

MINUTES

BE IT REMEMBERED, That on this 22nd DAY of SEPTEMBER, 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 September 8, and special meeting held on September 11, 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 September 8, and special meeting held on September 11, 2009.

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

4. Public Comments regarding the Agenda and Announcements.

September Service Awards were presented to county employees.

Judge Hebert presented a proclamation that September 2009 is National Preparedness Month.

Rodrigo Carreon of Fresno is opposed to item 30C.

Judge Hebert announced the burn ban ends tonight.

Commissioner Morrison stated that the total tax rate is the same as last year.

Commissioner Patterson asked for others to join the Fort Bend County Fair buyer's group.

County offices are closed Friday for Fair Day.

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 Rivers Mist, Section 1, Precinct 1.

B. Acceptance of the traffic control plan for River Run at the Brazos, Section 2, Precinct 1.

Public hearing held. No public comments.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve item 5 A and B.

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

CONSENT AGENDA ITEMS 6 - 23:

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

A. District Attorney: Ratify travel by Michael Hartman to Winona, Minnesota, September 13-18, 2009, to attend course hosted by the National District Attorney's Association, with registration and lodging paid by the Association. (Fund: District Attorney, State Asset Forfeiture)

B. Emergency Management:

1) Jeff Braun to Orlando, Florida, October 30 – November 5, 2009, to attend International Association of Emergency Managers (IAEM) 57th Annual Conference. (Fund: Emergency Management, Travel)

2) Doug Barnes to Emmitsburg, Maryland, December 7-10, 2009, to attend course at Emergency Management Institute. (Fund: 2007 Regional Planning Coordination Grant)

7. **COUNTY JUDGE:**
 - A. Approve renewal of Agreement between Fort Bend County and Fort Bend Regional Council on Substance Abuse in the amount of \$30,000 for FY10. (Fund: Non-Departmental, Fees)
 - B. Approve renewal of Agreement between Fort Bend County and Greater Fort Bend Economic Development Council in the amount of \$300,000 for FY10. (Fund: Non-Departmental, Fees)
 - C. Approve renewal of Agreement between Fort Bend County and Hicks-Richardson Associates for professional services in attracting federal funding effective October 1, 2009 through September 30, 2011 for an amount not to exceed \$18,000. (Fund: Non-Departmental, Fees)
8. **BUDGET TRANSFER:**

Parks Department: Approve transfer in the amount of \$1,049 as detailed on Parks Director's form dated September 10, 2009, to allocate additional funds for shortage in Summer Food Program.
9. **CONSTABLE, PCT. 1:** Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Greatwood Community Association, effective October 1, 2009 through September 30, 2010.
10. **CONSTABLE, PCT. 2:** Approve renewal of the Agreement for Additional Law Enforcement Services between Briargate Community Improvement Association, effective from October 1, 2009 through September 30, 2010.
11. **CONSTABLE, PCT. 3:** Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Fort Bend County Municipal Utility District No. 124, effective October 1, 2009 through September 30, 2010.
12. **DISTRICT ATTORNEY:**
 - A. Accept grant funding in the amount of \$73,198 from the Office of the Governor, Criminal Justice Division, for the Victim Witness Staff Expansion Program, with a cash match of \$56,192 by Fort Bend County. (Fund: District Attorney)
 - B. Accept grant funding in the amount of \$49,024 from the Office of the Governor, Criminal Justice Division, for the Violence Against Women Investigator, with a cash match of \$28,000 by Fort Bend County. (Fund: District Attorney)
 - C. Accept grant funding in the amount of \$75,125 from the Office of the Governor, Criminal Justice Division, for the Violence Against Women Prosecutor, with a cash match of \$40,772 by Fort Bend County. (Fund: District Attorney)
13. **ENGINEERING:**
 - A. Approve payment of Invoice No. 09-06-014 (Pay Estimate No. 17) in the amount \$30,960.00 to Kelly Kaluza & Associates, Inc. regarding Professional Engineering Services related to West Belfort Paving and Drainage Project (from Martinez Street Farm Market 1464), Precincts 3 and 4. (Fund: 2007 Mobility Funds)
 - B. Approve payment of Invoice No. 4 (Pay Estimate No. 4) in the amount of \$460,231.02 to Durwood Green Construction Company regarding West Belfort and Drainage Project, Mobility Bond Project #731, Precinct 4. (Fund: 2007 Mobility Funds)

Item 13 continued - Engineering:

- C. Approve payment of Invoice No. 3304 in the amount of \$31,670.00 to Property Acquisition Services (PAS) for various right of way acquisition services in Precincts 1, 2, 3, and 4. (Fund: Right of Way)**
- D. Approve payment of Invoice No. 1049567 in the amount of \$21,817.98 to PBS&J regarding FM 359 (from Farmer Road to FM 723), Mobility Bond Project #49, Precincts 1 and 3. (Fund: 2001 Mobility Funds)**
- E. Approve payment of Invoice No. 9-07-01-631 (Pay Estimate No. 1) in the amount of \$1,373.10 to Percheron Acquisitions, LLC regarding Mason Road Expansion Project, Mobility Bond Project # 735, Precinct 3. (Fund: Right of Way)**
- F. Approve the plat for Briarwood Crossing Drive Phase 1 Street Dedication, Pct. 1.**
- G. Approve the plat for Glendale Lakes Entry Road and Lift Station, Pct. 1.**
- H. Approve the plat for Ozra Estates, Pct. 3.**
- I. Approve plat for the roads within Katy Creek Ranch, Section 5, Pct. 3.**
- J. Approve plat for the lots within Katy Creek Ranch, Section 5, Pct. 3.**
- K. Approve application from Christian Ashibuogwu dba Fiest Investors/Peoples Club of Nigeria Int. Houston to construct a driveway tie-in onto Kroesche, Pct. 1.**
- L. Approve application from Verizon to bore under Darby Lane and Long Point Bayou, Precinct 1.**
- M. Approve application from Devon Street Homes to construct a driveway tie-in onto Sandal Grove, Precinct 3.**
- N. Approve application from Reddico Construction Company, Inc. to construct a driveway tie-in onto Morton, Precinct 3.**
- O. Approve application from Reddico Construction Company, Inc. to bore under and bury a 4-inch sanitary sewer line along Morton, Precinct 3.**
- P. Approve application from AT&T Texas to bore under and along Morton, with fiber optic, Pct 3.**
- Q. Approve application from Devon Street Homes to construct two driveway tie-ins onto Starling Creek Drive, Precinct 3.**

Item 13 continued - Engineering:

R. Accept the streets in River's Edge, Section 5 and release bond #61BCSCQ3494 in the amount of \$227,080.00, Pct. 1.

Keystone River Lane	148.75 LF
Haven Brook Lane	478.00 LF
Wimberly Knoll Lane	720.31 LF
Fairwood Springs Lane	703.79 LF
Stock Creek Lane	609.82 LF
Logans River Lane	145.16 LF
Terrace Creek Court	<u>395.77 LF</u>
TOTAL:	3,201.60 LF

S. Accept the streets in River's Edge, Section 6 and release bond #61BCSCQ3495 in the amount of \$320,180.00, Pct. 1.

River Trace Drive	526.21 LF
Colony Springs Lane	235.92 LF
Barrett Ridge Drive	150.00 LF
Sage Creek Court	562.13 LF
Copper Stream Lane	1,484.94 LF
Lost Field Lane	460.75 LF
Carlisle Terrace Court	230.21 LF
Garden Stream Court	348.26 LF
Bay Springs View Court	<u>172.90 LF</u>
TOTAL:	4,171.32 LF

T. Accept the streets in Sienna Village of Waters Lake, Section 12B and release bond #6513953 in the amount of \$107,982.00, Pct. 1.

Balsam Gap	837.49 LF
Beacon Heights	300.54 LF
Elk Mountain Court	<u>285.57 LF</u>
TOTAL:	1,423.60 LF

U. Accept the streets in Sienna Village of Waters Lake, Section 13A and release bond #6419192 in the amount of \$163,310.00, Pct. 1.

Aviary Court	156.45 LF
Red Cardinal Lane	800.59 LF
Hummingbird Lane	594.05 LF
Wood Stork Lane	<u>534.07 LF</u>
TOTAL:	2,085.16 LF

V. Accept the streets in Sienna Village of Waters Lake, Section 13B and release bond #6496606 in the amount of \$115,619.00, Pct. 1.

Spotted Owl Way	180.95 LF
Road Runner Walk	1,353.77 LF
Red Cardinal Lane	70.21 LF
Hummingbird Lane	<u>141.77 LF</u>
TOTAL:	1,746.70 LF

Item 13 continued - Engineering:

W. Accept the streets in Sienna Village of Waters Lake, Section 16 and release bond #6455781 in the amount of \$196,317.80, Pct. 1.

Central Park Lane	200.37 LF
Ramble Lane	278.54 LF
Turtle Pond Lane	343.54 LF
Summit Rock Way	578.54 LF
Hernshead Lane	576.41 LF
Delacorte Lane	<u>354.27 LF</u>
TOTAL:	2,331.67 LF

X. Accept the streets in Sienna Village of Waters Lake, Section 19 and release bond #6434004 in the amount of \$74,130.00, Pct. 1.

Stone Creek Lane	1,022.22 LF
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Y. Accept the streets in Sienna Village of Waters Lake, Section 27 and release bond #6478559 in the amount of \$261,256.80, Pct. 1.

Campfire Cove Lane	213.04 LF
Thunder Ridge Way	901.26 LF
Ravens Roost	315.06 LF
Otter Creek Way	269.55 LF
Dancing Creek Lane	380.11 LF
Big Sky Pass	617.57 LF
Sunset Field Lane	602.54 LF
Pontchartrain Passage	<u>148.30 LF</u>
TOTAL:	3,447.43 LF

Z. Accept the streets in Sienna Steep Bank Village, Section 16 and release bond #6434033 in the amount of \$340,410.00, Pct. 1.

Steep Bank Trace	2,347.39 LF
Heirloom Rose Lane	194.29 LF
English Rose Trail	1,686.09 LF
Climbing Rose Court	174.59 LF
Rambling Rose Court	168.95 LF
Garden Rose Trail	<u>191.00 LF</u>
TOTAL:	4,762.31 LF

AA. Accept the streets in Sienna Portion of Scanlan Trace and Sequoia Pass Street Dedication and release bond #104637977 in the amount of \$168,420.00, Pct. 1.

Scanlan Trace	406.92 LF
Sequoia Pass	<u>1,592.20 LF</u>
TOTAL:	1,999.12 LF

Item 13 continued - Engineering:

BB. Accept the streets in Sienna Village of Anderson Springs, Section 7 and release bond #6434068 in the amount of \$286,500.00, Pct. 2.

Nueces Creek	630.50 LF
Clymer Meadow	720.15 LF
Lennox Woods	224.79 LF
Preserve Lane	1,127.52 LF
Love Creek	390.77 LF
Melon Creek Lane	248.58 LF
Enchanted Rock Lane	<u>368.56 LF</u>
TOTAL:	3,710.87 LF

CC. Accept the streets in Sienna Village of Anderson Springs, Section 9 and release bond #6498884 in the amount of \$272,247.50, Pct. 2.

Discovery Lane	854.07 LF
Pace Drive	250.00 LF
Patterson Drive	1,745.76 LF
McAllister Drive	222.00 LF
Ledger Lane	<u>691.74 LF</u>
TOTAL:	3,763.57 LF

DD. Accept the streets in Sienna Village of Anderson Springs, Section 21 and release bond #6559823 in the amount of \$23,576.70, Pct. 2.

Drayton Hall	336.81 LF
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EE. Accept the streets in Fort Bend Independent School District Elementary School No. 43 and release bond #6496663 in the amount of \$106,014.30, Precinct 2.

Discovery Lane	773.70 LF
Drayton Hall	390.59 LF
Learning Lane	<u>224.08 LF</u>
TOTAL:	1,388.37 LF

FF. Set public hearing for acceptance of the traffic control plan for River's Edge, Section 5 and River's Edge, Section 6, Pct. 1. (Tuesday, October 20, 2009, at 1:00 p.m.)

GG. Set public hearing for acceptance of the traffic control plan for Sienna Village of Waters Lake, Section 12B, Sienna Village of Waters Lake, Section 13A, Sienna Village of Waters Lake, Section 13B, Sienna Village of Waters Lake, Section 16, Sienna Village of Waters Lake, Section 19, Sienna Village of Waters Lake, Section 27, Sienna Steep Bank Village, Section 16, and Sienna Portion of Scanlan Trace and Sequoia Pass Street Dedication, Pct. 1. (Tuesday, October 20, 2009, at 1:00 p.m.)

HH. Set public hearing for acceptance of the traffic control plan for Sienna Village of Anderson Springs, Section 7, Sienna Village of Anderson Springs, Section 9, Sienna Village of Anderson Springs, Section 21 and Fort Bend Independent School District Elementary School No. 43, Pct. 2. (Tuesday, October 20, 2009, at 1:00 p.m.)

14. **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 Number 1114652 in the amount of \$33,861.54 to WalkerCom Inc. for telecommunications equipment provided for the Road & Bridge Needville Facility;
 - B. Pay Application Number 12 in the amount of \$749,328.02 to Brookstone, L.P. for construction services performed at the Sienna Library;
 - C. Periodical Estimate Number 22 in the amount of \$2,507,468.32 to Turner Construction for construction services provided for the Jail Expansion Project;
 - D. Pay Application Number 9 in the amount of \$6,954.47 to ROCA Construction for professional services provided for the South Post Oak Ball Park;
 - E. Pay Application Number 6 in the amount of \$435,061.38 to Crain Zamora LLC for professional services for the Parking Garage;
 - F. Invoice Numbers IN87938 and IN88680 totaling \$3,627.25 to NWN Corporation for telecommunications hardware for the Gus George Academy;
 - G. Invoice Number TMG-475 in the amount of \$5,168.62 to The Maddox Group, Inc. for professional services at the Sienna Library;
 - H. Invoice Number 003 in the amount of \$5,171.04 to Brian Smith Construction Inspection, Inc. (BSCI) for professional services relating to the Missouri City Annex; and
 - I. Invoice Number 08-0231 I, in the amount of \$445 from Accessible Design Solutions for professional services at the Tax Assessor/Collector Facility.
15. **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 September 16, 2009, and makes the following recommendation to Commissioners Court:**
Treasurer:
- 1) Authorize payment of construction invoices for work performed by consultants and/or contractors as listed on Board Report dated September 16, 2009, for an amount totaling \$16,054.71, of which \$10,402.21 is for construction work done on Section B-Fort Bend Parkway and \$5,652.50 for Grand Parkway, Segment D. (Fund: Toll Road Authority, Construction)
 - 2) Authorize payment of operations invoices in the amount of \$31,970.75 for the Fort Bend Parkway, Section A and Westpark Corridor. (Fund: Toll Road Authority, Operations)
16. **HEALTH & HUMAN SERVICES:**
- A. Ratify acceptance of the grant award from Department of State Health Services, Contract No. 2010-032780 in the amount of \$34,681 to provide local public health services for the period of September 1, 2009 through August 31, 2010, with no cash match required by Fort Bend County.

Item 16 continued - Health and Human Services:

B. Accept and sign Department of State Health Services Grant No. 2010-033332-001 PHER (Public Health Emergency Response) in the amount of \$471,634 for the grant period of September 15, 2009 through July 31, 2010, with no match required, the content of which is covered under Texas Government Code § 418.183(f).

17. **JUVENILE PROBATION: Ratify acceptance of a grant award from the Texas Criminal Justice Division for third year funding of the Saved By the Bell Delinquency Reduction Program targeting truant students in the amount of \$73,832 authorized by the Juvenile Board at the September 9, 2009 meeting.**

18. **PARKS DEPARTMENT:**
 - A. **Approve renewal of Occupancy Agreements between Fort Bend County and Fort Bend Seniors Meals on Wheels and Much, Much More, Inc. for utilization of Fort Bend County Fifth Street Community Center, Fort Bend County Bud O'Shieles Community Center, and the Mustang Center, effective October 1, 2009 through September 30, 2010.**

 - B. **Approve renewal of Agreement for Programs at Mustang Community Center between Fort Bend County and Fort Bend YMCA in the amount of \$30,100 for programming services during the 2009-2010 school year and effective until September 30, 2010.**

 - C. **Approve renewal of Agreement for Programs at Fifth Street Community Center between Fort Bend County and Boys and Girls Clubs of America, Inc. in the amount of \$110,000 for programming services during the 2009-2010 school year and effective until September 30, 2010.**

19. **PUBLIC TRANSPORTATION: Accept Project Grant Agreement Contract No. 51012F7019 for State FY10 Section 5311 Rural Transit Funds in the amount of \$102,804 with no local match and authorize County Judge to sign all documents related to the grant.**

20. **PURCHASING:**
 - A. **Authorize advertising for Statements of Qualification (SOQs), Bids, and/or Request for Proposals (RFPs) for the following:**
 - 1) **Hybrid sports utility vehicle for Public Transportation;**
 - 2) **Construction of Barker-Cypress hike and bike trail; and**
 - 3) **Lease of space on roof of Travis Building.**

 - B. **Authorize renewal of the following bids:**
 - 1) **Bid 03-001 - Police package Crown Victoria patrol automobiles;**
 - 2) **Bid 03-003 - Expedition utility vehicles;**
 - 3) **Bid 07-003 - Fusions vehicles and ¾ and 1 ton pickup trucks.**

21. **ROAD & BRIDGE: Approve renewal of Primary Interlocal Agreements between Fort Bend County and the following entities effective October 1, 2009 through September 30, 2010, with automatic one-year renewals: City of Arcola, Fort Bend County Levee Improvement District No. 7, City of Missouri City, Lamar Consolidated Independent School District, Kendleton Independent School District, and City of Wallis.**

22. SHERIFF'S OFFICE:

A. Approve acceptance of the second year funding for the Sex Offender Registration, Monitoring and Compliance Program Grant from the State of Texas, Office of the Governor, in the amount of \$52,674 for the term of September 1, 2009 through August 31, 2010 with a twenty percent (20%) match required by Fort Bend County. (Fund: Sheriff, Criminal Investigation Division)

B. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Pecan Grove Municipal Utility District for the term of October 1, 2009 through September 30, 2010.

C. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County Municipal Utility District No. 119 effective October 1, 2009 through September 30, 2010.

23. TAX ASSESSOR/COLLECTOR:

A. Record into Minutes the 2009 Tax Year Appraisal Roll and New Property Value as submitted by the Tax Assessor/Collector for the Fort Bend County.

B. Record into Minutes Certification by the Fort Bend County Tax Assessor/Collector that the Anticipated Collection Rate for Tax Year 2009 for Fort Bend County has been estimated at one hundred percent (100%)

C. Record into Minutes the Summary Monthly Report of Property Taxes Collected in August, 2009, as submitted by the Office of Patsy Schultz, Tax Assessor/Collector.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 10, 12 - 22A and 23.

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

Pass on items 11 and 22 B-C.

24. COUNTY JUDGE:

A. Take all appropriate action on First Amended Tax Abatement Agreement between Fort Bend County and Frito-Lay, Inc., reducing the requirement of full-time employees from 450 to 350.

Pass.

Item 24 continued - County Judge:

B. Take all appropriate action to set Fees for the Offices of Sheriff and Constables effective January 1, 2010 per attached Exhibit pursuant to Local Government Code §118.131.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to set Fees for the Offices of Sheriff and Constables effective January 1, 2010 per attached Exhibit pursuant to Local Government Code §118.131.

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

C. Take all appropriate action to designate Commissioner James Patterson or his designee as the County's Representative to assist with evaluating the creation of a Tax Increment Reinvestment Zone located within the City of Sugar Land at the intersection of University Boulevard and U.S. Highway 59.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to designate Commissioner James Patterson or his designee as the County's Representative to assist with evaluating the creation of a Tax Increment Reinvestment Zone located within the City of Sugar Land at the intersection of University Boulevard and U.S. Highway 59.

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

Note: Commissioner Patterson plans to designate Jeff Wiley.

Item 24 continued - County Judge:

D. Take all appropriate action on the appointment of Underwriters for the Issuance of \$22,665,000 Unlimited Tax Road Refunding Bonds, Series 2009.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve appointment of Morgan Keegan & Co. Inc. and Siebert Brandford Shank & Co. as Co-Senior Managers for the Issuance of \$22,665,000 Unlimited Tax Road Refunding Bonds, Series 2009.

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

E. Take all appropriate action on the form and content of a Preliminary Official Statement for the Issuance of \$22,665,000 Unlimited Tax Road Refunding Bonds, Series 2009.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve the form and content of a Preliminary Official Statement for the Issuance of \$22,665,000 Unlimited Tax Road Refunding Bonds, Series 2009.

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

25. COMMISSIONER, PCT. 1:

A. Take all appropriate action on request to authorize the Fort Bend Convoy of Hope, a non-profit organization, to use certain areas of the Fort Bend County Fairgrounds on November 21, 2009, to provide a public service for the citizens of Fort Bend County, and waive any County fee requirements.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize the Fort Bend Convoy of Hope, a non-profit organization, to use certain areas of the Fort Bend County Fairgrounds on November 21, 2009, to provide a public service for the citizens of Fort Bend County, and waive any County fee requirements.

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

B. Take all appropriate action on Full Release and Agreement for Usage of Property for Scanlan Oaks Elementary School PTO to use certain streets and/or roads located in Sienna Plantation, Fort Bend County, Texas, on December 5, 2009 (or rain date December 12, 2009) for approximately one hour to serve a public purpose.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Full Release and Agreement for Usage of Property for Scanlan Oaks Elementary School PTO to use certain streets and/or roads located in Sienna Plantation, Fort Bend County, Texas, on December 5, 2009 (or rain date December 12, 2009) for approximately one hour to serve a public purpose.

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

Item 25 continued - Commissioner Pct. 1:

C. Take all appropriate action to accept the resignation of Susan Hermann from the Fort Bend County Levee Improvement District No. 11 and appoint Michael E. Stone to fill the position for term through June 27, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and carried (4-0-1), it is ordered to accept the resignation of Susan Hermann from the Fort Bend County Levee Improvement District No. 11 and appoint Michael E. Stone to fill the position for term through June 27, 2010.

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

D. Take all appropriate action to approve the First Amendment to the Interlocal Project Agreement for S. Post Oak between Fort Bend County and the City of Arcola.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the First Amendment to the Interlocal Project Agreement for S. Post Oak between Fort Bend County and the City of Arcola.

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

E. Take all appropriate action on the Agreement for Fire Protection Services between Fort Bend County and the Fresno Volunteer Fire Department for an amount not to exceed \$47,086 funded by the BFI tipping fees. (Fund: Fresno Arcola Projects)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Agreement for Fire Protection Services between Fort Bend County and the Fresno Volunteer Fire Department for an amount not to exceed \$47,086 funded by the BFI tipping fees. (Fund: Fresno Arcola Projects)

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

26. COMMISSIONER, PCT. 2: Take all appropriate action on the Agreement between Fort Bend County and Architect for Life for professional Leadership in Energy and Environmental Design (LEED) Third Party Administrator and Commissioning Consulting services for the proposed Senior Center located Precinct 2. (Fund: Senior Citizens Project and Energy Efficiency Conservation Block Grant)

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve the Agreement between Fort Bend County and Architect for Life for professional Leadership in Energy and Environmental Design (LEED) Third Party Administrator and Commissioning Consulting services for the proposed Senior Center located Pct 2 (Fund: Senior Citizens Project and Energy Efficiency Conservation Block Grant)

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

**27. COMMISSIONER, PCT. 3:
A. Take all appropriate action on request by Latricia Joseph to waive penalty and interest, including attorney fees totaling \$974.41 on personal 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 Latricia Joseph to waive penalty and interest, including attorney fees totaling \$974.41 on personal 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 by Cindy Le to waive penalty and interest totaling \$721.71 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 Cindy Le to waive penalty and interest totaling \$721.71 on property taxes for tax year 2008.

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

28. COUNTY COURT-AT-LAW #2: Take all appropriate action on longevity and benefit replacement pay to the applicable County Court-at-Law Judges, pursuant to 81st Legislature, House Bill 765 effective June 19, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve longevity and benefit replacement pay including interest to the applicable County Court-at-Law Judges, pursuant to 81st Legislature, House Bill 765 effective June 19, 2009.

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

29. AUDITOR:

A. Take all appropriate action to approve paying overtime for employees in the Accounts Payable division of the Auditor's office through December 31, 2009 for positions: 4951-005, 4951-0012, 4951-0021, 4951-0010 and 4951-0007.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve paying overtime for employees in the Accounts Payable division of the Auditor's office through December 31, 2009 for positions: 4951-005, 4951-0012, 4951-0021, 4951-0010 and 4951-0007.

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

B. Take all appropriate action to approve transfer in the amount of \$1,040,858 from Auditor's Office, Court Fees, and Non-Departmental Contingency, to fund indigent defense expenses for District and County Courts as documented on Auditor's Report dated September 16, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve transfer in the amount of \$1,040,858 from Auditor's Office, Court Fees, and Non-Departmental Contingency, to fund indigent defense expenses for District and County Courts as documented on Auditor's Report dated September 16, 2009.

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

30. BUDGET OFFICE:

A. Take all appropriate action to set public hearings for the FY2010 Proposed Budget for Fort Bend County to be conducted on Monday, October 19, 2009 at 6:00 p.m. and Tuesday, October 20, 2009 at 1:00 p.m. in the William B. Travis Building, 7th Floor, Richmond, Texas.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to set public hearings for the FY2010 Proposed Budget for Fort Bend County to be conducted on Monday, October 19, 2009 at 6:00 p.m. and Tuesday, October 20, 2009 at 1:00 p.m. in the William B. Travis Building, 7th Floor, Richmond, Texas.

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

B. Take all appropriate action to propose the FY10 Salaries for Elected Officials of Fort Bend County.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to propose the FY10 Salaries for Elected Officials of Fort Bend County.

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

Item 30 continued - Budget Office:

C. Take all appropriate action to propose the 2009 Tax Rate for Fort Bend County and take a record vote:

Proposed General Fund Tax Rate	\$0.38620
Proposed Road & Bridge Fund Tax Rate	\$0.03100
Proposed Interest & Sinking Fund Tax Rate	<u>\$0.06180</u>
Total Proposed Tax Rate:	\$0.47900

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to propose the 2009 Tax Rate for Fort Bend County and take a record vote:

Proposed General Fund Tax Rate	\$0.38620
Proposed Road & Bridge Fund Tax Rate	\$0.03100
Proposed Interest & Sinking Fund Tax Rate	<u>\$0.06180</u>
Total Proposed Tax Rate:	\$0.47900

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

31. COMMUNITY DEVELOPMENT:

A. Take all appropriate action on the following agreements between Fort Bend County and U.S. Department of HUD for FY09 funding, all of which are part of the FY09 Consolidated Action Plan approved by Commissioners Court July 7, 2009 and authorize County Judge to sign all documents pertaining to the agreements: Community Development Block Grant program in the amount of \$1,937,022, the HOME program in the amount of \$560,296 and the Emergency Shelter Grant program in the amount of \$83,401.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve the following agreements between Fort Bend County and U.S. Department of HUD for FY09 funding, all of which are part of the FY09 Consolidated Action Plan approved by Commissioners Court July 7, 2009 and authorize County Judge to sign all documents pertaining to the agreements: Community Development Block Grant program in the amount of \$1,937,022, the HOME program in the amount of \$560,296 and the Emergency Shelter Grant program in the amount of \$83,401.

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

Item 31 continued - Community Development:

B. Take all appropriate action on the following agreements between Fort Bend County and for the Fort Bend County Homelessness Prevention and Rapid Re-Housing Program (HPRP) a part of the Substantial Amendment to the 2008 Consolidated Action Plan approved by Commissioners Court May 12, 2009, and authorize County Judge to sign all documents pertaining to the agreements: Fort Bend County Women’s Center, Inc. in the amount of \$322,500 and East Fort Bend Human Needs Ministry in the amount of \$10,000.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the following agreements between Fort Bend County and for the Fort Bend County Homelessness Prevention and Rapid Re-Housing Program (HPRP) a part of the Substantial Amendment to the 2008 Consolidated Action Plan approved by Commissioners Court May 12, 2009, and authorize County Judge to sign all documents pertaining to the agreements: Fort Bend County Women’s Center, Inc. in the amount of \$322,500 and East Fort Bend Human Needs Ministry in the amount of \$10,000.

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

C. Take all appropriate action to ratify the approval of Contract No. 70090009 between Fort Bend County and Texas Department of Housing & Community Affairs for Hurricane IKE/Dolly Funding under the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009 in the amount of \$1,582,107 and authorize County Judge to sign all document pertaining to the program.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to ratify the approval of Contract No. 70090009 between Fort Bend County and Texas Department of Housing & Community Affairs for Hurricane IKE/Dolly Funding under the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009 in the amount of \$1,582,107 and authorize County Judge to sign all document pertaining to the program.

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

32. CONSTABLE, PCT. 3: Take all appropriate action on Agreement for Additional Law Enforcement Services between Twin Oaks Village Homeowners Association effective October 1, 2009 through September 30, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Agreement for Additional Law Enforcement Services between Twin Oaks Village Homeowners Association effective October 1, 2009 through September 30, 2010.

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

33. DISTRICT CLERK:

A. Take all appropriate action to set a Public Hearing on the collection of a District Clerk records archive fee in the amount of \$5 for the filing of a suit, pursuant to Government Code §51.305, to be conducted on Tuesday, October 13, 2009, at 1:00 p.m. in the Commissioners Courtroom on the 7th Floor, Wm. B. Travis Building in Richmond, Texas and authorize Fort Bend County Clerk to include the public hearing notice in the India Herald and any other newspaper of general circulation not later than the 15th day before the date of the hearing.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to set a Public Hearing on the collection of a District Clerk records archive fee in the amount of \$5 for the filing of a suit, pursuant to Government Code §51.305, to be conducted on Tuesday, October 13, 2009, at 1:00 p.m. in the Commissioners Courtroom on the 7th Floor, Wm. B. Travis Building in Richmond, Texas and authorize Fort Bend County Clerk to include the public hearing notice in the India Herald and any other newspaper of general circulation not later than the 15th day before the date of the hearing.

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

Item 33 continued - District Clerk:

B. Take all appropriate action on the request of Local Administrative District Judge Thomas R. Culver III and the District Clerk to add the Children's Protective Services Child Welfare Service Fund (appointed under §264.005 of the Family Code) as an option for Juror's and/or Grand Juror's Donation Authorization, pursuant to the 81st Legislative Session, SB 1675, effective September 22, 2009.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve request of Local Administrative District Judge Thomas R. Culver III and the District Clerk to add the Children's Protective Services Child Welfare Service Fund (appointed under §264.005 of the Family Code) as an option for Juror's and/or Grand Juror's Donation Authorization, pursuant to the 81st Legislative Session, SB 1675, effective September 22, 2009.

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

34. ELECTIONS ADMINISTRATION: Take all appropriate action to approve Election Day Polling Locations as presented by Elections Administration for the November 3, 2009 Special Constitutional and Joint Elections.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Election Day Polling Locations as presented by Elections Administration for the November 3, 2009 Special Constitutional and Joint Elections.

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

35. **EMERGENCY MANAGEMENT: Take all appropriate action on request to dispose of a Motorola dash mounted radio, Fort Bend County Inventory #1018068, Serial #514CHX3299, issued to Orchard Volunteer Fire Department (VFD) and release Orchard VFD financially for the radio, which was stolen from a department vehicle.**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve request to dispose of a Motorola dash mounted radio, Fort Bend County Inventory #1018068, Serial #514CHX3299, issued to Orchard Volunteer Fire Department (VFD) and release Orchard VFD financially for the radio, which was stolen from a department vehicle.

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

36. **ENGINEERING:
A. Take all appropriate action on Interlocal Agreement between Fort Bend County and Fort Bend County Municipal Utility District No. 34 for use of the storm sewer system within Fort Bend County including the portion of such system located within the right-of-way of Katy Gaston Road between F.M. 1093 and Fry Road, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreement between Fort Bend County and Fort Bend County Municipal Utility District No. 34 for use of the storm sewer system within Fort Bend County including the portion of such system located within the right-of-way of Katy Gaston Road between F.M. 1093 and Fry Road, Precinct 3.

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

Item 36 continued - Engineering:

B. Take all appropriate action to consider acceptance of Right of Way for Teal Bend Boulevard, being a 0.445 acre tract of land located in the Moses Shipment League, Abstract 86, Fort Bend County, Texas, Precinct 1.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to accept Right of Way for Teal Bend Boulevard, being a 0.445 acre tract of land located in the Moses Shipment League, Abstract 86, Fort Bend County, Texas, Precinct 1.

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

C. Take all appropriate action on Change Order No. 2 in the amount of \$18,017.00 (increase) to Durwood Green Construction Company regarding West Bellfort Paving and Drainage, Mobility Bond Project #731, Precinct 4. (Fund: 2007 Mobility Fund)

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Change Order No. 2 in the amount of \$18,017.00 (increase) to Durwood Green Construction Company regarding West Bellfort Paving and Drainage, Mobility Bond Project #731, Precinct 3 and 4. (Fund: 2007 Mobility Fund)

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

D. Take all appropriate action to abandon 1.163 acres (30 foot wide easement) from the S.B. Pentecost Survey, A-378 as the easement is no longer required by the County.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to abandon 1.163 acres (30 foot wide easement) from the S.B. Pentecost Survey, A-378 as the easement is no longer required by the County.

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

37. **HEALTH & HUMAN SERVICES: SOCIAL SERVICES: Take all appropriate action to ratify acceptance of additional funding for the Emergency Food and Shelter Program (EFSP) in the amount of \$7,350; Phase AR Texas State Set Aside, for use in the Rent/Mortgage Category for the period ending December 30, 2009, with no cash match required by Fort Bend County.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to ratify acceptance of additional funding for the Emergency Food and Shelter Program (EFSP) in the amount of \$7,350; Phase AR Texas State Set Aside, for use in the Rent/Mortgage Category for the period ending December 30, 2009, with no cash match required by Fort Bend County.

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

38. **HUMAN RESOURCES: Take all appropriate action on the Equal Employment Opportunity Plan prepared by Human Resources as required by the Department of Justice for recipients of FY09 Recovery Act Justice Assistance Grant, and authorize the County Judge to certify the plan.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve the Equal Employment Opportunity Plan prepared by Human Resources as required by the Department of Justice for recipients of FY09 Recovery Act Justice Assistance Grant, and authorize the County Judge to certify the plan.

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

39. JUDICIAL STEERING TEAM: Take all appropriate action on Change Order - Notice to Proceed in the amount of \$290,885 to the Agreement between Fort Bend County and Tyler Technologies to complete implementation of Odyssey Software, and authorize funding from the Project Rawhide Contingency budget.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Change Order - Notice to Proceed in the amount of \$290,885 to the Agreement between Fort Bend County and Tyler Technologies to complete implementation of Odyssey Software, and authorize funding from the Project Rawhide Contingency budget.

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

40. PARKS DEPARTMENT: Take all appropriate action on proposed change to the Fort Bend County Parks & Recreation Department Rental Application terms and conditions.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve proposed change to the Fort Bend County Parks & Recreation Department Rental Application terms and conditions.

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

41. PURCHASING:

A. Take all appropriate action to rescind September 8, 2009, Commissioners Court action on Agenda Item No. 22 E 10, to award Bid 10-014 to Missouri City Funeral Directors at Glen Park.

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to rescind September 8, 2009, Commissioners Court action on Agenda Item No. 22 E 10, to award Bid 10-014 to Missouri City Funeral Directors at Glen Park.

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

Item 41 continued - Purchasing:

B. Take all appropriate action on Bid 10-014 Term contract for pauper burials, transports and related services.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to reject all bids and re-advertise for Bid 10-014 Term contract for pauper burials, transports and related services.

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

C. Take all appropriate action on renewal of the following bids with Helfman Ford:

1) Bid 05-009 - Explorer utility vehicles;

2) Bid 08-027 – ½ trucks, cargo van, and ambulance cab and chassis;

3) Bid 09-028 – Pickup trucks.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to renew the following bids with Helfman Ford:

- 1) Bid 05-009 - Explorer utility vehicles;
- 2) Bid 08-027 – ½ ton trucks, cargo van, and ambulance cab and chassis;
- 3) Bid 09-028 – Pickup trucks.

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

Note: All prices are the same except 1/2 ton trucks increased 4.5%.

Item 41 continued - Purchasing:

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

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve trade package submissions from J.E. Dunn for the Justice Center Project.

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

Note: Submissions are signage and graphics, miscellaneous divisions and specialty installations.

E. Take all appropriate action on renewal of the maintenance agreement from Southwestern Bell Telephone L.P. dba AT&T Datacom utilizing Department of Information Resources (DIR) contract DIR-SDD-233, for an amount not to exceed \$70,000.00 (Fund: Information Technology, Fees)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve renewal of the maintenance agreement from Southwestern Bell Telephone L.P. dba AT&T Datacom utilizing Department of Information Resources (DIR) contract DIR-SDD-233, for an amount not to exceed \$70,000.00 (Fund: Information Technology, Fees)

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

Item 41 continued - Purchasing:

F. Take all appropriate action on agreement with Bailey Architects for professional grant preparation services for the Fort Bend County Courthouse to Round VI of the Texas Historical Courthouse Preservation Program in an amount not to exceed \$15,750. (Fund: Justice Center Project)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve agreement with Bailey Architects for professional grant preparation services for the Fort Bend County Courthouse to Round VI of the Texas Historical Courthouse Preservation Program in an amount not to exceed \$15,750. (Fund: Justice Center Project)

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

G. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(7) to purchase an item available from only one source for the following:

1) Modification of purchase order 23453 for Westlaw legal materials from Thomson West (West Group) in a total amount not to exceed \$95,000. (Fund: Law Library)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

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) to purchase an item available from only one source for Modification of purchase order 23453 for Westlaw legal materials from Thomson West (West Group) in a total amount not to exceed \$95,000. (Fund: Law Library)

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

Item 41G continued - Purchasing:

2) Renewal of license agreement from IBM Corporation in an amount not to exceed \$70,000. (Fund: Information Technology, IT)

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) to purchase an item available from only one source for renewal of license agreement from IBM Corporation in an amount not to exceed \$70,000. (Fund: Information Technology, IT)

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

3) Amendment to Tiburon agreement for an amount not to exceed \$49,000. (Fund: Sheriff, Fees)

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) to purchase an item available from only one source for amendment to Tiburon agreement for an amount not to exceed \$49,000. (Fund: Sheriff, Fees)

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

42. ROAD & BRIDGE: Take all appropriate action on request to abandon a Temporary Drainage Easement to be replaced by a Permanent Drainage Easement, accepted by Commissioners Court on January 13, 2009, Agenda Items No. 31 and 32, located on Charles Lane, Precinct 3.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to abandon a Temporary Drainage Easement to be replaced by a Permanent Drainage Easement, accepted by Commissioners Court on January 13, 2009, Agenda Items No. 31 and 32, located on Charles Lane, Precinct 3.

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

43. SHERIFF'S OFFICE: Take all appropriate action to pay by Invoice Transmittal in the amount of \$385.00 to MdE, Inc. for Maintenance Agreement renewal without a purchase order. (Fund: Sheriff, Fees)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to pay by Invoice Transmittal in the amount of \$385.00 to MdE, Inc. for Maintenance Agreement renewal without a purchase order. (Fund: Sheriff, Fees)

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

44. SPECIAL PROJECTS: Take all appropriate action on request to authorize County Judge to sign letter to Fort Bend County Fair Association requesting waiver of fees for two inside booths during the Fort Bend County Fair for use by the Elections Office and the 2010 Census Awareness Program.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize County Judge to sign letter to Fort Bend County Fair Association requesting waiver of fees for two inside booths during the Fort Bend County Fair for use by the Elections Office and the 2010 Census Awareness Program.

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

45. 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 \$11,510,153.02.

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

46. Ratify release of time-sensitive bills by Auditor on September 17, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to ratify release of time-sensitive bills by Auditor on September 17, 2009 in the amount of \$514,189.36.

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

47. Authorize County Auditor to pay and release time sensitive bills on October 1, 2009, to be ratified by Commissioners Court on October 6, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize County Auditor to pay and release time sensitive bills on October 1, 2009, to be ratified by Commissioners Court on October 6, 2009.

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

Recess:

Recessed at 1:53 p.m.

48. 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.

Cause No. 09-CCV-039652; Fort Bend County, Texas vs. Carl Weathers and Mildred Arlene Weathers, et al.; In the County Court at Law 1 of Fort Bend County, Texas.

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) FM 1464 (a 90/10 Texas Department of Transportation reimbursement project) Phase II, Mobility Bond Project #764, Precinct 4.

2) FM 359: (a 90/10 Texas Department of Transportation reimbursement project), Pcts 1 and 3.

3) Old Richmond Road, Mobility Bond Project #729, Precinct 4.

Item 48 continued - Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:

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.

County Librarian.

Closed Session:

Convened at 2:05 p.m.

Adjourned at 3:26 p.m.

Reconvene:

Reconvened at 3:27 p.m.

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

A. § 551.071. Consultation With Attorney.

Cause No. 09-CCV-039652; Fort Bend County, Texas vs. Carl Weathers and Mildred Arlene Weathers, et al.; In the County Court at Law 1 of Fort Bend County, Texas.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize County Judge to execute and deliver the settlement agreement for approval by the County Attorney for Cause No. 09-CCV-039652 as well as accept deeds for the mentioned properties in exchange for \$18,000.00 and to approve such terms and divisions for full and final settlement of all claims there in.

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

Item 49 continued - Reconvene Open Session and consider taking action on the following matters:

B. § 551.072. Deliberation Regarding Real Property.

1) FM 1464 (a 90/10 Texas Department of Transportation reimbursement project) Phase II, Mobility Bond Project #764, Precinct 4.

Moved by Commissioner Patterson 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 April 7, 2009) on Right to Take plus litigation expenses not to exceed \$3,000.00 each to acquire by Eminent Domain Parcel 2, Parcel 3, Parcel 5 and Parcel 14 of the FM 1464 Mobility Project with funds from Right of Way Fund.

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

2) FM 359: (a 90/10 Texas Department of Transportation reimbursement project), Pcts 1 and 3.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 11 of the FM 359 Mobility Project in the amount of \$1,134.00 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) Old Richmond Road, Mobility Bond Project #729, Precinct 4.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to accept by Donation Deed Parcel 19W of the Old Richmond Road Mobility Project and authorize County Judge to execute all necessary documents and purchase Parcel 14W of the Old Richmond Road Mobility Project in the amount of \$4,500.00 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

Item 49 continued - Reconvene Open Session and consider taking action on the following matters:

**C. § 551.074. Personnel Matters.
County Librarian.**

No action.

50. Adjournment.

Commissioners Court adjourned at 3:32 p.m. on Tuesday, September 22, 2009.