

## MINUTES

BE IT REMEMBERED, That on this 8th DAY of DECEMBER, 2009, Commissioners Court of Fort Bend County, Texas, met at a regular meeting with the following present:

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

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

**1. Call to Order.**

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

**2. Invocation and Pledge of Allegiance by Commissioner Morrison.**

Invocation and Pledge of Allegiance by Commissioner Morrison.

**3. Approve minutes of regular meeting held on November 24, 2009.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve minutes of regular meeting held on November 24, 2009.

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

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

Commissioner Prestage announced the passing of Ronald Thornton, a well respected band director from Willowridge High School.

Commissioner Morrison asked to remember the family of Deputy Constable Robert Brown, who passed away last week.

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

**A. Approval of replat, River Forest Section 3, Replat No. 1, being a replat of Lot 7, 8, 9, Blk. 2 of River Forest Section 3, Pct. 1.**

**B. Acceptance of the traffic control plan for Lakemont Ridge, Section 1, Pct. 3.**

**C. Acceptance of the traffic control plan for Parkway Oaks, Section 6, Pct. 3.**

Public hearing held. No public comments.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

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

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

**CONSENT AGENDA ITEMS**

**6. OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel: Sheriff's Office**

**A. Scott Soland to Quantico, Virginia, January 7 through March 22, 2010, to attend FBI National Academy. (Fund: Sheriff, Enforcement, Travel)**

**B. Jeff Kapche to New Berlin, Wisconsin, April 11-16, 2010, to attend digital forensic training. (Fund: Sheriff, Enforcement, Travel)**

**7. COUNTY JUDGE:**

**A. Approve designation of delegates to the Houston Galveston Area Council 2010 General Assembly and Board of Directors effective January 1, 2010: Andy Meyers, Representative, General Assembly, and Delegate to the Board of Directors; Robert Hebert, Representative, General Assembly, and Alternate, Board of Directors; Grady Prestage, Alternate, General Assembly; and Richard Morrison, Alternate, General Assembly.**

**Item 7 continued - County Judge:**

**B. Approve the reappointment of primary and designated alternate members to the following Houston-Galveston Area Council committees for the year 2010: Transportation Policy Council – James Patterson, Primary Voting Member; Paulette Shelton, Designated Alternate Member; Technical Advisory Committee – Jesse Hegemier, Primary Voting Member; Ronald Drachenberg, Designated Alternate Member.**

**8. COMMISSIONER, PCT. 4: Reappoint Ben Bono to the Board of Directors for Fort Bend Emergency Services District #5 for a term through December 31, 2011.**

**9. BUDGET TRANSFERS:**

**A. Constable, Pct. 4: Approve transfer in the amount of \$16,341 as detailed on Constable's form dated December 1, 2009, to reallocate funds into proper line items for expenditures within the law enforcement agreement for Westpark Toll Road.**

**B. Facilities Management & Planning: Approve transfer in the amount of \$431,748 as detailed on Auditor's form dated November 30, 2009, to allocate funds from various departments into Facilities for utilities payment processing.**

**10. ENGINEERING:**

**A. Approve payment of Invoice No. 200910-133 (Pay Estimate No. 3) in the amount of \$163,658.70 to Durwood Green Construction Company regarding paving and drainage for Greenbusch Road, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**

**B. Approve payment of Invoice No. 0109607 (Pay Estimate No. 14) in the amount of \$14,500.00 to Pate Engineers, Inc. regarding Old Richmond Road (from West Airport Boulevard to Boss Gaston Road), Mobility Bond Project #729, Precinct 4. (Fund: 2007 Mobility Bonds)**

**C. Approve payment of Invoice No. 09-10-008 (Pay Estimate No. 20) in the amount of \$7,125.00 to Kelly Kaluza & Associates, Inc. regarding Professional Engineering and Surveying for West Bellfort Paving and Drainage Project (from Martinez Street to Farm Market 1464), Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**

**D. Approve payment of Invoice No. 20094569 (Pay Estimate No. 3) in the amount of \$9,037.50 to LJA Engineering & Surveying, Inc. for paving and storm sewer facilities on Teal Bend Boulevard, Mobility Bond Project #746, Precinct 1. (Fund: 2007 Mobility Bonds)**

**E. Approve payment of Invoice No. 01110875 (Pay Estimate No. 15) in the amount of \$18,140.00 to Pate Engineers, Inc. regarding Old Richmond Road, (from West Airport Boulevard to Boss Gaston Road), Mobility Bond Project #729, Precinct 4. (Fund: 2007 Mobility Bonds)**

**Item 10 continued - Engineering:**

**F. Approve payment of Invoice No. 19 (Pay Estimate No. 19) in the amount of \$7,348.97 to Cobb-Fendley & Associates, Inc. regarding the expansion of Greenbusch Road, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**

**G. Approve payment of Invoice No. 5980 (Pay Estimate No. 15) in the amount of \$29,718.31 to Othon, Inc. regarding the expansion of Ransom Road (from River Park to Main Street in Fort Bend County and City of Richmond), Mobility Bond Project #747, Precinct 1. (Fund: 2007 Mobility Bonds)**

**H. Approve payment of Invoice No. 20094338 (Pay Estimate No. 3) in the amount of \$116,642.08 to LJA Engineering & Surveying, Inc. regarding the extension of South Post Oak Blvd. (from South Post Oak Blvd. to West of Steep Bank Trace), Mobility Bond Project #763, Precinct 1. (Fund: 2007 Mobility Bonds)**

**I. Approve payment of Invoice No. 9524 (Pay Estimate No. 10) in the amount of \$29,899.00 to IDCUS, Inc. dba IDC, Inc. regarding the expansion of Harlem Road, Mobility Bond Project #725, Precinct 3. (Fund: 2007 Mobility Bonds)**

**J. Approve payment of Invoice No. FBC2009-1001718 (Pay Estimate No. 2) in the amount of \$44,472.94 to SES Horizon Consulting Engineers, Inc. regarding the expansion of Brand Lane (from Ludwig to US 90A), Mobility Bond Project #718, Precinct 2. (Fund: 2007 Mobility Bonds)**

**K. Approve payment of Invoice No. FBC2009-1001769 (Pay Estimate No. 2) in the amount of \$41,051.95 to SES Horizon Consulting Engineers, Inc. regarding Brand Lane expansion (from Ludwig to Avenue E), Mobility Bond Project #769, Precinct 2. (Fund: 2007 Mobility Bonds)**

**L. Approve release of Performance Bond #9352869 in the amount of \$50,000.00 to Landmark Industries for completion of work on Westheimer Parkway and Greenbusch Road, Permit #83451, Precinct 3.**

**M. Approve application from Devon Street Homes to construct driveway tie-ins on Knox Estate Drive, Millwood Pass Circle and Starling Creek Drive, Precinct 3.**

**N. Approve application from Arrow Custom Homes, Inc. to construct a driveway tie-in onto Rolling Wood Trails, Precinct 3.**

**O. Set public hearing for adopting revised Fort Bend County Regulations of Subdivisions for Precincts 1, 2, 3, and 4. (Tuesday, January 5, 2010, at 1:00 p.m.)**

11. **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. **Periodical Estimate No. 24 in the amount of \$2,068,915.09 to Turner Construction Company for construction services regarding the Jail Expansion Project;**
  - B. **Pay Application No. 08-00900016 in the amount of \$147,004.12 to Bass Construction Company, Inc. for construction services regarding the Gus George Academy;**
  - C. **Pay Application No. 2 in the amount of \$254,397.21 to Crain Zamora, LLC for construction services regarding the Jane Long Renovation;**
  - D. **Pay Application No. 8 in the amount of \$503,291.48 to Crain Zamora, LLC for construction services regarding the Missouri City Annex;**
  - E. **Invoice No. N111109-1 in the amount of \$2,395.00 to Division One Special Services for services regarding renovations to the George Memorial Library;**
  - F. **Invoice No. 973917 and Invoice No. 973918 totaling \$3,110.94.00 to Lowe's Commercial Services for furniture, fixture and equipment costs associated with the South Post Oak Ball Park;**
  - G. **Invoice No. 10026624, Invoice No. 10026895, Invoice No. 10027011-E, Invoice No. 10027176-E, and Invoice No. 10027176 for an amount totaling \$45,481.17 to PGAL for professional services regarding the Justice Center;**
  - H. **Invoice No. H004622 in the amount of \$2,483.88 to Raba Kistner for professional services regarding the Precinct Three Annex;**
  - I. **Invoice No. 22760 in the amount of \$28,500.00 to The Mathis Group (TMG+) for professional services regarding the Justice Center.**
12. **FIRE MARSHAL: Approve renewal of Interlocal Agreement between Fort Bend County and Village of Pleak for Fire Code Inspections effective through September 30, 2010 with automatic renewal.**
13. **PURCHASING:**
  - A. **Approve renewal of Boon-Chapman as administrator of Fort Bend County Employee Benefit Plan for 2010.**
  - B. **Approve renewal of Interlocal Agreement between Fort Bend County and Village of Pleak for the purchase of goods and services.**

**14. SHERIFF'S OFFICE:**

**A. Approve and record into Minutes the Amended FY 2009 Federal Equitable Sharing Agreement and Certification for the Sheriff's Office.**

**B. Approve renewal of Interlocal Agreements between Fort Bend County and the following entities Housing of Prisoners, effective October 1, 2009 through September 30, 2010: City of Meadows Place and City of Missouri City.**

**C. Approve renewal of Mutual Aid Agreement between Fort Bend County and City of Meadows Place for police protection effective October 1, 2009 through September 30, 2010 with automatic renewal on a yearly basis.**

**D. 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 Meadows Place and Orchard Volunteer Fire Department.**

**E. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Pecan Grove Municipal Utility District effective October 1, 2009 to September 30, 2010.**

**15. SPECIAL SERVICES: Approve Agreement for Use of County Property between Fort Bend County and XL Films, Ltd. to use the 240th District Court area for filming on Saturday, December 12, 2009.**

**16. TAX ASSESSOR/COLLECTOR: Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on December 1, 2009, for an amount totaling \$12,843.24.**

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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 6-8, 9B-10O, 11B-16.

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

Items 9A and 11A pulled.

**9. BUDGET TRANSFERS:**

**A. Constable, Pct. 4: Approve transfer in the amount of \$16,341 as detailed on Constable’s form dated December 1, 2009, to reallocate funds into proper line items for expenditures within the law enforcement agreement for Westpark Toll Road.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve transfer in the amount of \$16,343 as detailed on Constable’s form dated December 1, 2009, to reallocate funds into proper line items for expenditures within the law enforcement agreement for Westpark Toll Road.

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

**17. COUNTY JUDGE:**

**A. Take all appropriate action to cast votes for candidate(s) to represent Fort Bend County on the Fort Bend Central Appraisal District Board of Directors for the term of January 1, 2010 through December 31, 2011.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to cast 500 votes for Lee Duggan III, 335 votes for Wayne Poldrack and 78 votes for Kraig Warren to represent Fort Bend County on the Fort Bend Central Appraisal District Board of Directors for the term of January 1, 2010 through December 31, 2011.

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

Commissioner Meyers asked the County Attorney for clarification concerning write-in candidates for the CAD Board. The statute does not allow write-in candidates.

**Item 17 continued - County Judge:**

**B. Take all appropriate action on proposed Departmental Fee Schedules for Engineering, Elections, and Environmental Health, effective January 1, 2010.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve proposed Departmental Fee Schedules for Engineering, Elections, and Environmental Health, effective January 1, 2010.

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

Commissioner Morrison thanked the County Judge's office for their leadership with this item.

**18. COMMISSIONER, PCT. 4:**

**A. Take all appropriate action to accept the resignation of Bradley Somers from the Board of Directors for Fort Bend County Levee Improvement District No. 14, and appoint Herb Krog to fill the position for a term until July 2, 2012.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and carried (4-0-1), it is ordered to accept the resignation of Bradley Somers from the Board of Directors for Fort Bend County Levee Improvement District No. 14, and appoint Herb Krog to fill the position for a term until July 2, 2012.

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

**Item 18 continued - Commissioner Pct. 4:**

**B. Take all appropriate action to re-appoint Ronald J. Frerich, Christine M. Lukin, and Carl Mazzo to the Board of Directors of First Colony Levee Improvement District No. 2, for term effective through January 3, 2012, or until a successor is appointed.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and carried (4-0-1), it is ordered to re-appoint Ronald J. Frerich, Christine M. Lukin, and Carl Mazzo to the Board of Directors of First Colony Levee Improvement District No. 2, for term effective through January 3, 2012, or until a successor is appointed.

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

**19. BUDGET OFFICE:**

**A. Take all appropriate action to appoint an Investment Officer for Fort Bend County pursuant to Government Code §2256.005(f).**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to appoint Pamela Gubbels, Director of Finance & Investments, as Investment Officer for Fort Bend County pursuant to Government Code §2256.005(f).

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

**Item 19 continued - Budget Office:**

**B. Take all appropriate action to review, amend, and adopt the Fort Bend County Investment Policy as presented by the Director of Finance & Investments, pursuant to Government Code §2256.005(e).**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to review, amend, and adopt the Fort Bend County Investment Policy as presented by the Director of Finance & Investments, pursuant to Government Code §2256.005(e).

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

**C. Take all appropriate action to adopt the Fort Bend County Investment Strategy as presented by the Director of Finance & Investments, pursuant to Government Code §2256.005(e).**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to adopt the Fort Bend County Investment Strategy as presented by the Director of Finance & Investments, pursuant to Government Code §2256.005(e).

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

**20. COMMUNITY DEVELOPMENT: Take all appropriate action on Agreements between Fort Bend County and the organizations listed below, all of which are part of the FY 2009 Consolidated Action Plan approved by Commissioners Court on July 7, 2009, and funded by Community Development Block Grant programs, and authorize County Judge to sign all documents pertaining to the agreements:**

**A. Brazos Bend Guardianship Services: to provide case management services to disabled adults and their families in Fort Bend County for an amount not to exceed \$15,000;**

**B. Child Advocates of Fort Bend County: to provide administrative expenses for a Child and Family Specialist for an amount not to exceed \$26,250;**

**C. Fort Bend Community Revitalization Projects (Fort Bend CORPS) to administer a home repair program to low-to-moderate income homeowners for an amount not to exceed \$225,000;**

**D. Literacy Council of Fort Bend County: to provide administrative and operating expenses for the student/tutor match program for an amount not to exceed \$35,000;**

**E. The Arc of Fort Bend County: to provide weekly and monthly activities for program participants at a reduced or no cost for an amount not to exceed \$24,760;**

**F. Fort Bend County Women’s Center: to provide administrative expenses for the shelter in an amount not to exceed \$28,000;**

**G. Fort Bend Senior Citizens, Inc.: to provide meals and other operating costs for the home-delivered meal program for an amount not to exceed \$35,000.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve agenda item 20 A-G.

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

**21. EMERGENCY MANAGEMENT: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$242.50 to Enterprise Rent-A-Car for vehicle rental without a purchase order. (Fund: Emergency Management, UASI Grant, Travel)**

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 \$242.50 to Enterprise Rent-A-Car for vehicle rental without a purchase order. (Fund: Emergency Management, UASI Grant, Travel)

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

**22. ENGINEERING:**

**A. Take all appropriate action on First Amendment to Agreement for Professional Engineering Services between Fort Bend County and Landtech Consultants, Inc. for services related to Mason Road improvements, increasing the funding amount from \$450,000 to a not-to-exceed amount of \$700,000 and extending the performance time to December 31, 2010; Mobility Bond Project No. 735. (Fund: 2007 Mobility Bonds)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve First Amendment to Agreement for Professional Engineering Services between Fort Bend County and Landtech Consultants, Inc. for services related to Mason Road improvements, increasing the funding amount from \$450,000 to a not-to-exceed amount of \$700,000 and extending the performance time to December 31, 2010; Mobility Bond Project No. 735. Pct. 3 (Fund: 2007 Mobility Bonds)

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

**Item 22 continued - Engineering:**

**B. Take all appropriate action to authorize the Engineering Department to submit a nomination form to the Texas Department of Transportation (TXDOT) for Statewide Transportation Enhancement Program (STEP) funding under Texas Administrative Code §11.200 through §11.205 in the amount of \$240,000 for the US 59/ FM 762 Cottonfield Scheme Roadway Project as detailed on the nomination form, authorize twenty percent cash match by the County, and determine funding source for the match, Precinct 1.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize the Engineering Department to submit a nomination form to the Texas Department of Transportation (TXDOT) for Statewide Transportation Enhancement Program (STEP) funding under Texas Administrative Code §11.200 through §11.205 regarding US 59/ FM 762 Cottonfield Scheme Roadway Project, twenty percent (20%) cash match by Fort Bend County not to exceed \$321,109.40 and determine funding source for the match if approved, Precinct 1.

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

**C. Take all appropriate action on request for temporary road closure of Edgewood Drive Bridge over Drainage Ditch for bridge replacement (TXDOT #AA2095-001), effective December 14, 2009, until the construction is complete, Pct. 1.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve request for temporary road closure of Edgewood Drive Bridge over Drainage Ditch for bridge replacement (TXDOT #AA2095-001), effective December 14, 2009, until the construction is complete, Pct. 1.

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

**23. HUMAN RESOURCES: Take all appropriate action on revisions to the Fort Bend County Employee Information Manual, Section 511: Continuation of Health Benefits Upon Retirement, as recommended by Director of Risk Management.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve revisions to the Fort Bend County Employee Information Manual, Section 511: Continuation of Health Benefits Upon Retirement, as recommended by Director of Risk Management.

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

**24. PURCHASING:**

**A. Take all appropriate action on Agreement between Fort Bend County and Jacobs Engineering Group, Inc. pursuant to SOQ #09-077 to provide engineering services for the City of Kendleton Wastewater Treatment Plant for an amount not to exceed \$67,950. (Fund: Community Development Block Grant)**

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 Jacobs Engineering Group, Inc. pursuant to SOQ #09-077 to provide engineering services for the City of Kendleton Wastewater Treatment Plant for an amount not to exceed \$67,950. (Fund: Community Development Block Grant)

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

**Item 24 continued - Purchasing:**

**B. Take all appropriate action on Bid #10-035 for Pauper Burials.**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to award Bid #10-035 for Pauper Burials to Hernandez Funeral Home.

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

**C. Take all appropriate action on renewal of Agreement between Fort Bend County and Linebarger, Goggan, Blair and Sampson, LLP for the collection of delinquent ad valorem taxes.**

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and carried (4-1), it is ordered to approve renewal of Agreement between Fort Bend County and Linebarger, Goggan, Blair and Sampson, LLP for the collection of delinquent ad valorem taxes.

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

Moved by Commissioner Meyers to amend Agreement between Fort Bend County and Linebarger, Goggan, Blair and Sampson, LLP for the collection of delinquent ad valorem taxes for one year only.

MOTION FAILED.

**Item 24 continued - Purchasing:**

**D. Take all appropriate action to authorize contract negotiations with HDR, Claunch and Miller, and Kimley-Horn & Associates pursuant to RFP #09-071: professional assistance for Transportation planning activities.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize contract negotiations with HDR, Claunch and Miller, and Kimley-Horn & Associates pursuant to RFP #09-071: professional assistance for Transportation planning activities.

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

**Item 24 continued - Purchasing:**

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

- 1) OverDrive: for online digital media services in an amount not to exceed \$60,000. (Fund: Library)**
- 2) Penworthy: for pre-bound bindings in an amount not to exceed \$50,000. (Fund: Library)**
- 3) Random House: for books on tape in an amount not to exceed \$90,000. (Fund: Library)**
- 4) Recorded Books: for an amount not to exceed \$60,000. (Fund: Library)**
- 5) Regent: for bound books in an amount not to exceed \$50,000. (Fund: Library)**
- 6) World Book: for copyrighted materials in an amount not to exceed \$50,000. (Fund: Library)**
- 7) Thomson Reuters/West Group: for materials in an amount not to exceed \$100,000. (Fund: Law Library)**
- 8) LexisNexis Matthew Bender & Company, Inc.: for online database in an amount not to exceed \$36,000. (Fund: Law Library)**
- 9) LexisNexis Accurint: for online database in an amount not to exceed \$20,000 annually. (Fund: Multiple County Departments)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve agenda item 24E 1-9.

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

Commissioner Patterson commended the Friends of the Library at First Colony for their monthly used book sale.

**25. SPECIAL SERVICES: Take all appropriate action on request to transfer the amount of \$700 from Non-Departmental Contingency into Special Services, Office Supplies, to allocate funds for replacement of printer cartridges.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$700 from Non-Departmental Contingency into Special Services, Office Supplies, to allocate funds for replacement of printer cartridges.

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

**26. Approve Bills.**

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve bills in the amount of \$6,251,484.28.

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

**27. Ratify the release of time-sensitive bills by Auditor on December 3, 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 December 3, 2009 in the amount of \$344,855.49.

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

**Recess:**

Recessed at 1:28 p.m.

**28. 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) Contemplated litigation - Jail Expansion Project.**

**2) Cause No. 09-CCV-039249; Fort Bend County, Texas vs. David E. Gillespie, et al.; In the County Court at Law No. 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.

**Acquisition of property; FM 1464, Phase 2, Mobility Bond Project #764, Pct 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.

**Director of Mental Health/Public Defender Department.**

**Closed Session:**

Convened at 1:48 p.m.

Adjourned at 2:14 p.m.

**Reconvene:**

Reconvened at 2:16 p.m.

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

**A. § 551.071. Consultation With Attorney.**

**1) Contemplated litigation - Jail Expansion Project.**

No action.

**Item 29A continued - 551.071 Consultation with Attorney:**

**2) Cause No. 09-CCV-039249; Fort Bend County, Texas vs. David E. Gillespie, et al.; In the County Court at Law No. 4 of Fort Bend County, Texas.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to pay a negotiated settlement of Cause No. 09-CCV-039249; Fort Bend County, Texas vs. David E. Gillespie, Dona L. Gillespie, et al.; In the County Court at Law No. 4 of Fort Bend County, Texas and authorize the County Judge to execute and deliver the Settlement Agreement as well as accept Deeds for the aforementioned properties in exchange for \$60,000.00 including the Special Commissioners Award of \$51,875.00 and to approve such terms and provisions for the full and final settlement of all claims set forth therein. Settlement funds charged to fund: 100685888-64600-P685-06ROWPURCH-32000.

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

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

**Acquisition of property; FM 1464, Phase 2, Mobility Bond Project #764, Pct 4.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 10 of the FM 1464 Mobility Project in the amount of \$198,931.00 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

**Item 29 continued - Reconvene Open Session and consider taking action on the following matters:**

**C. § 551.074. Personnel Matters.**

**Director of Mental Health/Public Defender Department.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the hiring of Roderick Glass as Director of Mental Health/Public Defender Department with compensation as recommended by Human Resources and Mental Health Public Defender committee.

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

**30. Adjournment.**

Commissioners Court adjourned at 2:20 p.m. on Tuesday, December 8, 2009.