

June 23, 2009

MINUTES

BE IT REMEMBERED, That on this 23rd DAY of JUNE, 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
SHERRY FISK for DIANNE WILSON	COUNTY CLERK

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

1. Call to Order.

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

2. Invocation and Pledge of Allegiance by Commissioner Meyers.

Invocation and Pledge of Allegiance by Commissioner Meyers.

3. Approve minutes of regular meeting held on June 9, 2009.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve minutes of regular meeting held on June 9, 2009.

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

4. Public Comments regarding the Agenda and Announcements.

June Service Awards were presented to county employees.

Rodrigo Carreon of Fresno opposes agenda item 15B.

Commissioner Patterson sends get well wishes to Don Smithers, a part time employee and city council member.

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

A. Acceptance of the traffic control plan for Peek Road, Bellaire Boulevard, Precinct 3.

B. Acceptance of the traffic control plan for Creekstone Village at Riverstone, Section 1, Creekstone Village at Riverstone, Section 2, Creekstone Village at Riverstone, Section 3, Creekstone Village at Riverstone, Section 4, The Crossing at Riverstone, Section 2, The Crossing at Riverstone, Section 3, Crossing Cove at Riverstone, and Brookside at Riverstone, Pct. 4.

Public hearing held. No public comments.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

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 6-14:

6. OUT OF STATE TRAVEL:

A. Enter into record the out-of-state travel by elected officials:

1) Commissioner, Pct. 2: Commissioner Grady Prestage to Nashville, Tennessee, July 24–28, 2009, to attend the National Association of Counties (NACo) Annual Conference and Exposition. (Fund: Commissioner Pct. 2, Travel)

2) Constable, Pct. 2: Record change in travel date for Constable Ruben Davis to Norfolk, Virginia, from July 24-30, 2009, to attend the National Organization of Black Law Enforcement (NOBLE) annual training conference. (Fund: Constable, Pct. 2, Travel)

Item 6 continued - Out of State Travel:

B. Approve out-of-state travel requests for County personnel:

1) **Constable, Pct. 2:** Approve change in travel date for Rodney Pentecost to Norfolk, Virginia, from July 24-30, 2009, to attend the National Organization of Black Law Enforcement (NOBLE) annual training conference. (Fund: Constable, Pct. 2, Travel)

2) **Fire Marshal:** Matthew Cornell to Emmitsburg, Maryland, July 25 through August 1, 2009, for training at the National Fire Academy and Emergency Management Training Center. (Fund: Fire Marshal, Travel)

3) **Sheriff's Office:**

i. Ratify travel by Keith Carter and James Tabaras to Baton Rouge, Louisiana, June 18, 2009, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

ii. Ratify travel by Jose Hernandez and James Murray to Stillwater, Minnesota, June 22-23, 2009, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

7. **BUDGET OFFICER:** Approve the Quarterly County Investment Report for the Second Quarter of Fiscal Year 2009 in accordance with Texas Government Code §2256.023.

8. **BUDGET TRANSFERS:**

A. **Budget Office:** Approve transfer in the amount of \$5,900 as detailed on Budget Officer's form dated June 15, 2009 to allocate funds into line item for purchase of replacement copier for the Fifth Floor Copy Center.

B. **Community Supervision & Corrections Department:** Approve transfer in the amount of \$5,000 from Donations into Equipment, to amend the budget pursuant to Local Government Code §111.0706 and allocate private donations into correct line item for purchases to be used in community service projects by court-ordered offenders.

C. **Constable, Pct. 2:**

1) Approve transfer in the amount of \$83 as detailed on Auditor's form dated June 6, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds to correct line item for law enforcement agreement with Quail Run.

2) Approve transfer in the amount of \$92 as detailed on Auditor's form dated June 6, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds to correct line item for law enforcement agreement with Quail Glen.

3) Approve transfer in the amount of \$31 as detailed on Auditor's form dated June 6, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds to correct line item for law enforcement agreement with Quail Bridge.

4) Approve transfer in the amount of \$14 as detailed on Auditor's form dated June 6, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds to correct line item for law enforcement agreement with Briar Gate.

Item 8 continued - Budget Transfers:

D. Constable, Pct. 3: Approve transfer in the amount of \$28,069 as detailed on Auditor's form dated June 6, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds received for law enforcement agreement with Waterview Estates.

E. County Clerk: Approve transfer in the amount of \$15,913 as detailed on County Clerk's form dated June 16, 2009, to correctly allocate funds for expenditure from the Records Management account.

F. County Court at Law No. 1: Approve transfer in the amount of \$1,000 from Property and Equipment into Information Technology to allocate funds for replacement of computer.

G. District Attorney: Approve transfer in the amount of \$10,825 as detailed on Auditor's form dated June 15, 2009, to allocate local match funding required by the 2009 Victim Witness Staff Expansion Supplement for the grant period of July 1, 2009 through August 31, 2009.

H. Facilities Management & Planning: Approve transfer in the amount of \$1,917,000 from Local Revenue into Sienna Capital Improvement Project, to amend the budget pursuant to Local Government Code §111.0706, and allocate funds received from Houston Community College for the Sienna Branch Library.

I. Indigent Health Care: Approve transfer in the amount of \$12,500 from Professional Services into Capital Acquisitions to allocate funds for purchase of copier to integrate Indigent Healthcare Solutions software.

J. Road & Bridge: Approve transfer in the amount of \$95,000 as detailed on Auditor's form dated June 15, 2009, to allocate funds into correct account for Fry Road Median Modification Project.

K. Tax Assessor/Collector:

1) Approve transfer in the amount of \$2,000 from Fees and Services into Information Technology to allocate funds into correct line item for purchase of monitors.

2) Approve transfer in the amount of \$9,000 from Fees and Services into Capital Acquisitions to allocate funds into correct line item to purchase of projector system for training.

L. Treasurer: Approve transfer in the amount of \$1,000 as detailed on Treasurer's form dated June 17, 2009 to allocate funds into line item for purchase of replacement copier for the Fifth Floor Copy Center.

9. ENGINEERING:

A. Approve payment of Invoice No. 0152610 (Pay Estimate No. 20) in the amount of \$2,186.74 to Jones & Carter, Inc. for Fifth Street Paving and Drainage Project (FM 1092 to FM 2234). Mobility Bond Project #17, Precinct 2

B. Approve payment of Invoice No. 3210 in the amount of \$23,621.25 to Property Acquisition Services (PAS) for various right of way acquisition services within Precincts 1, 2, 3, and 4. (Fund: Right-of-Way)

Item 9 continued - Engineering:

- C. Approve payment of Invoice No. 1 in the amount of \$36,096.48 (remaining balance) to Texas Department of Transportation for right-of-way regarding US 59 (from 0.27 miles west of SH 6 to west of FM 2759), Precincts 1 and 4. (Fund: Right-of-Way)**
- D. Approve payment of Invoice No. FBC060309 (Pay Estimate No. 2) in the amount of \$165,960.43 to City of Stafford regarding parcels for Stafford/ Staffordshire Road Improvements, Precinct 2. (Fund: Right-of-Way)**
- E. Approve payment of Invoice No. 6066541 (Pay Estimate No. 3) in the amount of \$5,856.73 to AECOM USA, Inc. (formerly Turner Collie & Braden, Inc.) regarding Old Richmond Road (from FM 1464 to West Airport), Mobility Bond Project #728, Precinct 4.**
- F. Approve payment of Invoice No. 09-05-028 (Pay Estimate No. 15) in the amount of \$12,945.00 to Kelly Kaluza & Associates, Inc. regarding Professional Engineering and Surveying Services related to West Bellfort Paving and Drainage Project (from Martinez Street to Farm Market 1464), Precincts 3 and 4. (Fund: Construction in Progress)**
- G. Approve payment of Invoice No. 14 (Pay Estimate No. 14) in the amount of \$123,129.41 to Cobb-Fendley & Associates, Inc. regarding the expansion of Greenbusch Road, Mobility Bond Project #732, Precinct 3.**
- H. Approve payment of Invoice No. 509132 (Pay Estimate No. 15) in the amount of \$17,906.48 to Klotz Associates regarding labor rates pertaining to Fort Bend County Mobility Bond Projects in Precincts 1, 2, 3, and 4.**
- I. Approve request for Fort Bend County to sponsor a Texas Department of Transportation project on behalf of CenterPoint Properties to expedite the construction of a tie-in paving connection at Spur 541 to Gin Road, which includes widening Gin Road, extending the box culverts and a right turn lane, at no cost to the County, Pct. 1.**
- J. Approve correction to parcel number for Agenda Item No. 24A from Commissioners Court on June 9, 2009, paragraph 2, so the action item reads: ...it is ordered to purchase Parcel 16 of the Katy Flewellen Mobility Project in the amount of \$45,160.00, plus necessary costs not to exceed \$3,000.00 with funds from Right of Way, and authorize County Judge to sign all necessary documents.**
- K. Approve application from AT&T Texas to bore under the Retreat Blvd. and bury cable along Williams Way Blvd., Precinct 1.**
- L. Approve acceptance of Westchester Fire Insurance Company Perpetual Bond #K08097604 for Windstream Sugar Land, Inc.**
- M. Approve application from Windstream Sugar Land, Inc. to bore under and bury cable along Harlem, Precinct 3.**
- N. Approve application from Windstream Sugar Land, Inc. to bore under and bury cable along West Bellfort, Precinct 4.**

Item 9 continued - Engineering:

O. Approve release of Performance Bond #25789332 in the amount of \$5,000.00 to Alton Veselka for completion of work on Fenske Lane, Permit # 83605, Pct. 1.

P. Approve application from TCEQ c/o Incontrol Technologies to install environmental monitoring wells along West Keegans Bayou, Precinct 3.

Q. Approve release of performance bond #766788C in the amount of \$5,000.00 to Tejas Lakes Development L.P. for completion of work on Jeske, Permit #83540, Precinct 1.

R. Accept the streets in Cinco Ranch Southwest, Section 19 and release bond #SU5024058 in the amount of \$634,550.00, Pct. 3.

Ralston Bend Lane	1,079.66 LF
Springwood Lake Drive	1,153.92 LF
Greenwell Springs Lane	1,425.30 LF
Madison Falls Lane	1,397.74 LF
Oakton Springs Drive	1,187.66 LF
Touhy Lake Drive	<u>828.84 LF</u>
TOTAL:	7,073.12 LF

S. Release bond #SU5024347 in the amount of \$388,010.00 for Cinco Ranch Southwest, Section 21. The streets are PRIVATE and will be maintained by the Homeowners Association, Pct. 3.

T. Set public hearing for acceptance of the traffic control plan for Cinco Ranch Southwest, Section 19, Pct. 3. (Tuesday, July 21, 2009, at 1:00 p.m.)

U. Set public hearing for acceptance of the traffic control plan for Lamar CISD Elementary School No. 21 (Joe Hubenak), Pct. 3. (Tuesday, July 21, 2009, at 1:00 p.m.)

V. Set public hearing for acceptance of the traffic control plan for Lamar CISD Elementary School No. 20 (Cora Thomas), Pct. 1. (Tuesday, July 21, 2009, at 1:00 p.m.)

W. Set public hearing for Cinco Village Center, Section 3 Partial Replat No. 4 being a partial replat of restricted reserve "A" of Cinco Village Center Section 3 Partial Replat No. 1, Pct. 3. (Tuesday, August 4, 2009, at 1:00 p.m.)

10. 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:

A. Invoice No. 28 in the amount of \$366.92 to Bailey Architects for professional services regarding the Needville Service Center;

B. Pay Application No. 2 in the amount of \$283,414.40 to Crain Zamora, LLC for professional services regarding the Missouri City Annex;

C. Invoice No. W292909-3 (Final) in the amount of \$18,900.00 to McDonald Electric for completion of lighting and electricity for the South Post Oak Ball Park;

Item 10 continued - Facilities Management and Planning:

D. Invoice No. 09-30733 in the amount of \$4,600.00 to QC Laboratories for professional services regarding the Justice Center;

E. Invoice No. 09-4-000019 in the amount of \$1,516.20 to Paradigm Consultants, Inc. for professional services regarding the Jail Expansion Project;

F. Invoice No. 92625 and Invoice No. 93647 for an amount totaling \$18,870.29 to Peter Pepper Products, Inc. for furniture, fixture, and equipment costs regarding the Jail Expansion Project;

G. Invoice No. 088837 in the amount of \$30,071.25 to Rosser International, Inc. for professional services regarding the Jail Expansion Project;

H. Invoice No. 845599 in the amount of \$18,440.00 to Wise Safety & Environmental for furniture, fixture, and equipment costs regarding the Jail Expansion Project;

I. Invoice No. 1695 in the amount of \$51,659.24 to Carter Goble Lee LLC for professional services regarding the Jail Expansion Project;

J. Invoice No. 465599B in the amount of \$2,048.83 to The HON Company, for furniture, fixture, and equipment costs regarding the Jail Expansion Project; and

K. Invoice No. 2805500-0 in the amount of \$14,053.00 to Jones & Cook Stationers for furniture, fixture, and equipment costs regarding the Jail Expansion Project.

L. Approve correction to the total amount of Agreement between Fort Bend County and AutoArch Architects, Inc., to include Commissioners Court approval of the Second Amendment, Agenda Item No. 17 B, on June 9, 2009, and record the not to exceed amount of \$276,720 for the Missouri City Annex Building.

11. 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 June 17, 2009, and makes the following recommendations to Commissioners Court:

A. Administration:

1) Approve additional scope of services for improvements to the intersection at Fort Bend Parkway, Project A and State Highway 6 in the amount of \$2,475.00 under the Authority's current Engineering Services Agreement with Carter & Burgess, Inc.

2) Approve Supplemental Agreement No. 1 in the amount of \$115,158.12 and Supplemental Agreement No. 2 in the amount of \$48,573.50 to the Engineering Services Agreement with Brown & Gay Engineers, Inc. for Parkway, Segment B-1.

Item 11 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 June 17, 2009, for an amount totaling \$9,175.07, of which \$6,547.16 is for construction work done on Section B of the Fort Bend Parkway, \$1,577.91 for Westpark, Section B, and \$1,050.00 for Grand Parkway, Segment D. (Fund: Toll Road Authority, Construction)

2) Authorize payment of operations invoices in the amount of \$134,798.61 for the Fort Bend Parkway, Section A and Westpark Corridor. (Fund: Toll Road Authority, Operations)

12. HEALTH & HUMAN SERVICES:

A. Accept and sign Memorandum of Understanding, the content of which is covered by the Texas Government Code § 418.183(f).

B. Approve the acceptance of funds in the amount of \$114,790 from the National Board of the Emergency Food and Shelter National Board Program (EFSP) under the American Recovery and Reinvestment Act of 2009 (ARRA) designated for use through December 31, 2009 in the following categories: Food \$70,000; Rent/Mortgage \$24,790

13. PURCHASING: Authorize advertising for Statements of Qualification (SOQs), Bids, and/or Request for Proposals (RFPs) for the following:

- A. Sealed bid sale of maintainers;**
- B. Herbicide truck; and**
- C. Furniture for Sienna Branch Library.**

14. TAX ASSESSOR/COLLECTOR:

A. Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on June 16, 2009, for an amount totaling \$29,279.55.

B. Approve Amendment to Interlocal Cooperation Agreements for the Collection of Taxes between Fort Bend County and the following entities effective through June 30, 2010: City of Arcola; City of Fulshear; City of Missouri City; City of Needville; City of Orchard; City of Simonton; Fort Bend Emergency Services District No. 1; Fort Bend Emergency Services District No. 5; Fort Bend Water Control & Improvement District (WCID) #2; Harris-Fort Bend Emergency Services District No. 100; Needville Independent School District; and Willow Fork Drainage District.

Item 14 continued - Tax Assessor Collector:

C. Record into Minutes the disposal of deposit folders containing daily transactions and other tax documentation which has been scanned for the period of March 18, 2009 through April 7, 2009, Docu-Data Boxes 622 through 633, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.

Moved by Commissioner Meyers Seconded by Commissioner Patterson
Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6-10K and 11-14.

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

Item 10L - separate vote.

10L. Approve correction to the total amount of Agreement between Fort Bend County and AutoArch Architects, Inc., to include Commissioners Court approval of the Second Amendment, Agenda Item No. 17 B, on June 9, 2009, and record the not to exceed amount of \$276,720 for the Missouri City Annex Building.

Moved by Commissioner Meyers Seconded by Commissioner Patterson
Duly put and carried (4-0-1), it is ordered to approve correction to the total amount of Agreement between Fort Bend County and AutoArch Architects, Inc., to include Commissioners Court approval of the Second Amendment, Agenda Item No. 17 B, on June 9, 2009, and record the not to exceed amount of \$276,720 for the Missouri City Annex Building.

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

15. COUNTY JUDGE:

A. Take all appropriate action on Order Authorizing the Issuance of and Levying Taxes for the Principal and Interest on the Fort Bend County, Texas, Unlimited Tax Road Bonds, Series 2009.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Order Authorizing the Issuance of and Levying Taxes for the Principal and Interest on the Fort Bend County, Texas, Unlimited Tax Road Bonds, Series 2009.

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

Cliff Kavanaugh with First Southwest Company gave a review of the bond financing.

B. Take all appropriate action on Resolution for the Fort Bend Central Appraisal District (CAD) to purchase property and build a new facility for use by the District, as approved by the CAD Board of Directors on May 18, 2009.

Item fails for lack of motion.

C. Take all appropriate action on Resolution supporting the County's application to the U. S. Department of Energy for Recovery Act Energy Efficiency and Conservation Block Grant funds in the amount of \$2,807,600.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Resolution supporting the County's application to the U. S. Department of Energy for Recovery Act Energy Efficiency and Conservation Block Grant funds in the amount of \$2,807,600.

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

Commissioner Morrison and Commissioner Prestage thanked Ann Werlein, Brenda Patton and Marilyn Kindel for putting the application package together. Judge Hebert thanked Commissioner Morrison and Commissioner Prestage for their work on this grant.

Item 15 continued - County Judge:

D. Take all appropriate action on First Restated and Amended Tax Abatement Agreement between Fort Bend County, C-2 Real Estate Holdings, Ltd., and PGS Onshore, Inc., for assignment of the Agreement to Clay #6-13645 N. Promenade, LLC. as Owner of the real property subject to the Agreement.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve First Restated and Amended Tax Abatement Agreement between Fort Bend County, C-2 Real Estate Holdings, Ltd., and PGS Onshore, Inc., for assignment of the Agreement to Clay #6-13645 N. Promenade, LLC. as Owner of the real property subject to the Agreement.

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

E. Take all appropriate action on request to transfer the amount of \$269,000 from Non-Departmental Contingency (\$200,000), Allocation (\$62,000), and Travel (\$7,000) into Fees to fund shortage created by fourteen percent (14%) increase in Tax Investment Reinvestment Zone (TIRZ) payments.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$269,000 from Non-Departmental Contingency (\$200,000), Allocation (\$62,000), and Travel (\$7,000) into Fees to fund shortage created by fourteen percent (14%) increase in Tax Investment Reinvestment Zone (TIRZ) payments.

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

16. **COMMISSIONER, PCT. 1:**

A. Take all appropriate action to appoint Veronica Torres and Felicita Arriaga to the Fort Bend County Spanish Language Advisory Group for terms through December 31, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to appoint Felicita Arriaga to the Fort Bend County Spanish Language Advisory Group for term through December 31, 2010.

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

B. Take all appropriate action to approve the electrical work being done at the Heritage House as a donation.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve the electrical work being done at the Heritage House as a donation.

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

C. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$1,050.00 to Herald Coaster for publication without a purchase order. (Fund: Commissioner, Pct. 1, 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 \$1,050.00 to Herald Coaster for publication without a purchase order. (Fund: Commissioner, Pct. 1, Fees)

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

17. COMMISSIONER, PCT. 2:

A. Take all appropriate action on request by George Kallingakudiyil to waive penalty and interest totaling \$303.94 property taxes for tax year 2008.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to deny request by George Kallingakudiyil to waive penalty and interest totaling \$303.94 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 to authorize payment by Invoice Transmittal for an amount totaling \$20.00 to Fort Bend Chamber of Commerce for attendance at Government Relations Luncheon without a purchase order on June 15, 2009. (Fund: Commissioner Pct. 2, Fees)

Pulled.

18. COMMISSIONER, PCT. 3: Take all appropriate action on the appointment of Cynthia Reyes, Marie Walton, and Julie Crowe to the Board of Directors for Fort Bend County Child Welfare Board for a term of three years, effective June 23, 2009.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to appoint Cynthia Reyes, Marie Walton, and Julie Crowe to the Board of Directors for Fort Bend County Child Welfare Board for a term of three years, effective June 23, 2009.

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

19. COMMISSIONER, PCT. 4:

A. Take all appropriate action on request by Tajudeen Amoo to waive penalty and interest totaling \$681.97 on property taxes for tax year 2008.

Pulled.

B. Take all appropriate action on request by Tejal Chokshi on behalf of AA Management, Inc. to waive penalty and interest, including attorney fees, totaling \$1,062.57 on personal property taxes for tax year 2008.

Pulled.

20. COMMUNITY DEVELOPMENT:

A. Take all appropriate action on Housing Activities Application in the amount of \$1,582,107 to the Texas Department of Housing & Community Affairs for 2008 Supplemental Disaster Recovery Funds, in accordance with the Method of Distribution (MOD) as approved in Commissioners Court on April 7, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Housing Activities Application in the amount of \$1,582,107 to the Texas Department of Housing & Community Affairs for 2008 Supplemental Disaster Recovery Funds, in accordance with the Method of Distribution (MOD) as approved in Commissioners Court on April 7, 2009.

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

B. Take all appropriate action on Non-Housing Activities Application in the amount of \$1,054,738 to the Texas Office of Rural Community Affairs for 2008 Supplemental Disaster Recovery Funds, in accordance with the Method of Distribution (MOD) as approved in Commissioners Court on April 7, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Non-Housing Activities Application in the amount of \$1,054,738 to the Texas Office of Rural Community Affairs for 2008 Supplemental Disaster Recovery Funds, in accordance with the Method of Distribution (MOD) as approved in Commissioners Court on April 7, 2009.

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

21. **COUNTY ATTORNEY: Take all appropriate action to authorize reimbursement in the amount of \$150.00 to Jason Dizon for fees paid without a purchase order to practice law in United States District Court. (Fund: County Attorney, Fees)**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize reimbursement in the amount of \$150.00 to Jason Dizon for fees paid without a purchase order to practice law in United States District Court. (Fund: County Attorney, Fees)

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

22. **DISTRICT ATTORNEY: Take all appropriate action on request to approve bi-weekly salary supplements funded by the District Attorney's Office Discretionary Fund (State Asset/ Forfeiture Account), pursuant to Article 59.06 of the Code of Criminal Procedure, for the following positions: Position No. 4801-0058, \$96.16; Position No. 4801-0047, \$115.00; Position No. 4801-0070, \$111.59; Position No. 4801-0033, \$44.57; Position No. 4801-0086, \$115.40; Position No. 4801-0027, \$91.19, and Position No. 4801-0023, \$55.41.**

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve bi-weekly salary supplements funded by the District Attorney's Office Discretionary Fund (State Asset/ Forfeiture Account), pursuant to Article 59.06 of the Code of Criminal Procedure, for the following positions: Position No. 4801-0058, \$96.16; Position No. 4801-0047, \$115.00; Position No. 4801-0070, \$111.59; Position No. 4801-0033, \$44.57; Position No. 4801-0086, \$115.40; Position No. 4801-0027, \$91.19, and Position No. 4801-0023, \$55.41.

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

23. EMERGENCY MANAGEMENT: Take all appropriate action on 2006 Grant Adjustment Notice to Governor's Division of Emergency Management, to reopen the 2006 Homeland Security Grant with a new grant ending date of October 31, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve 2006 Grant Adjustment Notice to Governor's Division of Emergency Management, to reopen the 2006 Homeland Security Grant with a new grant ending date of October 31, 2009.

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

24. ENGINEERING:

A. Take all appropriate action on Standard Utility Agreement between Fort Bend County, the State of Texas, and Houston Pipe Line Company, LP regarding West Bellfort Road (from Martinez Street to FM 1464), County expenditure not to exceed \$340,890; Precinct 4. (Fund: Right of Way)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Standard Utility Agreement between Fort Bend County, the State of Texas, and Houston Pipe Line Company, LP regarding West Bellfort Road (from Martinez Street to FM 1464), subject to County Attorney approval with County expenditure not to exceed \$340,890; Precincts 3 and 4. (Fund: Right of Way)

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

Item 24 continued - Engineering:

B. Take all appropriate action on Standard Utility Agreement between Fort Bend County, the State of Texas, and Kinder Morgan Tejas Pipeline LLC, regarding West Bellfort Road (from Martinez Street to FM 1464), County expenditure not to exceed \$181,584; Precinct 4. (Fund: Right of Way)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Standard Utility Agreement between Fort Bend County, the State of Texas, and Kinder Morgan Tejas Pipeline LLC, regarding West Bellfort Road (from Martinez Street to FM 1464), subject to County Attorney approval with County expenditure not to exceed \$181,584; Precincts 3 and 4. (Fund: Right of Way)

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

C. Take all appropriate action on the Second Amendment to increase by \$13,820 the Professional Engineering Services Agreement between Fort Bend County and IDCUS, Inc., dba IDC, Inc. for services provided for the expansion of Harlem Road, for a total contract amount of \$261,356, Mobility Bond Project No. 725, Precincts 3 and 4. (Fund 2007 Mobility Bond Project)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Second Amendment to increase by \$13,820 the Professional Engineering Services Agreement between Fort Bend County and IDCUS, Inc., dba IDC, Inc. for services provided for the expansion of Harlem Road, for a total contract amount of \$261,356, Mobility Bond Project No. 725, Precincts 3 and 4. (Fund 2007 Mobility Bond Project)

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

25. **FACILITIES MANAGEMENT & PLANNING: Take all appropriate action on Change Order No. 1 to the Agreement between Fort Bend County and Crain Zamora, LLC in the amount of \$116,733.36 for additional services regarding the Missouri City Annex. (Fund: Facility Bond Project)**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Change Order No. 1 to the Agreement between Fort Bend County and Crain Zamora, LLC in the amount of \$116,733.36 for additional services regarding the Missouri City Annex. (Fund: Facility Bond Project)

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

26. **HEALTH & HUMAN SERVICES – CLINICAL HEALTH: Take all appropriate action to approve application in the amount of \$34,681 to the Department of State Health Services for continuance of Local Public Health Service programs for the period of September 1, 2009 through August 31, 2010, with no cash 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 approve application in the amount of \$34,681 to the Department of State Health Services for continuance of Local Public Health Service programs for the period of September 1, 2009 through August 31, 2010, with no cash match required by Fort Bend County.

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

27. HUMAN RESOURCES:

A. Take all appropriate action on suggested changes to the Fort Bend County Employee Information Manual, Section 712: Shared Sick Leave Pool.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve suggested changes to the Fort Bend County Employee Information Manual, Section 712: Shared Sick Leave Pool with additional change to section 712.05 #8 - do not automatically donate 80 hours when employment ends.

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

B. Take all appropriate action on Agreement for Summer Jobs Worksite Agreement between Fort Bend County and Workforce Solutions to provide additional temporary employees from June 1, 2009 through September 30, 2009, at no cost to the County.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Agreement for Summer Jobs Worksite Agreement between Fort Bend County and Workforce Solutions to provide additional temporary employees from June 1, 2009 through September 30, 2009, at no cost to the County.

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

C. Take all appropriate action to ratify offer of moving expense for Director of Risk Management, and authorize payment of funds subject to the terms of the Employee Moving Expense Agreement.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to ratify offer of moving expense for Director of Risk Management, and authorize payment of funds subject to the terms of the Employee Moving Expense Agreement.

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

Item 27 continued - Human Resources:

D. Take all appropriate action on request to transfer the amount of \$5,938 from Non-Departmental Contingency into line items detailed on Director's form dated June 17, 2009, to allocate funds for payment of employee relocation expense to Director of Risk Management.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$5,938 from Non-Departmental Contingency into line items detailed on Director's form dated June 17, 2009, to allocate funds for payment of employee relocation expense to Director of Risk Management.

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

28. PUBLIC TRANSPORTATION:

A. Take all appropriate action to execute Contract Amendment No 1 for Section 5311 Rural Transportation Program Contract No. 51912F7150, State Project No. RPT 0903(12), to add remainder of Federal award to project budget with no additional local match.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to execute Contract Amendment No 1 for Section 5311 Rural Transportation Program Contract No. 51912F7150, State Project No. RPT 0903(12), to add remainder of Federal award to project budget with no additional local match.

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

Item 28 continued - Public Transportation:

B. Take all appropriate action to authorize County Judge to sign and the Transportation Director to submit FY 09 American Recovery & Reinvestment Act of 2009, Section 5311 Project Grant Agreement, Contract No 51912F7288, State Project No RPT 0905(12)R1, to Texas Department of Transportation to receive Federal funds in the amount of \$622,000, with no local match required through December 31, 2010.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize County Judge to sign and the Transportation Director to submit FY 09 American Recovery & Reinvestment Act of 2009, Section 5311 Project Grant Agreement, Contract No 51912F7288, State Project No RPT 0905(12)R1, to Texas Department of Transportation to receive Federal funds in the amount of \$622,000, with no local match required through December 31, 2010.

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

C. Take all appropriate action on Parking Area License Agreement between Fort Bend County, GBJ, Inc., and American Multi-Cinema, Inc. for use of parking area for Fort Bend County Public Transportation services. (Fund: Urban and Rural Transportation Grant)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Parking Area License Agreement between Fort Bend County, GBJ, Inc., and American Multi-Cinema, Inc. for use of parking area for Fort Bend County Public Transportation services. (Fund: Urban and Rural Transportation Grant)

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

Commissioner Patterson thanked American Multi-Cinema for use of their parking lot and AFC for insurance on the buses. Monthly rental for parking lot is \$500.00.

Item 28 continued - Public Transportation:

D. Take all appropriate action to authorize County Judge to submit revised project proposal along with the budget to the Texas Commission on Environmental Quality under the Local Initiative Projections.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize County Judge to submit revised project proposal along with the budget to the Texas Commission on Environmental Quality under the Local Initiative Projections.

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

29. PURCHASING:

A. Take all appropriate action to authorize the purchase of one (1) 4-door sedan, utilizing Bid #07-003 for the Community Supervision & Corrections Department (CSCD). (Fund: CSCD Grant)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to purchase one (1) 4-door sedan, utilizing Bid #07-003 for the Community Supervision & Corrections Department (CSCD) from Helfman Ford. (Fund: CSCD Grant)

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

B. Take all appropriate action to authorize the purchase of one (1) van from Helfman Ford, for an amount not to exceed \$22,940 for CSCD. (Fund: CSCD, Grant)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to purchase one (1) van from Helfman Ford, for an amount not to exceed \$22,940 for CSCD. (Fund: CSCD, Grant)

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

Item 29 continued - Purchasing:

C. Take all appropriate action on request from the City of Kendleton to purchase one (1) 1996 F150 truck and one (1) 1998 F150 truck, as authorized by Local Government Code § 263.152(a)(1).

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve request from the City of Kendleton to purchase one (1) 1996 F150 truck and one (1) 1998 F150 truck, as authorized by Local Government Code § 263.152(a)(1).

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

D. Take all appropriate action to authorize contract negotiations with Siemens Building Technology pursuant to RFP #09-084 for a Door Access System for Sheriff's Office.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize contract negotiations with Siemens Building Technology pursuant to RFP #09-084 for a Door Access System for Sheriff's Office.

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

E. Take all appropriate action on Change Order No. 1 from Mattman Global Specialty Vehicles for an amount not to exceed \$7,147.24, pursuant to Bid #08-090. (Fund: Emergency Management, UASI Grant)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Change Order No. 1 from Mattman Global Specialty Vehicles for an amount not to exceed \$7,147.24, pursuant to Bid #08-090. (Fund: Emergency Management, UASI Grant)

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

Item 29 continued - Purchasing:

F. Take all appropriate action on trade package submissions from J. E. Dunn for the Justice Center Project.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve the 14 trade package submissions from J. E. Dunn for the Justice Center Project as recommended by Purchasing Agent and Facilities Manager.

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

G. Take all appropriate action on the following:

1) Bid #09-080 for HVAC repairs;

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and carried (4-0-1), it is ordered to award Bid #09-080 for HVAC repairs to Fort Bend Mechanical.

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

2) Bid #09-085 for security fencing at the Rosenberg Annex site;

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to award Bid #09-085 for security fencing at the Rosenberg Annex site to Four Seasons Development Co. for base bid plus alternate.

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

Item 29G continued - Purchasing:

3) Bid #09-088 for the purchase and hauling of lime road material.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to award Bid #09-088 for the purchase and hauling of lime road material to Chemical Lime Co. at \$136.00 per ton.

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

30. ROAD & BRIDGE: Take all appropriate action on Change Order #1 in the amount of \$5,170.38 to E.L. Harris III Construction, Inc., for additional services requested pursuant to Bid #09-056 for the extension of Mellon Oaks Lane. (Fund: Road & Bridge, Fees)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Change Order #1 in the amount of \$5,170.38 to E.L. Harris III Construction, Inc., for additional services requested pursuant to Bid #09-056 for the extension of Mellon Oaks Lane. (Fund: Road & Bridge, Fees)

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

31. SHERIFF'S OFFICE:

A. Take all appropriate action to declare an emergency pursuant to Local Government Code §111.070 and amend the budget to increase by \$1,640,642 the line item of Sheriff, Detention, Professional Services, to allocate funds for out-of-County housing and inmate medical supplies through September 30, 2009.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to declare an emergency pursuant to Local Government Code §111.070 and amend the budget to increase by \$1,640,642 the line item of Sheriff, Detention, Professional Services, to allocate funds for out-of-County housing and inmate medical supplies through September 30, 2009.

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

B. Take all appropriate action on request to transfer the amount of \$3,686 from Non-Departmental Contingency into line items as detailed on Auditor's form dated June 15, 2009, to allocate funds from 2008 general fund deposit of Visual Recording Fees into appropriate expenditure line items.

Moved by Commissioner Patterson, Seconded by Commissioner Morrison to transfer the amount of \$3,686 from Non-Departmental Contingency into line items as detailed on Auditor's form dated June 15, 2009, to allocate funds from 2008 general fund deposit of Visual Recording Fees into appropriate expenditure line items.

Motion withdrawn. Pass on item.

C. Take all appropriate action on Resolution Approving Sheriff's Office use of the Local Government Code §130.904 Petty Cash Fund for Additional Uses.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Resolution Approving Sheriff's Office use of the Local Government Code §130.904 Petty Cash Fund for Additional Uses.

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

Item 31 continued - Sheriff's Office:

D. Take all appropriate action on request to reclassify Position No. 5601-0651 from Detention Officer - Civilian, Grade 7, Civilian Detention Policy Group, to Detention Officer - Civilian II, Grade 8, Civilian Detention Policy Group, effective June 27, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to reclassify Position No. 5601-0651 from Detention Officer - Civilian, Grade 7, Civilian Detention Policy Group, to Detention Officer - Civilian II, Grade 8, Civilian Detention Policy Group, effective June 27, 2009.

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

E. Take all appropriate action on request to reclassify Position Nos. 5601-0636, 5601-0637, 5601-0638, and 5601-0639, from Cadet Trainee, Grade 4 of the Administrative/Clerical Policy Group, back to Deputy Sheriff positions, Grade 9 of the Law Enforcement Policy Group, effective June 27, 2009.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to reclassify Position Nos. 5601-0636, 5601-0637, 5601-0638, and 5601-0639, from Cadet Trainee, Grade 4 of the Administrative/Clerical Policy Group, back to Deputy Sheriff positions, Grade 9 of the Law Enforcement Policy Group, effective June 27, 2009.

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

32. 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 \$6,983,921.10.

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

33. Ratify release of time sensitive bills by Auditor on June 18, 2009.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to ratify release of time sensitive bills by Auditor on June 18, 2009 in the amount of \$158,801.46.

- Judge Hebert
- Commissioner Morrison
- Commissioner Prestage
- Commissioner Meyers
- Commissioner Patterson

34. Authorize County Auditor to pay and release time sensitive bills on July 2, 2009, to be ratified by Commissioners Court on July 7, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize County Auditor to pay and release time sensitive bills on July 2, 2009, to be ratified by Commissioners Court on July 7, 2009.

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

Recess:

Recessed at 1:50 p.m.

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

A. § 551.071. Consultation With Attorney. Commissioners Court will meet in Closed Session to seek the advice of its attorney about pending or contemplated litigation; a settlement offer; or on a matter in which the duty of the attorney to Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.

- 1) In re Bill Heard Enterprises, Inc. et al., Case No. 08-83029-JAC-11 (Bankruptcy Court Northern District Alabama, September 28, 2008).**
- 2) Texas Comptroller of Public Accounts, motor vehicle sales and use tax claim.**
- 3) Current condemnation cases regarding Mobility Bond projects.**

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

B. § 551.072. Deliberation Regarding Real Property. Commissioners Court will meet in Closed Session to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- 1) Acquisition of property, Katy Flewellen Rd., Mobility Bond Project #734, Pct. 3.**
- 2) Acquisition of property, Katy Gaston Rd., Mobility Bond Project #723, Pct. 3.**
- 3) Acquisition of property, FM 1093; Mobility Bond Project #748, Precinct 3.**
- 4) Acquisition of property, Mason Rd., Mobility Bond Project #735, Pct. 3.**
- 5) Acquisition of property, West Bellfort, Mobility Bond Project #731 Precincts 3 and 4.**

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

Executive Manager Evaluation – Road & Bridge Commissioner.

Closed Session:

Convened at 2:03 p.m.
Adjourned at 2:56 p.m.

Reconvene:

Reconvened at 2:58 p.m.

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

A. § 551.071. Consultation With Attorney.

- 1) In re Bill Heard Enterprises, Inc. et al., Case No. 08-83029-JAC-11 (Bankruptcy Court Northern District Alabama, September 28, 2008).**

No action.

- 2) Texas Comptroller of Public Accounts, motor vehicle sales and use tax claim.**

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to authorize County Attorney to pursue appeal of motor vehicle sales and use taxes assessed by Texas Comptroller and incur litigation expenses in an amount not to exceed \$10,000.00 and authorize transfer of \$10,000.00 from contingency to County Attorney fees and services.

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

Item 36A continued - 551.071 Consultation with Attorney:

3) Current condemnation cases regarding Mobility Bond projects.

No action.

B. § 551.072. Deliberation Regarding Real Property.

1) Acquisition of property, Katy Flewellen Rd., Mobility Bond Project #734, Pct. 3.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (4-0), it is ordered to purchase Parcel 16 of the Katy Flewellen Mobility Project #734 in the amount of \$45,160.00 plus necessary costs not to exceed \$3,000.00 with funds from Right of Way Fund and authorize County Judge to sign all necessary documents.

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

Note: See consent agenda item 9J.

2) Acquisition of property, Katy Gaston Rd., Mobility Bond Project #723, Pct. 3.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to purchase Terrabrook Property of the Katy Gaston Mobility Project #723 in the amount of \$154,067.00 plus necessary costs not to exceed \$3,000.00 with funds from Right of Way Fund and authorize County Judge to sign all necessary documents.

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

Item 36B continued - 551.072 Deliberation Regarding Real Property:

3) Acquisition of property, FM 1093; Mobility Bond Project #748, Precinct 3.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to purchase Terrabrook Property of the FM 1093 Mobility Project #748 in the amount of \$1,026,637.40 plus necessary costs not to exceed \$3,000.00 with funds from Right of Way Fund and authorize County Judge to sign all necessary documents.

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

4) Acquisition of property, Mason Rd., Mobility Bond Project #735, Pct. 3.

No action.

5) Acquisition of property, West Bellfort, Mobility Bond Project #731 Precincts 3 and 4.

No action.

C. § 551.074. Personnel Matters.

Executive Manager Evaluation – Road & Bridge Commissioner.

Annual review conducted.

37. Adjournment.

Commissioners Court adjourned at 3:01 p.m. on Tuesday, June 23, 2009.