

MINUTES

BE IT REMEMBERED, That on this 12th DAY of FEBRUARY, 2013, 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 Prestage.

Invocation and Pledge of Allegiance by Commissioner Prestage.

3. Approve minutes of regular meeting held on February 5, 2013.

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 February 5, 2013.

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.

CONSENT AGENDA ITEMS 5 - 12:

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

- A. Engineering: Ronald Drachenberg to Des Moines, Iowa, April 20-25, 2013, to attend the 2013 National Association of County Engineers (NACE) Annual Meeting/Management & Technical Conference. (Fund: Engineering, Travel)**
- B. Behavioral Health Services: Connie Almeida to Las Vegas, Nevada, April 7-10, 2013, to attend the National Council for Community Behavioral Health Care Conference. (Fund: Behavioral Health, Travel)**

6. BUDGET & FINANCE/BUDGET TRANSFERS:

- A. District Attorney: Approve transfer in the amount of \$43,533 as detailed on Auditor's form dated February 1, 2013 to allocate matching funds for the FY 2013 Victim Witness Staff Expansion Grant program.**
- B. District Attorney: Approve transfer in the amount of \$36,813 as detailed on Auditor's form dated February 1, 2013 to allocate matching funds for the FY 2013 Violence Against Women Investigator Grant program.**
- C. District Attorney: Approve transfer in the amount of \$44,975 as detailed on Auditor's form dated February 1, 2013 to allocate matching funds for the FY 2013 Violence Against Women Prosecutor Grant program.**
- D. Engineering: Approve transfer in the amount of \$96,270 as detailed on Auditor's form dated February 1, 2013, to amend the budget pursuant to Local Government Code Section 111.0707 and allocate funds received from developer for future road expansion in Riverpark West Subdivision.**
- E. Purchasing: Approve transfer in the amount of \$433 from Office Supplies into Information Technology to allocate funds into correct line item for purchase of computer related equipment and supplies.**
- F. Treasurer - Court Collections: Approve transfer in the amount of \$200 from Travel into Information Technology to allocate funds for the purchase of an external hard drive.**

7. DISTRICT ATTORNEY:

Approve the award to Oshea Spencer of her District Attorney Office Badge upon her resignation, in appreciation of her ten years of dedicated service to the citizens of Fort Bend County.

8. ENGINEERING:

- A. Approve payment of Invoice No. 6 (Pay Estimate No. 6) in the amount of \$1,683.00 to Allgood Construction Company, Inc. regarding Falcon Landing Boulevard, Phase 2, Mobility Bond Project #703 (B), Precinct 3. (Fund: 2007 Mobility Bonds)**
- B. Approve payment of Invoice No. 4 (Pay Estimate No. 4) in the amount of \$703,867.45 to Allgood Construction Company, Inc. regarding Falcon Landing Boulevard, Phase 4 (from Spring Green to Gaston Road), Mobility Bond Project #703(D), Precinct 3. (Fund: 2007 Mobility Bonds)**
- C. Approve payment of Invoice No. 4 (Pay Estimate No. 4) in the amount of \$141,417.30 to Allgood Construction Company, Inc. regarding Mason Road, Phase I, (from FM 359 to North of Skinner Road), Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)**
- D. Approve payment of Invoice No. 28264 in the amount of \$7,722.28 to Landtech Consultants, Inc. regarding the expansion of Mason Road, Phase II, Mobility Bond Project #735(A), Precinct 3. (Fund: 2007 Mobility Bonds)**
- E. Approve payment of Invoice No. 90032293 in the amount of \$18,807.25 to Union Pacific Railroad Company regarding installation of signals at Harlem Road, Mobility Bond Project #725A, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**
- F. Approve payment of Invoice No. 90032155 in the amount of \$79,645.43 to Union Pacific Railroad regarding railroad crossing improvements at Harlem Road, Mobility Bond Project #725A, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**
- G. Approve payment of Invoice No. 838677 in the amount of \$3,174.00 to Michael Baker, Jr. Inc. for professional services regarding bridge replacement at James Lane over Bessies Creek, Mobility Bond Project #100, Precinct 3. (Funds: 2000 Mobility Bonds)**
- H. Approve payment of Invoice No. 12-12-031 in the amount of \$13,290.00 to Kelly Kaluza & Associates, Inc. regarding Harlem Road, Mobility Bond Project #726, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**
- I. Approve payment of Invoice No. 9 (Pay Estimate No. 9) in the amount of \$612,928.31 to Conrad Construction Company regarding Burney Road, from Voss Road to Old Richmond, Mobility Bond Project #719, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**
- J. Approve application from T.G. Mercer Consulting Services, Inc. to construct a driveway tie-in onto Reinecker Road, Precinct 1.**
- K. Approve the plat for Jamil Cardiff Ranch Reserves, Precinct 3.**
- L. Approve plat for the roads within Olive Hall at Riverstone, Precinct 4.**
- M. Approve plat for the lots within Olive Hill at Riverstone, Precinct 4.**
- N. Approve plat for the roads within River Run at the Brazos, Section Four-B, Pct. 1.**
- O. Approve plat for the lots within River Run at the Brazos, Section Four-B, Precinct 1.**

Item 8 continued - Engineering:

P. Approve plat for the roads within Del Webb-Richmond, Section 7, Precinct 1.

Q. Approve plat for the lots within Del Webb-Richmond, Section 7, Precinct 1.

9. HEALTH & HUMAN SERVICES:

Accept and sign the Department of State Health Services (DSHS) Amendment No. 003A related to Contract #2013-041111, effective January 28, 2013, the content of which is confidential as allowed by Texas Government Code 418.183(f)

10. HUMAN RESOURCES:

Approve request for withdrawal of hours from the Shared Sick Leave Pool as follows: employee of Community Supervision & Corrections Department, Position #5701-0087 32 hours; employee of Road & Bridge, Position #6111-0126 90 hours; and employee of Clinical Health, Position #6301-0036 80 hours.

11. PURCHASING:

A. Approve renewal of Official Bond and Oath for Gilbert Jalomo, Purchasing Agent, in the amount of \$5,000 effective March 29, 2013 through March 29, 2015.

B. Authorize advertising for proposals for software to monitor social media intelligence for Office of Emergency Management.

12. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on February 5, 2013, for an amount totaling \$16,615.01 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 5-12 with correction to 8L - Olive Hill.

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

13. COUNTY JUDGE:

- A. Take all appropriate action on the appointment of Mark Flathouse as Fort Bend County Fire Marshal for a two-year term commencing on March 18, 2013, subject to conditions of employment and employment policies of all Fort Bend County employees, including the posting of a Bond in the amount of \$2,000 pursuant to Local Government Code Section 352.011-012.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to appoint Mark Flathouse as Fort Bend County Fire Marshal for a two-year term commencing on March 18, 2013, subject to conditions of employment and employment policies of all Fort Bend County employees, including the posting of a Bond in the amount of \$2,000 pursuant to Local Government Code Section 352.011-012.

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

- B. Take all appropriate action on the Tax Abatement Agreement between Fort Bend County, J Crosby Investments, LLC (as Owner) and CD&N Manufacturing, LLC (as Lessee), doing business as CNC Manufacturing.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve the Tax Abatement Agreement between Fort Bend County, J Crosby Investments, LLC (as Owner) and CD&N Manufacturing, LLC (as Lessee), doing business as CNC Manufacturing.

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

14. AGRI LIFE EXTENSION OFFICE:

Take all appropriate action on request to pay by Invoice Transmittal the amount of \$49.50 to Joe Mask, for Lister Surgical Clipper Blades to be utilized on 4-H livestock projects, purchased without a purchase order. (Fund: Extension Office, Operating Supplies)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to pay by Invoice Transmittal the amount of \$49.50 to Joe Mask, for Lister Surgical Clipper Blades to be utilized on 4-H livestock projects, purchased without a purchase order. (Fund: Extension Office, Operating Supplies)

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

15. COMMUNITY DEVELOPMENT:

Take all appropriate action on Emergency Solutions Grant (ESG) Agreement between Fort Bend County and Fort Bend County Women's Center in the amount of \$21,800 for the purpose of providing rapid re-housing, relocation and stabilization services, part of the Substantial Amendment to the FY 2011 Consolidated Annual Action Plan for the Emergency Solutions Grant Program, approved by Commissioners Court on May 1, 2012, and authorize County Judge to sign all documents pertaining to the Agreement. (Fund: Emergency Solutions Grant)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Emergency Solutions Grant (ESG) Agreement between Fort Bend County and Fort Bend County Women's Center in the amount of \$21,800 for the purpose of providing rapid re-housing, relocation and stabilization services, part of the Substantial Amendment to the FY 2011 Consolidated Annual Action Plan for the Emergency Solutions Grant Program, approved by Commissioners Court on May 1, 2012, and authorize County Judge to sign all documents pertaining to the Agreement. (Fund: Emergency Solutions Grant)

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

16. COMMUNITY SUPERVISION & CORRECTIONS DEPARTMENT:

Take all appropriate action on grant Application and Resolution to the Office of the Governor, Criminal Justice Division, for grant funding in the amount of \$150,000 for the 2014 Felony Drug Court (CARD), Misdemeanor Drug Court, and the DWI Court Programs, with no cash match required by Fort Bend County.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve grant Application and Resolution to the Office of the Governor, Criminal Justice Division, for grant funding in the amount of \$150,000 for the 2014 Felony Drug Court (CARD), Misdemeanor Drug Court, and the DWI Court Programs, with no cash match required by Fort Bend County.

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

17. CONSTABLE, PCT. 2:

Take all appropriate action on request to pay by Invoice Transmittal the amount of \$8.99 to Ozarka-Nestle PureLife for water purchased without a purchase order. (Fund: Constable, Pct. 2, Fees)

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to pay by Invoice Transmittal the amount of \$8.99 to Ozarka-Nestle PureLife for water purchased without a purchase order. (Fund: Constable, Pct. 2, Fees)

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

18. DISTRICT ATTORNEY:

Take all appropriate action on Application and Resolution to the Office of the Governor, Criminal Justice Division, for grant funds in the amount of \$11,789.90 to purchase equipment as part of the FY 2014 Justice Assistance Grant Program, with no cash match required by Fort Bend County.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Application and Resolution to the Office of the Governor, Criminal Justice Division, for grant funds in the amount of \$11,789.90 to purchase equipment as part of the FY 2014 Justice Assistance Grant Program, with no cash match required by Fort Bend County.

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

19. ENGINEERING:

Take all appropriate action on Resolution and Order to Abandon and Close a portion of Thompson Ferry Road in Fort Bend County, Precinct 4.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Resolution and Order to Abandon and Close a portion of Thompson Ferry Road in Fort Bend County, Precinct 4.

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

20. HEALTH & HUMAN SERVICES:

Take all appropriate action on request to provide intergovernmental transfer funding commitment in the amount of \$261,717 in order to be eligible to receive \$626,418 available to Fort Bend County for Demonstration Year 1 funding through the 1115 waiver.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to provide intergovernmental transfer funding commitment in the amount of \$261,717 in order to be eligible to receive \$626,418 available to Fort Bend County for Demonstration Year 1 funding through the 1115 waiver.

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

21. OFFICE OF EMERGENCY MANAGEMENT:

Take all appropriate action on Property Transfer Record Agreements between Fort Bend County and the following agencies to transfer laptops purchased as part of the Homeland Security Grant Program: City of Port Arthur, Texas Department of State Health Services Region 6, Galveston County, Brazoria County, City of Houston, Hardin County and City of Beaumont.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Property Transfer Record Agreements between Fort Bend County and the following agencies to transfer laptops purchased as part of the Homeland Security Grant Program: City of Port Arthur, Texas Department of State Health Services Region 6, Galveston County, Brazoria County, City of Houston, Hardin County and City of Beaumont.

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

22. PURCHASING:

- A. Take all appropriate action to authorize the purchase of a vehicle for Constable, Precinct 4, an addition to fleet detailed by Purchasing Agent on summary dated February 12, 2013, pursuant to Bid 13-020.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of a vehicle for Constable, Precinct 4, an addition to fleet detailed by Purchasing Agent on summary dated February 12, 2013, pursuant to Bid 13-020 and to be repaid by MUD 146.

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

- B. Take all appropriate action on RFP 13-021 for Financial Planning Services for Public Transportation.**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to enter into contract negotiations with Lowery Transit Consulting and Nancy R Edmonson Transportation Consulting for separate services on RFP 13-021 for Financial Planning Services for Public Transportation.

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

- C. Take all appropriate action on request to donate mobile data computer equipment to Beasley Community Fire Department, as described in their letter to the Sheriff's Office dated January 15, 2013, pursuant to Local Government Code Section 352.002.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to donate mobile data computer equipment to Beasley Community Fire Department, as described in their letter to the Sheriff's Office dated January 15, 2013, pursuant to Local Government Code Section 352.002.

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

23. SHERIFF'S OFFICE:

Take all appropriate action on adoption of the Fort Bend County Justice Center Emergency Plan.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to adopt the Fort Bend County Justice Center Emergency Plan.

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

24. 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 \$5,339,392.05.

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

25. Authorize County Auditor to pay and release time sensitive bills on February 21, 2013, to be ratified by Commissioners Court on February 26, 2013.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize County Auditor to pay and release time sensitive bills on February 21, 2013, to be ratified by Commissioners Court on February 26, 2013.

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

Recess:

Recessed at 1:14 p.m.

26. 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.

Potential Litigation (AFC Transportation / AFC Houston / AFC Transportation - Transportation Management Company, GBJ, Inc. doing business as AFC Transportation, and National Interstate Insurance Company)

- 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.

Lease of Property for Public Transportation Administration/Operating Facility, Precinct 4.

Closed Session:

Convened at 1:23 p.m.
Adjourned at 1:38 p.m.

Reconvene:

Reconvened at 1:39 p.m.

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

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

Potential Litigation (AFC Transportation / AFC Houston / AFC Transportation - Transportation Management Company, GBJ, Inc. doing business as AFC Transportation, and National Interstate Insurance Company)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney's office to file a lawsuit on behalf of the County against GBJ Inc., doing business as AFC Transportation and National Interstate Insurance Co. for all relief due by reason of physical damage to the Public Transportation Department's vehicle (2010 Chevrolet Challenger) in connection with the motor vehicle collision that occurred on March 15, 2011.

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

Item 27 continued - Reconvene Open Session and consider taking action on the following matters:

B. § 551.072. Deliberation Regarding Real Property.

Lease of Property for Public Transportation Administration/Operating Facility, Precinct 4.

No action.

28. Adjournment.

Commissioners Court adjourned at 1:40 p.m. on Tuesday, February 12, 2013.