

**MINUTES**

BE IT REMEMBERED, That on this 2ND DAY of DECEMBER, 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
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 Andy Meyers.**

Invocation and Pledge of Allegiance by Commissioner Andy Meyers.

**3. Approve minutes of regular meeting held on November 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 November 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 invited all to attend the annual Christmas tree lighting in the Rotunda of the Historic Courthouse today at 3:00 p.m. with refreshments provided by the County Attorney's office. The winner of the Christmas stocking contest will also be announced.

Judge Hebert also mentioned that today is the last day for early voting in the special election for the State Senate District 18 seat formerly held by Senator Hegar. Election day is December 6.

**5. PUBLIC HEARINGS: 1:00 p.m.: Conduct Public Hearings and take all appropriate action on the following matters:**

Public hearing held. No public comments.

- A. Acceptance of the traffic control plan for Shadow Glen at Riverstone, Section 4, Precinct 4.**
- B. Acceptance of the traffic control plan for Shadow Glen at Riverstone, Section 5, Precinct 4.**

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

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

**CONSENT AGENDA ITEMS 6-13**

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

- A. Office of Emergency Management : Krista Whitehead to Highlands Ranch, Colorado, January 11-16, 2015, to attend analytical training course. (Fund: 2014 Urban Area Security Initiative Grant)**
- B. Office of Emergency Management : Jeff Braun to Emmitsburg, Maryland, March 29 through April 3, 2015, to attend advanced training at the Emergency Management Institute. (Fund: Office of Emergency Management, Travel)**

**7. COUNTY JUDGE:**

Record into Minutes the Bond and Oath by Jerry W. Bussell to serve as Temporary Justice of the Peace, Precinct 3.

**8. BUDGET & FINANCE/BUDGET TRANSFERS:**

- A. Parks Department : Approve FY 2015 transfer in the amount of \$1,000 from Repairs and Maintenance into Capital Acquisitions to allocate additional funds needed for the purchase of the a truck for Parks Department.**
- B. Sheriff's Office : Approve FY 2015 transfer in the amount of \$800 from Forfeited Assets, Federal, Contingency, into Capital Acquisitions to allocate funds into correct line item for the purchase of graphics for the helicopter.**

**9. ENGINEERING:**

- A. Approve payment of Invoice No. 21868 in the amount of \$6,081.13 to Binkley & Barfield, Inc. for administrative support services regarding Mobility Bond Projects within Precincts 1, 2, 3 and 4. (Fund: 2013 Mobility Bonds)**

**Consent item 9 continued - Engineering:**

- B. Approve payment of Invoice No. 459301/32/II in the amount of \$198,564.65 to Dannenbaum Engineering Corp. regarding FM 1093/ Westpark, Mobility Bond Project No. 748, Precinct 3. (Fund: 2007 Mobility Bonds)**
- C. Approve payment of Invoice No. 00325775 in the amount of \$4,812.50 to Professional Service Industries, Inc. regarding Williams Way, Mobility Bond Project No. 747, Precinct 1. (Fund: 2007 Mobility Bonds)**
- D. Approve payment of Invoice No. 101427C in the amount of \$4,794.65 to Aviles Engineering Corp. regarding West Bellfort Road, Mobility Bond Project No. 741, Precinct 4. (Fund: 2007 Mobility Bonds)**
- E. Approve application from Devon Street Homes to construct a driveway on Jay Thrush Drive, Precinct 4.**
- F. Approve application from Centerpoint Energy to bore a 2-inch plastic gas line under Roesner Road, Precinct 3.**
- G. Approve application from C.E. Barker, Ltd. to open cut Willow Creek of Buffalo Bayou and bore under Falcon Landing Boulevard and bury a waterline along Northlight Lane and Falcon Landing Boulevard, Precinct 3.**
- H. Approve application from Lone Star Construction, Ltd. to construct a bridge over Willow Fork and bury a 12-inch water line along Kingsland Boulevard, Precinct 3.**
- I. Approve application from TIC - The Industrial Company to construct two driveways on Smithers Lake Road, Precinct 1.**
- J. Set public hearing for Fulbrook Section Five "C" Replat of Lots 18 and 19 of Block 1, Precinct 3. (Tuesday, January 6, 2015, at 1:00 p.m.)**
- 10. FACILITIES MANAGEMENT & PLANNING: The Director of Facilities Management & Planning submits these invoices for approval and payment for projects that have been budgeted and funded by Facility Bond and/or Capital Projects:**
  - A. Pay Application No. 14-005 004 in the amount of \$89,250.20 to Bass Construction Co. Inc., for Construction Services regarding the Pedestrian Plaza;**
  - B. Pay Application No. 37 in the amount of \$44,085.00 to JE Dunn South Central Inc., for Construction Services regarding the Justice Center.**
- 11. HUMAN RESOURCES:**
  - A. Approve and record into Minutes the application for Appointment of Deputy Constables Jorrey Ganey and De'Gerrian Evans by Constable Precinct 3, in accordance with Constable's form dated November 24, 2014, pursuant to Local Government Code Section 86.011.**
  - B. Approve and record into Minutes the application for Appointment of Deputy Constable David Hunter, by Constable Precinct 4, in accordance with Constable's form dated November 24, 2014, pursuant to Local Government Code Section 86.011.**

**12. PURCHASING:**

**Authorize advertising for bids for Sheriff's Office interior remodel of west jail tower.**

**13. ROAD & BRIDGE:**

- A. Approve payment of Invoice No. 7 (Final) in the amount of \$34,921.50 to MarCon Construction for completion of the construction of James Lane Bridge at Bessies Creek, Pct. 3. (Fund: Road & Bridge)**
- B. Approve payment of Pay Estimate 5 (Final) in the amount of \$86,650.82 to Statewide Traffic Signal Company for completion of traffic signal construction at the intersections of Cinco Ranch Boulevard and Cinco Crossing; Fry Road and Cinco Crossing; and Cinco Ranch Boulevard and Katy Gaston Road, Pct.3 (Fund: Road & Bridge Traffic Signals)**

Pulled

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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 6-13A.

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

Item 13B pulled.

**14. COUNTY JUDGE:**

**Take all appropriate action on Resolution in Support of Participating with the U.S. Army Corps of Engineers to Address Brazos River Streambank Erosion in the Vicinity of the City of Richmond, Texas, and authorize County Judge to sign all documents pertaining to the Resolution.**

Moved by Commissioner Morrison, Seconded by Commissioner Prestage  
 Duly put and unanimously carried (5-0), it is ordered to approve Resolution in Support of Participating with the U.S. Army Corps of Engineers to Address Brazos River Streambank Erosion in the Vicinity of the City of Richmond, Texas, and authorize County Judge to sign all documents pertaining to the Resolution.

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

**15. COMMISSIONER, PCT. 4:**

**Take all appropriate action on Resolution and Order Decreeing the Acquisition of Property to be a Public Necessity and Authorizing the Acquisition and Payment of Compensation by record vote for Four Corners Park Extension and Law Enforcement Facility Project, located at the intersection of West Belfort Road and Old Richmond Road.**

Moved by Commissioner Patterson, Seconded by Commissioner Prestage  
Duly put and unanimously carried (5-0) by a verbal vote that Fort Bend County authorize the use of the power of eminent domain to acquire all needed property for the Four Corners Park Extension and possible Law Enforcement Facility Project, located at the intersection of West Belfort Road and Old Richmond Road by adoption of the resolution and order decreeing the acquisition of property to be a public necessity and authorizing the acquisition and payment of compensation for the public purpose of alignment, construction, operation and maintenance of the Four Corners Park Extension and possible Law Enforcement Facility Project including appurtenant drainage and detention required for said project. This motion applies to any and all parcels of land that must be condemned for the Four Corners Park Extension and Law Enforcement Facility.

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

**16. PUBLIC TRANSPORTATION:**

**A. Take all appropriate action on Amendment to the Professional Engineering Services Agreement between County and IDC, Inc. for Transportation Planning, Engineering, Environmental Analysis, and Design for the Westpark, US 90A, and FM 521 Park and Ride Projects, extending the contract expiration date until December 31, 2016.**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison  
Duly put and unanimously carried (5-0), it is ordered to approve Amendment to the Professional Engineering Services Agreement between County and IDC, Inc. for Transportation Planning, Engineering, Environmental Analysis, and Design for the Westpark, US 90A, and FM 521 Park and Ride Projects, extending the contract expiration date until December 31, 2016.

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

**Item 16 continued - Public Transportation:**

- B. Take all appropriate action on Amendment No. 2 to Work Authorization No. 3 and Work Authorization No. 4 of the Professional Engineering Services Agreement between Fort Bend County and IDC, Inc. for Final Design and PS & E planning activities for the Park and Ride Projects, increasing the authorization amount by \$118,175 and extending the contract expiration date to December 31, 2015. (Fund: Public Transportation Grants)**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison  
Duly put and unanimously carried (5-0), it is ordered to approve Amendment No. 2 to Work Authorization No. 3 and Work Authorization No. 4 of the Professional Engineering Services Agreement between Fort Bend County and IDC, Inc. for Final Design and PS & E planning activities for the Westpark Park and Ride Projects, increasing the authorization amount by \$118,175 and extending the work authorization expiration dates to December 31, 2015. (Fund: Public Transportation Grants)

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

- C. Take all appropriate action on Amendment to the Professional Engineering Services Agreement Between Fort Bend County and Ninyo & Moore, Inc. regarding construction of an Administration and Operations Facility for Public Transportation to include federally required clauses.**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
Duly put and unanimously carried (5-0), it is ordered to approve Amendment to the Professional Engineering Services Agreement Between Fort Bend County and Ninyo & Moore, Inc. regarding construction of an Administration and Operations Facility for Public Transportation to include federally required clauses.

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

**17. PURCHASING:**

- A. Take all appropriate action on Agreement for Tiburon Software Upgrade and License Subscription between Fort Bend County and Tiburon, Inc., a sole source provider as authorized by Local Government Code Section 262.024(a)(7), for an amount not to exceed \$2,168,489. (Fund: Sheriff's Office)**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
Duly put and unanimously carried (5-0), it is ordered to approve Agreement for Tiburon Software Upgrade and License Subscription between Fort Bend County and Tiburon, Inc., a sole source provider as authorized by Local Government Code Section 262.024(a)(7), for an amount not to exceed \$2,168,489. (Fund: Sheriff's Office)

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

Debbie Kaminski, Assistant Purchasing Agent, confirmed for Commissioner Meyers that this software would be integrated with the court system.

- B. Take all appropriate action on Addendum to Electronic Product License Agreement between Fort Bend County and ProQuest, LLC, a sole source provider as authorized by Section 262.024 (a)(7) Texas Local Government Code, for the purchase of online databases in an amount not to exceed \$11,350. (Fund: Library)**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
Duly put and unanimously carried (5-0), it is ordered to approve Addendum to Electronic Product License Agreement between Fort Bend County and ProQuest, LLC, a sole source provider as authorized by Section 262.024 (a)(7) Texas Local Government Code, for the purchase of online databases in an amount not to exceed \$11,350. (Fund: Library)

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

**Item 17 continued - Purchasing:**

- C. Take all appropriate action on request to purchase radio equipment from Motorola Solutions, utilizing Houston Galveston Area Council Contract RA05-12, for an amount not to exceed \$811,496.65. (Fund: Office of Emergency Management, Urban Area Security Initiatives Grants)**

Moved by Commissioner Morrison, Seconded by Commissioner Prestage  
Duly put and unanimously carried (5-0), it is ordered to purchase radio equipment from Motorola Solutions, utilizing Houston Galveston Area Council Contract RA05-12, for an amount not to exceed \$811,496.65. (Fund: Office of Emergency Management, Urban Area Security Initiatives Grants)

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

Judge Hebert clarified for Commissioner Patterson that the new radios are not the same size and shape as the current radios.

- D. Take all appropriate action on request to purchase one (1) wheel loader, for Road and Bridge, from R.B. Everett & Company, utilizing Houston Galveston Area Council contract EM06-13, in amount not to exceed \$119,920. (Fund: Road and Bridge)**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
Duly put and unanimously carried (5-0), it is ordered to purchase one (1) wheel loader, for Road and Bridge, from R.B. Everett & Company, utilizing Houston Galveston Area Council contract EM06-13, in amount not to exceed \$119,920. (Fund: Road and Bridge)

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

- E. Take all appropriate action on request to purchase one (1) pneumatic compactor, for Road and Bridge, from Mustang CAT, utilizing Buy Board Contract No. 424-13, in amount not to exceed \$88,709.57. (Fund: Road and Bridge)**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison  
Duly put and unanimously carried (5-0), it is ordered to purchase one (1) pneumatic compactor, for Road and Bridge, from Mustang CAT, utilizing Buy Board Contract No. 424-13, in amount not to exceed \$88,709.57. (Fund: Road and Bridge)

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

**Item 17 continued - Purchasing:**

- F. Take all appropriate action on request to purchase one (1) dozer, for Road and Bridge, from Mustang CAT, utilizing Buy Board Contract No. 424-13, for an amount not to exceed \$299,708.03. (Fund: Road and Bridge)**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
 Duly put and unanimously carried (5-0), it is ordered to purchase one (1) dozer, for Road and Bridge, from Mustang CAT, utilizing Buy Board Contract No. 424-13, for an amount not to exceed \$299,708.03. (Fund: Road and Bridge)

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

- G. Take all appropriate action on request to purchase one (1) excavator, for Road and Bridge, from R.B. Everett & Company, utilizing Houston-Galveston Area Council Contract EM06-13, for an amount not to exceed \$252,167. (Fund: Road and Bridge)**

Moved by Commissioner Meyers, Seconded by Commissioner Morrison  
 Duly put and unanimously carried (5-0), it is ordered to purchase one (1) excavator, for Road and Bridge, from R.B. Everett & Company, utilizing Houston-Galveston Area Council Contract EM06-13, for an amount not to exceed \$252,167. (Fund: Road and Bridge)

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

**18. SHERIFF'S OFFICE:**

- A. Take all appropriate action on request to transfer the amount of \$54,682 from FY 2015 Non-Departmental Contingency into Capital Acquisitions to allocate funds for the purchase of an additional vehicle and equipment necessary for the Agreement for Additional Law Enforcement Services with Grand Mission Municipal Utility District No. 1.**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson  
 Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$54,682 from FY 2015 Non-Departmental Contingency into Capital Acquisitions to allocate funds for the purchase of an additional vehicle and equipment necessary for the Agreement for Additional Law Enforcement Services with Grand Mission Municipal Utility District No. 1.

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

**Item 18 continued - Sheriff's Office:**

- B. Take all appropriate action on request to transfer the amount of \$54,682 from FY 2015 Non-Departmental Contingency into Capital Acquisitions to allocate funds for the purchase of an additional vehicle and equipment necessary for the Agreement for Additional Law Enforcement Services with Sienna Plantation Residential Association, Inc.**

Moved by Commissioner Morrison, Seconded by Commissioner Prestage  
Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$54,682 from FY 2015 Non-Departmental Contingency into Capital Acquisitions to allocate funds for the purchase of an additional vehicle and equipment necessary for the Agreement for Additional Law Enforcement Services with Sienna Plantation Residential Association, Inc.

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

**19. 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 \$4,858,180.15.

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

**20. WORKSHOP:**

**Engineering : Receive Project Update regarding FM 1093/Westpark Extension, Precinct 3.**

Michael Casper with Dannenbaum Engineering presented a PowerPoint on Phase I & II of the project and discussed a development timeline of January 2015 to June 2017.

**Recess:**

Recessed at 1:22 p.m.

**21. 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. Christian Galvin, D/B/A/ St. Christina's EMS, Assignee of Sabrina Loya vs. Fort Bend County Employee Medical Benefit Plan and Boon-Chapman Benefit Administrators, Inc. Case No. 13-DCV-211269 in the 240th Judicial District Court of Fort Bend County, Texas.**
- B. Neketha Robinson vs. Fort Bend County, Texas. Case No. 14-DCV-214677 In the 240th Judicial District Court of Fort Bend County, Texas.**

**Closed Session:**

Convened at 1:28 p.m.  
Adjourned at 1:36 p.m.

**Reconvene:**

Reconvened at 1:38 p.m.

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

**§ 551.071. Consultation With Attorney.**

- A. Christian Galvin, D/B/A/ St. Christina's EMS, Assignee of Sabrina Loya vs. Fort Bend County Employee Medical Benefit Plan and Boon-Chapman Benefit Administrators, Inc. Case No. 13-DCV-211269 in the 240th Judicial District Court of Fort Bend County, Texas.**

Moved by Commissioner Morrison, Seconded by Commissioner Prestage  
Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to negotiate the complete terms and provisions for the full and final settlement of said cause and authorize the County Judge to execute and deliver the settlement agreement recommended for approval by the Acounty Attorney.

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

**Item 22 continued - §551.071. Consultation With Attorney:**

**B. Neketha Robinson vs. Fort Bend County, Texas. Case No. 14-DCV-214677 In the 240th Judicial District Court of Fort Bend County, Texas.**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers  
Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to incur litigation expenses in the stated case in an amount not to exceed \$5,000.00 and to authorize the County Judge to sign all documents.

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

**23. Adjournment.**

Commissioners Court adjourned at 1:39 p.m. on Tuesday, December 2, 2014.