

**APPROVAL OF MINUTES
COMMISSIONERS COURT
FORT BEND COUNTY**

I, Dianne Wilson, duly elected County Clerk and Clerk of Court, Fort Bend County, Texas do hereby submit the Official Minutes of Commissioners Court held on the 5th day of October, 2010.



DIANNE WILSON, COUNTY CLERK

Now, therefore, be it resolved upon the motion of Commissioner meyers seconded by Commissioner Patterson, duly put and carried, it is ordered to accept as presented for record the attached minutes approved on this the 12th day of October, 2010.



ROBERT E. HEBERT, COUNTY JUDGE

October 5, 2010

MINUTES

BE IT REMEMBERED, That on this 5th DAY of OCTOBER, 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
DIANNE WILSON	COUNTY CLERK

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

1. Call to Order.

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

2. Invocation and Pledge of Allegiance by Commissioner Meyers.

Invocation and Pledge of Allegiance by Commissioner Meyers.

3. Approve minutes of regular meeting held on September 28, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve minutes of regular meeting held on September 28, 2010.

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

October 5, 2010

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

No public comments.

Judge Hebert presented a Proclamation that National 4H Week is October 3 - 8. 4H members served cake and ice cream at the end of court.

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 Southbelt Industrial Park, Section 3, Precinct 1.**
- B. **Acceptance of traffic control plan for Wolfgang Road from Barek Road to FM 1994 (Vrilla Road), Precinct 1.**
- C. **Acceptance of the traffic control plans for Barek Road, from Wolfgang Road to Fort Bend/Brazoria County line, Precinct 1.**
- D. **Acceptance of the traffic control plan for West Tavener Road, from Gin Road to Pink Taylor Run, and Gin Road, from Spur 541 to West Tavener Road, Precinct 1.**

Public hearing held. No public comments.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

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

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

CONSENT AGENDA ITEMS 6 - 16

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

Sheriff's Office: Carol Papenfuss and Eden Parr to Waseca, Minnesota, from October 13-14, 2010 for prisoner transport. (Sheriff, Enforcement, Travel)

7. **BUDGET & FINANCE/BUDGET TRANSFERS:**

- A. **Budget Office:** Approve transfer in the amount of \$2,159,000 as detailed on Director's form dated September 29, 2010, to allocate funds into capital projects approved for the FY 2011 budget.
- B. **Sheriff's Office:** Approve transfer in the amount of \$833,971 as detailed on Auditor's report dated September 28, 2010 to amend the budget pursuant to Local Government Code Section 111.0707 and allocate funds received from forfeitures.
- C. **Sheriff's Office:** Approve transfer in the amount of \$256,485 as detailed on Auditor's form dated September 28, 2010, to reallocate excess funds in the Sheriff's State Forfeiture account.

October 5, 2010

Item 7 continued - Budget and Finance/Budget Transfers:

- D. Sheriff's Office: Approve transfer in the amount of \$522,150 as detailed on Auditor's form dated September 28, 2010, to reallocate excess funds in Sheriff's Federal Forfeiture account.**

8. ENGINEERING:

- A. Approve payment of Invoice No. 48515 (Pay Estimate No. 15) in the amount of \$19,198.45 to Burk Kleinpeter, Inc. regarding the expansion of Trammel Fresno Road, Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**
- B. Approve payment of Invoice No. 910027 (Pay Estimate No. 31) in the amount of \$3,547.47 to Klotz Associates for labor rates regarding Fort Bend County Mobility Projects located within Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)**
- C. Approve application from E.P. Brady, Ltd. to bore under several roads and bury a 20-inch water line along Clodine and Richmond/Gaines Road, Precinct 3.**
- D. Approve application from Ryland Homes to construct a driveway tie-in onto Crescent Water, Precinct 1.**
- E. Approve application from Debo Homes, LLC to construct a driveway tie-in onto April Drive, Precinct 1.**
- F. Approve application from AT&T Texas to bore under and bury cable along Ustinik and Band, Precinct 1.**
- G. Approve plat for the roads within Winfield Lakes, Section 15, Precinct 2.**
- H. Approve plat for the lots within Winfield Lakes, Section 15, Precinct 2.**
- I. Approve the plat for Park Reserve at Cinco Ranch Southwest, Precinct 3.**
- J. Approve plat for the roads within Cinco Ranch Southwest, Section 48, Precinct 3.**
- K. Approve plat for the lots within Cinco Ranch Southwest, Section 48, Precinct 3.**

9. 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 Bond and/or Capital Projects:

- A. Invoice No. 731129 in the amount of \$414.00 to Aves Audio Visual Systems, Inc. for furniture, fixture, and equipment costs associated with the Missouri City Annex;**
- B. Pay Application No. 15 in the amount of \$2,328,291.00 to JE Dunn South Central, Inc., for Construction Services regarding the Justice Center;**
- C. Invoice No. 3123953-0 in the amount of \$1,479.05 to Jones & Cook, for furniture, fixture, and equipment costs associated with the Gus George Academy; and**
- D. Invoice No. 22993 in the amount of \$28,500.00 to The Mathis Group (TMG+), for Professional Services regarding the Justice Center.**

October 5, 2010

10. FIRE MARSHAL:

Record into minutes the Official Bond and Oath for Bradley W. Bass as Fire Investigator effective June 15, 2010 through June 15, 2011.

11. FORT BEND FLOOD CONTROL WATER SUPPLY CORP.:

The Board of Directors of the Fort Bend Flood Control Water Supply Corporation reviewed these items at their regular meeting on August 25, 2010, and makes the following recommendations to Commissioners Court: Authorize payment of invoices for work performed by the consultants and/or contractors and listed on Board Report for an amount totaling \$738.00 for Big Creek. (Fund: Big Creek, Fees)

12. HEALTH & HUMAN SERVICES:

Clinical Health Services: Approve and sign the Amendment to the FY 11 Immunization Grant Agreement between Fort Bend County and Texas Department of State Health Services to include Exhibit A, the Annual Work Plan.

13. INDIGENT HEALTH CARE:

Approve the renewal of Service Agreement between Fort Bend County and Indigent Healthcare Solutions (IHS), pursuant to RFP #02-069, to provide data processing service for the Indigent Health Care Department of Fort Bend County, effective October 1, 2010 through October 1, 2012. (Fund: Indigent Health Care, Fees)

14. PURCHASING:

- A. Authorize advertising for bids to repair the roof at Road and Bridge Dairy Ashford facility.**
- B. Authorize advertising for statement of qualifications for design/build for George Memorial Library renovations.**

15. TAX ASSESSOR/COLLECTOR:

Record into Minutes the disposal of miscellaneous Tax Office documentation, Windward Boxes #839 through 867, dated June 14, 2010 through September 3, 2010, which have been scanned, and are described on report dated September 29, 2010, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.

16. TREASURER:

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

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 16.

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

17. COUNTY JUDGE:

Take all appropriate action on the Tax Abatement Agreement between the Fort Bend County, Lyant Properties, LLC as Owner, and Continental Polybags, Inc. as Lessee.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Tax Abatement Agreement between the Fort Bend County, Lyant Properties, LLC as Owner, and Continental Polybags, Inc. as Lessee.

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

18. ELECTIONS ADMINISTRATION:

A. Take all appropriate action on Joint Election Agreements between Fort Bend County and the following entities for the November 2, 2010 Election: City of Houston and Brazoria/Fort Bend County Municipal Utility District No. 1.

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Joint Election Agreements between Fort Bend County and the following entities for the November 2, 2010 Election: City of Houston and Brazoria/Fort Bend County Municipal Utility District No. 1.

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

Item 18 continued - Elections Administration:

- B. Take all appropriate action on acceptance of additional grant funds in the amount of \$236,500 from the Office of Secretary of State, State of Texas, for additional equipment regarding the Help America Vote Act (HAVA) Compliance, with no cash match required by Fort Bend County.**

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to accept additional grant funds in the amount of \$236,500 from the Office of Secretary of State, State of Texas, for additional equipment regarding the Help America Vote Act (HAVA) Compliance, with no cash match required by Fort Bend County.

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

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to amend previous motion to accept additional grant funds not to exceed the amount of \$237,400 from the Office of Secretary of State, State of Texas, for additional equipment regarding the Help America Vote Act (HAVA) Compliance, with no cash match required by Fort Bend County.

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

- C. Take all appropriate action to accept additional funding in the amount of \$3,434.71 from the Secretary of State for Title I, Section 101, to reimburse the County for training expenses pursuant to the Help America Vote Act (HAVA), with no cash match required.**

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to accept additional funding in the amount of \$3,434.71 from the Secretary of State for Title I, Section 101, to reimburse the County for training expenses pursuant to the Help America Vote Act (HAVA), with no cash match required.

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

Item 18 continued - Elections Administration:

- D. Take all appropriate action on Revised Early Voting Schedule to relocate the Early Voting Site from Houston Community College at Sienna Plantation to the Fort Bend County Sienna Branch Library, with no change in hours.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Revised Early Voting Schedule to relocate the Early Voting Site from Houston Community College at Sienna Plantation to the Fort Bend County Sienna Branch Library, with no change in hours.

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

19. ENGINEERING:

- A. Take all appropriate action on Donation Deed for 0.080 acres on Williams Way Boulevard, formerly known as Ransom Road, from Fort Bend County Levee Improvement District No. 6 to Fort Bend County for drainage and utilities, Precinct 1.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to accept Donation Deed for 0.080 acres on Williams Way Boulevard, formerly known as Ransom Road, from Fort Bend County Levee Improvement District No. 6 to Fort Bend County for drainage and utilities, Precinct 1.

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

Item 19 continued - Engineering:

- B. Take all appropriate action on request by Loretta Goldsmith for a variance to the Fort Bend County Regulations of Subdivisions, Section 2.2 B and C, to allow 7.00 acres to be divided out of a called 23.003 acre tract, situated in Gail Borden League, Abstract 12, as recorded in official Fort Bend County Deed Records Instrument #9619087, Fort Bend County, Texas, Precinct 1.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve request by Loretta Goldsmith for a variance to the Fort Bend County Regulations of Subdivisions, Section 2.2 B and C, to allow 7.00 acres to be divided out of a called 23.003 acre tract, situated in Gail Borden League, Abstract 12, as recorded in official Fort Bend County Deed Records Instrument #9619087, Fort Bend County, Texas, Precinct 1.

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

- C. Take all appropriate action on the Interlocal Agreement between Fort Bend County and the City of Rosenberg for Improvements to Bamore Road, Mobility Bond Project No. 712, Precinct 1. (Fund: 2007 Mobility Bonds)**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreement between Fort Bend County and the City of Rosenberg for Improvements to Bamore Road, Mobility Bond Project No. 712, Precinct 1. (Fund: 2007 Mobility Bonds)

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

20. INDIGENT HEALTH:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$4,936.41 to Oakbend Doctors Center for rental of office space to house Indigent Health Care Physician Clinic for the month September 2010 without a purchase order. (Fund: Indigent Health Care, Rental)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$4,936.41 to Oakbend Doctors Center for rental of office space to house Indigent Health Care Physician Clinic for the month September 2010 without a purchase order. (Fund: Indigent Health Care, Rental)

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

21. OFFICE OF EMERGENCY MANAGEMENT:

Take all appropriate action on Memorandum of Agreement between Fort Bend County and Texas Engineering Extension Service in the amount of \$75,000 to provide Jurisdictional Crisis Emergency Management training courses. (Fund: 2008 UASI Grant)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Memorandum of Agreement between Fort Bend County and Texas Engineering Extension Service in the amount of \$75,000 to provide Jurisdictional Crisis Emergency Management training courses. (Fund: 2008 UASI Grant)

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

22. PURCHASING:

- A. Take all appropriate action on Amendment to Software and Services Agreement between Fort Bend County and Brazos Technology Corporation regarding E-Citation software and equipment for the Sheriff's Office in an amount not to exceed \$271,019 utilizing City of Sugar Land Agreement. (Fund: Sheriff's Office, State Forfeiture)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Amendment to Software and Services Agreement between Fort Bend County and Brazos Technology Corporation regarding E-Citation software and equipment for the Sheriff's Office in an amount not to exceed \$271,019 utilizing City of Sugar Land Agreement. (Fund: Sheriff's Office, State Forfeiture)

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

- B. Take all appropriate action on request from Helfman Ford to renew Bid #07-003 to include price increase for non-police package four-door sedans.**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve request from Helfman Ford to renew Bid #07-003 to include price increase for non-police package four-door sedans.

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

- C. Take all appropriate action to add the additional office space for Office of Emergency Management to the janitorial services contract with Agape Cleaning pursuant to Bid #10-005, for an amount not to exceed \$935.00 per month. (Fund: Facilities Management & Planning)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to add the additional office space for Office of Emergency Management to the janitorial services contract with Agape Cleaning pursuant to Bid #10-005, for an amount not to exceed \$935.00 per month. (Fund: Facilities Management & Planning)

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

Item 22 continued - Purchasing:

- D. Take all appropriate action on Agreements between Fort Bend County and Tyler Technologies for professional services pursuant to the Common Integrated Justice System (CJIS) Court Administration System for an amount not to exceed \$32,164. (Fund: Odyssey Project)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Agreements between Fort Bend County and Tyler Technologies for professional services pursuant to the Common Integrated Justice System (CJIS) Court Administration System for an amount not to exceed \$32,164. (Fund: Odyssey Project)

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

23. SHERIFF'S OFFICE:

- A. Take all appropriate action on Interlocal Cooperation Agreement for Jail Services between Fort Bend County and Austin County effective through September 30, 2011.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Cooperation Agreement for Jail Services between Fort Bend County and Austin County effective through September 30, 2011.

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

Item 23 continued - Sheriff's Office:

- B. Take all appropriate action to authorize County Judge to electronically accept funding from the Department of Justice, Edward Byrne Memorial Justice Grant Program, Sex Offender Registration, Monitoring, Compliance Program and Special Crimes Detective, Grant #DJ-09-A10-20180-03, in the amount of \$129,863 for use from September 1, 2010 through August 31, 2011, with no cash match required by Fort Bend County.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize County Judge to electronically accept funding from the Department of Justice, Edward Byrne Memorial Justice Grant Program, Sex Offender Registration, Monitoring, Compliance Program and Special Crimes Detective, Grant #DJ-09-A10-20180-03, in the amount of \$129,863 for use from September 1, 2010 through August 31, 2011, with no cash match required by Fort Bend County.

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

24. TAX ASSESSOR/COLLECTOR:

Take all appropriate action on Lease Agreement between Fort Bend County & Texas Department of Motor Vehicles (TXDMV) for one Registration Title System for use at the North Annex. (Fund: Tax Office, Rentals)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Lease Agreement between Fort Bend County & Texas Department of Motor Vehicles (TXDMV) for one Registration Title System for use at the North Annex. (Fund: Tax Office, Rentals)

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

25. 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 \$4,386,506.86.

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

26. WORKSHOP: Conduct workshop to receive information regarding the Pass Through Toll Project for FM 1093.

Present for the discussion was David Milner with Dannenbaum Engineering, David Bauman with Klotts Engineering, Jacobs Engineering, Cliff Kavanaugh with First Southwest Financial and Joe B. Allen with Allen Boone Humphries Robinson LLP. To obtain right of way and design and build two 2 lane frontage roads along FM1093 from Hwy 99 to City of Fulshear, cost will be about \$60 million.

- A. Take all appropriate to authorize Fort Bend County Toll Road Authority to serve as Lead Agency for the FM 1093 Pass-Through toll project and to work with Texas Department of Transportation, the City of Fulshear, Metro and other stakeholders to develop an overall plan for the highway expansion for consideration by Commissioners Court.**
- B. Take all appropriate action on Pass-Through Toll Agreement for Payment of Pass-Through Tolls by the Department between Fort Bend County and the Texas Department of Transportation (TX DOT) regarding FM 1093, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Pass Through Toll Agreement with TXDOT and Jess Hegemier, County Engineer, is appointed as Project Manager and the County Judge is authorized to sign the agreement provided that an addendum approved by the County Attorney is attached to the agreement and providing that the Toll Road Authority has the permanent right to use the ROW for the operation of the Toll Road at no additional cost and the reference to the East City Limit boundary of Fulshear is clarified for purposes of construction of the project.

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

October 5, 2010

Recess:

Recessed at 2:35 p.m.

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

- A. § 551.071. Consultation With Attorney. Commissioners Court will meet in Closed Session to seek the advice of its attorney about pending or contemplated litigation; a settlement offer; or on a matter in which the duty of the attorney to Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.**
- 1. Cause No. 32,982; The State of Texas and Fort Bend County, Texas vs. Sun Meng Liaw, et al.; In the County Court at Law No. 2 of Fort Bend County, Texas.**
 - 2. Civil Action No. 4:09-CV-03569; Ronald Curtis, Cedric Johnson, and Curvis Bickham, Plaintiffs, vs. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division.**
 - 3. Civil Action No. 4:10-CV-1896; Richard Lynn Winfrey, Jr., Plaintiff, vs. San Jacinto County, et al.; in the United States District Court for the Southern District of Texas, Houston Division.**
- B. § 551.072. Deliberation Regarding Real Property. Commissioners Court will meet in Closed Session to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

Acquisition of Property: Justice of the Peace - Precinct 1, Place 1.

Closed Session:

Convened at 2:49 p.m.

Adjourned at 2:55 p.m.

Reconvene:

Reconvened at 2:57 p.m.

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

A. § 551.071. Consultation With Attorney.

- 1. Cause No. 32,982; The State of Texas and Fort Bend County, Texas vs. Sun Meng Liaw, et al.; In the County Court at Law No. 2 of Fort Bend County, Texas.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to authorize the County Attorney to pay the negotiated settlement for Cause No. 32,982; The State of Texas and Fort Bend County, Texas vs. Sun Meng Liaw, et al.; In the County Court at Law No. 2 of Fort Bend County, Texas and authorize the County Judge to execute and deliver the Settlement Agreement and accept deeds and to approve the full and final settlement of all claims set forth there in with funds from ROW Fund.

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

- 2. Civil Action No. 4:09-CV-03569; Ronald Curtis, Cedric Johnson, and Curvis Bickham, Plaintiffs, vs. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), 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. 4:09-CV-03569; Ronald Curtis, Cedric Johnson, and Curvis Bickham, Plaintiffs, vs. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division.

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

October 5, 2010

Item 28A continued - 551.071 Consultation with Attorney:

3. **Civil Action No. 4:10-CV-1896; Richard Lynn Winfrey, Jr., Plaintiff, vs. San Jacinto County, et al.; in the United States District Court for the Southern District of Texas, Houston Division.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), 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. 4:10-CV-1896; Richard Lynn Winfrey, Jr., Plaintiff, vs. San Jacinto County, et al.; in the United States District Court for the Southern District of Texas, Houston Division.

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

B. § 551.072. Deliberation Regarding Real Property.

Acquisition of Property: Justice of the Peace - Precinct 1, Place 1.

No action.

29. Adjournment.

Commissioners Court adjourned at 3:00 p.m. on Tuesday, October 5, 2010.

October 5, 2010

DRAINAGE DISTRICT BOARD MINUTES

BE IT REMEMBERED, That on this 5th DAY of OCTOBER, 2010, The Drainage District Board of Fort Bend County, Texas, met at a scheduled meeting with the following present:

ROBERT E. HEBERT	COUNTY JUDGE
RICHARD MORRISON	COMMISSIONER PRECINCT 1
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
JAMES PATTERSON	COMMISSIONER PRECINCT 4
DIANNE WILSON	COUNTY CLERK
MARK VOGLER	DRAINAGE DISTRICT MANAGER

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

1. Call to Order.

Call to Order by Judge Hebert at 1:07 p.m.

2. Approve out-of-state travel for Juling Bao to Henderson, Nevada, November 1-5, 2010, to attend the Floodplain Management Association Annual Conference & Arid Regions Symposium. (Fund: Drainage District, Travel)

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve out-of-state travel for Juling Bao to Henderson, Nevada, November 1-5, 2010, to attend the Floodplain Management Association Annual Conference & Arid Regions Symposium. (Fund: Drainage District, Travel)

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

October 5, 2010

3. Take all appropriate action on the Tax Abatement Agreement between Fort Bend County Drainage District, Lyant Properties, LLC as Owner, and Continental Polybags, Inc. as Lessee.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Tax Abatement Agreement between Fort Bend County Drainage District, Lyant Properties, LLC as Owner, and Continental Polybags, Inc. as Lessee.

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

4. Adjournment.

The Drainage District Board adjourned at 1:08 p.m. on Tuesday, October 5, 2010.