

April 28, 2009

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
TUESDAY, APRIL 28, 2009
1:00 O'CLOCK P.M.**

AGENDA

1. Call to Order.
2. Invocation and Pledge of Allegiance by Commissioner Morrison.
3. Approve minutes of regular meeting held on April 14, 2009.
4. Public Comments regarding the Agenda and Announcements.
5. PUBLIC HEARINGS: 1:00 p.m.: Conduct Public Hearings and take all appropriate action on the following matters:
 - A. Approval of replat, Sovereign Shores Estates, Partial Replat No. 1, Pct. 1.
 - B. Approval of replat, The Retreat at Sovereign Shores, Section 1, Partial Replat No. 1, Pct. 1.
 - C. Approval of replat, LaQuinta - Sugar Land, being a partial replat of Restricted Reserve "A", Block 1 of Sunnyland United Plaza, Pct. 3.
 - D. Approval of replat, Walmart Murphy Parkway Lakes, being a replat of restricted Reserve "A" of Shops at Parkway Lakes, Pct. 3.
 - E. Approval of replat, Kingdom Heights, Section 1 Partial Replat No. 1, Pct. 1.

CONSENT AGENDA ITEMS 6 - 16:

6. **OUT-OF-STATE TRAVEL:** Approve out-of-state travel requests for County personnel:
Elections Administration: John Oldham, James Guen, and Gracie Alverado to Baton Rouge, Louisiana, July 11-18, 2009, to attend Election Center classes. (Election Contracts Fund, Travel)
7. **COUNTY JUDGE:** Approve renewal of agreement between Fort Bend County and Fort Bend County Dispute Resolution Center in the amount of \$132,269 for the term of June 1, 2009 through May 31, 2010. (Fund: Non-Departmental, Fees)
8. **COMMISSIONER, PCT. 1:** Approve Project Agreement between Fort Bend County and City of Rosenberg to provide assistance with building a walking trail for pedestrian traffic within right-of-way on Herndon Drive, a city owned street, County expenditure not to exceed \$2,700. (Fund: Road & Bridge, Multi)

9. BUDGET TRANSFERS:

- A. **Community Supervision & Corrections Department (CSCD):** Rescind Court's approval of Agenda Item 8B on April 14, 2009, a transfer in the amount of \$6,000 from CSCD Property & Equipment into CSCD Capital Acquisitions, at request of CSCD Director.
- B. **Constable, Pct. 1:** Approve transfer in the amount of \$23,910 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds into Contingency for reimbursement regarding law enforcement agreement vehicles.
- C. **Constable, Pct. 3:**
 - 1) Approve transfer in the amount of \$25 as detailed on Auditor's form dated April 16, 2009, and allocate funds to cover shortage in line item for vehicle purchase for the law enforcement agreement with Big Oaks Municipal Utility District.
 - 2) Approve transfer in the amount of \$21,788 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds into Contingency for reimbursement regarding law enforcement agreement vehicles.
- D. **Constable, Pct. 4:** Approve transfer in the amount of \$20,363 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds into Contingency for reimbursement regarding law enforcement agreement vehicles.
- E. **District Attorney:**
 - 1) Approve transfer in the amount of \$25,151 as detailed on Auditor's form dated April 13, 2009, to allocate County's match of funds for the Violence Against Women Investigator Grant.
 - 2) Approve transfer in the amount of \$41,805 as detailed on Auditor's form dated April 13, 2009, to allocate County's match of funds for the Violence Against Women Prosecutor Grant.
 - 3) Approve transfer in the amount of \$37,749 as detailed on Auditor's form dated April 13, 2009, to allocate County's match of funds for the Victim Witness Staff Expansion Grant.
- F. **Library:** Approve transfer in the amount of \$55,650 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds donated for the purchase of Early Literacy Bilingual Computers for the library.
- G. **Road & Bridge:** Approve transfer in the amount of \$400,000 as detailed on Auditor's form dated April 21, 2009 to allocate funds into separate project account for work on Oilfield Road to Thompson Ferry.

BUDGET TRANSFERS (Continued)

H. Sheriff's Office:

- 1) Approve transfer in the amount of \$3,200 as detailed on Sheriff's form dated April 16, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds donated by various organizations for the purchase of kennel supplies for Search and Rescue.
- 2) Approve transfer in the amount of \$6,035 as detailed on Sheriff's form dated April 14, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds received from abandoned vehicles into Forfeited Assets, State, Property and Equipment.
- 3) Approve transfer in the amount of \$63,053 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds into Contingency for reimbursement regarding law enforcement agreement vehicles.

- I. Vehicle Maintenance: Approve transfer in the amount of \$164 from Fees into Information Technology to allocate funds for purchase of 2007 Microsoft Access software and license.**

10. ENGINEERING:

- A. Approve payment of Invoice No. 06-106925 (Pay Estimate No. 25-Rev) in the amount of \$124,285.80 to Triple B Services, L.L.P. regarding Paving and Drainage Improvements for Fifth Street, Mobility Bond Project #17, Precinct 2. (Fund: Mobility Bonds)
- B. Approve payment of Invoice No. 1 in the amount of \$150,130.00 to City of Stafford regarding Stafford/Staffordshire Road Improvements, Mobility Bond Projects 38 and 43, Precinct 2. (Fund: Right of Way)
- C. Approve final Pay Estimate No. 8 in the amount of \$322,743.39 to South Coast Construction, Inc. regarding Voss Road Phase II (from Old Richmond Road to SH 6), Mobility Bond Project #48, Precinct 4. (Fund: Mobility Bonds)
- D. Approve payment of Invoice No. 309092 and 309093 (Pay Estimate No. 13) in the amount of \$6,852.60 to Klotz Associates regarding labor rates relating to Fort Bend County Mobility Bond Projects, Precincts 1, 2, 3 and 4. (Fund: Mobility Bonds)
- E. Approve payment of Invoice No. 18 (Pay Estimate No. 18) in the amount of \$23,001.66 to Schaumburg & Polk, Inc. regarding Management and Administrative Support Services for the 2007 Mobility Bond Project Program, Precincts 1, 2, 3, and 4. (Fund: Mobility Bonds)
- F. Approve payment of Invoice No. 0152108 (Pay Estimate No. 19) in the amount of \$9,746.19 to Jones & Carter, Inc. for Fifth Street Paving and Drainage Project (FM 1092 to FM 2234), Mobility Bond Project #17, Precinct 2. (Fund: Mobility Bonds)

ENGINEERING (Continued)

- G. Approve payment of Invoice No. 0108528 (Pay Estimate No. 9) in the amount of \$10,450.00 to Pate Engineers, Inc. regarding Old Richmond Road (from West Airport Boulevard to Boss Gaston), Mobility Bond Project #729, Precinct 4. (Fund: Mobility Bonds)**
 - H. Approve release of Performance Bond #22021466 in the amount of \$5,000.00 to Brookstone, L.P. for completion of work on Peek Road, Permit #83496, Pct. 3.**
 - I. Approve application from Sewage Disposal Systems to bore under Drainage Ditch II-K-9A, Precinct 4.**
 - J. Approve application from Terracon Consultants, Inc. to do soil borings along several streets and drainage ditches (see attached list of streets and drainage easements), Precinct 3.**
 - K. Approve application from Allgood Construction Co., Inc. to construct a driveway tie-in onto Greenbusch, Precinct 3.**
 - L. Approve application from SiEnergy LP to bore a 4-inch natural gas line under Oyster Creek Diversion Channel, Precinct 1.**
 - M. Approve the plat for Redeemed Christian Church of God Pavilion of Redemption, Pct. 4.**
- 11. FACILITIES MANAGEMENT & PLANNING: The Director of Facilities Management & Planning submits these invoices for approval of payment for projects that have been budgeted and funded by Facility Bonds and/or Capital Projects:**
- A. Invoice No. 22288 in the amount of \$20,843.91 to Fort Bend Mechanical, Ltd. for air conditioning labor and materials regarding the Vehicle Maintenance Expansion;**
 - B. Invoice No. 09-30348 in the amount of \$796.38 to QC Laboratories, Inc. for materials testing for the Precinct Two Service Center;**
 - C. Invoice No. 44218 in the amount of \$4,442.75 to Paradigm Consultants, Inc. for professional services regarding the Jail Expansion Project;**
 - D. Invoice No. 03-09-13 in the amount of \$1,826.20 to Techknowledge Consulting Corporation for professional services regarding the Jail Expansion;**
 - E. Invoice No. TMG-447 in the amount of \$4,780.63 to The Maddox Group, Inc. for professional services regarding the Sienna Branch Library;**
 - F. Invoice No. 3592248 in the amount of \$825.55 to Paper Mart, Inc. for furniture, fixture, and equipment costs associated with the Jail Expansion;**
 - G. Invoice No. IN80948 in the amount of \$537.31 to NWN Corporation for professional services regarding the Needville Road & Bridge Facility;**
 - H. Invoice No. 27 in the amount of \$1,029.50 to Bailey Architects for architectural services regarding the Needville Road & Bridge Facility;**
 - I. Invoice No. 8376 in the amount of \$14,275.00 to The Production Company for furniture, fixture, and equipment costs associated with the Jail Expansion Project;**
 - J. Invoice No. 22489 in the amount of \$13,105.71 to Aria Medical Equipment for furniture, fixture, and equipment costs associated with the Jail Expansion;**

FACILITIES MANAGEMENT & PLANNING (Continued)

- K. Invoice No. 4017 in the amount of \$3,589.60 to Total Technologies for voice/data cabling for the Facilities build-out in the Precinct One Facility;
 - L. Invoice No. 1704-0002 in the amount of \$6,250.00 to LJA Engineering & Surveying, Inc. for professional services regarding renovations to the George Memorial Library;
 - M. Pay Application No. 08-003000011 in the amount of \$55,659.55 to Bass Construction for services provided regarding the Needville Facility;
 - N. Invoice No. 288383 in the amount of \$640.00 to Western States Fire Protection Company, Inc. for professional services regarding renovations to the Jane Long Building; and
 - O. Pay Application No. 1 in the amount of \$156,132.50 to Crain Zamora, L.L.C. for professional services regarding the Parking Garage.
 - P. Approve Final Pay Application No. 3 (Invoice No. 92038947) in the amount of \$26,430.90 to Tremco Weatherproofing Technologies, Inc. for damages to First Colony and Fulshear libraries due to Hurricane Ike. (Fund: Hurricane Ike)
12. **FORT BEND COUNTY TOLL ROAD AUTHORITY:** The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") reviewed these items at their regular meeting held on April 15, 2009, and makes the following recommendation to Commissioners Court:
- A. **Administration:** Approve insurance proposal in the amount of \$6,016.00 for renewal of policy for Directors and Officers Liability, Directors and Consultants Bond Coverage from Anco-McDonald Waterworks Insurance Services LLC for one-year term.
 - B. **Treasurer:**
 - 1) Authorize payment of construction invoices for work performed by consultants and/or contractors as listed on Board Report dated April 15, 2009, for an amount totaling \$7,409.12, of which \$3,041.07 is for construction work done on Section B of the Fort Bend Parkway, \$1,355.05 for Westpark, Section B, \$2,738.00 for Grand Parkway, Segment D, and \$275.00 for Trammel Fresno Study. (Fund: Toll Road Authority, Construction)
 - 2) Authorize payment of operations invoices in the amount of \$353,233.04 for the Fort Bend Parkway, Section A and Westpark Corridor. (Fund: Toll Road Authority, Operations)
13. **HEALTH & HUMAN SERVICES:** Approve Memorandum of Understanding between Fort Bend County and Stafford Municipal School District, the content of which is covered by Texas Government Code § 418.183(f).
14. **PURCHASING:** Authorize advertising for bids, RFPs, and/or SOQs for the following:
- A. Window washing for various buildings; and
 - B. Fire alarm and security monitoring for various buildings.

15. TAX ASSESSOR/COLLECTOR:

- A. Record into Minutes the Summary Monthly Report of Property Taxes Collected in March, 2009, 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 April 21, 2009, for an amount totaling \$78,647.78.**
- C. Approve renewal of Interlocal Agreement between Fort Bend County and Fort Bend Independent School District for the Collection of Taxes, effective through May 31, 2010.**

16. TREASURER: Approve Monthly Report submitted by County Treasurer for January 2009, and authorize advertisement of Affidavit of same, in accordance with Local Government Code §114.026.

17. COUNTY JUDGE:

- A. Take all appropriate action on Intergovernmental Agreement between Fort Bend County and Houston-Galveston Area Council for Voluntary Mobile Emission Reduction Program.**
- B. Take all appropriate action on Interlocal Agreement between Fort Bend County and City of Richmond to assist with the purchase of an aerial platform fire truck. (Fund: Non-Departmental Fees)**
- C. Take all appropriate action on request to transfer the amount of \$450,000 from General Fund Projects into Non-Departmental Fees to allocate funds budgeted for purchase of fire truck for City of Richmond.**

18. COMMISSIONER, PCT. 1:

- A. Take all appropriate action to authorize County Judge to sign non-opposition letter to Foreign Trade Zone Board to expand Foreign-Trade Zone No. 149 to include CenterPoint Properties' Logistics Park on US 59 between the City of Kendleton and City of Beasley.**
- B. Take all appropriate action on request for a variance to the Order Regulating the Distance Between the Sale of Alcoholic Beverages and the Nearest Public Schools, Churches, and Public Hospitals, Day Care Centers and Child Care Facilities, on behalf of The Jay Cafe located at 16634 Hwy 36 in Needville, Texas.**
- C. Take all appropriate action on request by Alejandro Beltran to waive penalty and interest, including attorney fees, totaling \$1,822.46 on property taxes for Tax Years 2004 through 2007.**

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19. COMMISSIONER, PCT. 2:
 - A. Take all appropriate action on request by Noel Pinnock to waive penalty and interest totaling \$267.23 on property taxes for Tax Year 2008.
 - B. Take all appropriate action on request for additional funding not to exceed \$75,000 for completion of Dew House, and authorize the funds from Non-Departmental Contingency.

20. COMMISSIONER, PCT. 3:
 - A. Take all appropriate action on request by Gladys Busby to waive penalty and interest totaling \$28.69 on property taxes for Tax Years 2004 through 2007.
 - B. Take all appropriate action on request by Diep Than-Thi Nguyen to waive penalty and interest totaling \$132.93 on property taxes for Tax Year 2008.

21. COMMISSIONER, PCT. 4: Take all appropriate action on request by Michael Bornstein to waive penalty and interest, including attorney fees, totaling \$243.80 on personal property taxes for Tax Year 2007.

22. COMMUNITY DEVELOPMENT:
 - A. Take all appropriate action to authorize County Judge to sign Method of Distribution of Community Development Block Grant Disaster Recovery Funds in the amount of \$2,636,844 for submission to Houston-Galveston Area Council.
 - B. Take all appropriate action on Amendment to Agreement between Fort Bend County and Fort Bend County Women's Center for tenant-based rental assistance, to extend the performance time until September 30, 2009.

23. CONSTABLE, PCT. 2: Take all appropriate action on request to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.

24. CONSTABLE, PCT. 3: Take all appropriate action on request to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.

25. COUNTY CLERK: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$130.00 to Nightingale Adult Day Center for interpreter services provided without a purchase order. (Fund: County Clerk, Fees)

26. ELECTIONS ADMINISTRATION: Take all appropriate action on consideration of changes in voting precinct boundaries for Precincts 1118, 2061, 3038, and 3082, and the creation of six new voting precincts: 1097, 2108, 3142, 3143, 3144, and 3095, to reduce the number of registered voters to less than 5,000 per voting precinct, to become effective January 1, 2010.

27. ENGINEERING:
 - A. Take all appropriate action on Change Order No. 1 to South Coast Construction to decrease the contract in the amount of \$7,269.32 for changes to the Voss Road, Phase II Project, (from Old Richmond Road to SH 6), Mobility Bond Project No. 48, Precinct 4.
 - B. Take all appropriate on First Amendment to Professional Engineering Services Agreement between Fort Bend County and Kelly R. Kaluza & Associates, Inc. increasing the amount for services from \$584,950 to an amount not to exceed \$742,450 for construction of West Bellfort from Martinez Street to FM 1464, Mobility Bond Project No. 731, Precinct 3. (Fund 2007 Mobility Bond Projects)
 - C. Take all appropriate action on Standard Utility Agreement between Fort Bend County and Kinder Morgan Tejas Pipeline LLC (202-600-0022,24,27) regarding improvements to Greenbusch Road and Katy-Flewellen Road, including realignment of Greenbusch and widening and installation of storm sewers at Katy-Flewellen in an amount not to exceed \$408,131.00, Mobility Bond Project Nos. 732 and 734, Precinct 3. (Fund: Right of Way)

28. FACILITIES MANAGEMENT & PLANNING:
 - A. Take all appropriate action on Second Amendment to Agreement between Fort Bend County and Paradigm Consultants, Inc. in the amount of \$16,500 for a total contract amount of \$206,676 for engineering services regarding the Jail Expansion Project. (Fund: Facilities Bonds)
 - B. Take all appropriate action to accept quitclaim deed from City of Richmond regarding the 0.291 acre of land (more or less) being the remainder of the original S.J. Winston call 3.72 Acre Tract (Volume 73, Page 212; Deed Records of Fort Bend County, Texas) being in the Jane Long Survey, Abstract No. 55, City of Richmond, Fort Bend County, Texas, for strip of real property between the Fort Bend County Jail and the San Gabriel Cemetery.

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29. HEALTH & HUMAN SERVICES:
 - A. Take all appropriate action on application to the Texas Department of State Health Services for funding of no cost/low cost spay and neuter services, with a County match not to exceed \$1,600. (Fund: FY10 Health & Human Services, Animal Control)
 - B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$54.90 to PIER Systems, Inc. for phone minutes used without a purchase order. (Fund: Health & Human Services Grant)

30. HUMAN RESOURCES: Take all appropriate action on changes to the Fort Bend County Employee Information Manual, Sections 300 and 301: Drug-Free and Alcohol-Free Workplace.

31. OFFICE OF EMERGENCY MANAGEMENT:
 - A. Take all appropriate action to authorize request to the Office of the Governor, Division of Emergency Management, for extension of time to expend funds from the 2006 State grant programs until July 31, 2009.
 - B. Take all appropriate action to certify registration of Fort Bend County with the Texas Regional Response Network (TRRN) as a recipient of Homeland Security Grant funds.

32. PUBLIC TRANSPORTATION:
 - A. Take all appropriate action on request to transfer the amount of \$123,750 from Non-Departmental Contingency into Public Transportation to allocate funds for County match of Federal Transit Administration (FTA) Section 5309 Grant funds for the Westpark, Sienna, and Hwy 90A Park & Ride Projects.
 - B. Take all appropriate action to authorize submission of Grant Application TX 90-x847 for Federal FY 08 Section 5307 funding in the amount of \$2,444,185 with a county match of \$1,266,450. (Fund: Transportation, FY09 Grant Allocation)
 - C. Take all appropriate action on Resolution in support of Urbanized Area Formula Programming language.

33. PURCHASING:
 - A. Take all appropriate action to approve Agreement between Fort Bend County and QC Labs for materials testing for the Parking Garage Project, pursuant to SOQ #07-028. (Fund: Facility Bond Project)
 - B. Take all appropriate action to cancel contract with Performance Grade Asphalt for AC10 pursuant to Bid #09-049 for chemical road material due to non-compliance.
 - C. Take all appropriate action on the following bids:
 - 1) Bid #09-061 for Improvements to Greenbusch Road from Katy Flewellen Road to Shadow Forest;
 - 2) Bid #09-065 for Chiller Replacement at Fulshear Branch library;

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PURCHASING (Continued)

Take all appropriate action on the following bids:

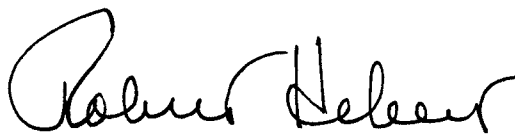
- 3) Bid #09-066 for Exterior painting of Fulshear Branch Library and Missouri City Branch Library;
 - 4) Bid #09-068 for Fuel treatment program;
 - 5) Bid #09-070 for Earthen type road material;
 - 6) Bid #09-074 for AC10 Road Material; and
 - 7) Bid #09-075 – Tank culverts.
- D. Take all appropriate 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 an item available from only one source from the following:
- 1) Hart Intercivic, for renewal of annual software license and maintenance agreement in an amount not to exceed \$120,000. (Fund: Elections, Fees)
 - 2) LexisNexis Accurint, for On-line database services. (Fund: Sheriff's Office)
34. SHERIFF'S OFFICE: Take all appropriate action on request to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.
35. Approve Bills.
36. Ratify bills of time sensitive bills by Auditor on April 23, 2009.
37. WORKSHOP: Presentation by Brazos Bend Guardianship Services on the advantage of Fort Bend County entering into an agreement to perform the duties as a Corporate Guardianship Program.
38. 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.
In re Bill Heard Enterprises, Inc. et al., Case No. 08-83029-JAC-11 (Bank, N.D. Ala, September 28, 2008).
- 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) Ransom Road, Mobility Bond Project No. 747, acquisition of property, Precinct 1.
 - 2) Greenbusch Road, Mobility Bond Project No. 732, acquisition of property, Precinct 3.
 - 3) Katy-Flewellen Road, Mobility Bond Project No. 734, acquisition of property, Precinct 3.

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39. Reconvene Open Session and consider taking action on the following matters:
- A. § 551.071. Consultation With Attorney.
In re Bill Heard Enterprises, Inc. et al., Case No. 08-83029-JAC-11 (Bank, N.D. Ala, September 28, 2008).
 - B. § 551.072. Deliberation Regarding Real Property.
 - 1) Ransom Road, Mobility Bond Project No. 747, acquisition of property, Precinct 1.
 - 2) Greenbusch Road, Mobility Bond Project No. 732, acquisition of property, Precinct 3.
 - 3) Katy-Flewellen Road, Mobility Bond Project No. 734, acquisition of property, Precinct 3.

40. Adjournment.

In the event any of the foregoing items are not covered in the time allocated on the date of this agenda, the County may order a continuance for the next day until the discussion is completed on all items.



Robert E. Hebert, County Judge

Notice of meeting/agenda posted at the Fort Bend County Courthouse Complex in Richmond, Texas, on Friday, April 24, 2009, by Donna Ospina. An electronic version of this notice is also posted on the Fort Bend County website: www.co.fort-bend.tx.us under Commissioners Court.

NOTICE

Policy of Non-Discrimination on the Basis of Disability


Fort Bend County does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The County's ADA Coordinator is the Director of Facilities Management & Planning, located at 1402 Band Road, Suite 100, in Rosenberg, Texas, 77471, and can be reached at telephone number 281-633-7045. The Director of Facilities Management & Planning is designated to coordinate compliance with the non-discrimination requirements in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.


NOTICE

The County Commissioners Court of Fort Bend County reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

FILED FOR RECORD

NO. _____ TIME 1:51 P.M. A.M.

APR 24 2009 


County Clerk Fort Bend Co. Tex.

April 28, 2009

MINUTES

BE IT REMEMBERED, That on this 28th DAY of APRIL, 2009, Commissioners Court of Fort Bend County, Texas, met at a regular meeting with the following present:

ROBERT E. HEBERT	COUNTY JUDGE
RICHARD MORRISON	COMMISSIONER PRECINCT 1
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
JAMES PATTERSON	COMMISSIONER PRECINCT 4
DIANNE WILSON	COUNTY CLERK

When the following were heard and the following orders were passed:

1. Call to Order.

Call to order by Judge Hebert at 1:00 p.m.

2. Invocation and Pledge of Allegiance by Commissioner Morrison.

Invocation and Pledge of Allegiance by Commissioner Morrison.

3. Approve minutes of regular meeting held on April 14, 2009.

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 April 14, 2009.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

4. Public Comments regarding the Agenda and Announcements.

Service Awards for April were presented to county employees.

Judge Hebert presented a Proclamation that May is Mental Health Month.

Extension Service presented a mock check to Fort Bend County representing the hourly value of volunteers in honor of National Volunteer Week.

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Item 4 continued - Public Comments regarding the Agenda and Announcements:

Fort Bend County Master Gardeners were recognized for their achievements.

Synda Frost of Simonton expressed support of agenda item 29A but questioned verification of qualified applicants and the record keeping process.

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

A. Approval of replat, Sovereign Shores Estates, Partial Replat No. 1, Pct. 1.

B. Approval of replat, The Retreat at Sovereign Shores, Section 1, Partial Replat No. 1, Pct. 1.

Public hearing held. No public comments.

No court action for 5A-B.

C. Approval of replat, LaQuinta - Sugar Land, being a partial replat of Restricted Reserve "A", Block 1 of Sunnyland United Plaza, Pct. 3.

Public hearing held. Public comments.

Elizabeth Graham, John Davis, Norma Covarrubias, Colin Robinson, Delroy Eccleston, Bunnie Meyer, Kathy Wedge, Frank Preddy and Frank Boykins, residents of Tealbriar Subdivision, who all oppose building a hotel in front of their community.

No court action for 5C.

D. Approval of replat, Walmart Murphy Parkway Lakes, being a replat of restricted Reserve "A" of Shops at Parkway Lakes, Pct. 3.

E. Approval of replat, Kingdom Heights, Section 1 Partial Replat No. 1, Pct. 1.

Public hearing held. No public comments.

No court action for 5D-E.

CONSENT AGENDA ITEMS 6-16:

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

Elections Administration: John Oldham, James Guen, and Gracie Alverado to Baton Rouge, Louisiana, July 11-18, 2009, to attend Election Center classes. (Election Contracts Fund, Travel)

7. COUNTY JUDGE: Approve renewal of agreement between Fort Bend County and Fort Bend County Dispute Resolution Center in the amount of \$132,269 for the term of June 1, 2009 through May 31, 2010. (Fund: Non-Departmental, Fees)

8. COMMISSIONER, PCT. 1: Approve Project Agreement between Fort Bend County and City of Rosenberg to provide assistance with building a walking trail for pedestrian traffic within right-of-way on Herndon Drive, a city owned street, County expenditure not to exceed \$2,700. (Fund: Road & Bridge, Multi)

9. BUDGET TRANSFERS:

A. Community Supervision & Corrections Department (CSCD): Rescind Court's approval of Agenda Item 8B on April 14, 2009, a transfer in the amount of \$6,000 from CSCD Property & Equipment into CSCD Capital Acquisitions, at request of CSCD Director.

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Item 9 continued - Budget Transfers:

B. Constable, Pct. 1: Approve transfer in the amount of \$23,910 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds into Contingency for reimbursement regarding law enforcement agreement vehicles.

C. Constable, Pct. 3:

1) Approve transfer in the amount of \$25 as detailed on Auditor's form dated April 16, 2009, and allocate funds to cover shortage in line item for vehicle purchase for the law enforcement agreement with Big Oaks Municipal Utility District.

2) Approve transfer in the amount of \$21,788 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds into Contingency for reimbursement regarding law enforcement agreement vehicles.

D. Constable, Pct. 4: Approve transfer in the amount of \$20,363 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds into Contingency for reimbursement regarding law enforcement agreement vehicles.

E. District Attorney:

1) Approve transfer in the amount of \$25,151 as detailed on Auditor's form dated April 13, 2009, to allocate County's match of funds for the Violence Against Women Investigator Grant.

2) Approve transfer in the amount of \$41,805 as detailed on Auditor's form dated April 13, 2009, to allocate County's match of funds for the Violence Against Women Prosecutor Grant.

3) Approve transfer in the amount of \$37,749 as detailed on Auditor's form dated April 13, 2009, to allocate County's match of funds for the Victim Witness Staff Expansion Grant.

F. Library: Approve transfer in the amount of \$55,650 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds donated for the purchase of Early Literacy Bilingual Computers for the library.

G. Road & Bridge: Approve transfer in the amount of \$400,000 as detailed on Auditor's form dated April 21, 2009 to allocate funds into separate project account for work on Oilfield Road to Thompson Ferry.

H. Sheriff's Office:

1) Approve transfer in the amount of \$3,200 as detailed on Sheriff's form dated April 16, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds donated by various organizations for the purchase of kennel supplies for Search and Rescue.

2) Approve transfer in the amount of \$6,035 as detailed on Sheriff's form dated April 14, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds received from abandoned vehicles into Forfeited Assets, State, Property and Equipment.

3) Approve transfer in the amount of \$63,053 as detailed on Auditor's form dated April 21, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds into Contingency for reimbursement regarding law enforcement agreement vehicles.

I. Vehicle Maintenance: Approve transfer in the amount of \$164 from Fees into Information Technology to allocate funds for purchase of 2007 Microsoft Access software and license.

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10. ENGINEERING:

A. Approve payment of Invoice No. 06-106925 (Pay Estimate No. 25-Rev) in the amount of \$124,285.80 to Triple B Services, L.L.P. regarding Paving and Drainage Improvements for Fifth Street, Mobility Bond Project #17, Precinct 2. (Fund: Mobility Bonds)

B. Approve payment of Invoice No. 1 in the amount of \$150,130.00 to City of Stafford regarding Stafford/Staffordshire Road Improvements, Mobility Bond Projects 38 and 43, Precinct 2. (Fund: Right of Way)

C. Approve final Pay Estimate No. 8 in the amount of \$322,743.39 to South Coast Construction, Inc. regarding Voss Road Phase II (from Old Richmond Road to SH 6), Mobility Bond Project #48, Precinct 4. (Fund: Mobility Bonds)

D. Approve payment of Invoice No. 309092 and 309093 (Pay Estimate No. 13) in the amount of \$6,852.60 to Klotz Associates regarding labor rates relating to Fort Bend County Mobility Bond Projects, Precincts 1, 2, 3 and 4. (Fund: Mobility Bonds)

E. Approve payment of Invoice No. 18 (Pay Estimate No. 18) in the amount of \$23,001.66 to Schaumburg & Polk, Inc. regarding Management and Administrative Support Services for the 2007 Mobility Bond Project Program, Precincts 1, 2, 3, and 4. (Fund: Mobility Bonds)

F. Approve payment of Invoice No. 0152108 (Pay Estimate No. 19) in the amount of \$9,746.19 to Jones & Carter, Inc. for Fifth Street Paving and Drainage Project (FM 1092 to FM 2234), Mobility Bond Project #17, Precinct 2. (Fund: Mobility Bonds)

G. Approve payment of Invoice No. 0108528 (Pay Estimate No. 9) in the amount of \$10,450.00 to Pate Engineers, Inc. regarding Old Richmond Road (from West Airport Boulevard to Boss Gaston), Mobility Bond Project #729, Precinct 4. (Fund: Mobility Bonds)

H. Approve release of Performance Bond #22021466 in the amount of \$5,000.00 to Brookstone, L.P. for completion of work on Peek Road, Permit #83496, Pct. 3.

I. Approve application from Sewage Disposal Systems to bore under Drainage Ditch II-K-9A, Precinct 4.

J. Approve application from Terracon Consultants, Inc. to do soil borings along several streets and drainage ditches (see attached list of streets and drainage easements), Precinct 3.

K. Approve application from Allgood Construction Co., Inc. to construct a driveway tie-in onto Greenbusch, Precinct 3.

L. Approve application from SiEnergy LP to bore a 4-inch natural gas line under Oyster Creek Diversion Channel, Pct 1.

M. Approve the plat for Redeemed Christian Church of God Pavilion of Redemption, Pct. 4.

11. FACILITIES MANAGEMENT & PLANNING: The Director of Facilities Management & Planning submits these invoices for approval of payment for projects that have been budgeted and funded by Facility Bonds and/or Capital Projects:

A. Invoice No. 22288 in the amount of \$20,843.91 to Fort Bend Mechanical, Ltd. for air conditioning labor and materials regarding the Vehicle Maintenance Expansion;

B. Invoice No. 09-30348 in the amount of \$796.38 to QC Laboratories, Inc. for materials testing for the Precinct Two Service Center;

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Item 11 continued - Facilities Management and Planning:

C. Invoice No. 44218 in the amount of \$4,442.75 to Paradigm Consultants, Inc. for professional services regarding the Jail Expansion Project;

D. Invoice No. 03-09-13 in the amount of \$1,826.20 to Techknowledge Consulting Corporation for professional services regarding the Jail Expansion;

E. Invoice No. TMG-447 in the amount of \$4,780.63 to The Maddox Group, Inc. for professional services regarding the Sienna Branch Library;

F. Invoice No. 3592248 in the amount of \$825.55 to Paper Mart, Inc. for furniture, fixture, and equipment costs associated with the Jail Expansion;

G. Invoice No. IN80948 in the amount of \$537.31 to NWN Corporation for professional services regarding the Needville Road & Bridge Facility;

H. Invoice No. 27 in the amount of \$1,029.50 to Bailey Architects for architectural services regarding the Needville Road & Bridge Facility;

I. Invoice No. 8376 in the amount of \$14,275.00 to The Production Company for furniture, fixture, and equipment costs associated with the Jail Expansion Project;

J. Invoice No. 22489 in the amount of \$13,105.71 to Aria Medical Equipment for furniture, fixture, and equipment costs associated with the Jail Expansion;

K. Invoice No. 4017 in the amount of \$3,589.60 to Total Technologies for voice/data cabling for the Facilities build-out in the Precinct One Facility;

L. Invoice No. 1704-0002 in the amount of \$6,250.00 to LJA Engineering & Surveying, Inc. for professional services regarding renovations to the George Memorial Library;

M. Pay Application No. 08-003000011 in the amount of \$55,659.55 to Bass Construction for services provided regarding the Needville Facility;

N. Invoice No. 288383 in the amount of \$640.00 to Western States Fire Protection Company, Inc. for professional services regarding renovations to the Jane Long Building;

O. Pay Application No. 1 in the amount of \$156,132.50 to Crain Zamora, L.L.C. for professional services regarding the Parking Garage.

P. Approve Final Pay Application No. 3 (Invoice No. 92038947) in the amount of \$26,430.90 to Tremco Weatherproofing Technologies, Inc. for damages to First Colony and Fulshear libraries due to Hurricane Ike. (Fund: Hurricane Ike)

- 12. FORT BEND COUNTY TOLL ROAD AUTHORITY: The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") reviewed these items at their regular meeting held on April 15, 2009, and makes the following recommendation to Commissioners Court:**

A. Administration: Approve insurance proposal in the amount of \$6,016.00 for renewal of policy for Directors and Officers Liability, Directors and Consultants Bond Coverage from Anco-McDonald Waterworks Insurance Services LLC for one-year term.

Item 12 continued - Fort Bend County Toll Road Authority:

B. Treasurer:

1) Authorize payment of construction invoices for work performed by consultants and/or contractors as listed on Board Report dated April 15, 2009, for an amount totaling \$7,409.12, of which \$3,041.07 is for construction work done on Section B of the Fort Bend Parkway, \$1,355.05 for Westpark, Section B, \$2,738.00 for Grand Parkway, Segment D, and \$275.00 for Trammel Fresno Study. (Fund: Toll Road Authority, Construction)

2) Authorize payment of operations invoices in the amount of \$353,233.04 for the Fort Bend Parkway, Section A and Westpark Corridor. (Fund: Toll Road Authority, Operations)

13. **HEALTH & HUMAN SERVICES:** Approve Memorandum of Understanding between Fort Bend County and Stafford Municipal School District, the content of which is covered by Texas Government Code § 418.183(f).

14. **PURCHASING:** Authorize advertising for bids, RFPs, and/or SOQs for the following:

- A. Window washing for various buildings; and
- B. Fire alarm and security monitoring for various buildings.

15. **TAX ASSESSOR/COLLECTOR:**

A. Record into Minutes the Summary Monthly Report of Property Taxes Collected in March, 2009, 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 April 21, 2009, for an amount totaling \$78,647.78.

C. Approve renewal of Interlocal Agreement between Fort Bend County and Fort Bend Independent School District for the Collection of Taxes, effective through May 31, 2010.

16. **TREASURER:** Approve Monthly Report submitted by County Treasurer for January 2009, and authorize advertisement of Affidavit of same, in accordance with Local Government Code §114.026.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 16 with correction to 10B Fund: Mobility Bonds 2000.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

17. COUNTY JUDGE:

A. Take all appropriate action on Intergovernmental Agreement between Fort Bend County and Houston-Galveston Area Council for Voluntary Mobile Emission Reduction Program.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Intergovernmental Agreement between Fort Bend County and Houston-Galveston Area Council for Voluntary Mobile Emission Reduction Program with amendment to page 3 #5A Sheriff sub-station by 2010.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

B. Take all appropriate action on Interlocal Agreement between Fort Bend County and City of Richmond to assist with the purchase of an aerial platform fire truck. (Fund: Non-Departmental Fees)

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreement between Fort Bend County and City of Richmond to assist with the purchase of an aerial platform fire truck. (Fund: Non-Departmental Fees)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

C. Take all appropriate action on request to transfer the amount of \$450,000 from General Fund Projects into Non-Departmental Fees to allocate funds budgeted for purchase of fire truck for City of Richmond.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$450,000 from General Fund Projects into Non-Departmental Fees to allocate funds budgeted for purchase of fire truck for City of Richmond.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

18. COMMISSIONER, PCT. 1:

A. Take all appropriate action to authorize County Judge to sign non-opposition letter to Foreign Trade Zone Board to expand Foreign-Trade Zone No. 149 to include CenterPoint Properties' Logistics Park on US 59 between the City of Kendleton and City of Beasley.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize County Judge to sign non-opposition letter to Foreign Trade Zone Board to expand Foreign-Trade Zone No. 149 to include CenterPoint Properties' Logistics Park on US 59 between the City of Kendleton and City of Beasley.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

B. Take all appropriate action on request for a variance to the Order Regulating the Distance Between the Sale of Alcoholic Beverages and the Nearest Public Schools, Churches, and Public Hospitals, Day Care Centers and Child Care Facilities, on behalf of The Jay Cafe located at 16634 Hwy 36 in Needville, Texas.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve a variance to the Order Regulating the Distance Between the Sale of Alcoholic Beverages and the Nearest Public Schools, Churches, and Public Hospitals, Day Care Centers and Child Care Facilities, on behalf of The Jay Cafe located at 16634 Hwy 36 in Needville, Texas.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

C. Take all appropriate action on request by Alejandro Beltran to waive penalty and interest, including attorney fees, totaling \$1,822.46 on property taxes for Tax Years 2004 through 2007.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to deny request by Alejandro Beltran to waive penalty and interest, including attorney fees, totaling \$1,822.46 on property taxes for Tax Years 2004 through 2007.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

19. COMMISSIONER, PCT. 2:

A. Take all appropriate action on request by Noel Pinnock to waive penalty and interest totaling \$267.23 on property taxes for Tax Year 2008.

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to deny request by Noel Pinnock to waive penalty and interest totaling \$267.23 on property taxes for Tax Year 2008.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

B. Take all appropriate action on request for additional funding not to exceed \$75,000 for completion of Dew House, and authorize the funds from Non-Departmental Contingency.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve additional funding not to exceed \$75,000 for completion of Dew House, and authorize the funds from Non-Departmental Contingency.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

20. COMMISSIONER, PCT. 3:

A. Take all appropriate action on request by Gladys Busby to waive penalty and interest totaling \$28.69 on property taxes for Tax Years 2004 through 2007.

Gladys Busby appeared before the court and explained why she had penalties and interest.

Pass for further review.

B. Take all appropriate action on request by Diep Than-Thi Nguyen to waive penalty and interest totaling \$132.93 on property taxes for Tax Year 2008.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to deny request by Diep Than-Thi Nguyen to waive penalty and interest totaling \$132.93 on property taxes for Tax Year 2008.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

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21. **COMMISSIONER, PCT. 4: Take all appropriate action on request by Michael Bornstein to waive penalty and interest, including attorney fees, totaling \$243.80 on personal property taxes for Tax Year 2007.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to deny request by Michael Bornstein to waive penalty and interest, including attorney fees, totaling \$243.80 on personal property taxes for Tax Year 2007.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

22. **COMMUNITY DEVELOPMENT:**

A. Take all appropriate action to authorize County Judge to sign Method of Distribution of Community Development Block Grant Disaster Recovery Funds in the amount of \$2,636,844 for submission to Houston-Galveston Area Council.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize County Judge to sign Method of Distribution of Community Development Block Grant Disaster Recovery Funds in the amount of \$2,636,844 for submission to Houston-Galveston Area Council.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

B. Take all appropriate action on Amendment to Agreement between Fort Bend County and Fort Bend County Women's Center for tenant-based rental assistance, to extend the performance time until September 30, 2009.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Amendment to Agreement between Fort Bend County and Fort Bend County Women's Center for tenant-based rental assistance, to extend the performance time until September 30, 2009.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

23. **CONSTABLE, PCT. 2: Take all appropriate action on request to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

24. **CONSTABLE, PCT. 3: Take all appropriate action on request to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

25. **COUNTY CLERK: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$130.00 to Nightingale Adult Day Center for interpreter services provided without a purchase order. (Fund: County Clerk, Fees)**

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 \$130.00 to Nightingale Adult Day Center for interpreter services provided without a purchase order. (Fund: County Clerk, Fees)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

26. **ELECTIONS ADMINISTRATION: Take all appropriate action on consideration of changes in voting precinct boundaries for Precincts 1118, 2061, 3038, and 3082, and the creation of six new voting precincts: 1097, 2108, 3142, 3143, 3144, and 3095, to reduce the number of registered voters to less than 5,000 per voting precinct, to become effective January 1, 2010.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve changes in voting precinct boundaries for Precincts 1118, 2061, 3038, and 3082, and the creation of six new voting precincts: 1097, 2108, 3142, 3143, 3144, and 3095, to reduce the number of registered voters to less than 5,000 per voting precinct, to become effective January 1, 2010.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

27. **ENGINEERING:**
A. Take all appropriate action on Change Order No. 1 to South Coast Construction to decrease the contract in the amount of \$7,269.32 for changes to the Voss Road, Phase II Project, (from Old Richmond Road to SH 6), Mobility Bond Project No. 48, Precinct 4.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Change Order No. 1 to South Coast Construction to decrease the contract in the amount of \$7,269.32 for changes to the Voss Road, Phase II Project, (from Old Richmond Road to SH 6), Mobility Bond 2000 Project No. 48, Precinct 4.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

- B. Take all appropriate on First Amendment to Professional Engineering Services Agreement between Fort Bend County and Kelly R. Kaluza & Associates, Inc. increasing the amount for services from \$584,950 to an amount not to exceed \$742,450 for construction of West Bellfort from Martinez Street to FM 1464, Mobility Bond Project No. 731, Precinct 3. (Fund 2007 Mobility Bond Projects)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve First Amendment to Professional Engineering Services Agreement between Fort Bend County and Kelly R. Kaluza & Associates, Inc. increasing the amount for services from \$584,950 to an amount not to exceed \$742,450 for construction of West Bellfort from Martinez Street to FM 1464, Mobility Bond Project No. 731, Precinct 3 and 4. (Fund 2007 Mobility Bond Projects)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Item 27 continued - Engineering:

C. Take all appropriate action on Standard Utility Agreement between Fort Bend County and Kinder Morgan Tejas Pipeline LLC (202-600-0022,24,27) regarding improvements to Greenbusch Road and Katy-Flewellen Road, including realignment of Greenbusch and widening and installation of storm sewers at Katy-Flewellen in an amount not to exceed \$408,131.00, Mobility Bond Project Nos. 732 and 734, Precinct 3. (Fund: Right of Way)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Standard Utility Agreement between Fort Bend County and Kinder Morgan Tejas Pipeline LLC (202-600-0022,24,27) regarding improvements to Greenbusch Road and Katy-Flewellen Road, including realignment of Greenbusch and widening and installation of storm sewers at Katy-Flewellen in an amount not to exceed \$408,131.00, Mobility Bond Project Nos. 732 and 734, Precinct 3. (Fund: Right of Way)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

28. FACILITIES MANAGEMENT & PLANNING:

A. Take all appropriate action on Second Amendment to Agreement between Fort Bend County and Paradigm Consultants, Inc. in the amount of \$16,500 for a total contract amount of \$206,676 for engineering services regarding the Jail Expansion Project. (Fund: Facilities Bonds)

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Second Amendment to Agreement between Fort Bend County and Paradigm Consultants, Inc. in the amount of \$16,500 for a total contract amount of \$206,676 for engineering services regarding the Jail Expansion Project. (Fund: Facilities Bonds)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Item 28 continued - Facilities Management and Planning:

B. Take all appropriate action to accept quitclaim deed from City of Richmond regarding the 0.291 acre of land (more or less) being the remainder of the original S.J. Winston call 3.72 Acre Tract (Volume 73, Page 212; Deed Records of Fort Bend County, Texas) being in the Jane Long Survey, Abstract No. 55, City of Richmond, Fort Bend County, Texas, for strip of real property between the Fort Bend County Jail and the San Gabriel Cemetery.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to accept quitclaim deed from City of Richmond regarding the 0.291 acre of land (more or less) being the remainder of the original S.J. Winston call 3.72 Acre Tract (Volume 73, Page 212; Deed Records of Fort Bend County, Texas) being in the Jane Long Survey, Abstract No. 55, City of Richmond, Fort Bend County, Texas, for strip of real property between the Fort Bend County Jail and the San Gabriel Cemetery.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

29. HEALTH & HUMAN SERVICES:

A. Take all appropriate action on application to the Texas Department of State Health Services for funding of no cost/low cost spay and neuter services, with a County match not to exceed \$1,600. (Fund: FY10 Health & Human Services, Animal Control)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve application to the Texas Department of State Health Services for funding of no cost/low cost spay and neuter services, with a County match not to exceed \$1,600. (Fund: FY10 Health & Human Services, Animal Control)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Note: Kay Reynolds, Deputy Director of Health Department, stated that qualifications of applicants and cost of service must be developed prior to implementation of the program.

Item 29 continued - Health and Human Services:

B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$54.90 to PIER Systems, Inc. for phone minutes used without a purchase order. (Fund: Health & Human Services Grant)

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$54.90 to PIER Systems, Inc. for phone minutes used without a purchase order. (Fund: Health & Human Services Grant)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

30. HUMAN RESOURCES: Take all appropriate action on changes to the Fort Bend County Employee Information Manual, Sections 300 and 301: Drug-Free and Alcohol-Free Workplace.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve changes to the Fort Bend County Employee Information Manual, Sections 300 and 301: Drug-Free and Alcohol-Free Workplace.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

31. OFFICE OF EMERGENCY MANAGEMENT:

A. Take all appropriate action to authorize request to the Office of the Governor, Division of Emergency Management, for extension of time to expend funds from the 2006 State grant programs until July 31, 2009.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize request to the Office of the Governor, Division of Emergency Management, for extension of time to expend funds from the 2006 State grant programs until July 31, 2009.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Item 31 continued - Office of Emergency Management:

B. Take all appropriate action to certify registration of Fort Bend County with the Texas Regional Response Network (TRRN) as a recipient of Homeland Security Grant funds.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to certify registration of Fort Bend County with the Texas Regional Response Network (TRRN) as a recipient of Homeland Security Grant funds.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

32. PUBLIC TRANSPORTATION:

A. Take all appropriate action on request to transfer the amount of \$123,750 from Non-Departmental Contingency into Public Transportation to allocate funds for County match of Federal Transit Administration (FTA) Section 5309 Grant funds for the Westpark, Sienna, and Hwy 90A Park & Ride Projects.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$123,750 from Non-Departmental Contingency into Public Transportation to allocate funds for County match of Federal Transit Administration (FTA) Section 5309 Grant funds for the Westpark, Sienna, and Hwy 90A Park & Ride Projects.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Note: County to be reimbursed funds.

B. Take all appropriate action to authorize submission of Grant Application TX 90-x847 for Federal FY 08 Section 5307 funding in the amount of \$2,444,185 with a county match of \$1,266,450. (Fund: Transportation, FY09 Grant Allocation)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize submission of Grant Application TX 90-x847 for Federal FY 08 Section 5307 funding in the amount of \$2,444,185 with a county match of \$1,266,450. (Fund: Transportation, FY09 Grant Allocation)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Item 32 continued - Public Transportation:

C. Take all appropriate action on Resolution in support of Urbanized Area Formula Programming language.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Resolution in support of Urbanized Area Formula Programming language.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

33. PURCHASING:

A. Take all appropriate action to approve Agreement between Fort Bend County and QC Labs for materials testing for the Parking Garage Project, pursuant to SOQ #07-028. (Fund: Facility Bond Project)

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 QC Labs for materials testing for the Parking Garage Project, pursuant to SOQ #07-028. (Fund: Facility Bond Project)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

B. Take all appropriate action to cancel contract with Performance Grade Asphalt for AC10 pursuant to Bid #09-049 for chemical road material due to non-compliance.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to cancel contract with Performance Grade Asphalt for AC10 pursuant to Bid #09-049 for chemical road material due to non-compliance.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

April 28, 2009

Item 33 continued - Purchasing:

C. Take all appropriate action on the following bids:

1) Bid #09-061 for Improvements to Greenbusch Road from Katy Flewellen Road to Shadow Forest

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to award Bid #09-061 for Improvements to Greenbusch Road from Katy Flewellen Road to Shadow Forest to Durwood Greene Construction Co. with 3% local preference at \$2,744,594.00 and 330 days completion time.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

2) Bid #09-065 for Chiller Replacement at Fulshear Branch library;

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and carried (4-0-1), it is ordered to award Bid #09-065 for Chiller Replacement at Fulshear Branch library to Fort Bend Mechanical at \$36,992.00 with 63 days completion time.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	abstain
Commissioner Meyers	yes
Commissioner Patterson	yes

3) Bid #09-066 for Exterior painting of Fulshear Branch Library and Missouri City Branch Library;

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to award Bid #09-066 for Exterior painting of Fulshear Branch Library to Hardy & Hardy for \$6,580.00 and Missouri City Branch Library to Division One Special Services for \$9,500.00.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Item 33C continued - Purchasing:

4) Bid #09-068 for Fuel treatment program

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to award Bid #09-068 for Fuel treatment program to Certified Labs with gasoline additive at \$36.95 per gallon and diesel additive at \$44.50 per gallon.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

5) Bid #09-070 for Earthen type road material;

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to re-advertise for Bid #09-070 for Earthen type road material.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

6) Bid #09-074 for AC10 Road Material;

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to award Bid #09-074 for AC10 Road Material to Martin Asphalt Co. at \$2.05 per gallon at all locations and \$1.98 per gallon at the plant.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

7) Bid #09-075 – Tank culverts

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to re-advertise for Bid #09-075 – Tank culverts.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

Item 33 continued - Purchasing:

D. 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 an item available from only one source from the following:

1) Hart Intercivic, for renewal of annual software license and maintenance agreement in an amount not to exceed \$120,000. (Fund: Elections, Fees)

Moved by Commissioner Patterson 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 Local Government Code §262.024 (a)(7) for the purchase of an item available from only one source from Hart Intercivic, for renewal of annual software license and maintenance agreement in an amount not to exceed \$120,000. (Fund: Elections, Fees)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

2) LexisNexis Accurint, for On-line database services. (Fund: Sheriff's Office)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

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 an item available from only one source from LexisNexis Accurint, for On-line database services. (Fund: Sheriff's Office)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

34. SHERIFF'S OFFICE: Take all appropriate action on request to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to apply for Statewide Tobacco Education Program (STEP) Grant through the Texas Comptroller of Public Accounts for FY 2009, with no match required by Fort Bend County.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

April 28, 2009

35. 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 \$7,172,043.61.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

36. Ratify release of time sensitive bills by Auditor on April 23, 2009.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to ratify release of time sensitive bills by Auditor on April 23, 2009 in the amount of \$2,210,780.85.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

37. WORKSHOP: Presentation by Brazos Bend Guardianship Services on the advantage of Fort Bend County entering into an agreement to perform the duties as a Corporate Guardianship Program.

Kirk Monroe, Executive Director of Brazos Bend Guardianship Services, discussed the services provided to Fort Bend County residents.

Recess:

Recessed at 2:32 p.m.

38. 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.

In re Bill Heard Enterprises, Inc. et al., Case No. 08-83029-JAC-11 (Bank, N.D. Ala, September 28, 2008).

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) Ransom Road, Mobility Bond Project No. 747, acquisition of property, Precinct 1.

2) Greenbusch Road, Mobility Bond Project No. 732, acquisition of property, Precinct 3.

3) Katy-Flewellen Road, Mobility Bond Project No. 734, acquisition of property, Precinct 3.

April 28, 2009

Closed Session:

Convened at 2:40 p.m.
Adjourned at 3:14 p.m.

Reconvene:

Reconvened at 3:18 p.m.

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

A. § 551.071. Consultation With Attorney.

In re Bill Heard Enterprises, Inc. et al., Case No. 08-83029-JAC-11 (Bank, N.D. Ala, September 28, 2008).

No action.

B. § 551.072. Deliberation Regarding Real Property.

1) Ransom Road, Mobility Bond Project No. 747, acquisition of property, Precinct 1.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to move to refer to the County Attorney as per prior Resolution (dated March 13, 2007) on Right to Take, plus litigation expenses not to exceed \$3,000.00 to acquire by Eminent Domain Parcel 9 of the Ransom 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

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to move to refer to the County Attorney as per prior Resolution (dated March 13, 2007) on Right to Take plus litigation expenses not to exceed \$3,000.00 to acquire by Eminent Domain Parcel 4 of the Ransom 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

April 28, 2009

Item 39B continued - Deliberation Regarding Real Property:

2) Greenbusch Road, Mobility Bond Project No. 732, acquisition of property, Precinct 3.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 9 of the Greenbusch Road Mobility Project in the amount of \$4,999.00 plus necessary costs not to exceed \$3,000.00 with funds from Right of Way Fund and authorize County Judge to execute all necessary documents.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

3) Katy-Flewellen Road, Mobility Bond Project No. 734, acquisition of property, Precinct 3.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to refer to the County Attorney as per prior Resolution (dated April 7, 2009) on Right to Take plus litigation expenses not to exceed \$3,000.00 each to acquire by Eminent Domain Parcel 7 & 7A, Parcel 10 & 10A and Parcel 12A of the Katy Flewellen Mobility Project with funds from Right of Way Fund.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

40. Adjournment.

Commissioners Court adjourned at 3:22 p.m. on Tuesday, April 28, 2009.