

MINUTES

BE IT REMEMBERED, That on this 23rd DAY of FEBRUARY, 2010, 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 February 9, 2010, and special workshop meeting held on February 12, 2010.

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 February 9, 2010, and special workshop meeting held on February 12, 2010.

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

4. Public Comments regarding the Agenda and Announcements.

February Service Awards were presented to county employees.

Judge Hebert presented a Proclamation to the Office of Emergency Management that February 21 - 27, 2010 is Severe Weather Awareness Week.

Judge Hebert reminded everyone that early voting is this week and Election Day is March 2.

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

A. Approval of replat, Plantation Crossing Subdivision, Partial Replat No. 1 of Unrestricted Reserve "B", Precinct 3.

Public hearing held. No public comments.

No court action.

B. Acceptance of the traffic control plan for Sunrise Meadow, Section 4, Precinct 1.

C. Acceptance of the revised traffic control plan for Oleta Lane within Sweet City Acres, Precinct 4.

Public hearing held. No public comments.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

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

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

CONSENT AGENDA ITEMS 6 - 17:

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

A. Extension Office:

1) Sandra Fry to Cleveland, Ohio, June 18-27, 2010, to attend the 101 Annual AAFCS Conference and Exposition. (Fund: Extension Office, Travel)

2) Sandra Fry, Joe Mask, Shelley Pappas, and Vincent Mannino to Jackson Hole, Wyoming, October 9-17, 2010, to attend the Epsilon Sigma Phi (an Honor Society for Extension personnel) National Conference. (Fund: Extension Office, Travel)

Item 6 continued - Out of State Travel:

B. Fire Marshal: Michael A. Richter to Emmitsburg, Maryland, August 7-14, 2010, to attend training at the National Fire Academy and Emergency Management Institute. (Fund: Fire Marshal, Travel)

C. Sheriff's Office:

1) Ratify travel by Rick Waits and Robert Williams to Grand Rapids, Michigan, February 9-10, 2010, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

2) Ratify travel by Mitch Davila and Larry Williams to Alva, Oklahoma, February 11-12, 2010, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

3) Ratify travel by Brian Schmitt and Jose Hernandez to Coleman, Florida, February 15-16, 2010, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

4) Mike Kubricht and Scott Heinemeyer to Evanston, Wyoming, February 24-25, 2010, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

5) Brian Schmitt and Roger Williamson to Sebring, Florida, February 24-25, 2010, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

7. **COUNTY JUDGE:** Accept grant funding from the Texas Historical Commission in the amount of \$271,047 for planning of the Courthouse Preservation Project; approve the cash match by Fort Bend County in the amount of \$135,320; and authorize County Judge to execute all documents pertaining to the Grant. (Fund: Non-Departmental and FY 2011 Capital Improvement Project Request)

8. **COMMISSIONER, PCT. 3:** Approve the reappointment of Lance Flessner and Marti Thorne as Commissioners to the Fort Bend County Emergency Services District No. 2 for the term of January 1, 2010 through December 31, 2011.

9. **BUDGET TRANSFERS:**

A. Auditor: Approve transfer in the amount of \$260 from Property and Equipment into Information Technology to allocate additional funds needed for purchase of scanner.

B. Community Supervision and Corrections Department: Approve transfer in the amount of \$89,456 as detailed on Auditor's form dated February 17, 2010, to allocate local match funding required for the FY 2010 Fort Bend County Mental Health Defender Program.

C. District Attorney:

1) Approve transfer in the amount of \$55,392 as detailed on Auditor's form dated February 17, 2010 to allocate local match funding required for the FY 2010 Victim Witness Staff Expansion Grant.

Item 9C continued - Budget Transfers District Attorney:

2) Approve transfer in the amount of \$28,000 as detailed on Auditor's form dated February 17, 2010 to allocate local match funding required for the FY 2010 Violence Against Women Investigator Grant.

3) Approve transfer in the amount of \$40,772 as detailed on Auditor's form dated February 17, 2010 to allocate local match funding required for the FY 2010 Violence Against Women Prosecutor Grant.

D. Sheriff's Office:

1) Approve transfer in the amount of \$17,440 as detailed on Sheriff's form dated February 16, 2010, to allocate funds into Enforcement, Information Technology for computer equipment in patrol.

2) Approve transfer in the amount of \$7,523 as detailed on Sheriff's form dated February 18, 2010, to reallocate funds into Enforcement salary line items for temporary/part-time services budgeted for FY 2010.

10. CONSTABLE, PCT. 4: Record into Minutes the Racial Profiling Annual Report pursuant to Code of Criminal Procedure for 2009 for the Office of Constable, Pct. 4.

11. ENGINEERING:

A. Approve payment of Invoice No. 110138 (Pay Estimate No. 23) in the amount of \$6,042.64 to Klotz Associates regarding labor rates for Fort Bend County Mobility Bond Projects

B. Approve payment of Invoice No. C3X41400-11 (Pay Estimate No. 10) in the amount of \$11,203.55 to Jacobs Engineering Group, Inc. regarding Katy-Gaston Road (from Cinco Ranch to FM 1093), Mobility Bond Project #733, Precinct 3. (Fund: 2007 Mobility Bonds)

C. Approve payment of Invoice No. T098342 (Pay Estimate No. 6) in the amount of \$7,060.75 to Terracon regarding Greenbusch Road, Phase I (from Katy Flewellen Road to Shadow Forest), Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)

D. Approve payment of Invoice No. 20100398 (Pay Estimate No. 5) in the amount of \$2,787.50 to LJA Engineering & Surveying, Inc. regarding Teal Bend Boulevard Paving and Storm Sewer Facilities, Mobility Bond Project #746, Precinct 1. (Fund: 2007 Mobility Bonds)

E. Approve payment of Invoice No. 201001-120 (Pay Estimate No. 6) in the amount of \$253,619.51 to Durwood Greene Construction Company regarding Greenbusch paving and drainage, Mobility Bond Project #732, Precinct 4. (Fund: 2007 Mobility Bonds)

Item 11 continued - Engineering:

F. Approve payment of Invoice No. 28 (Pay Estimate No. 28) in the amount of \$43,986.19 to Schaumburg & Polk, Inc. regarding management and administrative support services for the 2008 Mobility Bond Project Program, Precincts 1, 2, 3, and 4. (Funds: 2007 Mobility Bonds)

G. Approve release of Performance Bond #08941977 in the amount of \$12,000.00 to Timberlake Construction Co., Inc. for completion of work on Oyster Creek, Permit #83628, Precinct 4.

H. Approve application from Devon Street Homes to construct a driveway tie-in onto Roycroft Lane, Precinct 3.

I. Approve application from AT&T to bore under Cottonwood School, Pct. 1.

J. Approve plat for the roads within Sunrise Meadow, Section 5, Pct. 1.

K. Approve plat for the lots within Sunrise Meadow, Section 5, Pct. 1.

L. Accept the streets in Irby Cobb Boulevard Street Dedication and release bond #929449799 in the amount of \$150,313.80, Pct. 1.

Irby Cobb Boulevard	2,053.54 LF
Noble Rose Lane	<u>58.60 LF</u>
TOTAL:	2,112.14 LF

M. Set public hearing for acceptance of the traffic control plan for Irby Cobb Boulevard Street Dedication, Pct. 1. (Tuesday, March 23, 2010, at 1:00 p.m.)

N. Set public hearing for acceptance of the traffic control plan for Pecan Bend Subdivision, Pct. 1. (Tuesday, March 23, 2010, at 1:00 p.m.)

12. 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. 10 in the amount of \$56,957.21 to Bailey Architects for professional services regarding the University of Houston Library, Sugar Land Campus;

B. Invoice No. 188923-0; amount \$4,660.91 to Carroll's Discount Office Furniture for furniture, fixture, and equipment costs associated with the Jail Expansion Project;

C. Pay Application No. 09-00400001; amount \$103,368.55 to Bass Construction Company, Inc. for construction services regarding the Emergency Medical Service Medic One Facility;

Item 12 continued - Facilities Management and Planning:

D. Pay Application No. 17 (construction complete) and Pay Application No. 18 (partial release of retainage); amount totaling \$498,443.56 to Brookstone, L.P. for construction services regarding the Sienna Branch Library;

E. Invoice No. 1760; amount \$2,542.60 to Carter Goble Lee, LLC for professional services regarding the Jail Expansion Project;

F. Invoice No. 8421; amount \$595.00 to Dolphin Environmental Consultants, Inc. for professional services regarding the Missouri City Annex;

G. Invoice No. TMG-516; amount \$6,730.62 to The Maddox Group. Inc. for professional services regarding the Sienna Branch Library;

H. Invoice No. 503146276001 and Invoice No. 503338751001; amount totaling \$1,886.51 to Office Depot for furniture, fixture, and equipment costs associated with the Missouri City Annex;

I. Invoice No. 10-1-000042; amount \$2,176.50 to Paradigm Consultants, Inc. for materials testing services regarding the Emergency Medical Service Medic One Facility;

J. Invoice No. 09-32166; amount \$18,080.50 to QC Laboratories, Inc. for professional services regarding the Justice Center;

K. Invoice No. 16168; amount \$5,020.00 to TRW Modernfold Company, Inc. for furniture, fixture, and equipment costs associated with the Jail Expansion Project;

L. Invoice No. 229427; amount \$502.17 to Worthington Direct, for furniture, fixture, and equipment costs associated with the Missouri City Annex;

M. Invoice No. S56284140101; amount \$523.59 to PC Mall Gov for furniture, fixture, and equipment costs associated with the Missouri City Annex;

N. Invoice Nos. XDM35T749, XDM5N9P95, XDM35R9W5, XDM21D3D9, XDM3D3M18, XDM4XK3M3, and XDM2MP8C2; amount totaling \$57,917.09 to Dell for furniture, fixture, and equipment costs associated with the Gus George Academy;

O. Invoice No. 10027549; amount \$529.25 to PGAL for professional services regarding the Justice Center;

P. Invoice Nos. 46 and 47; amount totaling \$5,399.00 to IES Systems, LLC for voice/data cabling costs associated with the Gus George Academy.

- 13. FIRE MARSHAL: Record into Minutes the renewal of Official Bond and Oath of Jeffrey Wayne Brownson as Fire Investigator effective April 28, 2010 through April 28, 2011.**

- 14. HUMAN RESOURCES: Approve application for withdrawal of 160 hours from the Shared Sick Leave Pool for Employee of Juvenile Probation, Position No. 5751-0015.**
- 15. PURCHASING: Authorize renewal of the following term contracts:**
 - A. Bid #05-056: Contracts with T.F.R. Enterprises, Inc., Omni Pinnacle, LLC, and CrowderGulf, for disaster debris removal;**
 - B. Bid #08-003: Contract with W. T. Cox Subscriptions, for periodical subscriptions;**
 - C. Bid #08-038: Contract with Total Technologies, LLC for voice and data cabling;**
 - D. Bid #08-039: Contract with Impressive Printing for printing of stationary with three percent increase on envelopes;**
 - E. Bid #08-041: Contract with Ozarka Natural Spring Water for drinking water;**
 - F. Bid #08-050: Contract with Bailey's House of Guns, Inc. for the purchase of ammunition;**
 - G. Bid #08-062: Contract with Mustang CAT for heavy equipment rental;**
 - H. Bid #09-043: Contract with GFC for the purchase and installation of carpet;**
 - I. Bid #09-044: Contract with A&F Elevator Co., Inc. for elevator maintenance at the County Jail;**
 - J. Bid #09-052: Contracts with Sunbelt Fasteners and Grayson Industries, Inc. for fasteners and miscellaneous shop supplies**
 - K. Bid #09-068: Contract with Certified Labs for fuel treatment program.**
- 16. SHERIFF'S OFFICE:**
 - A. Approve renewal of Agreement between Fort Bend County and Thompsons Volunteer Fire Department for use of the County Public Safety Radio System effective October 1, 2009 through September 30, 2010.**
 - B. Approve renewal of Mutual Aid Agreement between Fort Bend County and City of Houston for police protection effective October 1, 2009 through September 30, 2010 with automatic renewal on each anniversary thereafter.**
- 17. TAX ASSESSOR/COLLECTOR:**
 - A. Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on February 17, 2010, for an amount totaling \$539,995.89.**
 - B. Record into Minutes the Summary Monthly Report of Property Taxes Collected in January, 2010, as submitted by the Office of Patsy Schultz, Tax Assessor/Collector.**

Item 17 continued - Tax Assessor Collector:

C. Record into Minutes the disposal of miscellaneous Tax Office documentation dated December 8, 2009 through December 30, 2009 which has been scanned, and is described on report dated February 10, 2010, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.

D. Record into Minutes the disposal of miscellaneous accounting documentation as described on report submitted February 11, 2010, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 17 with correction to item 11F - 2007 Mobility Bond Project Program.

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

18. COMMISSIONER, PCT. 1:

A. Take all appropriate action to amend the description of Lawson Road located in Precinct 1 of the County Road Maintenance System from 5,409 linear feet to Lawson Road from Kathy Lane to 931 Lawson Road (approximately 1,800 linear feet, or .34 mile) to reflect the portion of road improved and maintained by Fort Bend County.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to amend the description of Lawson Road located in Precinct 1 of the County Road Maintenance System from 5,409 linear feet to Lawson Road from Kathy Lane to 931 Lawson Road (approximately 1,800 linear feet, or .34 mile) to reflect the portion of road improved and maintained by Fort Bend County.

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

Item 18 continued - Commissioner Pct. 1:

B. Take all appropriate action on Third Amendment to the Master Agreement between Fort Bend County and the Fort Bend County Fair Association to extend the term through March 31, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Third Amendment to the Master Agreement between Fort Bend County and the Fort Bend County Fair Association to extend the term through March 31, 2010.

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

19. COMMISSIONER, PCT. 3: Take all appropriate action on request by Robert Stein, President of Humus Products of America, to waive penalty and interest, including attorney fees, for an amount totaling \$2,252.78 on property taxes for Tax Year 2008, Precinct 3.

Robert Stein explained his request to members of the court.

Item pulled for further study.

20. COMMISSIONER, PCT. 4: Take all appropriate action on request by Christopher Sims to waive penalty and interest, including attorney fees, for an amount totaling \$2,936.17 on property taxes for Tax Year 2008, Precinct 4.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to deny request by Christopher Sims to waive penalty and interest, including attorney fees, for an amount totaling \$2,936.17 on property taxes for Tax Year 2008, Precinct 4.

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

21. COUNTY ATTORNEY:

A. Take all appropriate action to authorize payment in the amount of \$1,200 to CenterPoint Energy Houston Electric for CenterPoint's partial release of a 16-foot wide utility easement in lieu of condemnation regarding Mobility Bond Project No. 764, FM 1464. Phase II, Parcel 4, Precinct 4. (Fund: Right of Way)

B. Take all appropriate action to authorize payment in the amount of \$1,200 to CenterPoint Energy Houston Electric for CenterPoint's partial release of a 14-foot wide utility easement in lieu of condemnation regarding Mobility Bond Project No. 764, FM 1464. Phase II, Parcel 7, Precinct 4. (Fund: Right of Way)

C. Take all appropriate action to authorize payment in the amount of \$1,200 to CenterPoint Energy Houston Electric for CenterPoint's partial release of a 14-foot wide utility easement in lieu of condemnation regarding Mobility Bond Project No. 764, FM 1464. Phase II, Parcel 6, Precinct 4. (Fund: Right of Way)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve items 21 A - C.

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

22. EMERGENCY MANAGEMENT: Take all appropriate action to approve and sign the Texas Regional Response Network (TRRN) Certification for 2010, regarding equipment purchased with Homeland Security Grant Funding.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve and sign the Texas Regional Response Network (TRRN) Certification for 2010, regarding equipment purchased with Homeland Security Grant Funding.

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

23. ENGINEERING:

A. Take all appropriate action on Second Addendum to Right of Way Services Agreement between Fort Bend County and Fox & Bubela, Inc. to increase the scope of services by \$100,000 for a total agreement amount of \$275,000. (Fund: Right of Way)

Pulled.

B. Take all appropriate action on request to transfer the amount of \$15,900 as detailed on Auditor's form dated February 12, 2010 to amend the budget pursuant to Local Government Code §111.0706 for revenue received from an employee (\$11,400) and include the County's contribution (\$4,500 from Non-Departmental Contingency) for payment to Texas County and District Retirement System (TCDRS).

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$15,900 as detailed on Auditor's form dated February 12, 2010 to amend the budget pursuant to Local Government Code §111.0706 for revenue received from an employee (\$11,400) and include the County's contribution (\$4,500 from Non-Departmental Contingency) for payment to Texas County and District Retirement System (TCDRS).

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

24. FACILITIES MANAGEMENT & PLANNING:

A. Take all appropriate action on Third Amendment to Agreement between Fort Bend County and Pierce Goodwin Alexander & Linville (PGAL) for additional services regarding the Justice Center in the amount of \$50,660 for a total contract amount not to exceed \$3,835,970. (Fund: Facility Bond Project)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Third Amendment to Agreement between Fort Bend County and Pierce Goodwin Alexander & Linville (PGAL) for additional services regarding the Justice Center in the amount of \$50,660 for a total contract amount not to exceed \$3,835,970. (Fund: Facility Bond Project)

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

Item 24 continued - Facilities Management and Planning:

B. Take all appropriate action on Change Order No. One to the Agreement between Fort Bend County and Carter Goble Lee, in the amount of \$146,192.98, for a total contract amount not to exceed of \$2,326,292 due to increase in total project cost for the Jail Expansion Project. (Fund: Facility Bond Project)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Change Order No. One to the Agreement between Fort Bend County and Carter Goble Lee, in the amount of \$146,192.98, for a total contract amount not to exceed of \$2,326,292 due to increase in total project cost for the Jail Expansion Project. (Fund: Facility Bond Project)

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

25. HEALTH & HUMAN SERVICES – SOCIAL SERVICES: Take all appropriate action on Letter Agreement from Reliant Energy Retail Services, LLC, to receive \$55,000 for distribution of emergency utility assistance to County residents who are Reliant customers and qualify for the CARE program in FY 2010.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Letter Agreement from Reliant Energy Retail Services, LLC, to receive \$55,000 for distribution of emergency utility assistance to County residents who are Reliant customers and qualify for the CARE program in FY 2010.

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

26. HUMAN RESOURCES:

A. Take all appropriate action on request to eliminate vacant Position No. 5011-0002 in the Budget Office effective February 23, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to eliminate vacant Position No. 5011-0002 in the Budget Office effective February 23, 2010.

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

B. Take all appropriate action on request to reclassify Position No. 5011-0008 in the Budget Office from Administrative Assistant, Grade 8 of the Administrative Clerical Policy Group, to Budget Assistant, Grade 9, Administrative Clerical Policy Group, effective February 27, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to reclassify Position No. 5011-0008 in the Budget Office from Administrative Assistant, Grade 8 of the Administrative Clerical Policy Group, to Budget Assistant, Grade 9, Administrative Clerical Policy Group, effective February 27, 2010.

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

Item 26 continued - Human Resources:

C. Take all appropriate action on request to reclassify Position No. 5011-0009 in the Budget Office from Budget Analyst I, Grade 11 of the Professional Management Policy Group, to Budget Analyst II, Grade 12, Professional Management Policy Group, effective February 27, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to reclassify Position No. 5011-0009 in the Budget Office from Budget Analyst I, Grade 11 of the Professional Management Policy Group, to Budget Analyst II, Grade 12, Professional Management Policy Group, effective February 27, 2010.

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

27. LIBRARY:

A. Take all appropriate action on a Parking License Agreement between Fort Bend County and CenterPoint Energy Houston Electric, LLC, in the amount of \$1,200 per year to lease a 1.3-acre parcel of land to be used for secondary and overflow parking for the George Memorial Library. (Fund: Library, Fees)

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Parking License Agreement between Fort Bend County and CenterPoint Energy Houston Electric, LLC, in the amount of \$1,200 per year to lease a 1.3-acre parcel of land to be used for secondary and overflow parking for the George Memorial Library. (Fund: Library, Fees)

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

Item 27 continued - Library:

B. Take all appropriate action on request to increase the Fort Bend County Libraries Change Fund as detailed on County Librarian's form dated February 5, 2010, to accommodate the new Sienna Branch Library. (Fund: General Fund)

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to increase the Fort Bend County Libraries Change Fund as detailed on County Librarian's form dated February 5, 2010, to accommodate the new Sienna Branch Library. (Fund: General Fund)

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

28. PARKS DEPARTMENT: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$98.50 to Spectrum Corporation for repairs to the Fifth Street Community Center performed without a purchase order. (Fund: Parks, Repairs and Maintenance)

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$98.50 to Spectrum Corporation for repairs to the Fifth Street Community Center performed without a purchase order. (Fund: Parks, Repairs and Maintenance)

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

29. PUBLIC TRANSPORTATION:

A. Take all appropriate action on the Amendment to Agreement for Transportation Services between Fort Bend County and Fort Bend Seniors Meals on Wheels & Much Much More, Inc., to extend the term of the agreement for an additional thirty days, until March 26, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Amendment to Agreement for Transportation Services between Fort Bend County and Fort Bend Seniors Meals on Wheels & Much Much More, Inc., to extend the term of the agreement for an additional thirty days, until March 26, 2010.

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

B. Take all appropriate action on request for new position in the Transportation Department, Scheduler/Reservationist, Grade 9 of the Administrative Clerical Policy Group effective February 23, 2010. (Fund: Public Transportation)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve new position in the Transportation Department, Scheduler/Reservationist, Grade 9 of the Administrative Clerical Policy Group effective February 23, 2010. (Fund: Public Transportation)

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

30. PURCHASING:

A. Take all appropriate action on Memorandum of Agreement between Fort Bend County and Texas Engineering Extension Service (TEEX) for structural collapse technician training, in an amount not to exceed \$104,553. (Fund: Emergency Management, UASI Grant)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Memorandum of Agreement between Fort Bend County and Texas Engineering Extension Service (TEEX) for structural collapse technician training, in an amount not to exceed \$104,553. (Fund: Emergency Management, UASI Grant)

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

B. Take all appropriate action on Bid #10-043 for Improvements to Katy Flewellen Road.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to award Bid #10-043 for Improvements to Katy Flewellen Road to Durwood Greene Construction Co. for \$3,845,927.25.

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

Item 30 continued - Purchasing:

C. Take all appropriate action to authorize End User Agreement for Wireless Telecommunications Equipment and Services between Fort Bend County and Sprint Solutions, Inc. for the purchase of cell phones, airtime and data cards utilizing Houston-Galveston Area Council Contract CW05-02.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize End User Agreement for Wireless Telecommunications Equipment and Services between Fort Bend County and Sprint Solutions, Inc. for the purchase of cell phones, airtime and data cards utilizing Houston-Galveston Area Council Contract CW05-02.

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

D. Take all appropriate action on the Converged Network Solutions Agreement between Fort Bend County and Sprint Solutions, Inc. for the Sheriff's Office and the Jail.

Pulled.

E. Take all appropriate action to authorize renewal of HelpSTAR software maintenance from SHI Government Solutions utilizing Department of Information Resources (DIR) contract DIR-SDD-1009, for an amount not to exceed \$9,000. (Fund: Information Technology and Library)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize renewal of HelpSTAR software maintenance from SHI Government Solutions utilizing Department of Information Resources (DIR) contract DIR-SDD-1009, for an amount not to exceed \$9,000. (Fund: Information Technology and Library)

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

Item 30 continued - Purchasing:

F. 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 Reference Database from Info USA Marketing, in an amount not to exceed \$60,000. (Fund: Library, Fees)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to grant an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(7) for the purchase of an item available from only one source, for Reference Database from Info USA Marketing, in an amount not to exceed \$45,000. (Fund: Library, Fees)

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

31. SHERIFF'S OFFICE:

A. Take all appropriate action to authorize electronic grant application to Target Stores in the amount of \$4,995 for the 2010 Law Enforcement Grant Program to fund investigative equipment used in Organized Retail Crime Investigations, with no cash match required by Fort Bend County.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize electronic grant application to Target Stores in the amount of \$4,995 for the 2010 Law Enforcement Grant Program to fund investigative equipment used in Organized Retail Crime Investigations, with no cash match required by Fort Bend County.

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

Item 31 continued - Sheriff's Office:

B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$616.00 to Memorial Hospital for services provided to crime victim, invoiced after 2009 blanket purchase order was closed. (Fund: Sheriff, Enforcement, Professional Services)

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 \$616.00 to Memorial Hospital for services provided to crime victim, invoiced after 2009 blanket purchase order was closed. (Fund: Sheriff, Enforcement, Professional Services)

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

C. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$275.52 to Greater Harris County 9-1-1 for language line usage in September 2009, invoiced after blanket purchase order was closed. (Fund: Sheriff, Enforcement, 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 \$275.52 to Greater Harris County 9-1-1 for language line usage in September 2009, invoiced after blanket purchase order was closed. (Fund: Sheriff, Enforcement, Fees)

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

Item 31 continued - Sheriff's Office:

D. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$850.40 to Konica Minolta Business Solutions for copier maintenance performed during FY 2009, but not invoiced until FY 2010. (Fund: Sheriff, Detention, Operating, Rental)

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 \$850.40 to Konica Minolta Business Solutions for copier maintenance performed during FY 2009, but not invoiced until FY 2010. (Fund: Sheriff, Detention, Operating, Rental)

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

E. Take all appropriate action to authorize reimbursement in the amount of \$23.80 to Bill Butera for purchase of DVDs for patrol vehicle camera recordings without a purchase order. (Fund: Sheriff, Enforcement, Office Supplies)

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize reimbursement in the amount of \$23.80 to Bill Butera for purchase of DVDs for patrol vehicle camera recordings without a purchase order. (Fund: Sheriff, Enforcement, Office Supplies)

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

- 32. TAX ASSESSOR/COLLECTOR: Take all appropriate action on revised Agreement between Fort Bend County and the following organizations for the collection and payment of taxes and fees for participation in sale of vehicle registration renewals effective January 1 through December 31, 2010: AAA Texas, LLC; Fiesta Mart, Inc., Store #6; Fiesta Mart Inc., Store #47; Todd Insurance; Gerland's Realty, Inc.; Gerland's Realty, Inc. Food Town; Randall's Food & Drug LP, Store #2670; Randall's Food & Drug LP, Store #3068; Randall's Food & Drug LP, Store #1021; Cox's Foodarama #8; and Cox's Foodarama #21.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve revised Agreements between Fort Bend County and the following organizations for the collection and payment of taxes and fees for participation in sale of vehicle registration renewals effective January 1 through December 31, 2010: AAA Texas, LLC; Fiesta Mart, Inc., Store #6; Fiesta Mart Inc., Store #47; Todd Insurance; Gerland's Realty, Inc.; Gerland's Realty, Inc. Food Town; Randall's Food & Drug LP, Store #2670; Randall's Food & Drug LP, Store #3068; Randall's Food & Drug LP, Store #1021; Cox's Foodarama #8; and Cox's Foodarama #21.

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

33. Approve Bills.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve bills in the amount of \$8,597,030.50.

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

34. Ratify the release of time-sensitive bills by Auditor on February 18, 2010.

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 February 18, 2010 in the amount of \$298,038.49.

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

Recess:

Recessed at 1:28 p.m.

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

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

1) Cause Number 09-CCV-040652; The State of Texas and Fort Bend County, Texas vs. Orchard Lake Estate Homeowners' Association, Inc., et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas.

2) Civil Action No. 6:09-CV-0035; Calvin Lee Miller vs. City of Yoakum, Texas, et.al.; In the United States District Court for the Southern District of Texas, Victoria Division.

3) Cause No. 09-DCV-171,784; In the Interest of E.E. and V.E.; In the 328th Judicial District Court of Fort Bend County, Texas.

4) Thor Ranch, FM 1093 at Spring Green Road.

5) Cause No. 09-CCV-041023; The State of Texas and Fort Bend County, Texas vs. Houstonian Golf, Ltd., a Texas Limited Partnership, et al.; In the County Court at Law #3 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.

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

Closed Session:

Convened at 1:42 p.m.

Adjourned at 2:05 p.m.

Reconvene:

Reconvened at 2:08 p.m.

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

A. § 551.071. Consultation With Attorney.

1) Cause Number 09-CCV-040652; The State of Texas and Fort Bend County, Texas vs. Orchard Lake Estate Homeowners' Association, Inc., et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to pay a negotiated settlement of Cause Number 09-CCV-040652; The State of Texas and Fort Bend County, Texas vs. Orchard Lake Estate Homeowners' Association, Inc., et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas (Parcel 7) and authorize the County Judge to sign all necessary documents and accept Deeds in exchange for \$16,833.00.

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

2) Civil Action No. 6:09-CV-0035; Calvin Lee Miller vs. City of Yoakum, Texas, et.al.; In the United States District Court for the Southern District of Texas, Victoria Division.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to incur litigation expenses in an amount not to exceed \$10,000.00 for Civil Action No. 6:09-CV-0035; Calvin Lee Miller vs. City of Yoakum, Texas, et.al.; In the United States District Court for the Southern District of Texas, Victoria Division.

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

Item 36A continued - 551.071 Consultation With Attorney:

3) Cause No. 09-DCV-171,784; In the Interest of E.E. and V.E.; In the 328th Judicial District Court of Fort Bend County, Texas.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to incur litigation expenses in an amount not to exceed \$5,000.00 for Cause No. 09-DCV-171,784; In the Interest of E.E. and V.E.; In the 328th Judicial District Court of Fort Bend County, Texas.

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

4) Thor Ranch, FM 1093 at Spring Green Road.

No action.

5) Cause No. 09-CCV-041023; The State of Texas and Fort Bend County, Texas vs. Houstonian Golf, Ltd., a Texas Limited Partnership, et al.; In the County Court at Law #3 of Fort Bend County, Texas

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to incur litigation expenses in an amount not to exceed \$40,000.00 for Cause No. 09-CCV-041023; The State of Texas and Fort Bend County, Texas vs. Houstonian Golf, Ltd., a Texas Limited Partnership, et al.; In the County Court at Law #3 of Fort Bend County, Texas.

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

Item 36 continued - Reconvene Open Session and consider taking action on the following matters:

B. § 551.072. Deliberation Regarding Real Property.

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

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 3 of the FM 359 Mobility Project in the amount of \$245,152.00 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, Precinct 3.

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

37. Adjournment.

Commissioners Court adjourned at 2:12 p.m. on Tuesday, February 23, 2010.