

MINUTES

BE IT REMEMBERED, That on this 23rd DAY of JULY, 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
ANDY MEYERS	COMMISSIONER PRECINCT 3
JAMES PATTERSON	COMMISSIONER PRECINCT 4
DIANNE WILSON	COUNTY CLERK

Commissioner Prestage absent.

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 July 9, 2013, and special meeting held on July 16, 2013.

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 July 9, 2013, and special meeting held on July 16, 2013.

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

4. Public Comments regarding the Agenda and Announcements.

No public comments.

July Service Awards presented to county employees.

Judge Hebert introduced State Representative Rick Miller.

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 Cinco Ranch Northwest, Section 1, Section 2, Section 3, Cinco Trace Drive from Roesner Road to Walden Ridge Lane STD, and Ranch Point Drive North of Fry Road STD, Precinct 3.**
 - B. **Acceptance of the traffic control plan for Roesner Road East of Spring Green STD, Pct. 3.**
 - C. **Acceptance of the traffic control plan for Silver Ranch, Section 5, Precinct 3.**
 - D. **Acceptance of the traffic control plan for Katy Creek Ranch, Section 8, Precinct 3.**
 - E. **Acceptance of the revised traffic control plan for Fort Bend ISD Hodges Bend Middle School, to install unprotected crosswalk at the intersection of Hodges Bend Drive and April Falls Trail crossing April Falls Trail, and install "No Parking During School Zone Times" signs on the east side of Hodges Bend Drive, Precinct 3.**
 - F. **Acceptance of the traffic control plan for Peek Road at Emily Park Lane, for placement of an uncontrolled crosswalk on the north side of the intersection, Precinct 3.**
 - G. **Acceptance of the traffic control plan for Aliana, Section 1, Aliana, Section 12, and Aliana Binion Lane and Reserves, Precinct 4.**
 - H. **Replat: Cinco Village Center, Section 2, Partial Replat No. 2, Pct. 3.**
 - I. **Replat: Grand Corner Reserves, Partial Replat No. 4, Pct. 3.**

Public hearing held. No public comments.

Moved by Commissioner Meyers, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to approve item 5 A-G.

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

No action item 5 H-I.

CONSENT AGENDA ITEMS 6 - 21:

6. **OUT OF STATE TRAVEL: Approve out of state travel request for County personnel:**

Sheriff's Office: Ratify travel by R. Williamson and T. Tyrrell to Oklahoma City, Oklahoma, July 17-18, 2013, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

7. COUNTY JUDGE:

- A. Accept U. S. Environmental Protection Agency Amendment No. 2 to Assistance Agreement XP-96639701-2, for construction of the drinking water distribution system and surface water treatment plant project in the Fresno/Arcola area, to extend the completion date until March 31, 2014, with no change in the project cost, and authorize electronic submission of the Amendment.**
- B. Record into Minutes the Comprehensive Financial Audits for the year ending December 31, 2012, pursuant to Section 775.082 of the Health & Safety Code for the following Emergency Services Districts: Fort Bend County Emergency Services District No. 2 and Fort Bend County Emergency Services District No. 3.**

8. COMMISSIONER, PCT. 4:

Approve the reappointment of Matt Shepard as the Fort Bend County Representative on City of Sugar Land Tax Increment Reinvestment Zone Number Four, located within the City of Sugar Land at the intersection of University Boulevard and U.S. Highway 59.

9. BUDGET & FINANCE/BUDGET TRANSFERS:

- A. Bail Bond Board : Approve transfer in the amount of \$910 from Operating Supplies into Information Technology to allocate funds for the purchase of Ipad and related accessories.**
- B. Commissioner, Pct. 2 : Approve transfer in the amount of \$51 from Information Technology into Rentals and Travel to reallocate funds into correct line items for expenditures.**
- C. Court at Law No. 1 : Approve transfer in the amount of \$1,500 from Fees and Services into Information Technology to allocate funds for replacement of the printer for the courtroom and the printer for Probate Auditor.**
- D. Facilities Management & Planning : Approve transfer in the amount of \$800 from Fees into Information Technology to allocate funds for a printer, monitor and software.**
- E. Parks Department : Approve transfer in the amount of \$1,000 as detailed on Auditor's form dated July 12, 2013, to amend the budget pursuant to Local Government Code Section 111.07075 and allocate funds donated by Canes Chicken Fingers for support of the Kitty Hollow Dog Park.**
- F. Parks Department: Approve transfer in the amount of \$6,500 from Parks into Fairgrounds, as detailed on Director's form dated July 17, 2013, to allocate additional funds for repairs, maintenance, and services in preparation for the County Fair.**
- G. Records Management : Approve transfer in the amount of \$125 from Office Supplies into Information Technology to allocate funds for the purchase of a multi-function printer and required cable.**
- H. Sheriff's Office : Approve transfer in the amount of \$12,601 from Enforcement, Operating, Information Technology into Capital Acquisitions to allocate additional funds needed for replacement Chevy Tahoe and radars.**

Item 9 continued - Budget & Finance/Budget Transfers:

- I. Tax Assessor/Collector : Approve transfer in the amount of \$15,540 from Fees and Services into Information Technology to allocate funds for the purchase of software for the Telephone Call Center.**

10. DISTRICT ATTORNEY:

Approve the award to Elan Levy of his District Attorney Office Badge upon his resignation on July 26, 2013, in appreciation of distinguished service to the citizens of Fort Bend County.

11. ENGINEERING:

- A. Accept and record into the Official Public Records, the Road Right-of-Way Deeds from B. Davis Scarborough and Pamela P. Scarborough, Powell Re Investments, LLC, Kyle A. Chaddock, ICG Properties LLC a Texas Limited Liability Company, Sohrab Noorian, and Alfred Koteras & Virgil A. Koteras, conveying certain tracts of land along Gonyo Lane to Fort Bend County, Texas, Precinct 1.**
- B. Approve payment of Invoice No. 28416 in the amount of \$8,448.03 to Landtech Consultants, Inc. regarding Mason Road, from FM 359 to Oyster Creek, Mobility Bond Project #735A, Precinct 3. (Fund: 2007 Mobility Bonds)**
- C. Approve payment of Invoice No. 28391 in the amount of \$8,844.32 to Landtech Consultants, Inc. regarding Mason Road, from FM 359 to Oyster Creek, Mobility Bond Project #735A, Precinct 3. (Fund: 2007 Mobility Bonds)**
- D. Approve payment of Invoice No. 28329 in the amount of \$13,605.66 to Landtech Consultants, Inc. regarding Mason Road, from FM 359 to Oyster Creek, Mobility Bond Project #735A, Precinct 3. (Fund: 2007 Mobility Bonds)**
- E. Approve payment of Invoice No. 53122 in the amount of \$48,592.50 to Burk-Kleinpeter, Inc. regarding Trammel Fresno Road, Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**
- F. Approve payment of Invoice No. 52321 in the amount of \$8,687.00 to Burk-Kleinpeter, Inc. regarding Trammel Fresno Road, Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**
- G. Approve payment of Invoice No. 52984 in the amount of \$49,734.50 to Burk-Kleinpeter, Inc. regarding the expansion of Trammel Fresno Road, Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**
- H. Approve payment of Invoice No. 21151 in the amount of \$13,843.50 to Geotest Engineering, Inc. regarding improvements to West Bellfort Road, Mobility Bond Project #741, Precinct 4. (Fund: 2007 Mobility Bonds)**
- I. Approve payment of Invoice No. 14 (Pay Estimate No. 14) in the amount of \$89,458.06 to Conrad Construction Company, Ltd., regarding Burney Road, from Voss Road to Old Richmond, Mobility Bond Project #719, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**

Item 11 continued - Engineering:

- J. Approve payment of Invoice No. 13-5-000009 in the amount of \$733.38 to JRB Engineering for services regarding Golfview Drive, Mobility Bond Project #709, Precinct 1. (Fund: 2007 Mobility Bonds)**
- K. Approve payment of Invoice No. 13FB1-02 in the amount of \$70,075.60 to Progressive Consulting Engineers regarding turn lane design improvements at six intersections in conjunction with Fort Bend County Assistance District No. 1: Fry Road at Seven Meadows Blvd.; Fry Road at Grand Parkway (SH 99); S-Concrete Curve at driveway to Whole Foods Market; Westheimer Parkway at Grand Parkway (SH 99); Westheimer Parkway at Cinco Ranch Blvd.; and Westheimer Parkway at Commercial Center Drive, Mobility Bond Project# X23, Precinct 3. (Fund: 2007 Mobility Bonds and Fort Bend County Assistance District No. 1)**
- L. Approve application from Centerpoint Entex to bore under and bury a 6-inch plastic pipe under Katy Flewellen Road, Precinct 3.**
- M. Approve application from Comcast, LLC to bury cable along Holles Drive, Pct. 3.**
- N. Approve application from DCH Environmental Consultants, LP to cross University Boulevard with off-road trucks, Precinct 4.**
- O. Approve application from Debo Homes to construct a driveway tie-in onto April Drive, Precinct 1.**
- P. Approve release of Perpetual Bond #929549083 in the amount of \$50,000.00 to E.P. Brady LTD. for completion of work on Fulshear-Gaston Road, Bellaire Boulevard, and Rancho Bella Boulevard, Precinct 3.**
- Q. Approve application from Haider Zaman to construct a retaining wall at West Bellfort and Old Richmond Road, Pct. 4.**
- R. Approve application from M Street Homes to construct a driveway tie-in onto Olivara Lane, Pct. 3.**
- S. Approve release of Performance Bond # TX 637054 in the amount of \$5,000.00 to Marshall Company, Ltd. for completion of work on Spring Green Boulevard, Permit Number 84157, Pct. 3.**
- T. Approve application from Tex-Star Services, Inc. to construct a replacement crossing over Robinowitz Ditch, Pct. 1.**
- U. Accept Decrease Rider to Bond No. 70091078 reducing the Bond from \$222,670.00 to \$111,335.00 for Firethorne West, Section 8, Precinct 3.**
- V. Approve the plat for Long Meadow Farms Commercial Reserve Sec. 1 Partial Replat No. 2, Precinct 4.**
- W. Approve the plat for Falcon Park Apartments, Precinct 3.**
- X. Approve the plat for Reliant McHard Road, Precinct 1.**

Item 11 continued - Engineering:

- Y.** Accept the street in Fulbrook, Section 5B: Riverlake Road 3,328.01 LF; and release Letter of Credit #7032964 in the amount of \$104,250.00; Precinct 3.
- Z.** Accept the streets in Riverpark West, Section 9 , Replat No. 2: Sundance View Lane, 176.45 LF; Mariposa Edge Lane, 876.55 LF; Parsley Mist Lane, 887.93 LF; Baron Sky Lane, 643.92 LF; Fern River Court, 180.46 LF; Amber Trail Lane, 197.09 LF; Granite Field Lane, 80.03 LF; and Cozy Hollow Lane, 89.99 LF; for a total of 3,132.42 LF; and release Bond #K07467813 in the amount of \$224,210.00; Pct. 1.
- AA.** Set public hearing for acceptance of the traffic control plan for Fulbrook, Section 5B, Precinct 3. *(Tuesday, August 27, 2013, at 1:00 p.m.)*
- BB.** Set public hearing for acceptance of the traffic control plan for Riverpark West, Section 9, Replat No. 2, Precinct 1. *(Tuesday, August 27, 2013, at 1:00 p.m.)*
- CC.** Set public hearing for replat of Plaza at Westheimer Lakes, Partial Replat No. 1, Precinct 3. *(Tuesday, August 27, 2013, at 1:00 p.m.)*
- 12.** **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. 130201 in the amount of \$75,912.21 to Hassell Construction Company, Inc., regarding the extension of Airport Avenue to FM 2218;
 - B.** Invoice No. 12 in the amount of \$1,741.04 to Bailey Architects for architectural services regarding the Library Administration Building project;
 - C.** Pay Application No. Six (6) in the amount of \$296,551.96 to Crain Group, LLC for Design/Build services regarding the George Memorial Library Renovation Project;
 - D.** Invoice No. 14 in the amount of \$14,482.09 to Bailey Architects for Architectural Services regarding restoration of Historic Courthouse;
 - E.** Pay Application No. 2 in the amount of \$205,316.47 to Crain Group, LLC. for Construction Services regarding the Library Administration Building;
 - F.** Pay Application No. 8 in the amount of \$319,418 to JE Dunn Construction Co. for Construction Services regarding the Fort Bend County Pinnacle Senior Center.
- 13.** **FORT BEND COUNTY TOLL ROAD AUTHORITY:** The Board of Directors of the Fort Bend County Toll Road Authority (the Authority) reviewed this item at their regular Board meeting held on June 19, 2013, and makes the following recommendation to Commissioners Court:

Approve Supplemental Agreement No. 2 to the April 20, 2011 Engineering Services Agreement between Fort Bend County Toll Road Authority and Parsons Brinkerhoff for the Fort Bend Parkway State Highway 6 Crossing.

14. **FORT BEND GRAND PARKWAY TOLL ROAD AUTHORITY:** The Board of Directors of the Fort Bend Grand Parkway Toll Road Authority (GPTRA) reviewed these items at regular meetings held on the dates indicated below, and makes the following recommendations to Commissioners Court:
 - A. **June 19, 2013** : Approve Supplemental Agreement No. 1 to the Agreement of November 28, 2012 for Construction Inspection Services between Fort Bend Grand Parkway Toll Road Authority and Brian Smith Construction Inspection, Inc.
 - B. **July 17, 2013** : Approve Agreement for Continuing Disclosure Services by and between Fort Bend Grand Parkway Toll Road Authority and FSC Continuing Disclosure Services, a Division of First Southwest Company.
15. **HUMAN RESOURCES:**
 - A. Approve requests for withdrawal of hours from the Shared Sick Leave Pool as follows: Employee of Road & Bridge, Position No. 6111-0041, 64 hours; Employee of Emergency Medical Service, Position No. 5401-0061, 60 hours.
 - B. Approve and record into Minutes the application for Appointment of Deputy Constable Elias S. Landeros by Constable Precinct 1, in accordance with Constable's form dated July 23, 2013, pursuant to Local Government Code §86.011.
16. **OFFICE OF EMERGENCY MANAGEMENT:**

Approve Certification of the 2013 Annual Inventory Control Requirement, and authorize submission of the form to the Texas Department of Public Safety, Texas Homeland Security State Administrative Agency, to certify eligibility for Fort Bend County to participate in the 2013 Homeland Security Grant Program.
17. **PUBLIC TRANSPORTATION:**

Approve Amendment No. 4 to FY 2007 Sub-Award Interlocal Agreement by and between Fort Bend County and the Gulf Coast Rail District, adjusting the insurance requirement.
18. **PURCHASING:**
 - A. Authorize advertising for bids for Construction of West Bellfort.
 - B. Authorize advertising for bids for Construction of Traffic Signalization at Cinco Ranch Boulevard at Cinco Crossing Lane, Fry Road at Cinco Crossing Lane, and Cinco Ranch Boulevard at Katy Gaston Road.
19. **ROAD & BRIDGE:**
 - A. Approve payment of Invoice No. 1518 in the amount of \$2,070.00 to Reliable Signal & Lighting Solutions, LLC, for traffic signal construction at the intersection of Fry Road and Center Village Drive. (Fund: Road & Bridge, Traffic Signals)
 - B. Approve payment of Invoice No. 5 in the amount of \$39,737.25 to Mar-Con Services, LLC for construction work on the James Lane Bridge at Bessie's Creek. (Fund: Road & Bridge)

Item 19 continued - Road & Bridge:

- C. **Approve payment of Invoice No. 1 in the amount of \$167,355.00 to John Reed and Company, LLC for construction services on bridges at Kroesche Road over Coon Creek and Bushnell Road over Drainage Ditch. (Fund: Road & Bridge).**

20. TAX ASSESSOR/COLLECTOR:

- A. **Record into Minutes the Summary Monthly Report of Property Taxes Collected in June 2013, as submitted by the Office of Patsy Schultz, Tax Assessor/Collector.**
- B. **Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on July 16, 2013, for an amount totaling \$4,300.19 for the Office of Patsy Schultz.**

21. TREASURER:

Approve Monthly Report submitted by County Treasurer for June, 2013, and authorize advertisement of Affidavit of same, in accordance with Local Government Code §114.026.

Moved by Commissioner Meyers, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to approve consent agenda items 6-21.

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

22. COUNTY JUDGE:

- A. **Take all appropriate action on Amendment Number 1 to the Intergovernmental Cooperative Reimbursement Agreement (582-12-20281) between the Texas Commission on Environmental Quality (TCEQ) and Fort Bend County for operation and administration of the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), to extend the contract through August 31, 2015, and accept funds in the amount of \$345,220 for FY2014 and FY2015.**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison
Duly put and unanimously carried (4-0), it is ordered to approve Amendment Number 1 to the Intergovernmental Cooperative Reimbursement Agreement (582-12-20281) between the Texas Commission on Environmental Quality (TCEQ) and Fort Bend County for operation and administration of the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), to extend the contract through August 31, 2015, and accept funds in the amount of \$345,220 for FY2014 and FY2015.

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

Item 22 continued - County Judge:

- B. Take all appropriate action on Fort Bend County's participation in the Reinvestment Zone Number Three, City of Sugar Land and the Interlocal Participation Agreement with the City of Sugar Land, pursuant to Chapter 311 of the Texas Tax Code.**

Moved by Commissioner Patterson, Seconded by Commissioner Morrison
Duly put and carried (3-1), it is ordered to approve Fort Bend County's participation in the Reinvestment Zone Number Three, City of Sugar Land and the Interlocal Participation Agreement with the City of Sugar Land, pursuant to Chapter 311 of the Texas Tax Code subject to changes in agreement by County Attorney to reflect that the County's tax increment participation shall be used to pay all project costs excluding any and all past and future costs to construct the sports stadium.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	absent
Commissioner Meyers	No
Commissioner Patterson	Yes

Steve Robinson, of Allen Boone Humphries Robinson LLP, representing Imperial Redevelopment District, explained the purpose of this item and this development.

23. AUDITOR:

- A. Take all appropriate action on the 1115 Waiver program between Fort Bend County and Center for Medicare and Medicaid Services and Health & Human Services Commission for the funding of the administrative plan in the amount of \$372,016 with an intergovernmental transfer of \$255,329.**

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to approve the 1115 Waiver program between Fort Bend County and Center for Medicare and Medicaid Services and Health & Human Services Commission for the funding of the administrative plan in the amount of \$372,016 with an intergovernmental transfer of \$255,329.

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

Item 23 continued - Auditor:

- B. Take all appropriate action on request to transfer \$627,345 as detailed on the Auditor's form dated July 15, 2013 to allocate funds for the 1115 Waiver Program administration plan.**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison
Duly put and unanimously carried (4-0), it is ordered to transfer \$627,345 as detailed on the Auditor's form dated July 15, 2013 to allocate funds for the 1115 Waiver Program administration plan.

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

- C. Take all appropriate action on request to transfer the amount of \$1,399,597 as detailed on Auditor's form dated July 18, 2013, to allocate federal 1115 Waiver funds into the Behavioral Health Crisis Response and Intervention Program and fund, through September 30, 2015, the ten law enforcement positions approved by Commissioners Court on July 9, 2013.**

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to transfer the amount of \$1,399,597 as detailed on Auditor's form dated July 18, 2013, to allocate federal 1115 Waiver funds into the Behavioral Health Crisis Response and Intervention Program and fund, through September 30, 2015, the ten law enforcement positions approved by Commissioners Court on July 9, 2013.

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

- D. Take all appropriate action on request to transfer the amount of \$25,267 as detailed on Auditor's form dated July 18, 2013, to allocate federal 1115 Waiver funds to the Behavioral Health Crisis Response and Intervention Program for uniforms and training for the ten law enforcement positions approved by Commissioners Court on July 9, 2013.**

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to transfer the amount of \$25,267 as detailed on Auditor's form dated July 18, 2013, to allocate federal 1115 Waiver funds to the Behavioral Health Crisis Response and Intervention Program for uniforms and training for the ten law enforcement positions approved by Commissioners Court on July 9, 2013.

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

Item 23 continued - Auditor:

- E. Take all appropriate action on request to continue collection of the \$2.00 convenience fee collected on each electronic filing with the County Clerk, District Clerk, and Justice of the Peace Courts through December 31, 2013, pursuant to Supreme Court Rulings and Senate Bill 237/Government Code 22.004 (f).**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to continue collection of the \$2.00 convenience fee collected on each electronic filing with the County Clerk, District Clerk, and Justice of the Peace Courts through December 31, 2013, pursuant to Supreme Court Rulings and Senate Bill 237/Government Code 22.004 (f).

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

- F. Take all appropriate action on the collection of a \$2.00 fee for each electronic filing transaction for the County Clerk, District Clerk and Justice of the Peace Courts, effective January 1, 2014, pursuant to House Bill 2302/Government Code 72.013(c).**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to approve the collection of a \$2.00 fee for each electronic filing transaction for the County Clerk, District Clerk and Justice of the Peace Courts, effective January 1, 2014, pursuant to House Bill 2302/Government Code 72.013(c).

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

24. CONSTABLE, PCT. 2:

Take all appropriate action on request to transfer the amount of \$900 from Non-Departmental Contingency into Constable, Pct. 2, Information Technology, to allocate funds for the replacement of three printers.

Moved by Commissioner Morrison, Seconded by Commissioner Patterson
To transfer the amount of \$900 from Non-Departmental Contingency into Constable Pct. 2, Information Technology, to allocate funds for the replacement of three printers.

MOTION WITHDRAWN.

25. 268th DISTRICT COURT:

Take all appropriate action on request to transfer the amount of \$10,000 from Non-Departmental Contingency into 268th District Court, Office Supplies, to allocate funds for law book subscriptions through September 30, 2013.

Moved by Commissioner Meyers, Seconded by Commissioner Morrison
Duly put and carried (3-1), it is ordered to transfer the amount of \$10,000 from Non-Departmental Contingency into 268th District Court, Office Supplies, to allocate funds for law book subscriptions through September 30, 2013.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	absent
Commissioner Meyers	Yes
Commissioner Patterson	No

26. ENGINEERING:

- A. Take all appropriate action on Change Order No. 1 to the Agreement between Fort Bend County and Allgood Construction Company, Inc., to increase the scope of services by \$60,273.00 regarding Mason Road, from FM 359 to North of Skinner Lane, for a total amount not to exceed \$5,906,110.21; Mobility Bond Project #735, 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 Change Order No. 1 to the Agreement between Fort Bend County and Allgood Construction Company, Inc., to increase the scope of services by \$60,273.00 regarding Mason Road, from FM 359 to North of Skinner Lane, for a total amount not to exceed \$5,906,110.21; Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)

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

- B. Take all appropriate action on Reference Station Host Agreement Between Fort Bend County and Leica Geosystems, Inc. for the County to participate in SmartNet Global Navigation Satellite System Reference Network.**

Moved by Commissioner Patterson, Seconded by Commissioner Morrison
Duly put and unanimously carried (4-0), it is ordered to approve Reference Station Host Agreement Between Fort Bend County and Leica Geosystems, Inc. for the County to participate in SmartNet Global Navigation Satellite System Reference Network.

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

27. HEALTH & HUMAN SERVICES:

Animal Services : Take all appropriate action on request to transfer the amount of \$9,535 from Non-Departmental Contingency into Animal Services, Capital Acquisitions, to allocate additional funds necessary to replace wrecked vehicle.

Moved by Commissioner Meyers, Seconded by Commissioner Morrison
Duly put and unanimously carried (4-0), it is ordered to transfer the amount of \$9,535 from Non-Departmental Contingency into Animal Services, Capital Acquisitions, to allocate additional funds necessary to replace wrecked vehicle.

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

28. HUMAN RESOURCES:

Take all appropriate action on request for six new positions in Facilities Maintenance to assist with maintenance of the Detention Facility: Jail Maintenance Supervisor, Grade 12, Professional Management Policy Group; Electrician, Grade 8, Operator Skilled Trade Policy Group; Facility HVAC Specialist, Grade 8, Operator Skilled Trade Policy Group; Plumber, Grade 8, Operator Skilled Trade Policy Group; Locksmith, Grade 8, Operator Skilled Trade Policy Group; and Building Maintenance Worker III, Grade 7, Operator Skilled Trade Policy Group, effective July 23, 2013. (Fund: General Fund)

Moved by Commissioner Patterson, Seconded by Commissioner Morrison
Duly put and unanimously carried (4-0), it is ordered to approve request for six new positions in Facilities Maintenance to assist with maintenance of the Detention Facility: Jail Maintenance Supervisor, Grade 12, Professional Management Policy Group; Electrician, Grade 8, Operator Skilled Trade Policy Group; Facility HVAC Specialist, Grade 8, Operator Skilled Trade Policy Group; Plumber, Grade 8, Operator Skilled Trade Policy Group; Locksmith, Grade 8, Operator Skilled Trade Policy Group; and Building Maintenance Worker III, Grade 7, Operator Skilled Trade Policy Group, effective July 23, 2013. (Fund: General Fund)

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

29. PUBLIC TRANSPORTATION:

Take all appropriate action on Amendment Number 6 to the Intergovernmental Cooperative Reimbursement Agreement between Texas Commission on Environmental Quality (TCEQ) and Fort Bend County, Contract Number 582-8-89960 to extend the term until August 31, 2013, and accept FY 2012 and FY 2013 funds totaling \$39,728 for Local Initiative Projects regarding the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP).

Moved by Commissioner Meyers, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to approve Amendment Number 6 to the Intergovernmental Cooperative Reimbursement Agreement between Texas Commission on Environmental Quality (TCEQ) and Fort Bend County, Contract Number 582-8-89960 to extend the term until August 31, 2014, and accept FY 2012 and FY 2013 funds totaling \$39,728 for Local Initiative Projects regarding the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP).

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

30. PURCHASING:

- A. Take all appropriate action on request to purchase scanning and indexing services for historical records from Kofile Preservation, utilizing Texas Multiple Award Schedule (TXMAS) Program, Contract TXMAS-13-36010 for the County Clerk, in an amount not to exceed \$72,193.50. (Fund: County Clerk, Records Management)**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to purchase scanning and indexing services for historical records from Kofile Preservation, utilizing Texas Multiple Award Schedule (TXMAS) Program, Contract TXMAS-13-36010 for the County Clerk, in an amount not to exceed \$72,193.50. (Fund: County Clerk, Records Management)

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

Item 30 continued - Purchasing:

- B. Take all appropriate action on request to purchase one (1) Tahoe, a replacement to fleet, from Caldwell Chevrolet, pursuant to Bid 13-020, for the Sheriff's Office. (Fund: Sheriff, Operating, and Insurance Funds)**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to purchase one (1) Tahoe, a replacement to fleet, from Caldwell Chevrolet, pursuant to Bid 13-020, for the Sheriff's Office. (Fund: Sheriff, Operating, and Insurance Funds)

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

- C. Take all appropriate action on Inmate Health Services Agreement between Fort Bend County and Correct Care Solutions, LLC, pursuant to RFP 13-049.**

Moved by Commissioner Morrison, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to approve Inmate Health Services Agreement between Fort Bend County and Correct Care Solutions, LLC, pursuant to RFP 13-049.

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

- D. Take all appropriate action on Fifth Amendment to the Professional Engineering Services Agreement between Fort Bend County and Othon, Inc. for Williams Way Project, for an additional amount not to exceed \$27,000, for a total project cost not to exceed \$1,362,000; 2007 Mobility Bond Project No. 747, Precinct 1. (Fund: 2007 Mobility Bonds)**

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to approve Fifth Amendment to the Professional Engineering Services Agreement between Fort Bend County and Othon, Inc. for Williams Way Project, for an additional amount not to exceed \$27,000, for a total project cost not to exceed \$1,362,000; 2007 Mobility Bond Project No. 747, Precinct 1. (Fund: 2007 Mobility Bonds)

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

Item 30 continued - Purchasing:

- E. Take all appropriate action on request to purchase new phones, cabling, and services from Datavox Business Communications for Grand Hall Expansion utilizing State of Texas Department of Information Resources Contract DIR-SDD-1374, in an amount not to exceed \$55,413.62. (Fund: Sheriff, Forfeited Assets, State, Capital Acquisitions)**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to purchase new phones, cabling, and services from Datavox Business Communications for Grand Hall Expansion utilizing State of Texas Department of Information Resources Contract DIR-SDD-1374, in an amount not to exceed \$55,413.62. (Fund: Sheriff, Forfeited Assets, State, Capital Acquisitions)

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

31. SHERIFF'S OFFICE:

- A. Take all appropriate action on request to pay by Invoice Transmittal the amount of \$732.00 to Harris County Hospital District for medical services provided to victim in FY 2012. (Fund: Sheriff, Enforcement, Operating, Professional Services)**

Moved by Commissioner Morrison, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to pay by Invoice Transmittal the amount of \$732.00 to Harris County Hospital District for medical services provided to victim in FY 2012. (Fund: Sheriff, Enforcement, Operating, Professional Services)

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

- B. Take appropriate action on Houston High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding between Fort Bend County and Houston Police Department for law enforcement service as designated by the HIDTA Grant G12HN00120A. (Fund: HIDTA Grant)**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to approve Houston High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding between Fort Bend County and Houston Police Department for law enforcement service as designated by the HIDTA Grant G12HN00120A. (Fund: HIDTA Grant)

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

Item 31 continued - Sheriff's Office:

C. Take all appropriate action on Interlocal Cooperation Agreement for Jail Services between Fort Bend County and Austin County to house inmates at the Fort Bend County Jail.

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to approve Interlocal Cooperation Agreement for Jail Services between Fort Bend County and Austin County to house inmates at the Fort Bend County Jail.

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

D. Take all appropriate action on Interlocal Cooperation Agreement for Jail Services between Fort Bend County and Wharton County to house inmates at the Fort Bend County Jail.

Moved by Commissioner Meyers, Seconded by Commissioner Morrison
Duly put and unanimously carried (4-0), it is ordered to approve Interlocal Cooperation Agreement for Jail Services between Fort Bend County and Wharton County to house inmates at the Fort Bend County Jail.

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

32. Approve Bills.

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to approve bills in the amount of \$9,673,524.17.

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

33. Ratify the release of time-sensitive bills by Auditor on July 18, 2013.

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to ratify the release of time-sensitive bills by Auditor on July 18, 2013 in the amount of \$416,295.97.

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

- 34. Authorize County Auditor to pay and release time sensitive bills on August 1, 2013, to be ratified by Commissioners Court on August 6, 2013.**

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to authorize County Auditor to pay and release time sensitive bills on August 1, 2013, to be ratified by Commissioners Court on August 6, 2013.

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

Recess:

Recessed at 1:43 p.m.

- 35. 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.**
- 1. Cause No. 13-DCV-204651; Fort Bend County, Texas vs. AFC Transportation, GBJ, Inc., doing business as AFC Transportation, and National Interstate Insurance Company; In the 240th Judicial District Court of Fort Bend County, Texas.**
 - 2. Civil Action No. 2:12-CV-00131; Nueces County, Texas v. MERSCORP Holdings, Inc., Mortgage Electronic Registration Systems, Inc., and Bank of America, N.A.; In the United States District Court for the Southern District of Texas, Corpus Christi Division.**
 - 3. Cause No. 11-DCV-187626; The Estate of Emanuel Earl Baines (Deceased) and Roynecia Baines, Individually vs. Fort Bend County, Texas and Milton Wright, Fort Bend County Sheriff; In the 240th Judicial District Court of Fort Bend County, Texas.**
 - 4. Cause No. 12-CCV049622, State of Texas and Fort Bend County, Texas vs. Dolores Wleczyk, Et AL; In the County Court at Law No. Two (2) of Fort Bend County, Texas.**
 - 5. Potential Litigation - U. S. Department of Labor Inquiry.**
 - 6. Spur 10; Texas Department of Transportation 90/10 Reimbursement Project, Precinct 1.**

Item 35 continued - Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:

- 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. Park One Drive property, Precinct 4.**
- C. § 551.074. Personnel Matters. Commissioners Court will meet in Closed Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.**

Annual Evaluation - Director of Finance & Investments.

Closed Session:

Convened at 1:50 p.m.
Adjourned at 2:38 p.m.

Reconvene:

Reconvened at 2:41 p.m.

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

- A. § 551.071. Consultation With Attorney.**
- 1. Cause No. 13-DCV-204651; Fort Bend County, Texas vs. AFC Transportation, GBJ, Inc., doing business as AFC Transportation, and National Interstate Insurance Company; In the 240th Judicial District Court of Fort Bend County, Texas.**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to authorize the County Attorney to incur litigation expenses in an amount not to exceed \$5,000.00 for Cause No. 13-DCV-204651; Fort Bend County, Texas vs. AFC Transportation, GBJ, Inc., doing business as AFC Transportation, and National Interstate Insurance Company; In the 240th Judicial District Court of Fort Bend County, Texas.

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

Item 36A continued - 551.071 Consultation with Attorney:

- 2. Civil Action No. 2:12-CV-00131; Nueces County, Texas v. MERSCORP Holdings, Inc., Mortgage Electronic Registration Systems, Inc., and Bank of America, N.A.; In the United States District Court for the Southern District of Texas, Corpus Christi Division.**

No action.

- 3. Cause No. 11-DCV-187626; The Estate of Emanuel Earl Baines (Deceased) and Roynecia Baines, Individually vs. Fort Bend County, Texas and Milton Wright, Fort Bend County Sheriff; In the 240th Judicial District Court of Fort Bend County, Texas.**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to authorize the County Attorney to incur litigation expenses in an amount not to exceed \$5,000.00 for Cause No. 11-DCV-187626; The Estate of Emanuel Earl Baines (Deceased) and Roynecia Baines, Individually vs. Fort Bend County, Texas and Milton Wright, Fort Bend County Sheriff; In the 240th Judicial District Court of Fort Bend County, Texas.

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

- 4. Cause No. 12-CCV049622, State of Texas and Fort Bend County, Texas vs. Dolores Wleczyk, Et Al.; In the County Court at Law No. Two (2) of Fort Bend County, Texas.**

Pulled.

- 5. Potential Litigation - U. S. Department of Labor Inquiry.**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to declare an emergency pursuant to Texas Local Government Code Section 111.070(b) due to unforeseen conditions and shall pay to each EMS employee listed on the U S Department of Labor, Wage and Hour Division, Summary of Unpaid Wages form dated on or about July 12, 2013 the amount shown for each such employee provided the total amount paid does not exceed \$87,663.00 which includes salary and accrual of payroll taxes, retirement contributions and workers compensation/unemployment taxes. Commissioner Morrison or his designee is authorized to sign on behalf of Fort Bend County the Summary of Unpaid Wages form dated on about July 12, 2013 and agree on the date by which the listed employees will be paid. Commissioner Morrison or his designee is also authorized to execute and deliver any additional settlement documents recommended for approval by the County Attorney in the above referenced investigation and to approve such terms and provisions for the full and final settlement of all claims set forth therein.

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

Item 36A continued - 551.071 Consultation with Attorney:

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

Moved by Commissioner Morrison, Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize the County Attorney to pay a negotiated settlement in the matter of Cause No. 12-CCV-049621; State of Texas and Fort Bend County, Texas vs. Violet J. Vacek, et al: In the County Court at Law Number One of Fort Bend County, Texas and Cause No. 12-CCV-049620: State of Texas and Fort Bend County, Texas vs. Violet J. Vacek, et al: In the County Court at Law Number Four of Fort Bend County, Texas and authorize the County Judge to execute and deliver the settlement agreement recommended for approval by the County Attorney, to accept Deeds and to approve such terms and provisions for the full and final settlement of all claims set forth therein. Settlement funds will be charged to 100685888-64500-P685-06ROWPURCH-32000.

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

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 Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize the County Attorney to pay CenterPoint Energy Houston Electric, LLC the amount of \$1400.00 for the release of its utility easement on Parcel 28 of the Spur 10 Mobility Project and authorize the County Judge to execute and deliver any settlement agreements recommended for approval by the County Attorney, accept Deeds and to approve such terms and provisions for the full and final release of easement set forth therein. Funds will be charged to Fund: 100685888-64500-P685-06ROWPURCH-32000.

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

2. Park One Drive property, Precinct 4.

No action.

C. § 551.074. Personnel Matters.

Annual Evaluation - Director of Finance & Investments.

Annual review conducted.

37. Adjournment.

Commissioners Court adjourned at 2:48 p.m. on Tuesday, July 23, 2013.

