

MINUTES

BE IT REMEMBERED, That on this 12th DAY of NOVEMBER, 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 Patterson.

Invocation and Pledge of Allegiance by Commissioner Patterson.

3. Approve minutes of regular meeting held on November 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 November 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.

Judge Hebert thanked all who voted in the mobility bond election and all of the volunteers who worked to see it pass with 74% of the votes.

Judge Hebert offered condolences to Don Smithers, former Sugar Land City Council member and County Employee, on the passing of his wife.

CONSENT AGENDA ITEMS 5-13

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

- A. **Information Technology** : Ray Webb to Phoenix, Arizona, February 23-26, 2014, to attend Gartner CIO Leadership Forum 2014. (Fund: Information Technology, Travel)
- B. **Sheriff's Office** : Ratify travel by J. Orlop and J. Gobar to Plain Dealing, Louisiana, November 4, 2013, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

6. COUNTY JUDGE:

Approve Agreement with Sugar Land Town Square Development Authority and Town Center Lakeside, Ltd. to allow Fort Bend County Judge to commission and purchase up to 50 small pewter statues that represent the monument of Stephen F. Austin by sculptor Bob Pack, currently displayed in Sugar Land Town Square Plaza, for Fort Bend Global Initiative gifts to dignitaries, at no cost to the County.

7. BUDGET & FINANCE/BUDGET TRANSFERS:

- A. **Auditor** : Approve FY2014 transfer in the amount of \$1,500,000 as detailed on Auditor's form dated November 7, 2013 to separate the costs for utility relocation from right of way.
- B. **Facilities Management & Planning** : Approve FY2014 transfer in the amount of \$119,500 as detailed on Director's form dated November 6, 2013 to reallocate funds from completed projects into ongoing project account.
- C. **Parks Department**: Approve FY2014 transfer in the amount of \$13,000 from Property and Equipment into Capital Acquisitions to allocate funds into correct line item for expenditure greater than \$5,000.
- D. **Sheriff's Office** : Approve FY2014 transfer in the amount of \$46,367 from Sheriff, Forfeited Assets/State, Contingency, into line items detailed on Sheriff's form dated November 6, 2013 to allocate funds for payment of network switching, phones, and cabling that was not completed until FY 2014.

8. CONSTABLE, PCT. 2:

Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Briargate Community Improvement Association effective through September 30, 2014.

9. ENGINEERING:

- A. Approve payment of final Invoice No. 90036349 in the amount of \$198,368.44 to Union Pacific Railroad Company regarding installation of signals at Harlem Road, Mobility Bond Project #725A, Precinct 3. (Fund: 2007 Mobility Bonds)**
- B. Approve payment of Invoice No. 091366C in the amount of \$1,648.00 to Aviles Engineering for construction materials testing and inspection services regarding West Bellfort Road (Morton Road) from SH 99 to Harlem Road, Mobility Bond Project #741, Segment "A", Precinct 4. (Fund: 2007 Mobility Bonds)**
- C. Approve payment of Invoice No. 091355C in the amount of \$10,043.90 to Aviles Engineering for construction materials testing and inspection services regarding Mason Road, Segment 2, north of Skinner Lane to north of Oyster Creek, Mobility Bond Project #735 (B), Precinct 3. (Fund: 2007 Mobility Bonds)**
- D. Approve payment of Invoice No. 1 (Pay Estimate No. 1) in the amount of \$778,796.28 to Allgood Construction Company, Inc. regarding West Bellfort Road, from SH 99 to Harlem Road, Mobility Bond Project #741, Precinct 4. (Fund: 2007 Mobility Bonds)**
- E. Approve payment of Pay Estimate No. 6 (Final) in the amount of \$14,981.97 to Reliable Signal & Lighting Solutions, LLC regarding signalization at Falcon Landing Boulevard and Gaston Road, Mobility Bond Project #703, Precinct 3. (Fund: 2007 Mobility Bonds)**
- F. Approve payment of Invoice No. 3 (Pay Estimate No. 3) in the amount of \$386,062.42 to Hassell Construction Company, Inc. regarding Golfview Drive, Mobility Bond Project #709, Precinct 1. (Fund :2007 Mobility Bonds)**
- G. Approve payment of Invoice No. 21484 in the amount of \$1,356.20 to Geotest Engineering, Inc. regarding the extension of Falcon Landing Boulevard, Phase 2, Mobility Bond Project #703 (B), Precinct 3. (Fund: 2007 Mobility Bonds)**
- H. Approve payment of Invoice No. 21485 in the amount of \$8,148.50 to Geotest Engineering, Inc. regarding Falcon Landing Boulevard, Phase 4, from Spring Green to Gaston Road, Mobility Bond Project #703 (D), Precinct 3. (Fund: 2007 Mobility Bonds)**
- I. Approve application from Debo Homes, LLC to construct driveway tie-ins onto Aaron Way and April Drive, Precinct 1.**
- J. Approve application from Devon Street Homes to construct driveway tie-ins onto Silktail Court and Jay Thrush Drive, Precinct 3.**
- K. Approve application from Devon Street Homes to construct driveway tie-ins onto Honeysuckle Vine Drive and Longvale Glen Court, Precinct 1.**
- L. Accept the streets in Long Meadow Farms, Section 22: James Long Parkway, 1,307.11 LF; Harvest Thistle Drive, 597.62 LF; Bering Chase Way, 786.64 LF; and Rampart Point Drive, 379.53 LF; for a total of 3,070.90 LF; and release bond #HSIFSU0564903 in the amount of \$215,530.00, Precinct 3.**
- M. Accept the streets in Long Meadow Farms, Section 23: Harvest Thistle Drive, 671.01 LF; Redcrest Manor Drive, 632.20 LF; and Aurora Park Drive, 1,205.66 LF; for a total of 2,508.87 LF; and release bond #HSIFSU0564904 in the amount of \$178,640.00, Precinct 3.**

Item 9 continued - Engineering:

- N. Set public hearing for acceptance of the traffic control plan for Long Meadow Farms, Section 22 and Section 23, Precinct 3. *(Tuesday, December 10, 2013, at 1:00 p.m.)*

10. HEALTH & HUMAN SERVICES:

Animal Services : Approve change of date for use of Mustang Community Center for the Spay-Neuter Assistance Program (SNAP) to be held on November 12, 2013, with no other change to terms of Full Release Agreement approved by Commissioners Court on October 22, 2013.

11. OFFICE OF EMERGENCY MANAGEMENT:

Ratify out of state travel by Fire Department representatives to Pueblo, Colorado, October 14-18, 2013, for HazMat training, as part of the 2012 Urban Area Security Initiatives Grant program: Kip Hilgers, Brad Easley and Duane Kutach of the Sugar Land Fire Department; Larry Perry, Pecan Grove Volunteer Fire Department; Bryan Lewis, Richard Munoz, Steven McGilbery, and Trevor Adkisson for Richmond Fire Department; Matthew Hunter, Patrick Neal, and Jason Johns of the Rosenberg Fire Department. (Fund: 2012 Urban Area Security Initiatives Grant)

12. PURCHASING:

Authorize advertising for Statements of Qualifications for professional services related to roadway and drainage projects.

13. SHERIFF'S OFFICE:

- A. Approve renewal of Interlocal Agreements between Fort Bend County and the following entities for use of the County's Public Safety Radio System effective through September 30, 2014: Lamar Consolidated Independent School District; City of Weston Lakes; City of Meadows Place; Pleak Volunteer Fire Department.
- B. Approve renewal of Agreement for Law Enforcement Services between Fort Bend County and the City of Weston Lakes effective through September 30, 2014.
- C. Approve Agreement to accept grant funds in the amount of \$7,660.30 from the Organized Crime Drug Enforcement Task Forces (OCDETF) for use in the strike force/strategic initiative programs administered by the Sheriff's Office, with no additional funds required by Fort Bend County for the reporting period October 1, 2013 through September 30, 2014.

Moved by Commissioner Meyers, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 5-13.

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

- 14. COMMUNITY DEVELOPMENT: Take all appropriate action on Agreements between Fort Bend County and the following organizations, all of which are part of the FY 2013 Consolidated Action Plan approved by Commissioners Court on July 7, 2013, and authorize County Judge to sign all documents pertaining to the agreements;**
- A. Child Advocates of Fort Bend County in the amount of \$29,000 for supplies and the salary for a Bilingual Forensic Interviewer/Children's Services Coordinator, funded by Community Development Block Grant;**
 - B. The Arc of Fort Bend County in the amount of \$27,720 to provide social and recreational activities for program participants, funded by Community Development Block Grant;**
 - C. Fred & Mabel R. Parks Youth Ranch, Inc. in the amount of \$46,791 to operate a youth shelter for homeless and at-risk youth, funded by the Emergency Solutions Grant Program.**

Moved by Commissioner Meyers, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to approve agenda item 14 A-C.

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

15. CONSTABLE, PCT. 2:

Take all appropriate action on request to transfer the amount of \$5,000 from Non-Departmental Contingency into Constable, Pct. 2, Temporary/Part Time to allocate funds for temporary assistance necessary during employee medical leave.

Moved by Commissioner Prestage, Seconded by Commissioner Meyers
Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$5,000 from Non-Departmental Contingency into Constable, Pct. 2, Temporary/Part Time to allocate funds for temporary assistance necessary during employee medical leave.

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

16. ELECTIONS ADMINISTRATION:

Take all appropriate action on request to authorize payment by Invoice Transmittal in the amount of \$975.00 to SOE Software, Inc. for services performed without a purchase order. (Fund: Elections Administration, Fees)

Moved by Commissioner Patterson, Seconded by Commissioner Meyers
Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$975.00 to SOE Software, Inc. for services performed without a purchase order. (Fund: Elections Administration, Fees)

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

17. ENGINEERING:

- A. Take all appropriate action on request to authorize payment by Invoice Transmittal in the amount of \$41.61 to Office Depot, Inc. for supplies purchased without a purchase order. (Fund: Engineering, Office Supplies)**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson
Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$41.61 to Office Depot, Inc. for supplies purchased without a purchase order. (Fund: Engineering, Office Supplies)

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

- B. Take all appropriate action on request to authorize payment by Invoice Transmittal in the amount of \$600.00 to Norman L. Roser for mediation services provided without a purchase order. (Fund: Right of Way)**

Moved by Commissioner Morrison, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$600.00 to Norman L. Roser for mediation services provided without a purchase order. (Fund: Right of Way)

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

Item 17 continued - Engineering:

- C. Take all appropriate action on Second Amendment to Interlocal Agreement for Storm Sewer Improvements between Fort Bend County and Fort Bend County Municipal Utility District No. 185 for Falcon Landing Boulevard storm sewer, for total contract amount not to exceed \$101,290.88. (Fund: 2007 Mobility Bonds, Falcon Landing, Project #703)**

Moved by Commissioner Meyers, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to approve Second Amendment to Interlocal Agreement for Storm Sewer Improvements between Fort Bend County and Fort Bend County Municipal Utility District No. 185 for Falcon Landing Boulevard storm sewer, for total contract amount not to exceed \$101,290.88. (Fund: 2007 Mobility Bonds, Falcon Landing, Project #703)

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

18. HEALTH & HUMAN SERVICES:

Take all appropriate action on Interlocal Agreement for Performance of Postmortem Examinations by Harris County Institute for Forensic Sciences between Fort Bend County and Harris County in an amount not to exceed \$56,250. (Fund: Health & Human Services, Professional Services)

Moved by Commissioner Meyers, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreement for Performance of Postmortem Examinations by Harris County Institute for Forensic Sciences between Fort Bend County and Harris County in an amount not to exceed \$56,250. (Fund: Health & Human Services, Professional Services)

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

19. OFFICE OF EMERGENCY MANAGEMENT:

Take all appropriate action on request for variance to the Fort Bend County Travel Policy, to authorize payment in the amount of \$365.55 to Enterprise for optional rental car fees incurred above the negotiated contract rates by local fire department staff while attending training in Pueblo, Colorado. (Fund: Office of Emergency Management, 2012 Urban Area Security Initiatives Grant)

Moved by Commissioner Patterson, Seconded by Commissioner Meyers
Duly put and unanimously carried (5-0), it is ordered to grant a variance to the Fort Bend County Travel Policy, to authorize payment in the amount of \$365.55 to Enterprise for optional rental car fees incurred above the negotiated contract rates by local fire department staff while attending training in Pueblo, Colorado. (Fund: Office of Emergency Management, 2012 Urban Area Security Initiatives Grant)

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

20. PURCHASING:

A. Take all appropriate action on Agreement between Fort Bend County and Homeland Preparedness Project for public health volunteer recruiting, pursuant to SOQ 07-038 for an amount not to exceed \$72,000 effective through August 31, 2014. (Fund: Health & Human Services Grant)

Moved by Commissioner Patterson, Seconded by Commissioner Meyers
Duly put and unanimously carried (5-0), it is ordered to approve Agreement between Fort Bend County and Homeland Preparedness Project for public health volunteer recruiting, pursuant to SOQ 07-038 for an amount not to exceed \$72,000 effective through August 31, 2014. (Fund: Health & Human Services Grant)

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

Gilbert Jalomo, Purchasing Agent, stated that the contract started in 2007 to recruit 4000 volunteers and currently has 2500. This agreement will focus on leadership roles during a public health emergency. Judge Hebert stated that this is a very necessary program in case of a countywide medical emergency.

Item 20 continued - Purchasing:

- B. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(7) for the purchase of items available from only one source, Early Literacy Station, Bilingual Spanish Computers from Advanced Workstations in Education, for an amount to exceed \$65,328. (Fund: Library Operating)**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison
Duly put and unanimously carried (5-0), it is ordered to grant an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(7) for the purchase of items available from only one source, Early Literacy Station, Bilingual Spanish Computers from Advanced Workstations in Education, for an amount to exceed \$65,328. (Fund: Library Operating)

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

- C. Take all appropriate action on Second Amended agreement between Fort Bend County and Polaris Library Systems for additional software, licenses, upgrade, and maintenance in an additional amount not to exceed \$3,500.00. (Funding: Library 64500 and 63000)**

Pulled.

- D. Take all appropriate action on request to purchase one (1) used 2013 International Starcraft transport bus from PTS of America, LLC for the Sheriff's Office, for an amount not to exceed \$44,400. (Fund: Sheriff's Office)**

Pulled.

- E. Take all appropriate action to rescind court action on Agenda Item 36A from Commissioners Court meeting on November 5, 2013 pursuant to Bid 14-004.**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison
Duly put and unanimously carried (5-0), it is ordered to rescind court action on Agenda Item 36A from Commissioners Court meeting on November 5, 2013 pursuant to Bid 14-004.

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

Item 20 continued - Purchasing:

- F. Take all appropriate action on request from Target Specialty Products to withdraw bid for Item #14: Garlon 3A and Item #15: Garlon 4 on Bid 14-004 for weed, brush and insect control material and award to next low bidders.**

Moved by Commissioner Morrison, Seconded by Commissioner Meyers
Duly put and unanimously carried (5-0), it is ordered to approve Target Specialty Products to withdraw bid for Item #14: Garlon 3A and Item #15: Garlon 4 on Bid 14-004 for weed, brush and insect control material and award item #14, 2.5 gallon container for \$57.15 to Crop Products, 30 gallon container for \$57.15 to Crop Products and 5 gallon container for \$59.90 to Red River Specialties and item #15, 5 gallon container for \$63.00 to Helena Chemical, 5 gallon container for \$67.18 to Red River Specialties and 30 gallon container for \$63.00 to Helena Chemical.

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

Note: Crop Products and Winfield Solutions bid the same amount on item #14 and Judge Hebert drew names from a sealed envelope to award bid.

- G. Take all appropriate action on request to purchase additional e-Citation/Mobile Data Capture equipment from Brazos Technology for Fleet Maintenance utilizing City of Sugar Land Agreement, in amount not to exceed \$51,150. (Fund: Vehicle Maintenance)**

Moved by Commissioner Meyers, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to approve purchase of additional e-Citation/Mobile Data Capture equipment from Brazos Technology for Fleet Maintenance utilizing City of Sugar Land Agreement, in amount not to exceed \$51,150. (Fund: Vehicle Maintenance).

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 \$3,237,103.47.

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

Judge Hebert	Yes
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:**

§ 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.

- A. Cause No. 13-CCV-050291; State of Texas and Fort Bend County, Texas vs. Roy Lee Ross, et al; In the County Court at Law 4 of Fort Bend County, Texas.**
- B. Cause No. 13-CCV-050784; The State of Texas and Fort Bend County, Texas vs. Joseph B. Thompson, et al; In the County Court at Law # Three(3) of Fort Bend County, Texas.**

Closed Session:

Convened at 1:19 p.m.
Adjourned at 1:22 p.m.

Reconvene:

Reconvened at 1:23 p.m.

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

§ 551.071. Consultation With Attorney.

A. Cause No. 13-CCV-050291; State of Texas and Fort Bend County, Texas vs. Roy Lee Ross, et al; In the County Court at Law 4 of Fort Bend County, Texas.

Moved by Commissioner Morrison, Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorized the County Attorney to pay a negotiated settlement in the matter of: Cause No. 13-CCV-050291; State of Texas and Fort Bend County, Texas vs. Roy Lee Ross, et al; In the County Court at Law 4 of Fort Bend County, Texas and authorize the County Judge to execute and deliver the settlement agreement recommended 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.

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

B. Cause No. 13-CCV-050784; The State of Texas and Fort Bend County, Texas vs. Joseph B. Thompson, et al; In the County Court at Law # Three(3) of Fort Bend County, Texas.

Moved by Commissioner Morrison, Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorized the County Attorney to pay a negotiated settlement in the matter of: Cause No. 13-CCV-050784; The State of Texas and Fort Bend County, Texas vs. Joseph B. Thompson, et al; In the County Court at Law three (3) of Fort Bend County, Texas and authorize the County Judge to execute and deliver the settlement agreement recommended 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.

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

25. Adjournment.

Commissioners Court adjourned at 1:25 p.m. on Tuesday, November 12, 2013.