

## MINUTES

BE IT REMEMBERED, That on this 17th DAY of NOVEMBER, 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 Meyers.**

Invocation and Pledge of Allegiance by Commissioner Meyers.

**3. Approve minutes of regular meeting held on November 3, 2009.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the minutes of regular meeting held on November 3, 2009.

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

**4. Public Comments regarding the Agenda and Announcements.**

Condolences were extended to the Garner family on the passing of their son Jahmal.

Judge Hebert announced that the Public Hearings for traffic control for Grand Mission has been reset to December 22, 2009 and replat for River Forest to January 5, 2010.

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

Rodrigo Carreon of Fresno, supports item 26C.

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 Cinco Ranch Southwest, Section 16 and Sect. 25, Pct. 3.**
- B. Acceptance of the traffic control plan for Riverpark Subdivision for the addition of No Parking Anytime signs for a portion of East Riverpark Drive and Summit Creek, Pct. 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 agenda item 5A-B.

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

**CONSENT AGENDA ITEMS 6 - 25:**

6. **OUT OF STATE TRAVEL:**
- A. Enter into record the out-of-state travel requests for elected officials:**
- Commissioner, Pct. 2: Change travel dates for Commissioner Grady Prestage to Santa Rosa, California, December 3-6, 2009, to attend the National Association of Counties (NACo) Fall Board of Directors Meeting. (Fund: Commissioner Pct. 2, Travel)**
- B. Approve out-of-state travel requests for County personnel:**
- Sheriff's Office:**
- 1) Ratify travel for Jose Hernandez and Mitch Davila to Marksville, Louisiana, November 12, 2009 for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Detention, Travel)
- 2) Brian Schmitt and Rick Waits to Memphis, Tennessee and Little Rock, Arkansas, November 16-17, 2009, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Detention, Travel)
7. **COMMISSIONER, PCT. 1:**
- A. Approve renewal of agreement between Fort Bend County and the Fort Bend YMCA, to provide YMCA programs at the New St. Phillips Missionary Baptist Church and an after-school computer learning program at Arcola City Hall for an amount not to exceed \$72,001 effective through September 30, 2010, utilizing revenue received from BFI Tipping Fees, as authorized by Commissioners Court on November 3, 2009. (Fund: Fresno/Arcola Projects)**

**Item 7 continued - Commissioner Pct. 1:**

**B. Approve Agreement between Fort Bend County and Fort Bend Community Revitalization Projects (CORPS) to perform certain home repair services for elderly, disabled and low-income homeowners in the Fresno/Arcola area until September 30, 2010 for an amount not to exceed \$100,000 utilizing revenue received from BFI tipping fees as authorized by Commissioners Court on November 3, 2009. (Fund: Fresno/Arcola Projects)**

- 8. AUDITOR: Accept Grant Adjustment Notice No. 001 from the U.S. Department of Justice/Office of Justice Programs for the Fort Bend County Team for Maltreated Infants and Toddlers Grant, correcting the project end date to September 30, 2011, consistent with the 24-month budget approved within the application. (Fund: Court Team Grant)**

**9. BUDGET TRANSFERS:**

**A. 268th District Court: Approve transfer in the amount of \$2,586 as detailed on Auditor's form dated November 12, 2009, to allocate funds for temporary coverage of court coordinator throughout fiscal year 2010.**

**B. Auditor's Office:**

**1) Approve transfer in the amount of \$5,500,000 as detailed on Auditor's form dated November 5, 2009, to reimburse Commissioners Court Projects account for advance funding of the Justice Center.**

**2) Approve transfer in the amount of \$7,928,225 as detailed on Auditor's form dated November 5, 2009 to allocate funds for capital improvement projects approved for FY 2010.**

**3) Approve transfer in the amount of \$10,000 as detailed on Auditor's form dated November 12, 2009, to allocate funds into project account for renovations and remodeling to the Morton Street building, a capital improvement project.**

**C. Juvenile Probation: Approve transfer in the amount of \$640,000 from Juvenile, Capital Acquisitions, into Boot Camp Remodel account to allocate funds for remodeling/renovations to the Juvenile Boot Camp.**

**D. Office of Emergency Management: Approve transfer in the amount of \$860 from Fees into Information Technology to allocate funds for software purchase.**

**E. Road & Bridge: Approve transfer in the amount of \$85,000 from General Fund, Capital Acquisitions, into Road & Bridge, Operating Supplies, to allocate funds for repairs to the Rosenberg Annex Parking Lot into Road & Bridge budget.**

- 10. CONSTABLE, PCT. 2: Approve and record into Minutes the FY09 Chapter 59 Asset Forfeiture Report for the Office of Constable, Precinct 2.**

**11. CONSTABLE, PCT. 4:**

**A. Approve renewal of Equitable Sharing Agreement between Fort Bend County and U. S. Department of Justice and record Annual Certification Report for Fiscal Year ending September 30, 2009.**

**Item 11 continued - Constable Pct. 4:**

**B. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and New Territory Residential Community Association effective October 1, 2009 to September 30, 2010.**

- 12. DISTRICT ATTORNEY: Approve, ratify and record into the Minutes the FY09 Chapter 59 Asset Forfeiture Report by Attorney Representing the State.**
- 13. EMERGENCY MANAGEMENT: Authorize County Judge to execute letter to Texas Division of Emergency Management requesting an extension through April 30, 2010 to process the 2007 Grant Year Project Expenditures.**
- 14. ENGINEERING:**
  - A. Approve payment of Invoice No. 1009100 (Pay Estimate No. 20) in the amount of \$2,785.25 to Klotz Associates regarding labor rates relating to Fort Bend County Mobility Bond Projects, Precincts 1, 2, 3 and 4. (Fund: 2000 Mobility Bonds)**
  - B. Approve payment of Invoice No. 26086 (Pay Estimate No. 7) in the amount of \$15,306.90 to Landtech regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)**
  - C. Approve payment of Invoice No. 26152 (Pay Estimate No. 8) in the amount of \$45,920.70 to Landtech regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)**
  - D. Approve payment of Invoice No. 18 (Pay Estimate No. 18) in the amount of \$817.24 to Cobb-Fendley & Associates, Inc. regarding the expansion of Greenbusch Road, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bond)**
  - E. Approve payment of Invoice No. 3334 in the amount of \$23,531.25 to Property Acquisition Services (PAS) for various right of way acquisition services in Precincts 1, 2, 3 and 4. (Fund: Right of Way)**
  - F. Approve payment of Invoice No. 37466 (Pay Estimate No. 1) in the amount of \$27,667.50 to CLR, Inc. regarding Burney Road, Mobility Bond Project #719, Precinct 3. (Fund: 2007 Mobility Bonds)**
  - G. Approve application from Devon Street Homes to construct two driveway tie-ins onto Millwood Pass Circle, Precinct 3.**
  - H. Approve application from Juan Carlos Hernandez to construct a driveway tie-in onto Winners Circle, Precinct 1.**
  - I. Approve application from Fort Bend RC Club to bury sewer and water line under Seabourne Creek, Precinct 1.**
  - J. Approve release of Performance Bond #69802323 in the amount of \$25,000.00 to Mission Grove L.P. for completion of work on Brandt and Holmes, Permit #82958, Precinct 3.**

**Item 14 continued - Engineering:**

**K. Approve the plat for Miguel Esteban Enterprises, Precinct 4.**

**L. Approve the plat for PMSI Dove Country, Replat of Block 1, Lots 4, 5, 6 and 7, Precinct 2.**

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

**A. Invoice No. H004599 in the amount of \$356.75 to Raba Kistner for professional services regarding the Precinct 3 Annex;**

**B. Pay Application No. 1 Revised (R) in the amount of \$98,099.00 to Rosenberger Construction, LP for services regarding the Precinct 3 Annex;**

**C. Invoice No. 4487 and Invoice No. 4489 for an amount totaling \$13,346.43 to Total Technologies for voice/data cabling services regarding the Gus George Academy;**

**D. Pay Application No. 08-00900015 in the amount of \$60,645.36 to Bass Construction Co., Inc. for services regarding the Gus George Academy;**

**E. Invoice No. 1091244-IN in the amount of \$14,387.00 to International Code Council, Inc. for building review of the Justice Center;**

**F. Pay Application No. 5 in the amount of \$1,851,021.00 to JE Dunn South Central, Inc. for construction services regarding the Justice Center;**

**G. Invoice No. 22709 and Invoice No. 22738 for an amount totaling \$57,000.00 to The Mathis Group (TMG+) for program management services regarding the Justice Center;**

**H. Invoice No. 005 in the amount of \$7,992.18 to Brian Smith Construction Inspection, Inc. for professional services regarding the Missouri City Annex;**

**I. Pay Application No. 7 in the amount of \$393,733.98 to Crain Zamora LLC for construction services regarding the Missouri City Annex;**

**J. Invoice No. 1 in the amount of \$34,492.00 to Bailey Architects for architectural services regarding the Library at University of Houston, Sugar Land campus;**

**K. Pay Application No. 14 in the amount of \$862,508.36 to Brookstone, LP for construction services regarding the Sienna Library;**

**L. Invoice No. TMG-493 in the amount of \$5,958.90 to The Maddox Group, Inc. for professional services regarding the Sienna Library.**

16. **FIRE MARSHAL:**
  - A. Approve and record into Minutes the FY09 Chapter 59 Asset Forfeiture Report for the Fire Marshal.
  - B. Approve renewal of Interlocal Agreement between Fort Bend County and City of Simonton for Fire Code Inspections effective through September 30, 2010 with automatic renewal.
17. **FORT BEND FLOOD CONTROL WATER SUPPLY CORPORATION:** The Board of Directors of the Fort Bend Flood Control Water Supply Corporation reviewed these items at their regular meeting on October 28, 2009, and makes the following recommendation to Commissioners Court: Authorize payment of invoices for work performed by consultants and/or contractors and listed on Board Report for an amount totaling \$68,546.12 for Big Creek. (Fund: Big Creek, Fees)
18. **HEALTH & HUMAN SERVICES – ENVIRONMENTAL HEALTH:**
  - A. Approve renewal of Agreements between Fort Bend County and the following entities for the Inspection of Newly Constructed On-Site Sewage Disposal Systems and OSSF Nuisance Compliance effective October 1, 2009 through September 30, 2010: City of Fulshear; City of Simonton; City of Weston Lakes; Village of Fairchilds; Village of Pleak.
  - B. Approve renewal of Agreements between Fort Bend County and the following entities for the Inspection of Food Service Establishments effective October 1, 2009 through September 30, 2010: City of Beasley; City of Fulshear; City of Kendelton; City of Needville; City of Orchard; City of Simonton; City of Weston Lakes; Village of Fairchilds; Village of Pleak.
19. **HUMAN RESOURCES:** Approve application for withdrawal of hours from the Shared Sick Leave Pool for employee of Library, Position No. 6501-0110.
20. **PUBLIC TRANSPORTATION:**
  - A. Approve Project Grant Agreement No. 51812F7098, Amendment No. 5, to extend the contract expiration date for Federal FY 08 Section 5311 funding for rural transportation projects until January 31, 2010.
  - B. Approve Project Grant Agreement No. 51812F7259, Amendment No. 3, to extend the contract expiration date for Federal FY 08 Section 5311 funding for rural transportation projects until January 31, 2010.
21. **PURCHASING:**
  - A. Authorize advertising for Statements of Qualification (SOQs), Bids, and/or Request for Proposals (RFPs) for the following:
    - 1) UPS (computer equipment) for Information Technology at the Jane Long Annex;
    - 2) Clearing and Grubbing Removal Services; and
    - 3) Roofing consultant services.
  - B. Approve renewal of Interlocal Agreement between Fort Bend County and Needville Independent School District for the purchase of goods and services.
22. **ROAD & BRIDGE:**
  - A. Rescind approval of a Primary Interlocal Agreement between Fort Bend County and Stafford Municipal Utility District, acted upon by Commissioners Court on November 3, 2009, due to typing error.

**Item 22 continued - Road and Bridge:**

**B. Approval renewal of Primary Interlocal Agreement between Fort Bend County and Stafford Municipal School District effective October 1, 2009 through September 30, 2010, with automatic one-year renewal.**

**C. Approve renewal of Agreement for the purchase of fuel between Fort Bend County and Fort Bend Seniors Meals on Wheels and Much, Much, More, Inc., effective through September 30, 2010 with automatic one-year renewal.**

**23. SHERIFF'S OFFICE:**

**A. Approve and record into Minutes the FY09 Chapter 59 Asset Forfeiture Report for the Sheriff's Office.**

**B. Approve renewal of Equitable Sharing Agreement between Fort Bend County and U. S. Department of Justice and record Annual Certification Report for the Sheriff's Office for Fiscal Year ending September 30, 2009.**

**C. Approve renewal of Equitable Sharing Agreement between Fort Bend County and U. S. Department of Justice and record Annual Certification Report for the Narcotics Task Force for Fiscal Year ending September 30, 2009.**

**D. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Seven Meadows Community Improvement Association, Inc. effective October 1, 2009 through September 30, 2010.**

**E. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Cinco Residential Property Association, effective October 1, 2009 through September 30, 2010.**

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

**G. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Cinco Municipal Utility District No. 8, effective October 1, 2009 through September 30, 2010.**

**H. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Firethorne Community Association, effective October 1, 2009 through September 30, 2010.**

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

**J. Approve renewal of Mutual Aid Agreement between Fort Bend County and the following entities for police protection effective October 1, 2009 through September 30, 2010 with automatic renewals on a yearly basis: City of Missouri City and City of Rosenberg.**

**Item 23 continued - Sheriff's Office:**

**K. Approve renewal of Interlocal Agreement between Fort Bend County and City of Rosenberg for Housing of Prisoners, effective October 1, 2009 through September 30, 2010.**

**L. Approve the renewal of Agreements between Fort Bend County and the following entities for use of the County Public Safety Radio System effective October 1, 2009 through September 30, 2010: City of Rosenberg; Fort Bend County Emergency Service District No. 2; Needville Independent School District; Pecan Grove Volunteer Fire Department.**

**M. Approve Amendment to Interlocal Cooperation Agreement between Fort Bend County and the following entities to continue providing Jail Services on a month-to-month basis, effective November 17, 2009 through December 16, 2009, with automatic monthly renewal: Angelina County; Liberty County. (Fund: Sheriff, Detention)**

**24. TAX ASSESSOR/COLLECTOR:**

**A. Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on November 10, 2009, for an amount totaling \$11,737.75.**

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

**C. Record into Minutes the disposal of miscellaneous documentation dated from years 1996 through 2007 and described on report dated October 29, 2009, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.**

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

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Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 25 with correction to item 19 - 120 hours.

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



**26. COUNTY JUDGE:**

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

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the First Amended and Restated Concurrent Order of the Gulf Coast Freight Rail District.

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

**B. Take all appropriate action on the Second Amendment to the Tax Abatement Agreement between Fort Bend County and RTRON Limited; Agreement amended to reflect Melanie Stafford Ventures, LLC as Owner, and Flextronics Systems Texas Ltd. as Lessee.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve the Second Amendment to the Tax Abatement Agreement between Fort Bend County and RTRON Limited; Agreement amended to reflect Melanie Stafford Ventures, LLC as Owner, and Flextronics Systems Texas Ltd. as Lessee.

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

**Item 26 continued - County Judge:**

**C. Take all appropriate action to authorize the County Judge to negotiate an agreement with the Fort Bend County Appraisal District (FBCAD) Board such that the FBCAD would take responsibility for 100% of the building and property at 2801 FM 2218, including but not limited to the following: Drainage for current site and an additional five acres; addition of temporary parking; acquisition of approximately five acres; building of access road and tie-in to Airport Boulevard intersection; defining responsibility for future additional offices and parking.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize the County Judge to negotiate an agreement with the Fort Bend County Appraisal District (FBCAD) Board such that the FBCAD would take responsibility for 100% of the building and property at 2801 FM 2218, including but not limited to the following: Drainage for current site and an additional five acres; addition of temporary parking; acquisition of approximately five acres; building of access road and tie-in to Airport Boulevard intersection; defining responsibility for future additional offices and parking.

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

**D. Take all appropriate action to consider waiver of the 60-day notice requirement for the creation of Tax Increment Reinvestment Zone #4 in Sugar Land, Texas, pursuant to Section 311.003(e) of the Texas Property Tax Code.**

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and carried (4-1), it is ordered to waive the 60-day notice requirement for the creation of Tax Increment Reinvestment Zone #4 in Sugar Land, Texas, pursuant to Section 311.003(e) of the Texas Property Tax Code.

Judge Hebert	yes
Commissioner Morrison	no
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

**27. COMMISSIONER, PCT. 3:**

**A. Take all appropriate action on request to transfer the amount of \$7,900 from Non-Departmental Contingency into Commissioner, Pct. 3, Capital Acquisitions, to allocate funds for replacement of copier.**

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$7,900 from Non-Departmental Contingency into Commissioner, Pct. 3, Capital Acquisitions, to allocate funds for replacement of copier.

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

**B. Take all appropriate action on Agreement between Fort Bend County and Texas Department of Transportation regarding the FM 1093 Mobility Project.**

Pass.

**C. Take all appropriate action on Resolution in Support of the U. S. Army continuing to commission the building of Family of Medium Tactical Vehicles (FMTV) in Sealy, Texas.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Resolution in Support of the U. S. Army continuing to commission the building of Family of Medium Tactical Vehicles (FMTV) in Sealy, Texas.

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

28. **AUDITOR: Take all appropriate action to accept a refund check in the amount of \$10,566.89 from the United States Postal Service and create a special project fund to be used for the Precinct 2 newsletter.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to accept a refund check in the amount of \$10,566.89 from the United States Postal Service and create a special project fund to be used for the Precinct 2 newsletter.

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

29. **CONSTABLE, PCT. 4: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$52.50 to Harris County Treasurer for radio repairs to contract patrol vehicle performed without a Purchase Order. (Fund: Constable, Pct. 4, Fort Bend County Toll Road Authority Agreement)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$52.50 to Harris County Treasurer for radio repairs to contract patrol vehicle performed without a Purchase Order. (Fund: Constable, Pct. 4, Fort Bend County Toll Road Authority Agreement)

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

30. **EMERGENCY MANAGEMENT: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$1,600.00 to PIER System for PIER certification training expenditures incurred without a purchase order. (Fund: UASI Grants, Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$1,600.00 to PIER System for PIER certification training expenditures incurred without a purchase order. (Fund: UASI Grants, Fees)

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

**31. ENGINEERING:**

**A. Take all appropriate action on revisions to the Fort Bend County Engineering and Information Technology Geographic Information Systems (GIS) Policy effective November 18, 2009.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve revisions to the Fort Bend County Engineering and Information Technology Geographic Information Systems (GIS) Policy effective November 18, 2009.

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

**B. Take all appropriate action on the Advance Funding Agreements between Fort Bend County and Texas Department of Transportation for Bridge Replacement or Rehabilitation Off the State System for these bridges: CSJ 0912-34-157- Barek Road at Mound Creek; CSJ 0912-34-158 - Fenske Lane at Fairchilds Creek; and CSJ 0912-34-159 - Walker Road at Turkey Creek, at no cost to the County, Precinct 1.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the Advance Funding Agreements between Fort Bend County and Texas Department of Transportation for Bridge Replacement or Rehabilitation Off the State System for these bridges: CSJ 0912-34-157- Barek Road at Mound Creek; CSJ 0912-34-158 - Fenske Lane at Fairchilds Creek; and CSJ 0912-34-159 - Walker Road at Turkey Creek, at no cost to the County, Precinct 1.

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

**Item 31 continued - Engineering:**

**C. Take all appropriate action on Supplemental Agreement No. 1 between Fort Bend County and Burk-Kleinpeter, Inc. regarding Trammel Fresno Road to increase the scope of work by \$16,075, for a total contract amount of \$877,494.20; Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Supplemental Agreement No. 1 between Fort Bend County and Burk-Kleinpeter, Inc. regarding Trammel Fresno Road to increase the scope of work by \$16,075, for a total contract amount of \$877,494.20; Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)

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

**D. Take all appropriate action on the Second Amendment to Professional Engineering Services Agreement between Fort Bend County and Kelly Kaluza & Associates, Inc. for additional roadway design of West Bellfort in the amount of \$7,500 for a total contract amount of \$749,950; Mobility Bond Project No. 731, Precinct 4. (Fund: 2007 Mobility Bonds)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve the Second Amendment to Professional Engineering Services Agreement between Fort Bend County and Kelly Kaluza & Associates, Inc. for additional roadway design of West Bellfort in the amount of \$7,500 for a total contract amount of \$749,950; Mobility Bond Project No. 731, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)

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

**Item 31 continued - Engineering:**

**E. Take all appropriate action on the Professional Engineering Services Agreement between Fort Bend County and Edminster, Hinshaw, Russ & Associates, Inc. for traffic signalization at Harlem Road and Madden Road/West Bellfort Road for an amount not to exceed \$36,015. (Fund: Road & Bridge, Multi)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Professional Engineering Services Agreement between Fort Bend County and Edminster, Hinshaw, Russ & Associates, Inc. for traffic signalization at Harlem Road and Madden Road/West Bellfort Road for an amount not to exceed \$36,015 Precincts 3 and 4. (Fund: Road & Bridge, Multi)

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

**32. HEALTH & HUMAN SERVICES - ANIMAL CONTROL: Take all appropriate action on request to change the department name for Animal Control to Fort Bend County Animal Services.**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to change the department name for Animal Control to Fort Bend County Animal Services.

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

**33. HUMAN RESOURCES:  
A. Take all appropriate action on request to update the Employee Information Manual, Section 507: Holidays.**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to update the Employee Information Manual, Section 507: Holidays.

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

**Item 33 continued - Human Resources:**

**B. Take all appropriate action on request to reclassify Position Nos. 5401-0016, 5401-0057, 5401-0058, and 5401-0080 in Emergency Medical Service, from Paramedic I, Grade 9, Public Health Policy Group, to Paramedic II, Grade 10, Public Health Policy Group, effective November 17, 2009.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to reclassify Position Nos. 5401-0016, 5401-0057, 5401-0058, and 5401-0080 in Emergency Medical Service, from Paramedic I, Grade 9, Public Health Policy Group, to Paramedic II, Grade 10, Public Health Policy Group, effective November 17, 2009.

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

**C. Take all appropriate action on request to create a new position, Clerk III, Grade 7 of the Administrative/Clerical Policy Group in the Office of Justice of the Peace, Precinct 1, Place 1, to replace a previous temporary position effective November 17, 2009, and designate funding source.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and carried (4-1), it is ordered to create a new position, Clerk III, Grade 7 of the Administrative/Clerical Policy Group in the Office of Justice of the Peace, Precinct 1, Place 1, to replace a previous temporary position effective November 17, 2009, with funding from contingency.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	no
Commissioner Patterson	yes

**34. INDIGENT HEALTH: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$1,238.40 to Advanced Temporaries, Inc. for services received without a purchase order. (Fund: Indigent Health, Fees)**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$1,238.40 to Advanced Temporaries, Inc. for services received without a purchase order. (Fund: Indigent Health, Fees)

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



**35. LIBRARY:**

**A. Take all appropriate action to accept donation of a Freestanding Interactive Art Display for the Sienna Branch Library, the cost of which will be funded by C.C. Lee of STOA Architects.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to accept donation of a Freestanding Interactive Art Display for the Sienna Branch Library, the cost of which will be funded by C.C. Lee of STOA Architects.

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

**B. Take all appropriate action to authorize participation by the Fort Bend County Libraries and accept proceeds offered by Barnes & Noble from a Book Fair to be scheduled at a future date.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize participation by the Fort Bend County Libraries and accept proceeds offered by Barnes & Noble from a Book Fair to be scheduled at a future date.

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

**36. PUBLIC TRANSPORTATION: Take all appropriate action on the U.S. Department of Transportation Federal Transit Administration Section 5307 Master Grant Agreement FTA (MA) dated October 1, 2009, and authorize electronic submission of the document by the Director of Public Transportation.**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve the U.S. Department of Transportation Federal Transit Administration Section 5307 Master Grant Agreement FTA (MA) dated October 1, 2009, and authorize electronic submission of the document by the Director of Public Transportation.

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

**37. PURCHASING:**

**A. Take all appropriate action Bid #10-031, term contract for Window Washing.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to reject and re-advertise for Bid #10-031, term contract for Window Washing.

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

**B. Take all appropriate action to authorize the purchase of 2010 vehicles for multiple departments utilizing Bid #03-001, Bid #05-009 and Bid #07-003.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of 2010 vehicles for Constable Pct. 1, Engineering and Animal Services utilizing Bid #03-001, Bid #05-009 and Bid #07-003.

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

**C. Take all appropriate action to authorize the purchase of one (1) Hybrid SUV for Transportation Department utilizing Houston-Galveston Area Council (H-GAC) Contract VE11-08, for an amount not to exceed \$34,000. (Fund: Transportation Grant 5307 and TCEQ Grant, Capital)**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of one (1) Hybrid SUV for Transportation Department utilizing Houston-Galveston Area Council (H-GAC) Contract VE11-08, for an amount not to exceed \$34,594.82. (Fund: Transportation Grant 5307 and TCEQ Grant, Capital)

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

Note: Grant covers 97% of cost of vehicle.

**Item 37 continued - Purchasing:**

**D. Take all appropriate action on Agreement for Architectural Services between Fort Bend County and PTI, Inc. for an amount not to exceed \$55,000 regarding expansion of the Precinct Two Annex in Missouri City. (Fund: Capital Improvement Project)**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Agreement for Architectural Services between Fort Bend County and PTI, Inc. for an amount not to exceed \$55,000 regarding expansion of the Precinct Two Annex in Missouri City. (Fund: Capital Improvement Project)

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

**E. Take all appropriate action on Addendum to Agreement between Fort Bend County and Rosenberger Construction pursuant to RFP #09-096, construction of the Precinct Three Annex, to increase the amount by \$100,000 for a total contract amount of \$3,386,000. (Fund: Facility Bond Project)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Addendum to Agreement between Fort Bend County and Rosenberger Construction pursuant to RFP #09-096, construction of the Precinct Three Annex, to increase the amount by \$100,000 for a total contract amount of \$3,386,000. (Fund: Facility Bond Project)

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

**Item 37 continued - Purchasing:**

**F. Take all appropriate action to authorize revisions to the Procurement Card Policy to coincide with the Fort Bend County Travel Policy adopted by Commissioners Court effective Nov. 4, 2009.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize revisions to the Procurement Card Policy to coincide with the Fort Bend County Travel Policy adopted by Commissioners Court effective November 4, 2009.

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

**G. Take all appropriate action on Change Order from ESP Office Solutions pursuant to Bid #08-001.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Change Order from ESP Office Solutions pursuant to Bid #08-001.

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

**H. Take all appropriate action to authorize the purchase of upgraded equipment for the current Library telephone systems, and to purchase telephone equipment from Walkercom for the Sienna Branch Library utilizing Department of Information Resources (DIR) contract DIR-SDD-272, for an amount not to exceed \$70,000. (Fund: Facility Bond Project)**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of upgraded equipment for the current Library telephone systems, and to purchase telephone equipment from Walkercom for the Sienna Branch Library utilizing Department of Information Resources (DIR) contract DIR-SDD-272, for an amount not to exceed \$70,000. (Fund: Facility Bond Project)

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

**Item 37 continued - Purchasing:**

**I. Take all appropriate action to grant an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(4) for the purchase of a professional service from Agape-WGH Health Services, LLC for supplemental nursing staff, amount not to exceed \$100,000. (Fund: Sheriff, Detention, Fees)**

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)(4) for the purchase of a professional service from Agape-WGH Health Services, LLC for supplemental nursing staff, amount not to exceed \$100,000. (Fund: Sheriff, Detention, Fees)

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

**J. Take all appropriate action to authorize renewal of SmartNet support/maintenance from NWN Corporation utilizing the State of Texas Department of Information Resources contract DIR-SDD-249 for an amount not to exceed \$36,000. (Fund: Library, Fees)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize renewal of SmartNet support/maintenance from NWN Corporation utilizing the State of Texas Department of Information Resources contract DIR-SDD-249 for an amount not to exceed \$36,000. (Fund: Library, Fees)

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

**38. SHERIFF'S OFFICE:**

**A. Take all appropriate action on Contract Amendment dated November 4, 2009, for the law enforcement training contract between Fort Bend County and Houston-Galveston Area Council for FY09 to expand the number of classes at Gus George Training Academy beginning August 15, 2009 and receive the additional amount of \$99,864.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Contract Amendment dated November 4, 2009, for the law enforcement training contract between Fort Bend County and Houston-Galveston Area Council for FY09 to expand the number of classes at Gus George Training Academy beginning August 15, 2009 and receive the additional amount of \$99,864.

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

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to amend previous motion to read - beginning August 15, 2009 and to increase the dollar amount to \$99,864.00.

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

**B. Take all appropriate action to authorize payment by Invoice Transmittal for an amount totaling \$184.25 to Schoenmann Produce Company for produce received without a purchase order. (Fund: Sheriff, Detention, Operating)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal for an amount totaling \$184.25 to Schoenmann Produce Company for produce received without a purchase order. (Fund: Sheriff, Detention, Operating)

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

**Item 38 continued - Sheriff's Office:**

**C. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$1,455.35 to SimplexGrinnell for fire alarm system repairs performed without a purchase order. (Fund: Sheriff, Detention, Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$1,455.35 to SimplexGrinnell for fire alarm system repairs performed without a purchase order. (Fund: Sheriff, Detention, Fees)

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

**D. Take all appropriate action on Agreement between Fort Bend County and U.S. Department of Justice for Overtime and Authorized Expense/Strategic Initiative Program to fund overtime for two full-time employees of the Organized Drug Enforcement Task Force for an amount not to exceed \$33,806.50 for FY 10. (Fund: Sheriff, Enforcement, Overtime)**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Agreement between Fort Bend County and U.S. Department of Justice for Overtime and Authorized Expense/Strategic Initiative Program to fund overtime for two full-time employees of the Organized Drug Enforcement Task Force for an amount not to exceed \$33,806.50 for FY 10. (Fund: Sheriff, Enforcement, Overtime)

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

**39. Approve Bills.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve bills in the amount of \$10,025,555.92.

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

**40. Ratify the release of time-sensitive bills by Auditor on November 12, 2009.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to ratify the release of time-sensitive bills by Auditor on November 12, 2009 in the amount of \$639,124.67.

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

**Recess:**

Recessed at 1:40 p.m.

**41. 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 Martinez, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.**

**2) Cause No. 09-039361; Fort Bend County, Texas vs. Eileen Rosniak; In the County Court at Law Number One (1) of Fort Bend County, Texas.**

**3) Cause No. 09-CCV-039415; Fort Bend County, Texas v. Ellie H. Vasquez, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.**

**4) 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.**

**5) Cause No. 09-CCV-039639; Fort Bend County, Texas v. John S. Beeson, Trustee, et al.; In the County Court at Law No. Four (4) of Fort Bend County, Texas.**

**6) Civil Action No. H-98-0653; The Burlington Northern and Santa Fe Railway Company vs. Ben W. "Bud" Childers, as Fort Bend County Attorney; Mark Millis; The Millis Group, Inc.; Royal Lakes Limited; and Fort Bend County (by and through County Judge Michael D. Rozell); in the United States District Court for the Southern District of Texas, Houston Division.**

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

**1) Acquisition of property, Katy Flewellen Road, Mobility Bond Project #734, Precinct 3.**

**2) Acquisition of property, FM 359, Precincts 1 and 3.**

**3) Acquisition of property, Old Richmond Road, Mobility Bond Project #729, Precinct 4.**



**Closed Session:**

Convened at 1:48 p.m.

Adjourned at 2:15 p.m.

**Reconvene:**

Reconvened at 2:17 p.m.

**42. 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 Martinez, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.**

**2) Cause No. 09-039361; Fort Bend County, Texas vs. Eileen Rosniak; In the County Court at Law Number One (1) of Fort Bend County, Texas.**

**3) Cause No. 09-CCV-039415; Fort Bend County, Texas v. Ellie H. Vasquez, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas.**

**4) 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.**

**5) Cause No. 09-CCV-039639; Fort Bend County, Texas v. John S. Beeson, Trustee, et al.; In the County Court at Law No. Four (4) of Fort Bend County, Texas.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered that Roy L. Cordes Jr., County Attorney of Fort Bend County, Texas, be authorized to incur additional litigation expenses in the amount of \$1,000.00 each for agenda items 42A 1-5 and that fund account 100685888-64600-P685-06ROWPURCH-32000 be designated as the funding source.

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

**6) Civil Action No. H-98-0653; The Burlington Northern and Santa Fe Railway Company vs. Ben W. "Bud" Childers, as Fort Bend County Attorney; Mark Millis; The Millis Group, Inc.; Royal Lakes Limited; and Fort Bend County (by and through County Judge Michael D. Rozell); in the United States District Court for the Southern District of Texas, Houston Division.**

No action.

**Item 42 continued - Reconvene Open Session and consider taking action on the following matters:**

**B. §551.072. Deliberation Regarding Real Property.**

**1) Acquisition of property, Katy Flewellen Road, Mobility Bond Project #734, Precinct 3.**

No action.

**2) Acquisition of property, FM 359, Precincts 1 and 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to refer to the County Attorney as per prior Resolution on Right to Take plus litigation expenses not to exceed \$5,000.00 to acquire by Eminent Domain Parcel 3 of the FM 359 Mobility Project with funds from Right of Way Fund.

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

**3) Acquisition of property, 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 purchase Parcels 14E, 15E, 16E and 17E of the Old Richmond Road Mobility Project in the amount of \$48,378.00 plus necessary costs not to exceed \$5,000.00 with funds from Right of Way Fund and authorize the County Judge to sign all necessary documents.

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

**43. Adjournment.**

Commissioners Court adjourned at 2:24 p.m. on Tuesday, November 17, 2009.