stub street portion only), Pct. 1. *(Tuesday, December 11, 2012, at 1:00 p.m.)*
9. **HEALTH & HUMAN SERVICES:**
- A. **Animal Services:** Approve Full Release and Usage of County Property Agreement with the Spay-Neuter Assistance Program (SNAP) for six mobile clinic visits scheduled for FY 2013 at various County locations as specified in the Agreement.
 - B. **Emergency Medical Service:**
 - 1. Approve renewal of Mutual Aid Agreement for Emergency Medical Services between Fort Bend County and Austin County.

Item 9B continued - Emergency Medical Service:

- 2. **Approve renewal of Housing Agreement between Fort Bend County and the City of Stafford for Emergency Medical Services equipment and personnel at Fire Station No. 1 in Stafford.**

10. HUMAN RESOURCES:

Approve request for withdrawal of 178 hours from the Shared Sick Leave Pool for employee of Indigent Health Care, Position # 6401-0003.

11. PURCHASING:

Approve purchase and modification of the following items for the Sheriff's Office: Toner supplies from Dell in the amount of \$5,950.34; and Janitorial supplies from Gulf Coast Paper Company in the amount of \$5,250.28; authorize payments pursuant to Section 130.908 of the Texas Local Government Code. (Fund: Sheriff's Office)

12. SHERIFF'S OFFICE:

Approve renewal of Interlocal Agreement between Fort Bend County and the Lamar Consolidated Independent School District for use of the County's Public Safety Radio System effective through September 30, 2013.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve consent agenda items 5 - 12.

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

13. COMMISSIONER, PCT. 3:

Take all appropriate action on the Professional Property Services Consulting Agreement between Fort Bend County and Integra Realty Resources, Houston in an amount not to exceed \$50,000 for consulting services regarding the Cane Island Mobility Project, Precinct 3. (Fund: 2007 Mobility Bonds)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve the Professional Property Services Consulting Agreement between Fort Bend County and Integra Realty Resources, Houston in an amount not to exceed \$20,000 for consulting services regarding the Cane Island Mobility Project, Precinct 3. (Fund: 2007 Mobility Bonds)

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

14. CONSTABLE, PCT. 3:

Take all appropriate action on request to reclassify Position Number 5503-0014, in the Office of Constable, Precinct 3, from Deputy Constable, Grade 9, of the Law Enforcement Policy Group, to Corporal, Grade 10, of the Law Enforcement Policy Group, effective November 17, 2012.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to reclassify Position Number 5503-0014, in the Office of Constable, Precinct 3, from Deputy Constable, Grade 9, of the Law Enforcement Policy Group, to Corporal, Grade 10, of the Law Enforcement Policy Group, effective November 17, 2012.

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

15. COUNTY ATTORNEY:

Take all appropriate action on filing with the Texas Comptroller of Public Accounts, all necessary letters, forms and documents required under Senate Bill 18, including a letter detailing the authority of Fort Bend County to exercise the power of Eminent Domain, as well as the Texas Comptroller form entitled "Required Documentation of Eminent Domain Authority in Texas", and authorize County Judge to sign any and all documents pertaining to the action.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve filing with the Texas Comptroller of Public Accounts, all necessary letters, forms and documents required under Senate Bill 18, including a letter detailing the authority of Fort Bend County to exercise the power of Eminent Domain, as well as the Texas Comptroller form entitled "Required Documentation of Eminent Domain Authority in Texas" and authorize County Judge Hebert or Commissioner Prestage to sign any and all documents pertaining to the action.

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

16. ENGINEERING:

Take all appropriate action on Resolution Establishing a Low Impact Development Pilot Project within Fort Bend County, Texas.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve Resolution Establishing a Low Impact Development Pilot Project within Fort Bend County, Texas.

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

17. FACILITIES MANAGEMENT & PLANNING:

Take all appropriate action on the First Amendment to the Agreement between Fort Bend County and Lockwood, Andrews & Newnam, in the amount of \$31,500 with a total contract amount of \$50,700, for additional upgrades to the Jail Generators. (Fund: Facility Bond Project)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve the First Amendment to the Agreement between Fort Bend County and Lockwood, Andrews & Newnam, in the amount of \$31,500 with a total contract amount of \$50,700, for additional upgrades to the Jail Generators. (Fund: Facility Bond Project)

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

18. OFFICE OF EMERGENCY MANAGEMENT:

Take all appropriate action on request to transfer the amount of \$15,354 from FY2013 Non-Departmental Contingency as detailed on Auditor's form dated November 5, 2012, to allocate funds for the local match required with acceptance of Hazard Mitigation Grant Program funds from the Texas Division of Emergency Management on April 27, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to transfer the amount of \$15,354 from FY2013 Non-Departmental Contingency as detailed on Auditor's form dated November 5, 2012, to allocate funds for the local match required with acceptance of Hazard Mitigation Grant Program funds from the Texas Division of Emergency Management on April 27, 2010.

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

19. PURCHASING:

- A. Take all appropriate action on Agreement between Fort Bend County and Kofile Preservation, Inc. for County Clerk document preservation services in an amount not to exceed \$55,000. (Fund: County Clerk)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve Agreement between Fort Bend County and Kofile Preservation, Inc. for County Clerk document preservation services in an amount not to exceed \$55,000. (Fund: County Clerk)

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

- B. Take all appropriate action on request by the City of Arcola, pursuant to Local Government Code Section 263.152 (a)(1), to purchase furniture from Fort Bend County as described in their letter dated November 2, 2012.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve request by the City of Arcola, pursuant to Local Government Code Section 263.152 (a)(1), to purchase surplus property from Fort Bend County as described in their letter dated November 2, 2012.

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

- C. Take all appropriate action on request by the City of Richmond, pursuant to Local Government Code Section 263.152 (a)(1), to purchase furniture from Fort Bend County as described in their letter dated November 5, 2012.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve request by the City of Richmond, pursuant to Local Government Code Section 263.152 (a)(1), to purchase furniture from Fort Bend County as described in their letter dated November 5, 2012.

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

Item 19 continued - Purchasing:

D. Take all appropriate action on Bid 13-011 for traffic signalization project for Fry Road at Village Center.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to award Bid 13-011 for traffic signalization project for Fry Road at Village Center to Reliable Signal & Lighting Solutions, Inc. for \$151,590.00.

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

E. Take all appropriate action on the Design/Build agreement, pursuant to SOQ 12-040, between Fort Bend County and Crain Group in the amount of \$2,885,000 for the renovation of the George Memorial Library. (Fund: Facility Bond Project)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve the Design/Build agreement, pursuant to SOQ 12-040, between Fort Bend County and Crain Group in the amount of \$2,885,000 for the renovation of the George Memorial Library. (Fund: Facility Bond Project)

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

20. TEXAS AGRI-LIFE EXTENSION:

Take all appropriate action on request for reimbursement in the amount of \$8.64 to Joe Mask for purchase of fuses for truck without a purchase order, while traveling. (Fund: Extension Office, Operating Supplies)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve reimbursement in the amount of \$8.64 to Joe Mask for purchase of fuses for truck without a purchase order, while traveling. (Fund: Extension Office, Operating Supplies)

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

21. Approve Bills pursuant to Section 130.908 of the Texas Local Government Code.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve bills pursuant to Section 130.908 of the Texas Local Government Code.

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

22. Approve Bills.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve bills in the amount of \$8,848,845.37.

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

Recess:

Recessed at 1:15 p.m.

23. 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. 12-DCV-197051; Texas Mutual Insurance Company as Subrogee of William Harris v. Fort Bend County Emergency Medical Service and Fort Bend County; In the 400th Judicial District Court, 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.**

Cane Island Properties Project, Pct. 3.

Closed Session:

Convened at 1:22 p.m.
Adjourned at 1:30 p.m.

Reconvene:

Reconvened at 1:32 p.m.

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

A. § 551.071. Consultation With Attorney.

Cause No. 12-DCV-197051; Texas Mutual Insurance Company as Subrogee of William Harris v. Fort Bend County Emergency Medical Service and Fort Bend County; In the 400th Judicial District Court, Fort Bend County, Texas

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize the County Attorney to negotiate the complete terms and provisions for the full and final settlement of Cause No. 12-DCV-197051; Texas Mutual Insurance Company as Subrogee of William Harris v. Fort Bend County Emergency Medical Service and Fort Bend County; In the 400th Judicial District Court, Fort Bend County, Texas and authorize County Judge Hebert or Commissioner Prestage to execute and deliver the Settlement Agreement for the full and final settlement of all claims.

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

B. § 551.072. Deliberation Regarding Real Property.

Cane Island Properties Project, Pct. 3.

No action.

25. Adjournment.

Commissioners Court adjourned at 1:34 p.m. on Tuesday, November 13, 2012.