

MINUTES

BE IT REMEMBERED, That on this 6th DAY of OCTOBER, 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
ANDY MEYERS	COMMISSIONER PRECINCT 3
JAMES PATTERSON	COMMISSIONER PRECINCT 4
DIANNE WILSON	COUNTY CLERK

Commissioner Prestage absent.

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 September 22, 2009.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve the minutes of regular meeting held on September 22, 2009.

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

4. Public Comments regarding the Agenda and Announcements.

Mark Hamlin with Texas Association of Counties showed a video and presented Fort Bend County the 2009 Innovation Award.

Judge Hebert presented a proclamation that October 4 - 10 is National 4H Week.

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

A. Acceptance of the revised traffic control plan for Lamar Elementary School #16 at the intersection of Skinner Lane & Farmer Road to establish "No Parking" zone, Precinct 3.

B. Acceptance of the traffic/safety study for Fry Road to establish "No U Turn" at the intersection of Fry Road and Center Village Drive, Precinct 3.

C. Acceptance of the traffic/safety study for Blake Road to establish "No Parking" along roadway, Precinct 3.

D. Acceptance of the traffic control plan for Shops at Bella Terra, Section 4, Pct. 3.

E. Acceptance of the revised traffic/safety study for Exley Elementary School (Katy Independent School District Elementary School #24), to install "No U Turn" signs along Westheimer Parkway, Precinct 3.

Public hearing held. No public comments.

Moved by Commissioner Meyers Seconded by Commissioner Patterson
Duly put and unanimously carried (4-0), it is ordered to approve agenda item 5 A-E.

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

CONSENT AGENDA ITEMS 6 - 19:

**6. OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:
A. District Attorney: D. L. Oglesby to Kansas City, Kansas, October 13-18, 2009, to attend training for electronic courtroom presentations. (Fund: District Attorney, LEOSE Training)**

**B. Emergency Management:
1) Janette Walker and Information Technology employee Terrance Harris to Atlanta, Georgia, October 20-22, 2009, to attend ESI University Training. (Fund: Emergency Management, UASI Grant)**

Item 6B continued - Out of State Travel Emergency Management:

2) Alan Spears to Emmitsburg, Maryland, October 25-30, 2009, to attend Multi-Hazard Emergency Planning for Schools, with travel expenses sponsored by Katy Independent School District through the National Emergency Training Center. (Fund: Emergency Management, Travel)

3) Lach Mullen to Washington, D. C., December 7-10, 2009, to attend the Social Media in Government Conference. (Fund: Emergency Management, UASI Grant)

7. COUNTY JUDGE: Approve renewal of Agreement between Fort Bend County and Texana Center to provide a unified delivery system for mental health and mental retardation services for residents of Fort Bend County for FY10 in the amount of \$500,000. (Fund: Public Transportation, Fees)

8. BUDGET TRANSFERS:

A. District Attorney: Approve transfer in the amount of \$8,000 as detailed on District Attorney's form dated August 25, 2009, to allocate additional funds for payments due for fees and travel.

B. Indigent Health Care:

1) Approve transfer in the amount of \$1,600 as detailed on Director's form dated September 29, 2009, to allocate funds for temporary assistance required during vacancy in Claims Analyst position.

2) Approve transfer in the amount of \$900 from Indigent Health Care, Property and Equipment into Facilities, Utilities, to allocate additional funds for invoices received on utilities/phones/phone lines.

C. Library: Approve transfer in the amount of \$2,507 from Capital Acquisitions into Information Technology to allocate funds for purchase of computer equipment into correct line item.

D. Sheriff's Office:

1) Approve transfer in the amount of \$6,487 as detailed on Sheriff's form dated September 23, 2009, to allocate additional funds for expenses exceeding the Victim Coordinator Liaison Grant program for FY 2009.

2) Approve transfer in the amount of \$69,000 from Information Technology into Capital Acquisitions to allocate funds for purchase of equipment into correct line item.

9. 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.

10. ENGINEERING:

A. Approve payment of Invoice No. 156530 (Pay Estimate No. 24) in the amount of \$7,484.24 to Jones & Carter, Inc. for Fifth Street Paving and Drainage Improvements (from FM 1092 to FM 2234), Mobility Bond Project #17, Precinct 2. (Fund: 2001 Mobility Bonds)

B. Approve payment of Invoice No. T067250 (Pay Estimate No. 2) in the amount of \$7,715.00 to Terracon regarding Greenbusch Road, Phase I, (from Katy Flewellen Road to Shadow Forest), Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)

Item 10 continued - Engineering:

- C. Approve payment of Invoice No. 0153531 (Pay Estimate No. 23) in the amount of \$1,769.76 to Jones & Carter, Inc. for Fifth Street Paving and Drainage Improvements (from FM 1092 to FM 2234), Mobility Bond Project #17, Precinct 2. (Fund: 2001 Mobility Bonds)**
- D. Approve payment of Invoice No. 23 (Pay Estimate No. 23) in the amount of \$32,237.92 to Schaumburg & Polk, Inc. regarding Management and Administrative Support Services for the 2007 Mobility Bond Project Program in Precincts 1, 2, 3, and 4. (2007 Mobility Bonds)**
- E. Approve payment of Invoice No. 26086 (Pay Estimate No. 1) in the amount of \$15,306.90 to Landtech regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (2007 Mobility Bonds)**
- F. Approve payment of Invoice No. 200908-142 (Pay Estimate No. 2) in the amount of \$129,607.83 to Durwood Green Construction Company regarding Greenbusch Paving and Drainage, Mobility Bond Project #732, Precinct 3 (2007 Mobility Bonds)**
- G. Approve payment of Invoice No. 9-08-01-631 in the amount of \$11,464.93 to Percheron Acquisitions, LLC for services regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: Right of Way)**
- H. Approve payment of Invoice No. 09-08-012 (Pay Estimate No. 18) in the amount of \$6,240.00 to Kelly Kaluza & Associates, Inc. for professional services related to West Bellfort Paving & Drainage Project (from Martinez Street to Farm Market 1464), Precinct 4. (Fund: 2007 Mobility Bonds)**
- I. Approve payment of Final Invoice No. 09-08-07 in the amount of \$2,952.00 to Kelly Kaluza & Associates, Inc. for professional services related to the drainage and detention facilities to serve Four Corners Park and West Bellfort Road Improvements, Pct. 4. (Fund: Right of Way)**
- J. Accept grant funds from Houston-Galveston Area Council in the amount of \$16,020 and authorize County Judge to sign Intergovernmental Agreement for the FY10 Household Hazardous Waste Program for the period of September 1, 2009 through August 31, 2010.**
- K. Accept grant funds from Houston Galveston Area Council in the amount of \$46,000 and authorize County Judge to sign Intergovernmental Agreement for the FY10 Recycle Center Enhancements for the period September 1, 2009 through August 31, 2010.**
- L. Approve release of Cashier's Check #060487 in the amount of \$5,000.00 to Royal Valley Utilities, Inc. for completion of work on Gapps Slough and Royal Crest Lane, Permit #83665, Precinct 1.**
- M. Approve application from AT&T Texas to bury cable along Fulshear-Gaston, Precinct 3.**
- N. Approve application from Tex-Star Services, Inc. to construct a driveway tie-in onto Waters Lake Blvd., Precinct 1.**
- O. Approve application from CenterPoint Entex to bury a 2-inch plastic gas main along south right of way of Cinco Village, Blvd., Precinct 3.**

Item 10 continued - Engineering:

P. Approve oversize, overweight...bond #LPM8979742 in the amount of \$50,000.00 from Gordy Oil Company for any and all damages that may be sustained to any roads or bridges while operating equipment off of Battle Road in Fort Bend County, Pct. 1.

Q. Approve the plat for Scanlan Trace Church Subdivision, Pct. 1.

R. Approve the plat for Red Canyon Park Dr. and Wooded Canyon Drive Street Dedication, Pct. 3.

S. Approve the plat for Shops at Grand Parkway Partial Replat No. 1, Pct. 3.

T. Approve the plat for USPS Fresno Main Post Office Subdivision, Pct. 1.

U. Approve the plat for Millers Bend, Pct. 3.

V. Approve plat for the roads within Lakemont Shores, Section 2, Pct. 3.

W. Approve plat for the lots within Lakemont Shores, Section 2, Pct. 3.

X. Accept the streets in Aliana, Section 2 and release bond #104984946 in the amount of \$454,729.80, Pct. 4.

East Aliana Trace Drive	205.17 LF
Huttons Court Lane	1,307.95 LF
Simon Lane	543.47 LF
Simon Court	197.36 LF
Winter Hedge Court	197.48 LF
Mahogany Trace Lane	574.53 LF
Shire Green Lane	258.76 LF
Cook Landing Drive	629.25 LF
Hazel Woods Court	288.00 LF
Torian Way	546.24 LF
North Aliana Road	<u>1,116.34 LF</u>
TOTAL:	5,864.55 LF

Y. Accept the streets in Aliana, Section 3 and release bond #61BCSER5405 in the amount of \$232,723.40, Pct. 4.

East Aliana Trace Drive	522.13 LF
Cerro Puente Way	587.89 LF
Belvamera Road	703.35 LF
Adelaide Drive	611.17 LF
Bellago Lane	<u>600.45 LF</u>
TOTAL:	2,724.99 LF

Item 10 continued - Engineering:

Z. Accept the streets in Aliana, Section 7 and release bond #104984960 in the amount of \$512,409.80, Pct. 4.

Binion Lane	317.14 LF
Binion Lane	290.00 LF
Binion Lane	340.21 LF
East Binion Lane	290.00 LF
Goodmanville Court	133.31 LF
Browning Trace Lane	1,068.26 LF
Polizzotto Lane	862.90 LF
Quiet Shores Drive	1,034.83 LF
Fechser Lane	1,071.59 LF
Fechser Lane	187.19 LF
Meadow Light Drive	<u>1,079.47 LF</u>
TOTAL:	6,674.90 LF

AA. Accept the streets in Aliana, Section 9 and release bond #104984962 in the amount of \$279,876.80, Pct. 4.

Binion Lane	658.37 LF
Astrachan Road	1,102.62 LF
Pearl Landing Drive	424.27 LF
Hanoverian Drive	<u>1,112.11 LF</u>
TOTAL:	3,297.37 LF

BB. Accept the streets in Aliana, Section 10 and release bond #61BCSER5407 in the amount of \$419,176.10, Pct. 4.

Viscount Landing	170.00 LF
Astrachan Road	1,128.77 LF
Shanley Trace Lane	879.64 LF
Hanoverian Drive	1,281.73 LF
Bland Mills Lane	1,431.70 LF
Shanley Landing	854.35 LF
Torrey Pine Drive	49.52 LF
Pommel Lane	<u>49.52 LF</u>
TOTAL:	5,848.23 LF

CC. Accept the streets in Aliana, Section 5 and release bond #61BCSER5406 in the amount of \$427,556.50, Pct. 4.

Aliana Creek Way	169.55 LF
Binion Lane	489.80 LF
Binion Lane	460.00 LF
East Binion Lane	290.00 LF
Woodfalls Lane	858.02 LF
Mystic Springs Lane	271.53 LF
Sandalisle Lane	863.58 LF
Aldenwilds Lane	927.71 LF
Revalen Way	271.17 LF
Sauki Lane	<u>916.79 LF</u>
TOTAL:	5,518.15 LF

Item 10 continued - Engineering:

DD. Set public hearing for acceptance of the traffic control plan for Aliana, Section 2, Section 3, Section 7, Section 9, and Section 10, Pct. 4. (Tuesday, November 3, 2009, at 1:00 p.m.)

EE. Set public hearing for acceptance of the traffic control plan for Aliana, Section 5, Pct. 4. (Tuesday, November 3, 2009, at 1:00 p.m.)

FF. Set public hearing for the traffic control plan prohibiting overnight parking of commercial motor vehicles, in the Mission Oaks Subdivision, pursuant to Texas Transportation Code Ann. §545.307, Pct. 3. (Tuesday, November 3, 2009, at 1:00 p.m.)

GG. Set public hearing for River Forest Section 3, Replat No. 1, being a replat of Lot 7, 8, and 9, Blk. 2 of River Forest Section 3, Pct. 1. (Tuesday, November 17, 2009, at 1:00 p.m.)

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

A. Invoice No. 23296 in the amount of \$63,761.25 to Fort Bend Mechanical, Ltd. for air conditioning services regarding renovations to the Jane Long Building;

B. Invoice No. 686940 in the amount of \$1,120.00 to Ice Machine Factory Kitchen and Restaurant Supply for furniture, fixture, and equipment cost regarding the South Post Oak Ball Park;

C. Invoice No. 09-31372 in the amount of \$380.00 to QC Labs, Inc. for materials testing services regarding the Precinct Two Missouri City Annex Building;

D. Invoice No. 4322 in the amount of \$125,313.89 to Total Technologies for voice/data cabling services regarding the Gus George Academy;

E. Invoice No. 10026894 in the amount of \$42,369.70 to PGAL for architectural services regarding the Justice Center;

F. Pay Application No. 08-00900014 in the amount of \$178,207.65 to Bass Construction Company Inc. for construction services regarding the Gus George Academy; and

G. Invoice No. 09-08-025 and Invoice No. 09-07-029 for an amount totaling \$21,338.00 to Kelly R. Kaluza & Associates, Inc. for professional services regarding the Jail Expansion.

12. FIRE MARSHAL: Approve and record Texas Official Bond and Oath for Investigator Bradley W. Bass, for the term of June 15, 2009 through June 15, 2010.

13. HEALTH & HUMAN SERVICES:

A. Accept and sign Memorandum of Understanding between Fort Bend County and Lamar Consolidated Independent School District, the content of which is covered under Texas Government Code § 418.183(f).

Item 13 continued - Health and Human Services:

B. Environmental Health: Accept grant funds from Houston-Galveston Area Council in the amount of \$44,074 and authorize County Judge to sign Intergovernmental Agreement for Local Enforcement of FY 2010 Solid Waste Implementation Program for the period of September 1, 2009 through August 31, 2010.

14. **LIBRARY:** Approve renewal of Agreement between Fort Bend County and Coin Copiers for use of twenty-three (23) copiers and a networked barcode scanner system for use at the Fort Bend County libraries from October 1, 2009 through September 30, 2010.
15. **PURCHASING:**
 - A. Approve the renewal of Bid #06-078 for Pauper Burials, Transports and Related Services through November 30, 2009.
 - B. Approve the renewal of Monumental Retiree Medical Coverage through December 31, 2010.
 - C. Approve the renewal of Interlocal Agreements for the purchase of goods and services between Fort Bend County and the with the following entities: City of Beasley; City of Fulshear; City of McKinney; City of Richmond; City of Simonton; and Lamar Consolidated Independent School District.
16. **RISK MANAGEMENT:** Approve the renewal of Property, Casualty, Liability, and Workers Compensation insurance coverage as submitted by Arthur J. Gallagher Risk Management Service, Inc., and approve renewals for third party administrator(s) and managed care administrator for policy period October 1, 2009 through September 30, 2010. (Fund: Risk Management, Benefits and Insurance)
17. **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: Brazos Bend State Park; City of Katy; City of Richmond; City of Rosenberg; University of Houston System; and Village of Pleak.
18. **SHERIFF'S OFFICE:**
 - A. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Waterview Estates Owner's Association for the term of October 1, 2009 through September 30, 2010.
 - B. Approve renewal of Motorcycle Lease Agreements between Fort Bend County and the following Officers effective October 1, 2009 through September 30, 2010: Danny Beckworth, Brett Frankie, Victor Garcia, Jr., Joe Lancaster, David MeJORado, S. Reid Rader, Roger Thurman, and Jesse Zamaripa. (Fund: Sheriff, Enforcement, Rental)
19. **TAX ASSESSOR/COLLECTOR:**
 - A. Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on October 6, 2009, for an amount totaling \$87,679.71.

Item 19 continued - Tax Assessor Collector:

B. Record into Minutes the disposal of deposit folders, Docu-Data scanned Boxes #672 through #683, dated July 13, 2009 through August 17, 2009, 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 (4-0), it is ordered to approve consent agenda items 6 - 19.

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

20. COUNTY JUDGE:

A. Take all appropriate action on the First Amended and Restated Concurrent Order of the Gulf Coast Freight Rail District.

Pass.

B. Take all appropriate action on Resolution Nominating Candidates for the vacant position on the Board of Directors of the Fort Bend Central Appraisal District for the term ending December 31, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Meyers
Duly put and unanimously carried (4-0), it is ordered to approve Resolution Nominating Kraig Warren for the vacant position on the Board of Directors of the Fort Bend Central Appraisal District for the term ending December 31, 2009.

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

Item 20 continued - County Judge:

C. Take all appropriate action to create a Local Data Advisory Board, responsible for preparing a Data Reporting Improvement Plan, as required under Article 60.10 of the Code of Criminal Procedures comprised of the following: Sheriff's Office Designee Craig Brady; District Attorney's Office Designee Wes Wittig; District Clerk or Designee; County Clerk or Designee; Information Technology Director Charles Cook; and City of Sugar Land Police Chief Designee Doug Brinkley.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to create a Local Data Advisory Board, responsible for preparing a Data Reporting Improvement Plan, as required under Article 60.10 of the Code of Criminal Procedures comprised of the following: Sheriff's Office Designee Craig Brady; District Attorney's Office Designee Wes Wittig; District Clerk or Designee; County Clerk or Designee; Information Technology Director Charles Cook; and City of Sugar Land Police Chief Designee Doug Brinkley.

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

Note: This is a state unfunded mandate.

D. 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 Refunding Bonds, Series 2009.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), 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 Refunding Bonds, Series 2009.

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

Cliff Kavanaugh with First Southwest gave a report to members of court.

21. COMMISSIONER, PCT. 1: Take all appropriate action to renew on a month-to-month basis the Master Agreement between Fort Bend County and the Fort Bend County Fair Association until January 31, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to renew on a month-to-month basis the Master Agreement between Fort Bend County and the Fort Bend County Fair Association until Jan. 31, 2010.

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

**22. COMMISSIONER, PCT. 4:
A. Take all appropriate action to accept the resignation of Gary Knapp from First Colony Levee Improvement District No. 1 Board of Directors, and appoint Debra Coffman to fill the vacancy and serve a four year term.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and carried (3-0-1), it is ordered to accept the resignation of Gary Knapp from First Colony Levee Improvement District No. 1 Board of Directors, and appoint Debra Coffman to fill the vacancy and serve a four year term.

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

Gary Knapp thanked the court for allowing him to serve on the board.

Item 22 continued - Commissioner Pct. 4:

B. Take all appropriate action on the Sales Tax Agreement between Fort Bend County and the Aliana Management District for payment to County of 25% of all sales and use tax revenues reported by the Texas Comptroller of Public Accounts.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve the Sales Tax Agreement between Fort Bend County and the Aliana Management District for payment to County of 25% of all sales and use tax revenues reported by the Texas Comptroller of Public Accounts.

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

23. ELECTIONS ADMINISTRATION:

A. Take all appropriate action to authorize reimbursement in the amount of \$120 to John Oldham for four season passes to the Fort Bend County Fair for use by members of the Spanish Language Advisory group while staffing the County Voter Registration and outreach booth. (Fund: Elections Administration, Fees)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to authorize reimbursement in the amount of \$120 to John Oldham for four season passes to the Fort Bend County Fair for use by members of the Spanish Language Advisory group while staffing the County Voter Registration and outreach booth. (Fund: Elections Administration, Fees)

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

Item 23 continued - Elections Administration:

B. Take all appropriate action on Joint Election Agreements between Fort Bend County and the following entities for the November 3, 2009 election: City of Houston, Fort Bend County Municipal Utility District No. 49, Sienna Plantation Levee Improvement District, and North Mission Glen Municipal Utility District.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve Joint Election Agreements between Fort Bend County and the following entities for the November 3, 2009 election: City of Houston, Fort Bend County Municipal Utility District No. 49, Sienna Plantation Levee Improvement District, and North Mission Glen Municipal Utility District.

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

24. ENGINEERING:

A. Take all appropriate action on Right of Entry and Possession Agreement between Fort Bend County and Fellowship Bible Church of Katy, Inc. related to Katy Flewellen Mobility Project No. 734, Precinct 3.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve Right of Entry and Possession Agreement between Fort Bend County and Fellowship Bible Church of Katy, Inc. related to Katy Flewellen Mobility Project No. 734, Precinct 3.

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

Item 24 continued - Engineering:

B. Take all appropriate action on the Interlocal Agreement between Fort Bend County and Harris County for improvements to Howell-Sugarland Road in an amount not to exceed \$375,591.88. (Fund: Road & Bridge, Traffic Signalization)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve the Interlocal Agreement between Fort Bend County and Harris County for improvements to Howell-Sugarland Road in an amount not to exceed \$375,591.88. (Fund: Road & Bridge, Traffic Signalization)

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

25. FACILITIES MANAGEMENT & PLANNING: Take all appropriate action on Interlocal Lease Agreement between Fort Bend County and Texas Alcoholic Beverage Commission (TABC) to lease office space at the Gus George Law Enforcement Academy, 1521 Eugene Heimann Circle, in Richmond, Texas through September 30, 2010.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve Interlocal Lease Agreement between Fort Bend County and Texas Alcoholic Beverage Commission (TABC) to lease office space at the Gus George Law Enforcement Academy, 1521 Eugene Heimann Circle, in Richmond, Texas through September 30, 2010.

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

26. HUMAN RESOURCES:

A. Take all appropriate action to authorize the County Judge to execute Fort Bend County's Texas County & District Retirement System (TCDRS) Plan Authorization for the Plan Year 2010 and consider action on the following items: changes in the plan provisions for non-retirees; Cost of Living Adjustment (COLA) for retirees; and payment of a rate greater than the TCDRS required rate.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to authorize the County Judge to execute Fort Bend County's Texas County & District Retirement System (TCDRS) Plan Authorization for the Plan Year 2010 as follows: no change in plan provisions for non-retirees, no COLA for retirees and pay a total of 10.83% to TCDRS.

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

Note: Kent Edwards, Human Resources Director, stated that there is no CPI increase so a COLA has no affect.

B. Take all appropriate action on request to reclassify Position No. 4971-0017 in the Office of County Treasurer from Accounting Clerk I, Grade 7 of the Administrative Clerical Policy Group, to Payroll Specialist, Grade 8 of the Administrative Clerical Policy Group effective October 6, 2009. (Fund: Treasurer's Office)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to reclassify Position No. 4971-0017 in the Office of County Treasurer from Accounting Clerk I, Grade 7 of the Administrative Clerical Policy Group, to Payroll Specialist, Grade 8 of the Administrative Clerical Policy Group effective October 6, 2009. (Fund: Treasurer's Office)

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

Item 26 continued - Human Resources:

C. Take all appropriate action on request to reclassify Position No. 5601-0738 in the Sheriff's Office from Bonding Clerk, Grade 5 of the Administrative Clerical Policy Group, to Administrative Clerk II, Grade 6 of the Administrative Clerical Policy Group effective October 17, 2009. (Fund: Sheriff, Detention)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to reclassify Position No. 5601-0738 in the Sheriff's Office from Bonding Clerk, Grade 5 of the Administrative Clerical Policy Group, to Administrative Clerk II, Grade 6 of the Administrative Clerical Policy Group effective October 17, 2009. (Fund: Sheriff, Detention)

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

- 27. INDIGENT HEALTH CARE: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$54.50 to Houston Community Newspapers for publication of indigent health care announcement without a purchase order. (Fund: Indigent Health Care, Fees)**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$54.50 to Houston Community Newspapers for publication of indigent health care announcement without a purchase order. (Fund: Indigent Health Care, Fees)

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

- 28. PARKS DEPARTMENT: Take all appropriate action to accept Recreational Facilities Easement between Fort Bend County, as Grantee, and the University of Houston System, as Grantor, for construction, installation, repair, replacement, maintenance, and operation of a hiking, jogging and/or bicycle trail in Cinco Ranch and record such easement in the Real Property Records in the County Clerk's Office.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to accept Recreational Facilities Easement between Fort Bend County, as Grantee, and the University of Houston System, as Grantor, for construction, installation, repair, replacement, maintenance, and operation of a hiking, jogging and/or bicycle trail in Cinco Ranch and record such easement in the Real Property Records in the County Clerk's Office.

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

Note: Easement is located in Precinct 3.

- 29. PURCHASING:
A. Take all appropriate action on the purchase of software licensing and maintenance from SHI Government Solutions utilizing Department of Information Resources (DIR) contract DIR-SDD-1034, for an amount not to exceed \$115,000. (Fund: Information Technology, Fees)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve the purchase of software licensing and maintenance from SHI Government Solutions utilizing Department of Information Resources (DIR) contract DIR-SDD-1034, for an amount not to exceed \$115,000. (Fund: Information Technology, Fees)

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

Item 29 continued - Purchasing:

B. Take all appropriate action to authorize the purchase of telecommunications equipment maintenance from Datavox utilizing the State of Texas Department of Information Resources contract DIR-SDD-272 in an amount not to exceed \$104,000. (Fund: Information Technology, Fees)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize the purchase of telecommunications equipment maintenance from Datavox utilizing the State of Texas Department of Information Resources contract DIR-SDD-272 in an amount not to exceed \$104,000. (Fund: Information Technology, Fees)

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

C. Take all appropriate action on the following:

1) Bid #09-098 for Furniture for Sienna Branch Library;

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to award Bid #09-098 for Furniture for Sienna Branch Library to ATD American for section 1, The Wells Group for section 2 and CRG for section 3.

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

2) Bid #09-103 for Construction of Edgewood Drive Bridge over Drainage Ditch No. 9502037;

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to award Bid #09-103 for Construction of Edgewood Drive Bridge over Drainage Ditch No. 9502037 to Aranda Brothers Construction for \$186,401.48 with a 90 day completion.

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

Item 29C continued - Purchasing:

3) Bid #10-026 for Chrysler repair parts.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to award Bid #10-026 for Chrysler repair parts to Finnegan Chrysler Jeep Dodge of Rosenberg with a 25% discount off of list.

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

30. SHERIFF'S OFFICE:

A. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$235.00 to Lone Star Uniforms for maintenance uniform embroidery service performed without a purchase order. (Fund: Sheriff, Detention, Operating Supplies)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$235.00 to Lone Star Uniforms for maintenance uniform embroidery service performed without a purchase order. (Fund: Sheriff, Detention, Operating Supplies)

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

B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$300.00 to Collision Clinic for towing services performed without a purchase order. (Fund: Sheriff, Enforcement, Fees)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$300.00 to Collision Clinic for towing services performed without a purchase order. (Fund: Sheriff, Enforcement, Fees)

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

Item 30 continued - Sheriff's Office:

C. Take all appropriate action to dedicate three classrooms in the Gus George Law Enforcement Training Academy in honor of Lieutenant Don Martin (Fort Bend Sheriff's Office), Assistant Chief Jan Jones, (Assistant Chief of Police, Stafford Police Department), and Lieutenant Billy Ennis, (City of Missouri City Police Department).

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to dedicate three classrooms in the Gus George Law Enforcement Training Academy in honor of Lieutenant Don Martin (Fort Bend Sheriff's Office), Assistant Chief Jan Jones, (Assistant Chief of Police, Stafford Police Department), and Lieutenant Billy Ennis, (City of Missouri City Police Department).

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

31. TREASURER'S OFFICE: Take all appropriate action on First Amendment to the Agreement between Fort Bend County and GHG Corporation to provide additional services in the amount of \$6,400; total compensation not to exceed \$59,920. (Fund: Project Renaissance)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve First Amendment to the Agreement between Fort Bend County and GHG Corporation to provide additional services in the amount of \$6,400; total compensation not to exceed \$59,920. (Fund: Project Renaissance)

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

32. Approve Bills.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve bills in the amount of \$5,616,948.85.

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

33. Ratify release of time-sensitive bills by Auditor on October 1, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to ratify release of time-sensitive bills by Auditor on October 1, 2009 in the amount of \$475,456.60.

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

Recess:

Recessed at 1:42 p.m.

34. 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) Cause No. 09-CCV-039360; Fort Bend County, Texas vs. Victor R. Martinez, Jane P. Martinez, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.
- 2) Cause No. 09-CCV-039359; Fort Bend County, Texas vs. Cynthia Castro, Jerry Castro, et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas.
- 3) Cause #H-98-0653; Burlington Northern and Santa Fe Railway Company v. Fort Bend County, et al; in the United States District for the Southern District of Texas.
- 4) Cause No. 09-CCV-039248, Fort Bend County, Texas V. Donald H. Krenek, Donna F. Krenek, et al.; In the County Court at Law No. Four (4) of Fort Bend County, Texas.
- 5) Cause No. 09-CCV-039251, Fort Bend County, Texas V. Harvey L. Meyer, Vernelle J. Meyer, et al.; In the County Court at Law No. Four (4) 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.

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 1:56 p.m.
Adjourned at 2:35 p.m.

Reconvene:

Reconvened at 2:37 p.m.

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

A. § 551.071. Consultation With Attorney.

1) Cause No. 09-CCV-039360; Fort Bend County, Texas vs. Victor R. Martinez, Jane P. Martinez, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.

No action.

2) Cause No. 09-CCV-039359; Fort Bend County, Texas vs. Cynthia Castro, Jerry Castro, et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas.

No action.

3) Cause #H-98-0653; Burlington Northern and Santa Fe Railway Company v. Fort Bend County, et al; in the United States District for the Southern District of Texas.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to authorize County Attorney to incur additional litigation expenses with Chamberlain, Hrdlicka, White, Williams & Martin in an amount not to exceed \$50,000.00, to continue litigation in No. H-98-0653 Burlington Northern and Santa Fe Railway Company v. Fort Bend County et al and to transfer funds from contingency into County Attorney budget for fees and services.

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

Item 35A continued - 551.071 Consultation with Attorney:

4) Cause No. 09-CCV-039248, Fort Bend County, Texas V. Donald H. Krenek, Donna F. Krenek, et al.; In the County Court at Law No. Four (4) of Fort Bend County, Texas.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve Order Authorizing Settlement of Condemnation Suit Cause No. 09-CCV-039248 Fort Bend County, Texas V. Donald H. Krenek, Donna F. Krenek, et al. and authorize the County Judge to execute and deliver the settlement agreement in exchange for \$50,500.00 including the special commissioners award of \$40,487.00 and to approve such terms and provisions for the full and final settlement of all claims set forth therein.

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

5) Cause No. 09-CCV-039251, Fort Bend County, Texas V. Harvey L. Meyer, Vernelle J. Meyer, et al.; In the County Court at Law No. Four (4) of Fort Bend County, Texas.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve Order Authorizing Settlement of Condemnation Suit for Cause No. 09-CCV-039251, Fort Bend County, Texas V. Harvey L. Meyer, Vernelle J. Meyer, et al and authorize the County Judge to execute and deliver the settlement agreement in exchange for \$27,200.00 including the special commissioners award of \$21,563.00 and to approve such terms and provisions for the full and final settlement of all claims set forth therein.

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

Item 35 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 (4-0), 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 17, Parcel 9, Parcel 7, Parcel 4 and Parcel 6 parts 1 and 2 of the FM 1464 Mobility Project with funds from Right of Way Fund.

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

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

No action.

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

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to purchase Parcel 15W of the Old Richmond Road Mobility Project in the amount of \$1,240.00 plus necessary costs not to exceed \$3,000.00 with funds from Right of Way and authorize County Judge to sign all necessary documents.

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

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to purchase Parcel 2E of the Old Richmond Road Mobility Project in the amount of \$4,702.00 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	absent
Commissioner Meyers	yes
Commissioner Patterson	yes

Item 35 continued - Reconvene Open Session and consider taking action on the following matters:

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

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to appoint Clara Russell as the County Librarian with a compensation based salary of \$92,999.52.

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

36. Adjournment.

Commissioners Court adjourned at 2:44 p.m. on Tuesday, October 6, 2009.