

**MINUTES**

BE IT REMEMBERED, That on this 1ST DAY of APRIL, 2014, 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
SHERRY FISK for 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 Richard Morrison.**

Invocation and Pledge of Allegiance by Commissioner Richard Morrison.

**3. Approve minutes of regular meeting held on March 25, 2014.**

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 March 25, 2014.

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 presented a proclamation to Marilyn Kindell with Community Development that April is Fair Housing Month.

Commissioner Meyers announced that on Friday, Precinct 3 is having its first annual Literary and Fine Arts Festival at the Cinco Ranch Library at 6:00 p.m. to celebrate the 10th anniversary of the library.

5. **PUBLIC HEARINGS: 1:00 p.m.:** Conduct Public Hearings and take all appropriate action on the following matters:
- A. **Replat: Fulbrook, Section Two "D" Replat of Lots 3 and 4 of Block 2, Precinct 3.**
  - B. **Replat: Texana Plantation, Section 4 Partial Replat No. 1, Precinct 3.**
  - C. **Acceptance of the traffic control plan for Walnut Creek, Section 9, Precinct 1.**

Public hearing held. No public comments.

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

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

Item 5A no action.

**CONSENT AGENDA ITEMS 6 - 13:**

6. **OUT-OF-STATE TRAVEL: Record into Minutes the out-of-state travel for Elected Official:**
- Sheriff's Office : Sheriff Troy Nehls to Bay St. Louis, Mississippi, July 27-30, 2014, to attend the United States Deputy Wardens Association Conference. (Fund: Sheriff, Detention and Enforcement, Travel)**
7. **OUT-OF-STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
- A. **Sheriff's Office : T. Goodfellow and J. Brownfield to Bay St. Louis, Mississippi, July 27-30, 2014, to attend the United States Deputy Wardens Association Conference. (Fund: Sheriff, Detention and Enforcement, Travel)**
  - B. **Sheriff's Office : J. Nethery to, Atlanta, Georgia, April 14-17, 2014, to attend Conference and training for the Internet Crimes Against Children Program. (Fund: Sheriff, Enforcement, Travel)**
8. **COUNTY JUDGE:**
- A. **Approve request for Historic Site Property Tax Exemption for the Teague-Waddell House, located at 1810 Avenue M in Rosenberg, Texas for tax year 2014.**
  - B. **Approve request for Historic Site Property Tax Exemption for The Morton Ferry Home, located at 402 North Second Street in Richmond, Texas for tax year 2014.**

9. COMMISSIONER, PCT. 4:

Approve the reappointment of Bryan Chapline to the Board of Directors of Fort Bend County Levee Improvement District No. 2 for a four-year term of office, effective through April 3, 2018 or until his successor is appointed.

10. AUDITOR:

Accept Monthly Financial Report prepared by the County Auditor for two months ending November 30, 2013, pursuant to Local Government Code Section 114.023.

11. BUDGET & FINANCE/BUDGET TRANSFERS:

A. Commissioner, Pct 3 : Approve transfer in the amount of \$600 from Fees into Information Technology to allocate funds for upgrade of Card Scan software.

B. Fire Marshal : Approve transfer in the amount of \$5,064 as detailed on Marshal's form dated March 24, 2014, to allocate funds into correct line item for the purchase of Toughbook laptop computer.

Pulled.

C. Public Transportation : Approve transfer in the amount of \$12,013 as detailed on Director's form dated March 27, 2014, to amend the budget pursuant to Local Government Code §111.0706 for revenue received from an employee (\$9,883) and include the County's contribution (\$2,130) for payment to Texas County and District Retirement System (TCDRS).

12. ENGINEERING:

A. Approve payment of Invoice No. 33013 in the amount of \$600.00 to Costello, Inc. regarding Mason Road Segment 3, Mobility Bond Project No. 735b, Precinct 4. (Fund: 2007 Mobility Bonds)

B. Correct funding source for Agenda Item No. 26B approved by Commissioners Court on March 25, 2014 to read: Take all appropriate action on Change Order No. 4 to the Agreement between Fort Bend County and Hassell Construction Company, Inc. to increase the scope of services by \$2,330.60 for a total contract amount not to exceed \$482,417.00 regarding Airport Avenue. (Fund: Capital Improvement Project)

C. Approve request for Fort Bend County to sponsor a Texas Department of Transportation project on behalf of Land Tejas FM 1093 and 723 LTD to expedite the construction of a tie-in paving connection and right hand turn lane at proposed Trinity Woods Crossing at FM 723 within the Westheimer Lakes Development, at no cost to the County, Precinct 3.

13. TAX ASSESSOR/COLLECTOR:

A. Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on March 25, 2014, for an amount totaling \$73,159.80 for the Office of Patsy Schultz.

B. Record into Minutes the disposal of miscellaneous Tax Office documentation dated May 10, 2013 through December 17, 2013, as described on request dated March 25, 2014, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.

**Item 13 continued - Tax Assessor Collector:**

- C. **Record into Minutes Professional County Collector Designation Certificates from the Tax Assessor-Collectors Association of Texas presented to Patsy Schultz, Laura Gutowsky, Tammy Staton and Helen Steffey on January 1, 2014.**

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Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
 Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 11A and 11C - 13.

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

Item 11B pulled.

**14. COUNTY JUDGE:**

**Take all appropriate action on Resolution authorizing the County Judge or his designee to execute and file applications for federal transportation assistance to the Federal Transit Administration.**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers  
 Duly put and unanimously carried (5-0), it is ordered to approve Resolution authorizing the County Judge or his designee to execute and file applications for federal transportation assistance to the Federal Transit Administration.

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

**15. COMMISSIONER, PCT. 1:**

**Take all appropriate action on request by Iglesia Fe Viva to waive penalty, interest and collection fees totaling \$1,339.04 on property taxes for Tax Year 2012, Precinct 1.**

Moved by Commissioner Morrison, Seconded by Commissioner Meyers  
 Duly put and unanimously carried (5-0), it is ordered to deny request by Iglesia Fe Viva to waive penalty, interest and collection fees totaling \$1,339.04 on property taxes for Tax Year 2012, Precinct 1.

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

**16. DISTRICT COURT ASSOCIATE JUDGE:**

**Take all appropriate action on request to transfer the amount of \$92,179 as detailed on Auditor's form dated March 25 2014, to allocate funds for the new Associate Judge, including build-out, equipment, and supplies necessary for the new office and courtroom.**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison  
Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$97,969 as detailed on Auditor's form dated March 26 2014, to allocate funds for the new Associate Judge, including build-out, equipment, and supplies necessary for the new office and courtroom.

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

Pamela Gubbels, Director of Finance & Investments and Ed Sturdivant, County Auditor answered questions from members of court about the increase.

Judge Brady Elliott introduced John Hawkins, the new Associate District Judge.

**17. ELECTIONS ADMINISTRATION:**

**Take all appropriate action on Joint Election Agreements between Fort Bend County and the following political subdivisions to conduct their General and Special Elections on May 10, 2014: City of Arcola; City of Richmond; City of Missouri City; City of Rosenberg; City of Stafford; City of Fulshear; Fort Bend Independent School District; Stafford Municipal School District; Kingsbridge Municipal Utility District; Fort Bend County Municipal Utility District No. 146; Fort Bend County Municipal Utility District No. 2; Fort Bend County Municipal Utility District No. 158; Fort Bend County Municipal Utility District No.121; West Keegan's Bayou Municipal Utility District; Cinco Municipal Utility District No. 12; Cinco Municipal Utility District No. 7; Willow Fork Drainage District; and Fort Bend County Water Control and Improvement District 3.**

Moved by Commissioner Morrison, Seconded by Commissioner Prestage  
Duly put and unanimously carried (5-0), it is ordered to approve Joint Election Agreements between Fort Bend County and the following political subdivisions to conduct their General and Special Elections on May 10, 2014: City of Arcola; City of Richmond; City of Missouri City; City of Rosenberg; City of Stafford; City of Fulshear; Fort Bend Independent School District; Stafford Municipal School District; Kingsbridge Municipal Utility District; Fort Bend County Municipal Utility District No. 146; Fort Bend County Municipal Utility District No. 2; Fort Bend County Municipal Utility District No. 158; Fort Bend County Municipal Utility District No.121; West Keegan's Bayou Municipal Utility District; Cinco Municipal Utility District No. 12; Cinco Municipal Utility District No. 7; Willow Fork Drainage District; and Fort Bend County Water Control and Improvement District 3.

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

**18. ENGINEERING:**

**Take all appropriate action on the Interlocal Agreements between Fort Bend County and the following entities for the administration of the Flood Damage Prevention Regulations for the area within the boundaries of the respective entities: Fort Bend County Municipal Utility District Number 2; Fort Bend County Municipal Utility District Number 23; Fort Bend County Municipal Utility District Number 25; Fort Bend County Municipal Utility District Number 34; Fort Bend County Municipal Utility District Number 35; Fort Bend County Municipal Utility District Number 42; Pecan Grove Municipal Utility District; Village of Fairchilds; City of Kendleton; Village of Pleak; and Town of Thompsons.**

Moved by Commissioner Morrison, Seconded by Commissioner Meyers Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreements between Fort Bend County and the following entities for the administration of the Flood Damage Prevention Regulations for the area within the boundaries of the respective entities: Fort Bend County Municipal Utility District Number 2; Fort Bend County Municipal Utility District Number 23; Fort Bend County Municipal Utility District Number 25; Fort Bend County Municipal Utility District Number 34; Fort Bend County Municipal Utility District Number 35; Fort Bend County Municipal Utility District Number 42; Village of Fairchilds; City of Kendleton; Village of Pleak; and Town of Thompsons.

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

**19. PURCHASING:**

**A. Take all appropriate action on Agreement for Planning, Engineering, Environmental Analysis, and Design between Fort Bend County and Lockwood, Andrews & Newnam, Inc. for services related to the administration and operations facility for Public Transportation pursuant to SOQ 14-027 in an amount not to exceed \$937,196.00. (Fund: Public Transportation Grants)**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers Duly put and unanimously carried (5-0), it is ordered to approve Agreement for Planning, Engineering, Environmental Analysis, and Design between Fort Bend County and Lockwood, Andrews & Newnam, Inc. for services related to the administration and operations facility for Public Transportation pursuant to SOQ 14-027 in an amount not to exceed \$937,196.00. (Fund: Public Transportation Grants)

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

**Item 19 continued - Purchasing:**

**B. Take all appropriate action on Bid 14-038 for construction of Harlem Road Paving and Drainage Improvements (Bridge Portion).**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
Duly put and unanimously carried (5-0), it is ordered to award Bid 14-038 for construction of Harlem Road Paving and Drainage Improvements (Bridge Portion) to Aranda Brothers for \$1,003,545.00 with 300 days completion.

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

**C. Take all appropriate action on Change Order 10 to the Agreement between Fort Bend County and Phonoscope, Inc. pursuant to Request For Proposal 10-086 for Ethernet Service, to decrease the monthly fee for Office of Emergency Management site from \$2,000 per month to \$1,400 per month (Fund: Information Technology)**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison  
Duly put and unanimously carried (5-0), it is ordered to approve Change Order 10 to the Agreement between Fort Bend County and Phonoscope, Inc. pursuant to Request For Proposal 10-086 for Ethernet Service, to decrease the monthly fee for Office of Emergency Management site from \$2,000 per month to \$1,400 per month (Fund: Information Technology)

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

**D. Take all appropriate action on request by Austin County to purchase surplus property from Fort Bend County, pursuant to Local Government Code Section 263.152 (a)(1), specifically two (2) 2006 motor graders for a total amount of \$250,000.00.**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
Duly put and unanimously carried (5-0), it is ordered to approve request by Austin County to purchase surplus property from Fort Bend County, pursuant to Local Government Code Section 263.152 (a)(1), specifically two (2) 2006 motor graders for a total amount of \$250,000.00.

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

**Item 19 continued - Purchasing:**

**E. Take all appropriate action on Proposal by WalkerCom, Inc. for the renewal of phone system maintenance and upgrade utilizing Department of Information Resources Contract DIR-SDD-1499 for an amount not to exceed \$27,851.26. (Fund: Library, Fees)**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers  
Duly put and unanimously carried (5-0), it is ordered to approve Proposal by WalkerCom, Inc. for the renewal of phone system maintenance and upgrade utilizing Department of Information Resources Contract DIR-SDD-1499 for an amount not to exceed \$27,851.26. (Fund: Library, Fees)

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

**F. Take all appropriate action on RFP 14-045 for Boilers for the West tower of Jail.**

Moved by Commissioner Morrison, Seconded by Commissioner Prestage  
Duly put and unanimously carried (5-0), it is ordered to enter into contract negotiations with American Mechanical Services on RFP 14-045 for Boilers for the West tower of Jail.

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

**G. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Section 262.024 (a)(7) Texas Local Government Code for the purchase of Law Databases available from only one source, Lexis Nexis, in an amount not to exceed \$18,981.60 annually. (Fund: Library)**

Moved by Commissioner Prestage, Seconded by Commissioner Meyers  
Duly put and unanimously carried (5-0), it is ordered to grant an exemption to the competitive bid process as authorized by Section 262.024 (a)(7) Texas Local Government Code for the purchase of Law Databases available from only one source, Lexis Nexis, in an amount not to exceed \$18,981.60 annually. (Fund: Library)

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

**20. PUBLIC TRANSPORTATION:**

**Take all appropriate action on Work Authorization No. 1 in the amount of \$261,900 pursuant to the Agreement between Fort Bend County and Lockwood, Andrews, and Newnam, Inc. for planning, engineering, environmental analysis, and design for the Public Transportation Department Administration and Operations Building. (Fund: Public Transportation, Grants)**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers  
Duly put and unanimously carried (5-0), it is ordered to approve Work Authorization No. 1 in the amount of \$261,900 pursuant to the Agreement between Fort Bend County and Lockwood, Andrews, and Newnam, Inc. for planning, engineering, environmental analysis, and design for the Public Transportation Department Administration and Operations Building. (Fund: Public Transportation, Grants)

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

**21. SHERIFF'S OFFICE:**

**Take all appropriate action on Grant Application No. G14HN0010A and Agreement for the County's participation in the Office of the National Drug Council Policy High Intensity Drug Trafficking Area (HIDTA) program, requesting funds in the amount of \$629,986 to be administered by the Sheriff's Office, with no additional funds required by the County for the period of January 1, 2014 through December 31, 2015.**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
Duly put and unanimously carried (5-0), it is ordered to approve Grant Application No. G14HN0010A and Agreement for the County's participation in the Office of the National Drug Council Policy High Intensity Drug Trafficking Area (HIDTA) program, requesting funds in the amount of \$629,986 to be administered by the Sheriff's Office, with no additional funds required by the County for the period of January 1, 2014 through December 31, 2015.

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

**22. TREASURER:**

**Take all appropriate action on request to transfer the amount of \$70,000 from Non-Departmental Contingency into Treasurer, Emergency Medical Service Collections, Fees, to allocate funds for payment to Linebarger for increase in collections.**

Moved by Commissioner Meyers, Seconded by Commissioner Prestage  
Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$70,000 from Non-Departmental Contingency into Treasurer, Emergency Medical Service Collections, Fees, to allocate funds for payment to Linebarger for increase in collections.

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

Jeff Council, County Treasurer, explained that collections have increased due to new software approved by Commissioners Court.

**23. 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 \$2,474,070.57.

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

**Recess:**

Recessed at 1:25 p.m.

**24. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:**

**§ 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.**

- A. Spur 10; Texas Department of Transportation 90/10 Reimbursement Project, Precinct 1.**
- B. Old Richmond Road, Mobility Bond Project No. 729, Precinct 4.**

**Closed Session:**

Convened at 1:36 p.m.  
Adjourned at 1:37 p.m.

**Reconvene:**

Reconvened at 1:39 p.m.

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

**§ 551.072. Deliberation Regarding Real Property.**

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

No action.

**B. Old Richmond Road, Mobility Bond Project No. 729, Precinct 4.**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers  
Duly put and unanimously carried (5-0), it is ordered to refer to the County Attorney as per  
prior Resolution dated March 11, 2014 on Right to Take plus litigation expenses not to exceed  
\$5,000.00 each to acquire by Eminent Domain Parcel 20 and Parcel 22 of the Old Richmond  
Road Mobility Project with funds from Right of Way fund.

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

**26. Adjournment.**

Commissioners Court adjourned at 1:40 p.m. on Tuesday, April 1, 2014.