

MINUTES

BE IT REMEMBERED, That on this 12th DAY of MARCH, 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 Morrison.

Invocation and Pledge of Allegiance by Commissioner Morrison.

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

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 March 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.

Commissioner Morrison congratulated Terry and Travis High School basketball teams for being state champions.

Judge Hebert recognized Scout Morgan from Troop 212 who is working on his Citizenship badge.

CONSENT AGENDA ITEMS 5 -15

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

- A. **Health & Human Services:** Ratify a change in the name of staff member from Sandra Preciado to Angie Villarreal for travel to Atlanta, Georgia, March 11-15, 2013, to attend the 2013 Public Health Preparedness Summit. (Fund: Public Health Preparedness Grant)
- B. **Office of Emergency Management:** Doug Barnes, Ed Norman, Jason Holloway, Irene Walger, Larry Riendeau, and Melissa Howland to Augusta, Georgia, April 1-4, 2013, to attend the 2013 WebEOC Users Conference. (Fund: Office of Emergency Management, Urban Area Security Initiatives Grant)
- C. **Sheriff's Office:** K. Walger to Orlando, Florida, September 7-13, 2013, to attend American Polygraph Association 48th Annual Seminar/Workshop. (Fund: Sheriff, Enforcement, Travel)

6. COUNTY JUDGE:

Approve request for Historic Site Property Tax Exemption for The George Ranch Historical Park, located in Richmond, Texas for tax year 2013.

7. BUDGET & FINANCE/BUDGET TRANSFERS:

- A. **Child Protective Services:** Approve transfer in the amount of \$52,524 as detailed on Auditor's form dated March 5, 2013, to allocate funds for the Department of Family Protective Services staffing contract for FY 2013.
- B. **Constable, Pct. 2:** Approve transfer in the amount of \$10,000 from Salaries into Temporary/Part-Time to allocate additional funds for assistance needed during employee absence on family medical leave.
- C. **Facilities Management & Planning:** Approve transfer in the amount of \$15,000 as detailed on Director's form dated March 4, 2013, to allocate funds for upgrade to the access control system in the Extension Center.
- D. **Facilities Management & Planning:** Approve transfer in the amount of \$5,000,000 as detailed on Auditor's form dated March 6, 2013, to amend the budget pursuant to Local Government Code Section 111.707 and allocate funds received from the Central Appraisal District as reimbursement for improvements and expansion of the facility, pursuant to the Agreement approved by Commissioners Court on May 5, 2011.

Item 7 continued - Budget & Finance/Budget Transfers:

- E. **Facilities Management & Planning:** Approve transfer in the amount of \$1,613,900 as detailed on Auditor's form dated March 6, 2013, to reallocate funds budgeted for the Central Appraisal District Project Agreement into Right of Way, due to Central Appraisal District reimbursement of the cost of the project.
- F. **Office of Emergency Management:** Approve transfer in the amount of \$240 from Fees into Information Technology to allocate funds into correct line item for the purchase of computer related items.
- G. **Road & Bridge:** Approve transfer in the amount of \$641,651 as detailed on Auditor's form dated March 6, 2013, to reallocate funds for various projects within the Road & Bridge Department.
- H. **Sheriff's Office:** Approve transfer in the amount of \$797 from Sheriff, Enforcement, Operating Supplies, into Road & Bridge, Operating Supplies to reallocate funds for signs installed in and around the Sheriff's Office by the Road & Bridge Department.

8. COMMUNITY DEVELOPMENT:

Approve First Modification of Agreement between Fort Bend County and Texana Center to extend the term of the Agreement through March 26, 2013 for the Neighborhood Stabilization Program, with no change in funding, and authorize County Judge to sign all documents pertaining to the Modification. (Fund: Neighborhood Stabilization Program)

9. CONSTABLE, PCT. 1:

Record into Minutes the 2012 Racial Profiling Report, Tier 2, for the Office of Constable, Pct. 1, pursuant to Code of Criminal Procedure, Articles 2.131-2.138.

10. ENGINEERING:

- A. Approve payment of Invoice No. 047256 in the amount of \$18,103.75 to Paradigm Consultants, Inc. regarding Mason Road Improvements, Phase I, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)
- B. Approve payment of Invoice No. 7 (Pay Estimate No. 7) in the amount of \$9,060.52 to Allgood Construction Company, Inc. regarding Falcon Landing Boulevard, Phase 2, Mobility Bond Project #703 (B), Precinct 3. (Fund: 2007 Mobility Bonds)
- C. Approve payment of Invoice No. 5 (Pay Estimate No. 5) in the amount of \$314,408.19 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. 28356 in the amount of \$22,992.38 to Costello, Inc. Engineering & Surveying regarding improvements to Mason Road, Mobility Bond Project #735, Precinct 4. (Fund: 2007 Mobility Bonds)

Item 10 continued - Engineering:

- E. Approve payment of Invoice No. 5 (Pay Estimate No. 5) in the amount of \$673,693.88 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)**
- F. Approve application from Comcast of Houston, LLC to bury 1-1/2 inch conduit along Harlem Road, Precinct 4.**
- G. Approve application from Strike, LLC to construct two driveway tie-ins onto Hurta Road, Precinct 1.**
- H. Approve application from Devon Street Homes to construct a driveway tie-in onto Water Violet Lane, Precinct 3.**
- I. Approve application from CenterPoint Entex to bury a 4-inch plastic gas line along Wildwood Park Drive, Precinct 1.**
- J. Approve application from CML Exploration, LLC to construct a driveway tie-in onto Powell Point School Road, Precinct 1.**
- K. Approve the plat for Fulbrook, Sec. 4A Replat of Lots 5 & 6 of Block 1, Precinct 3.**
- L. Approve the plat for Cinco Village Center, Section 3 Partial Replat No. 7, Precinct 3.**
- M. Approve the plat for Grand Corner Reserves Partial Replat No. 3, Precinct 3.**
- N. Approve plat for the roads within Horseshoe Ridge at Westheimer Lakes, Section 1.**
- O. Approve plat for the lots within Horseshoe Ridge at Westheimer Lakes, Section 1, Pct. 3.**
- P. Set public hearing for acceptance of the revised traffic study for Diamond Cove Lane at Lakemont Bend Drive to add "No Parking Any Time" signs located west of Katy ISD McNeil Elementary School, Precinct 3. *(Tuesday, April 9, 2013, at 1:00 p.m.)***
- 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. 5 in the amount of \$364,138.25 to Phoenix 1 Restoration and Construction, Ltd., for Construction Services regarding restoration of the Historic Courthouse;**
 - B. Pay Application No. 3 in the amount of \$210,012.00 to JE Dunn for Construction Services regarding the Senior Citizens Center.**

12. HEALTH & HUMAN SERVICES:

Clinical Health: Approve Amendment to Program Attachment #007, Contract #2013-041111, between Fort Bend County and the State of Texas, Department of State Health Services, to include special provisions regarding the Tuberculosis Prevention and Control Program, effective November 11, 2012.

13. HUMAN RESOURCES:

Approve request for withdrawal of 65 hours from the Shared Sick Leave Pool for employee of Risk Management, Position #4101-0001.

14. ROAD & BRIDGE:

Approve payment of Invoice No. 1 in the amount of \$115,927.13 to Mar-Con Services, Inc. LLC. for work done on the construction of James Lane Bridge. (Fund: Road & Bridge)

15. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on March 5, 2013, for an amount totaling \$8,674.48 for the Office of Patsy Schultz.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 5 - 10E and 10G - 15.

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

Item 10F pulled.

16. COUNTY JUDGE:

Take all appropriate action on Resolution approving the issuance of bonds by the Harris County Cultural Education Facilities Finance Corporation to Refinance Certain Facilities for Memorial Hermann Health System, pursuant to 26 U.S.C. Section 147(f) of the Internal Revenue Code, including equipment located at Memorial Hermann Sugar Land Hospital located in Fort Bend County, with no financial obligation by Fort Bend County.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Resolution approving the issuance of bonds by the Harris County Cultural Education Facilities Finance Corporation to Refinance Certain Facilities for Memorial Hermann Health System, pursuant to 26 U.S.C. Section 147(f) of the Internal Revenue Code, including equipment located at Memorial Hermann Sugar Land Hospital located in Fort Bend County, with no financial obligation by Fort Bend County.

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

17. DISTRICT ATTORNEY:

- A. Take all appropriate action on request to pay by Invoice Transmittal the amount of \$650.60 to Seewee's Travel for out of state travel purchased without a purchase order for Mike Hartman and Matthew Gray to attend training program in Atlanta, Georgia. (Fund: District Attorney, State Forfeited Assets)**

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to pay by Invoice Transmittal the amount of \$650.60 to Seewee's Travel for out of state travel purchased without a purchase order for Mike Hartman and Matthew Gray to attend training program in Atlanta, Georgia. (Fund: District Attorney, State Forfeited Assets)

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

Item 17 continued - District Attorney:

- B. Take all appropriate action on request to ratify grant application and adopt the Resolution to The Office of the Governor, Criminal Justice Division for grant funding in the amount of \$73,198 to operate the Victim Witness Staff Expansion Grant program for the 2013-2014 year, with a cash match provided by Fort Bend County in the amount of \$45,959 for a total program cost of \$119,157. (Fund: District Attorney)**

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to ratify grant application and adopt the Resolution to The Office of the Governor, Criminal Justice Division for grant funding in the amount of \$73,198 to operate the Victim Witness Staff Expansion Grant program for the 2013-2014 year, with a cash match provided by Fort Bend County in the amount of \$45,959 for a total program cost of \$119,157. (Fund: District Attorney)

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

18. ENGINEERING:

Take all appropriate action on Interlocal Agreement between Fort Bend County and Texas Division of Emergency Management for the Hazardous Materials Emergency Preparedness Planning Grant, with administration and in-kind match to be provided by the Fort Bend County Local Emergency Planning Committee (LEPC), and authorize County Judge to sign the Agreement.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreement between Fort Bend County and Texas Division of Emergency Management for the Hazardous Materials Emergency Preparedness Planning Grant, with administration and in-kind match to be provided by the Fort Bend County Local Emergency Planning Committee (LEPC), and authorize County Judge to sign the Agreement.

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

19. HUMAN RESOURCES:

Take all appropriate action on request to reimburse by Invoice Transmittal the amount of \$174.50 to Beatrice Galan for training supplies purchased without a purchase order. (Fund: Special Funds Account)

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to reimburse by Invoice Transmittal the amount of \$174.50 to Beatrice Galan for training supplies purchased without a purchase order. (Fund: Special Funds Account)

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

20. PURCHASING:

A. Take all appropriate action on Bid 13-038 for Airport Avenue Road Extension to FM 2218.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to award Bid 13-038 for Airport Avenue Road Extension to FM 2218 to Hassell Construction.

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

B. Take all appropriate action on RFP 13-026 for Foam Trailers.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to enter into contract negotiations with United Plastic Fabricating on RFP 13-026 for Foam Trailers.

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

Note: Trailers are for Richmond Fire Department and Stafford Fire Department.

Item 20 continued - Purchasing:

C. Take all appropriate action on RFP 13-027 for Blast Film at alternate Emergency Operations Center.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to enter into contract negotiations with Enpro on RFP 13-027 for Blast Film at alternate Emergency Operations Center.

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

D. Take all appropriate action on RFP 13-037 for Displays at alternate Emergency Operations Center.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to enter into contract negotiations with Audio Visual Technologies Group on RFP 13-037 for Displays at alternate Emergency Operations Center.

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

21. 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 \$11,178,139.30.

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

- 22. Authorize County Auditor to pay and release time sensitive bills on March 21, 2013, to be ratified by Commissioners Court on March 26, 2013.**

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 March 21, 2013, to be ratified by Commissioners Court on March 26, 2013.

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

Recess:

Recessed at 1:10 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.**

Potential litigation - U. S. Department of Labor Inquiry.

- 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. Spur 10; Texas Department of Transportation 90/10 Reimbursement Project, Precinct 1.**
- 2. Brand Lane, Precinct 2.**

Closed Session:

Convened at 1:20 p.m.
Adjourned at 1:33 p.m.

Reconvene:

Reconvened at 1:34 p.m.

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

A. § 551.071. Consultation With Attorney.

Potential litigation - U. S. Department of Labor Inquiry.

No action.

B. § 551.072. Deliberation Regarding Real Property.

1. Spur 10; Texas Department of Transportation 90/10 Reimbursement Project, Precinct 1.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 20B in the amount of \$28,688.00, Parcel 52 in the amount of \$238,760.00 and Parcel 53 in the amount of \$33,231.00 of the Spur 10 Mobility Project plus necessary costs not to exceed \$5,000.00 each with funds from Right of Way fund and authorize the County Judge to execute all necessary documents.

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

2. Brand Lane, Precinct 2.

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 3 of the Brand Lane Mobility Project in the amount of \$5,994.00 plus necessary costs not to exceed \$5,000.00 with funds from Right of Way fund and authorize the County Judge to execute all necessary documents.

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

25. Adjournment.

Commissioners Court adjourned at 1:37 p.m. on Tuesday, March 12, 2013.