

MINUTES

BE IT REMEMBERED, That on this 27th DAY of APRIL, 2010, Commissioners Court of Fort Bend County, Texas, met at a regular meeting with the following present:

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

Commissioner Prestage absent.

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

1. Call to Order.

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

2. Invocation and Pledge of Allegiance by Commissioner Meyers.

Invocation and Pledge of Allegiance by Commissioner Meyers.

3. Approve minutes of regular meeting held on April 13, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve the minutes of regular meeting held on April 13, 2010.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

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

No public comments.

April Service Awards were presented to county employees.

Judge Hebert presented a Proclamation that the month of May 2010 is Mental Health Month.

Judge Hebert congratulated Clara Russell, County Librarian, on the grand opening of the Sienna Library.

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 Kingdom Heights, Section 1, Precinct 1.**
- B. **Acceptance of the Traffic Control Plan for Scott Road from Spur 529 to US 90A and Muegge Road from Scott Road to Randon School Road, Precinct 1.**
- C. **Acceptance of the revised Traffic/Safety Study for Tealbriar Subdivision to establish "No Parking Signs" along Delamere Drive, Precinct 3.**

Public hearing held. No public comments.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve agenda item 5 A-C.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

CONSENT AGENDA ITEMS 6 - 19:

- 6. **OUT-OF-STATE TRAVEL: Record into Minutes the out-of-state travel of elected official: County Clerk: Change in travel dates for County Clerk Dianne Wilson to San Francisco, California, August 22-24, 2010, to attend the 25th Annual Association for Title Information Management Conference. (Fund: County Clerk, Travel)**
- 7. **OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
 - A. **District Attorney: D. L. Oglesby to Sandy, Utah, May 31-June 2, 2010, to attend prosecution training program. (Fund: LEOSE Training)**
 - B. **Health & Human Services - Emergency Medical Service: Approve travel by Rita Graeber to San Diego, California, July 11-16, 2010, to attend the ESRI User's Conference. (Fund: Emergency Medical Service, Travel)**

Item 7 continued - Out of State Travel:

C. Public Transportation: Approve travel by Christina Bune and Robyn McFadden to Denver, Colorado, June 16-17, 2010, to attend Federal Transit Administration Financial Management Seminar. (Fund: Transportation, Grants)

D. Sheriff's Office: Jose Hernandez and Roger Williamson to Pineknott, Kentucky, April 26-27, 2010, to return prisoner to Federal Prison. (Fund: Sheriff, Enforcement, Travel)

E. Sheriff's Office: Approve travel by Donato "Sonny" Colunga to Pensacola, Florida, May 23-28, 2010 to attend training course. (Fund: Sheriff, Enforcement, Travel)

8. COUNTY JUDGE:

A. Record Order of the County Judge Appointing Sara Rosas Boone as Temporary Justice of the Peace, Precinct 1, Place 2, until December 15, 2010, or until the return of Judge Geick.

B. Approve renewal of Agreement between Fort Bend County and Fort Bend County Dispute Resolution Center for the term of June 1, 2010 through May 31, 2011. (Fund: Non-Departmental, Fees)

9. COMMISSIONER, PCT. 1:

A. Approve Project Agreement between Fort Bend County and Needville Independent School District to provide assistance with excavation of an existing detention facility to allow larger water capacity, County expenditure not to exceed \$9,000. (Fund: Road & Bridge)

B. Approve Project Agreement between Fort Bend County and City of Needville to provide assistance with Dust Control at the KC Hall and the Harvest Park, city owned properties, County expenditure not to exceed \$600. (Fund: Road & Bridge)

C. Approve Project Agreement between Fort Bend County and City of Needville to provide assistance with road repairs to Colony Road, a city-owned road, County expenditure not to exceed \$2,840. (Fund: Road & Bridge)

D. Approve Project Agreement between Fort Bend County and City of Needville to provide assistance with road repairs to Union Street, a city-owned street, County expenditure not to exceed \$2,840. (Fund: Road & Bridge)

10. BUDGET TRANSFERS:

A. Facilities Management & Planning: Approve transfer in the amount of \$339,317 as detailed on Auditor's form dated April 20, 2010 to reallocate funds from completed capital improvement projects.

B. Facilities Management & Planning: Approve transfer in the amount of \$60,690 as detailed on Auditor's form dated April 20, 2010, to amend the budget pursuant to Local Government Code 111.0706 and allocate funds received from the University of Houston for the University of Houston Library, Sugar Land Campus.

Item 10 continued - Budget Transfers:

C. Road & Bridge: Approve transfer in the amount of \$1,996 as detailed on Auditor's form dated April 21, 2010, to reallocate funds from completed projects.

D. Sheriff, Enforcement: Approve transfer in the amount of \$7,245 as detailed on Sheriff's form dated April 15, 2010 to reallocate funds into correct line items for expenditures.

E. Tax Assessor/Collector: Approve transfer in the amount of \$1,400 from Special Inventory Tax, Property and Equipment, into Information Technology to allocate funds for purchase of currency counters/printers.

11. DISTRICT ATTORNEY:

Approve renewal Agreement between Fort Bend County and Child Advocates of Fort Bend County, Inc. effective June 1, 2010 through September 30, 2011 in the amount of \$6,403.95 per month which reflects an increase due to addition of one new District Attorney prosecutor. (Fund: District Attorney and County Attorney, Rental)

12. ENGINEERING:

A. Approve payment of Invoice No. 3458 in the amount of \$20,452.50 to Property Acquisition Services (PAS) for various right of way acquisitions services within Precincts 1, 2, 3, and 4. (Fund: Right of Way)

B. Approve application from CenterPoint Energy Houston Electric LLC to hang power lines over Rabbs Bayou, Precinct 1.

C. Approve application from Texas Petroleum Group, LLC to construct two driveway tie-ins and one median cut on Cinco Terrace Drive, and two driveway tie-ins and one median cut on Spring Green Blvd., Precinct 3.

D. Approve application from Devon Street Homes to construct two driveway tie-ins onto Millwood Pass Circle, Precinct 3.

E. Approve application from CenterPoint Energy Resources Corp. dba CenterPoint Energy Texas Gas Operations to bore under and bury a 6-inch gas line along University Blvd., Precinct 4.

F. Approve application from CenterPoint Entex to bore a 2-inch plastic gas main under Canal Road, Precinct 3.

G. Approve acceptance of SureTec Insurance Company a perpetual bond #5073151 for Identity Homes Construction Management, LLC, Precincts 1, 2, 3 and 4.

H. Approve application from Identity Homes Construction Management, LLC to construct driveway tie-ins onto Crescent Water, Carnaby Lane, and Watford Bend, Precinct 1.

I. Approve application from AT&T Texas to hang aerial cable along Canal Road, Precinct 3.

Item 12 continued - Engineering:

- J. Approve application from JW's Pipeline Integrity Services, LLC to drill ½-inch test holes every ten feet on several roads to test pipeline, Precinct 3.**
- K. Approve amending Permit #83723 approved by Commissioners Court on March 23, 2010 to add Jaho Inc. to bore a 6-inch water line under Ditch II-B-7-A, Precinct 1.**
- L. Approve acceptance of the Continental Insurance Company, a perpetual bond #929501240 for Lennar Homes of Texas Land and Construction, Ltd., Precincts 1, 2, 3 and 4.**
- M. Approve application from Lennar Homes to construct eleven driveway tie-ins onto Camaby Lane, Precinct 1.**
- N. Approve application from Lem Construction Company Inc. to construct an outfall into Oyster Creek, Precinct 3.**
- O. Approve application from Tellepsen Builders, L.P. to construct an outfall into Dry Creek (II-B-2), Precinct 1.**
- P. Approve application from Cravens Services Inc. to bore under and bury a 48-inch water line along Gaines Road, Eldridge Road, Sugarland Howell, Sugarland Blossom, Eldridge Parkway and Keegan's Bayou, Precinct 3.**
- Q. Approve release of Perpetual Bond #563465 S in the amount of \$50,000.00 to Sunburst Homes, Inc. for completion of work on Padon Road and Deer Creek, Permit Numbers 83362, 83363, 83364, and 83370, Precinct 1.**
- R. Release bond and bond rider #766400S in the amount of \$280,510.75 for Tejas Lakes. The streets are PRIVATE and will be maintained by the Homeowners Association, Pct. 1.**
- S. Approve request for Fort Bend County to sponsor a Texas Department of Transportation Project on behalf of L.O.B. Limited Partnership to expedite the construction of a Driveway Tie-in and Left Hand Turn Lane at proposed Katy Gaston Road and FM 1093 within Lakes of Bella Terra Development, at no cost to the County, Pct. 3.**
- T. Approve plat for the roads within Cinco Ranch Southwest, Section 42, Precinct 3.**
- U. Approve plat for the lots within Cinco Ranch Southwest, Section 42, Precinct 3.**
- V. Approve plat for the roads within Cinco Ranch Southwest, Section 45, Precinct 3.**
- W. Approve plat for the lots within Cinco Ranch Southwest, Section 45, Precinct 3.**
- X. Approve the plat for the roads within Firethorne, Sec. 5, Precinct 3.**
- Y. Approve the plat for the lots within Firethorne, Sec. 5, Precinct 3.**

Item 12 continued - Engineering:

Z. Approve the plat for Cinco Ranch Boulevard West of Cinco Terrace Drive before FM 1463 STD, Precinct 3.

- AA. Approve the plat for Fry Road Extension East of Holton Gripp Drive Street Dedication, Pct. 3.**
- BB. Approve the plat for Gulf Coast Waterside Pad Subdivision, Pct. 3.**
- CC. Approve the plat for Needville I.S.D. Middle School, Pct. 1.**
- DD. Release bond #29-0125-10319-94-1 in the amount of \$79,450.00 for Falcon Point, Section 2. The streets are PRIVATE and will be maintained by the Falcon Point Homeowners Assoc., Pct. 3.**
- EE. Accept the streets in Sienna Village of Anderson Springs Section 8 as follows: Place Drive 390.00 LF; Baitland Drive 1,422.46 LF; Stevenson Drive 1,664.06 LF; Thornton Drive 256.92 LF; Bain Drive 489.46 LF; Mercer Court 137.10 LF; for a total of 4,360.00 LF; and release bond #6528608 in the amount of \$322,735.00, Pct. 2.**
- FF. Accept the streets in Sienna North Recreation Center No. 1: Sienna Springs Boulevard 503.00 LF; Sienna Ranch Road 267.65 LF; for a total of 770.65 LF; and release bond #6559832 in the amount of \$107,891.00, Pct. 2.**
- GG. Approve payment of Invoice No. TX2060-00-02 (Pay Estimate No. 2) in the amount of \$24,258.40 to AIA Engineers, Ltd. regarding Old Richmond Road Bridge at Red Gully, Mobility Bond Project #728, Precinct 3. (Fund: 2007 Mobility Bonds)**
- HH. Accept the streets in Sienna Ranch Road North Phase 1 Street Dedication: Sienna Springs Boulevard 182.16 LF; Sienna Ranch Road 3009.19 LF; for a total of 3,191.35 LF; and release bond #6434067 in the amount of \$288,820.00, Pct. 2.**
- II. Approve payment of Invoice No. 10-03-008 (Pay Estimate No. 24) in the amount of \$1,920.00 to Kelly Kaluza & Associates, Inc. for professional engineering surveying services regarding West Bellfort Paving and Drainage Project (from Martinez Street to FM 1464) Precincts 3 and 4. (Fund: 2000 Mobility Bonds)**
- JJ. Accept the streets in Sienna Ranch Road North Phase 2 Street Dedication: Sienna Ranch Road 1,699.45 LF; and release bond #6434065 in the amount of \$595,700.00, Precinct 2.**
- KK. Approve payment of Invoice No. 1 (Pay Estimate No. 1) in the amount of \$204,774.59 to Allgood Construction Company regarding road improvements to Katy Gaston Road (from FM 1093 to Cinco Ranch Blvd.), Mobility Bond Project #733, Precinct 3. (Fund: 2007 Mobility Bonds)**
- LL. Approve payment of Invoice No. 20101158 (Pay Estimate No. 7) in the amount of \$3,100.00 to LJA Engineering & Surveying, Inc. regarding Teal Bend Boulevard Paving and Storm Sewer Facilities, Mobility Bond Project #746, Precinct 1, (Fund: 2007 Mobility Bonds)**

Item 12 continued - Engineering:

- MM. Approve payment of Invoice No. 26426 (Pay Estimate No. 10) in the amount of \$34,455.30 to Landtech regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)**
- NN. Set public hearing for acceptance of the traffic control plan for Sienna Village of Anderson Springs, Section 8, Sienna North Recreation Center No. 1, Sienna Ranch Road North Phase 1 Street Dedication and, Sienna Ranch Road North Phase 2 Street Dedication, Pct. 2. (Tuesday, May 25, 2010, at 1:30 p.m.)**
- OO. Approve payment of Invoice No. 30 (Pay Estimate No. 30) in the amount of \$32,869.05 to Schaumburg & Polk, Inc. for management and administrative support regarding the 2007 Mobility Bond Project Program, Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)**
- PP. Set public hearing for acceptance of the revised traffic control plan for Cinco Ranch Southwest, Section 1 (Sendera Subdivision), for the placement of "No Parking During School Hours" signs, Pct. 3. (Tuesday, May 25, 2010, at 1:30 p.m.)**
- QQ. Approve payment of Invoice No. 310131 (Pay Estimate No. 25) in the amount of \$7,037.53 to Klotz Associates for labor rates regarding Mobility Bond Projects, Precincts 1, 2, 3 and 4. (Fund: Mobility Bonds)**
- RR. Approve payment of Invoice No. 6187 (Pay Estimate No. 19) in the amount of \$82,318.26 to Othon, Inc. regarding the expansion of Williams Way Boulevard (formerly known as Ransom Road) (from River Park to Main Street to Fort Bend County and Richmond, Texas), Mobility Bond Project #747, Precinct 1. (Fund: 2007 Mobility Bonds)**
- SS. Approve payment of Invoice No. 10-03-1-631 (Pay Estimate No. 15) in the amount of \$3,316.00 to Percheron Acquisitions, LLC regarding Mason Road Expansion Project #735, Precinct 3. (Fund: Right of Way)**
- TT. Approve payment of Invoice No. 1704-0004 (Pay Estimate No. 1) in the amount of \$1,487.16 to LJA Engineering & Surveying, Inc. regarding Professional Services for curb return staking on Trammel Fresno Road at Teal Bend Boulevard and Winfield Lakes Trail, Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**

13. FACILITIES MANAGEMENT & PLANNING:

- A. Approve Pay Application No. 08-00900017 in the amount of \$168,343.66 to Bass Construction Co., Inc., for construction services regarding the Gus George Academy. (Fund: Facility Bond Project)**
- B. Approve payment of Invoice Nos. 10027778, 10027779, & 10027780 for an amount totaling \$94,638.17, to PGAL for professional services regarding the Justice Center. (Fund: Facility Bond Project)**

Item 13 continued - Facilities Management and Planning:

- C. Approve payment of Invoice No. 12 in the amount of \$77,633.85 to Bailey Architects for professional services regarding the University of Houston Library, Sugar Land Campus. (Fund: Facility Bond Project)**
- D. Approve payment of Periodical Estimate #27 in the amount of \$76,058.10 to Turner Construction for design services regarding the 911 Call Center. (Fund: Facility Bond Project)**
- E. Approve payment of Invoice No. 10-3-000024 in the amount of \$6,068.75 to Paradigm Consultants, Inc., for materials testing services regarding the EMS Medic One facility. (Fund: Facility Bond Project)**
- F. Approve payment of Invoice No. TMG-531 in the amount of \$1,317.50 to The Maddox Group, Inc. for professional services regarding the Sienna Library. (Fund: Facility Bond Project)**
- G. Approve Pay Application No. Six (6) in the amount of \$439,004.00 to Rosenberger Construction LP., for construction services regarding the Precinct Three Annex. (Fund: Facility Bond Project)**
- H. Approve payment of Invoice No. H004736 in the amount of \$2,994.50 to Raba Kistner for professional services regarding the Precinct Three Annex. (Fund: Facility Bond Project)**
- I. Approve payment of Invoice No. RPF2216 in the amount \$2,250.00 to CDW Government for furniture, fixture, and equipment costs associated with the Missouri City Annex. (Fund: Facility Bond Project)**
- J. Approve payment of Invoice No. 36548 in the amount of \$1,600.00 to Corporate Outfitters, for furniture, fixture, and equipment costs associated with the Gus George Academy. (Fund: Facility Bond Project)**
- K. Approve payment of Invoice No. 45223 in the amount of \$2,238.50 to Paradigm Consultants, Inc., for professional services regarding the Jail Expansion Project. (Fund: Facility Bond Project)**
- L. Approve Pay Application No. 11 in the amount of \$88,962.17 to Crain Zamora LLC. for construction services regarding the Missouri City Annex. (Fund: Facility Bond Project)**
- M. Approve payment of Periodical Estimate No. 25 in the amount of \$559,948.89, to Turner Construction for construction services regarding the Jail Expansion Project. (Fund: Facility Bond Project)**

14. **FORT BEND COUNTY TOLL ROAD AUTHORITY:** The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") reviewed these items at their regular meeting held on April 21, 2010, and makes the following recommendations to Commissioners Court:
 - A. Approve Supplemental Agreement No. 1 to Engineering Services Agreement with Carter & Burgess, Inc. in an amount not to exceed \$12,880.50 for bid and construction phase services of the Lake Olympia ramp modification project.
 - B. Approve Service Agreement with Roy Jorgensen Associates, Inc. for mowing services on the Westpark Tollway (a unit price contract.)
 - C. Approval of renewal policy in the amount of \$6,015 with Anco-McDonald Waterwords Insurance Services.
15. **HUMAN RESOURCES:**

Approve request for withdrawal of 160 hours from the Shared Sick Leave Pool for Employee of Health and Human Services Department, Position No. 6351-0001.
16. **PURCHASING:**
 - A. Authorize advertising for Request for Proposals for ethernet services for Precinct Two and Precinct Three facilities.
 - B. Authorize advertising for Bids for Improvements to Greenbusch Road, from Mills Manor Drive to Falcon Landing Blvd., Precinct 3.
17. **SHERIFF'S OFFICE:**

Approve renewal of Agreement between Fort Bend County and Harold Anderson for services as Intelligence Coordinator for the High Intensity Drug Trafficking Area (HIDTA) Program for the term of May 1, 2010 through April 30, 2011. (Fund: Sheriff, HIDTA Grant)
18. **TAX ASSESSOR/COLLECTOR:**
 - A. Approve renewal of Interlocal Cooperation Agreement for The Collection of Taxes between Fort Bend County and Fort Bend Independent School District effective through May 31, 2011.
 - B. Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on April 20, 2010, for an amount totaling \$50,513.07.
 - C. Approve renewal of Motor Vehicle Dealer Agreement for the Collection and Payment of Taxes and Fees between Fort Bend County and Champion Nissan.
 - D. Record into Minutes the Summary Monthly Report of Property Taxes Collected in March, 2010, as submitted by the Office of Patsy Schultz, Tax Assessor/Collector.

19. TREASURER:

Approve Monthly Report submitted by County Treasurer for March, 2010, and authorize advertisement of Affidavit of same, in accordance with Local Government Code §114.026.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve consent agenda items 6 - 19 with correction to 10B - University of Houston.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

20. COUNTY JUDGE:

- A. Take all appropriate action on the Multiple Use Agreement between Fort Bend County and Texas Department of Transportation to permit the construction, maintenance and operation of a public canoe and kayak launch site on the highway right of way located on the east bank of the Brazos River at the north side of its intersection at Texas FM 1093.**
- B. Take all appropriate action on the Multiple Use Agreement between Fort Bend County and Texas Department of Transportation to permit the construction, maintenance and operation of a public canoe and kayak launch site on the highway right of way located on the east bank of the Brazos River at the north side of its intersection at Texas FM 1489.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve agenda items 20 A and B.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Item 20 continued - County Judge:

C. Take all appropriate action on request to donate and deliver 400 live oak trees from Bates Allen Park Tree Farm to the Fred and Mabel R. Parks Youth Ranch.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to donate and deliver 400 live oak trees from Bates Allen Park Tree Farm to the Fred and Mabel R. Parks Youth Ranch.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Note: Trees will be delivered in December or January.

21. COMMISSIONER, PCT. 1:

- A. Take all appropriate action on request to appoint Jared Jameson to the Board of Directors of Fort Bend County Levee Improvement District No. 11 to fill position left vacant by the death of J. Ray Nixon for the term through June 27, 2010, and reappoint Ron McCann, Michael E. Stone and Jared Jameson to serve as Directors of the Fort Bend County Levee Improvement District No. 11 for the term commencing June 27, 2010, expiring June 27, 2014.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and carried (3-0-1), it is ordered to appoint Jared Jameson to fill vacant position left by the death of J. Ray Nixon for term expiring June 27, 2010 and re-appoint Ron McCann, Michael E. Stone and Jared Jameson to serve as Directors for Fort Bend LID#11 with a term expiring June 27, 2014.

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| Judge Hebert | abstain |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Item 21 continued - Commissioner Pct. 1:

B. Take all appropriate action on request by Abdul Quereshi to waive penalty and interest totaling \$287.78 on property taxes for Tax Year 2009, Pct. 1.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve request by Abdul Quereshi to waive penalty and interest totaling \$287.78 on property taxes for Tax Year 2009, Pct. 1.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

22. COMMISSIONER, PCT. 2:

Take all appropriate action on request by David Sherman representing Melanie Stafford Ventures, LLC to waive penalty and interest totaling \$11,459.43 on property taxes for Tax Year 2009, Pct. 2.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to approve request by David Sherman representing Melanie Stafford Ventures, LLC to waive penalty and interest totaling \$11,459.43 on property taxes for Tax Year 2009, Pct. 2.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

23. COMMISSIONER, PCT. 4:

Take all appropriate action on Memorandum of Understanding between Fort Bend County, Texas General Land Office, and Texas Department of Transportation for access to certain Permanent School Fund land from State Highway 99 and Harlem Road.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve Memorandum of Understanding between Fort Bend County, General Land Office and Texas Department of Transportation for access for certain Permanent School Fund land to SH 99 and Harlem Road and authorize the County Judge to sign all necessary documents.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

24. COMMUNITY DEVELOPMENT:

- A. **Take all appropriate action on Agreement between Fort Bend County and Fort Bend Habitat for Humanity in the amount of \$930,190 to administer a program to purchase vacant property and construct new housing for low-to moderate income households, and authorize County Judge to sign all documents pertaining to the agreement, part of the FY 2008 Substantial Amendment approved by Commissioners Court on November 25, 2008, and the Agreement with Housing and Urban Development approved by Commissioners Court on April 7, 2009. (Fund: Neighborhood Stabilization Program)**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve Agreement between Fort Bend County and Fort Bend Habitat for Humanity in the amount of \$930,190 to administer a program to purchase vacant property and construct new housing for low-to moderate income households, and authorize County Judge to sign all documents pertaining to the agreement, part of the FY 2008 Substantial Amendment approved by Commissioners Court on November 25, 2008, and the Agreement with Housing and Urban Development approved by Commissioners Court on April 7, 2009. (Fund: Neighborhood Stabilization Program)

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Item 24 continued - Communitied Development:

B. Take all appropriate action on Agreement between Fort Bend County and Fort Bend County Municipal Utility District No. 19 in the amount of \$100,000 for the purchase and installation of a permanent emergency generator at Lift Station No. 1 in the Riverwood Village Subdivision, and authorize County Judge to sign all documents pertaining to the Agreement, part of the FY 2009 Consolidated Action Plan approved by Commissioners Court on July 7, 2009. (Fund: Community Development Block Grant)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve Agreement between Fort Bend County and Fort Bend County Municipal Utility District No. 19 in the amount of \$100,000 for the purchase and installation of a permanent emergency generator at Lift Station No. 1 in the Riverwood Village Subdivision, and authorize County Judge to sign all documents pertaining to the Agreement, part of the FY 2009 Consolidated Action Plan approved by Commissioners Court on July 7, 2009. (Fund: Community Development Block Grant)

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

C. Take all appropriate action on Agreement between Fort Bend County and City of Rosenberg for an amount not to exceed \$203,100 to administer a program to acquire and demolish vacant blighted structures, and authorize County Judge to sign all documents pertaining to the Agreement, (part of the FY 2008 Substantial Amendment approved by Commissioners Court on November 25, 2008, and the agreement with Housing & Urban Development approved by Commissioners Court on April 7, 2009. (Fund: Neighborhood Stabilization Program)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve Agreement between Fort Bend County and City of Rosenberg for an amount not to exceed \$203,100 to administer a program to acquire and demolish vacant blighted structures, and authorize County Judge to sign all documents pertaining to the Agreement, (part of the FY 2008 Substantial Amendment approved by Commissioners Court on November 25, 2008, and the agreement with Housing & Urban Development approved by Commissioners Court on April 7, 2009. (Fund: Neighborhood Stabilization Program)

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

25. Item 25 for Constable Pct 2 did not appear on agenda and will be on May 4, 2010 meeting.

- 26. ELECTIONS ADMINISTRATION: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$157.50 to Fort Bend/Southwest Star for publication of notice without a purchase order. (Fund: Elections, Contract, Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$157.50 to Fort Bend/Southwest Star for publication of notice without a purchase order. (Fund: Elections, Contract, Fees)

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

- 27. FACILITIES MANAGEMENT & PLANNING:**

Take all appropriate action on First Amendment to Agreement for Architectural and Engineering Services between Fort Bend County and Archi*Technics/3, to include LEED Certification Documentation regarding the Senior Citizens Community Building in the amount of \$40,200; total agreement not to exceed \$155,200. (Fund: Capital Improvement Project)

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve the First Amendment to Agreement for Architectural and Engineering Services between Fort Bend County and Archi*Technics/3, to include LEED Certification Documentation regarding the Senior Citizens Community Building in the amount of \$40,200; total agreement not to exceed \$155,200. (Fund: Capital Improvement Project)

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

28. FORT BEND COUNTY TOLL ROAD AUTHORITY:

The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") reviewed this item at their regular meeting held on April 21, 2010, and recommends that Commissioners Court take all appropriate action to approve Settlement Agreement related to Lake Lympia ramp modifications.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve Settlement Agreement related to Lake Olympia ramp modifications pending review by County Attorney.

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| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

29. JUSTICE OF THE PEACE, PCT. 1, PL. 2: Take all appropriate action on request to transfer the amount of \$19,579 from Non-Departmental Contingency into salary line items as detailed on Director's form dated April 21, 2010, to allocate funds for the extended appointment of the Interim Justice of the Peace, Precinct 1, Place 1, through September 30, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to transfer \$19,579 from Non-Departmental Contingency into salary line items as detailed on Director's form dated April 21, 2010 to allocate funds for the extended appointment of the Interim Justice of the Peace Precinct 1 Place 2 through September 30, 2010.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

30. OFFICE OF EMERGENCY MANAGEMENT:

Take all appropriate action to ratify submission of application to the Texas Division of Emergency Management to participate in the Hazard Mitigation Grant Program requesting funds in the amount of \$82,293.75, with a cash match by Fort Bend County of \$27,431.25 for a two-year program. (Fund: Emergency Management, Fees)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to ratify submission of application to the Texas Division of Emergency Management to participate in the Hazard Mitigation Grant Program requesting funds in the amount of \$82,293.75, with a cash match by Fort Bend County of \$27,431.25 for a two-year program. (Fund: Emergency Management, Fees)

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

31. PUBLIC TRANSPORTATION:

- A. Take all appropriate action on Amendment No. 3 to the Agreement between Fort Bend County and Fort Bend Seniors Meals on Wheels and Much Much More to extend the term of the Agreement for an additional thirty days, up to and including May 31, 2010.**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve Amendment No. 3 to the Agreement between Fort Bend County and Fort Bend Seniors Meals on Wheels and Much Much More to extend the term of the Agreement for an additional thirty days, up to and including May 31, 2010.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Item 31 continued - Public Transportation:

B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$220.00 to American Public Transportation Association for participation in training webinar without a purchase order. (Fund: Transportation, Grants)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$220.00 to American Public Transportation Association for participation in training webinar without a purchase order. (Fund: Transportation Grants)

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

32. PURCHASING:

A. Take all appropriate action on renewal of Public Health Volunteer Coordination Contract for Fort Bend County to participate in the Homeland Preparedness Project through July 31, 2010 for an amount not to exceed \$50,000. (Fund: Health & Human Services UASI 09 Grant, Fees)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve renewal of Public Health Volunteer Coordination Contract for Fort Bend County to participate in the Homeland Preparedness Project through July 31, 2010 for an amount not to exceed \$50,000. (Fund: Emergency Management, UASI 09 Grant, Fees)

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Item 32 continued - Purchasing:

B. Take all appropriate action to authorize the purchase of two (2) Ford Crown Victoria police package automobiles for the Office of Constable, Pct. 1, pursuant to Agreement for Additional Law Enforcement Services between Fort Bend County and Fort Bend Municipal Utility District No. 23 (Teal Run area), utilizing Bid #03-001, for an amount not to exceed \$21,984.54 for each vehicle.

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to authorize the purchase of two (2) Ford Crown Victoria police package automobiles for the Office of Constable, Pct. 1, pursuant to Agreement for Additional Law Enforcement Services between Fort Bend County and Fort Bend Municipal Utility District No. 23 (Teal Run area), utilizing Bid #03-001, for an amount not to exceed \$21,984.54 for each vehicle.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

C. Take all appropriate action on RFP #10-080 for lease of land for agricultural purposes.

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to authorize contract negotiations with Pete Wleczyk on RFP 10-080 for lease of land for agricultural purposes.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

D. Take all appropriate action on Bid #10-081 for printing and mailing of tax statements.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to award Bid 10-081 – printing and mailing of tax statements to HOV Services.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Item 32 continued - Purchasing:

E. Take all appropriate action on request to increase the amount of monthly cleaning rate for Child Support due to additional office space, pursuant to Bid #10-005, Janitorial Services for County Buildings to \$400.50 per month. (Fund: Facilities Management & Planning)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to increase the amount of monthly cleaning rate for Child Support due to additional office space, pursuant to Bid #10-005, Janitorial Services for County Buildings to \$400.50 per month. (Fund: Facilities Management & Planning)

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

F. Take all appropriate action on Bid #10-079 for the purchase of dump trucks.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to award Bid 10-079 for purchase of dump trucks to Houston Freightliner Sterling for 5 trucks.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Note: This is part of the Clean Air Program from which the County gets a reimbursement.

G. Take all appropriate action on Amendment to Agreement between Fort Bend County and Carter Goble Lee to add elevator maintenance, pursuant to RFP #09-093, Turnkey Jail Maintenance, for an amount not to exceed \$2,716 per month. (Fund: Sheriff, Detention, Fees)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve Amendment to Agreement between Fort Bend County and Carter Goble Lee to add elevator maintenance, pursuant to RFP #09-093, Turnkey Jail Maintenance, for an amount not to exceed \$2,716 per month. (Fund: Sheriff, Detention, Fees)

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

33. RISK MANAGEMENT:

Take all appropriate action on request to change payment of optional benefits premiums from payroll deduction to employee direct pay, effective following the last premium collection for calendar year 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to change payment of optional benefits premiums from payroll deduction to employee direct pay, effective following the last premium collection for calendar year 2010.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

34. SHERIFF'S OFFICE:

- A. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$11,600.00 to Fort Bend Mechanical for maintenance services provided during October and November, 2009, without a purchase order. (Fund: Sheriff, Detention, Operating, Rental)**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$11,600.00 to Fort Bend Mechanical for maintenance services provided during October and November, 2009, without a purchase order. (Fund: Sheriff, Detention, Operating, Rental)

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

- B. Take all appropriate action to authorize application to the Texas Comptroller of Public Accounts for participation in the Fiscal Year 2011 Tobacco Compliance (STEP) Program.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to authorize application to the Texas Comptroller of Public Accounts for participation in the Fiscal Year 2011 Tobacco Compliance (STEP) Program.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Item 34 continued - Sheriff's Office:

C. Take all appropriate action on request to transfer the amount of \$105,000 from Non-Departmental Contingency into Indigent Inmate Medical, as detailed on Sheriff's form dated April 15, 2010, to allocate funds for medical services provided to inmates prior to March 1, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to transfer the amount of \$105,000 from Non-Departmental Contingency into Indigent Inmate Medical, as detailed on Sheriff's form dated April 15, 2010, to allocate funds for medical services provided to inmates prior to March 1, 2010.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

35. Approve Bills and ratify the release of time-sensitive bills by Auditor on April 22, 2010.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve bills in the amount of \$8,603,845.54 and ratify the release of time-sensitive bills by Auditor on April 22, 2010 in the amount of \$227,161.01.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

Recess:

Recessed at 1:33 p.m.

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

37. § 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.

A. Director of Information Technology.

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

38. **§ 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.
- A. County-owned real property on Cottonwood School Road in Rosenberg, Texas.
- B. Acquisition of property, Old Richmond Road, Mobility Bond Project #729 and #730, Precinct 4.
- C. Offices of Justice of the Peace, Precinct 1, Place 1, and Constable, Precinct 1 located at 3114 Rosenberg Street in Needville, Texas.
39. **§ 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, Information Technology.

Closed Session:

Convened at 1:50 p.m.

Adjourned at 3:12 p.m.

Reconvene:

Reconvened at 3:15 p.m.

40. **Reconvene Open Session and consider taking action on the following matters:**
41. **§ 551.071. Consultation With Attorney.**
- A. **Director of Information Technology.**

No action.

Item 41 continued - 551.071 Consultation with Attorney:

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

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize the County Attorney to pay a negotiated settlement in the matter of Cause No. 09-CCV-039360; Fort Bend County, Texas vs. Victor R. Martinez, Jane P. Martinez, et al.; In the County Court at Law Number Two (2) of Fort Bend County, Texas and authorize the County Judge to execute and deliver the settlement agreement and to accept Deeds for the aforementioned properties and to approve such terms and provisions for the full and final settlement of all claims set forth therein with settlement funds charged to fund 100685888-64500-P685-06ROWPURCH-32000.

| | |
|------------------------|--------|
| Judge Hebert | Yes |
| Commissioner Morrison | Yes |
| Commissioner Prestage | absent |
| Commissioner Meyers | Yes |
| Commissioner Patterson | Yes |

42. § 551.072. Deliberation Regarding Real Property.

A. Offices of Justice of the Peace, Precinct 1, Place 1, and Constable, Precinct 1 located at 3114 Rosenberg Street in Needville, Texas.

No action.

B. County-owned real property on Cottonwood School Road in Rosenberg, Texas.

No action.

C. Old Richmond Mobility Bond Project #729 and #730, Precinct 4.

No action.

43. § 551.074. Personnel Matters.

Director, Information Technology.

No action.

44. Adjournment.

Commissioners Court adjourned at 3:17 p.m. on Tuesday, April 27, 2010.