

## MINUTES

BE IT REMEMBERED, That on this 1st DAY of MARCH, 2011, 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 February 22, 2011.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve minutes of regular meeting held on February 22, 2011.

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 or announcements.

5. **PUBLIC HEARINGS: 1:00 p.m.: Conduct Public Hearings and take all appropriate action on the following matters:**
- A. **Approval of replat: Grand Corner Reserves, Partial Replat No. 1, Precinct 3.**
- B. **Acceptance of the revised traffic control plan for Woods Edge Estates Subdivision, to establish a multiway stop at the intersection of Bridal Wreath and Mimosa Lane, Precinct 3.**

Public hearing held. No public comments.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

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

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

**CONSENT AGENDA ITEMS 6 - 12:**

6. **OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
- Office of Emergency Management: Approve change in departure date for Doug Barnes, Lach Mullen, and Terrance Harris, to Augusta, Georgia, March 28 - April 1, 2011, to attend the WebEOC Users Conference. (Fund: 2009 UASI Regional Planning Grant)**
7. **BUDGET & FINANCE:**
- A. **Approve the Quarterly County Investment Report for the First Quarter of Fiscal Year 2011 in accordance with Texas Government Code §2256.023.**
- B. **BUDGET TRANSFERS:**
1. **Parks Department: Approve transfer in the amount of \$6,000 from Repairs and Maintenance into Capital Acquisitions to allocate additional funds for the purchase of tables and equipment for Parks buildings that are rented to the public.**
  2. **Sheriff's Office: Approve transfer in the amount of \$98,459 as detailed on Sheriff's form dated February 21, 2011 to allocate funds into correct line item for Tiburon maintenance fees and audio/visual equipment for the Dispatch Center.**
  3. **Sheriff's Office: Approve transfer in the amount of \$62,429 as detailed on Sheriff's form dated February 23, 2011, to amend the budget pursuant to Local Government Code Section 111.0707 and allocate revenue received from the Sheriff's Federal Forfeited Assets account into the Narcotics Division.**

**8. CONSTABLE, PCT. 2:**

**Record into Minutes the 2010 Racial Profiling Report for the Office of Constable, Precinct 2, pursuant to Code of Criminal Procedure, Articles 2.131 – 2.138.**

**9. ENGINEERING:**

- A. Approve payment of Invoice No. 211560108 (Pay Estimate No. 8) in the amount of \$28,336.50 to Huitt-Zollars, Inc. regarding the expansion of Falcon Landing Blvd. (from Greenbusch to Katy-Gaston), Mobility Bond Project #703, Precinct 3. (Fund: 2007 Mobility Bonds)**
- B. Approve payment of Invoice No. 26975 in the amount of \$34,455.30 to Landtech Consultants, Inc. regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)**
- C. Approve application from RC-LK Cattle Company, LLC to construct a driveway tie-in onto Buls Road, Precinct 1.**
- D. Approve application from AT&T Texas to bury cable along Mason Road, Precinct 3.**
- E. Approve application from Ryland Homes to construct a driveway tie-in onto Crescent Water, Precinct 1.**
- F. Approve application from the City of Rosenberg to bury a water line along Tori Road, Precinct 1.**
- G. Approve the plat for Cinco Ranch Southwest, Sec. 35 Partial Replat No. 1, Precinct 3.**
- H. Approve the plat for Plazas at Spring Green, Precinct 3.**

**10. 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. S.O.#56545014 in the amount of \$12,700 to CenterPoint Energy (CNP) to provide underground electrical service to the University Branch Library;**
- B. Pay Application No. Seven (7) in the amount of \$5,636.00 to Crain Group LLC., for Construction Services regarding the expansion of Office of Emergency Management;**
- C. Pay Application No. Eight (8) in the amount of \$12,513.60 to Crain Group LLC., for Construction Services regarding renovations to the Jane Long Annex;**
- D. Invoice No. 10028949 in the amount of \$411.18 to PGAL for professional services regarding the Justice Center;**
- E. Invoice No. 23099 in the amount of \$28,500.00 to Mathis Group (TMG+) for Professional Services regarding the Justice Center;**

**Item 10 continued - Facilities Management & Planning:**

- F. Invoice No. 0013592-001 in the amount of \$3,427.00 to 2M Business Products for furniture, fixture, and equipment costs associated with the Behavioral Health Services offices located in the Precinct One Facility;**
- G. Invoice No. R-015497 in the amount of \$704.00 to Data Vox for voice/data costs associated with the Behavioral Health Services offices located in the Precinct One Facility;**
- H. Invoice No. 162992 and Invoice No. 163455 for an amount totaling \$60,000.00 to Gowan, Inc. for testing and balancing services regarding the Justice Center;**
- I. Invoices totaling \$9,060.21 as detailed on Director's summary submitted on February 23, 2011, for reading, audio and educational materials regarding the University Branch Library in Sugar Land.**

**11. PUBLIC TRANSPORTATION:**

- A. Rescind Court's approval of Agenda Item 23 B from Commissioners Court dated January 11, 2011, regarding an Amendment #1 to the FY 2010 Section 5310 Elderly & Disabled Grant, due to an error in the Contract Number.**
- B. Accept and authorize County Judge to sign Amendment #1 to the FY 2010 Section 5310 Elderly & Disabled Grant Agreement CTR# 51012F7269, to add the remaining apportionment of funds provided on Minute Order 112259, increasing the total reimbursable amount to \$327,876 and \$65,575 in Transportation Development Credits (TDC's) in lieu of local match.**

**12. TAX ASSESSOR/COLLECTOR:**

**Record into Minutes the disposal of miscellaneous Tax Office documentation dated December 22, 2010 through February 2, 2011, which has been scanned by Windward Group as box numbers 913 through 964, described on report dated February 23, 2011, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.**

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Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve consent agenda items 6 - 12.

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

**13. COUNTY JUDGE:**

- A. Take all appropriate action on request for appraisal of property located near the intersection of Belknap and W. Bellfort, Precinct 3, and authorize purchase order. (Fund: Non-Departmental, Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to authorize appraisal of property located near the intersection of Belknap and W. Bellfort, Precinct 3, and authorize purchase order. (Fund: Non-Departmental, Fees)

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

- B. Take all appropriate action to appoint Paula Gibson, David Vasquez and Mike O'Connell to the Fort Bend County Citizens Advisory Committee on Redistricting.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to appoint Paula Gibson, David Vasquez and Mike O'Connell to the Fort Bend County Citizens Advisory Committee on Redistricting.

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

- C. Take all appropriate action on Guidelines and Criteria for Granting Tax Abatement Agreements in Reinvestment Zones for Fort Bend County, pursuant to Texas Property Tax Code, Section 312.002.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to approve Guidelines and Criteria for Granting Tax Abatement Agreements in Reinvestment Zones for Fort Bend County, pursuant to Texas Property Tax Code, Section 312.002.

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

**14. COMMISSIONER, PCT. 1:**

**Take all appropriate action on request to ratify electronic submission of a grant application to The George Foundation for playground equipment, to be installed at the Barbara Jordan Park in Needville, Texas.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to ratify electronic submission of a grant application to The George Foundation for playground equipment, to be installed at the Barbara Jordan Park in Needville, Texas.

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

**15. COMMISSIONER, PCT. 2:**

**Take all appropriate action to appoint Brandon Herndon, Pamela McKinney-Proctor and Janice Scanlan to the Fort Bend County Citizens Advisory Committee representing Precinct Two.**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to appoint Brandon Herndon, Pamela McKinney-Proctor and Janice Scanlan to the Fort Bend County Citizens Advisory Committee representing Precinct Two.

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

**16. ENGINEERING:**

- A. Take all appropriate action on request for temporary road closure of Greenbusch Road, from east of Westheimer Parkway to Clover Ranch Drive, from March 7 through March 21, 2011, for construction purposes, according to Section 251.011 of the Texas Transportation Code, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve temporary road closure of Greenbusch Road, from east of Westheimer Parkway to Clover Ranch Drive, from March 7 through March 21, 2011, for construction purposes, according to Section 251.011 of the Texas Transportation Code, Precinct 3.

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

- B. Take all appropriate action on request from Aliana Development Company to replat Aliana, Section 10, and sign affidavit as owner of the stub street, Torrey Pine Drive, Precinct 4.**

Moved by Commissioner Patterson Seconded by Commissioner Morrison

Duly put and unanimously carried (4-0), it is ordered to authorize Aliana Development Company to replat Aliana, Section 10, and sign affidavit as owner of the stub street, Torrey Pine Drive.

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

**17. HUMAN RESOURCES:**

**Take all appropriate action on revisions to the Employee Information Manual, specifically Section 712: Shared Sick Leave Pool, as recommended by Human Resources and the Shared Sick Leave Pool Committee.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to approve revisions to the Employee Information Manual, specifically Section 712: Shared Sick Leave Pool, as recommended by Human Resources and the Shared Sick Leave Pool Committee.

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

**18. PURCHASING:**

- A. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code Section 262.024 (a)(7) for the purchase of an item available from only one source and authorize the purchase of optical high speed local area network connections from SkyFiber, Inc. for an amount not to exceed \$55,000. (Fund: Information Technology and Office of Emergency Management)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to grant an exemption to the competitive bid process as authorized by Local Government Code Section 262.024 (a)(7) for the purchase of an item available from only one source and authorize the purchase of optical high speed local area network connections from SkyFiber, Inc. for an amount not to exceed \$55,000. (Fund: Information Technology and Office of Emergency Management)

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



**Item 18 continued - Purchasing:**

- B. Take all appropriate action to authorize the sale of a 1997 Ford F250 Truck to the City of Needville for the amount of \$800 pursuant to Local Government Code §263.152 (a)(1).**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize the sale of a 1997 Ford F250 Truck to the City of Needville for the amount of \$800 pursuant to Local Government Code §263.152 (a)(1).

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

- C. Take all appropriate action to authorize the purchase of four (4) Trucks, Vehicle 3, from Helfman Ford, for Road & Bridge, pursuant to Bid #11-028. (Fund: Road and Bridge)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (4-0), it is ordered to authorize the purchase of four (4) Trucks, Vehicle 3, from Helfman Ford, for Road & Bridge, pursuant to Bid #11-028. (Fund: Road and Bridge)

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

- D. Take all appropriate action to authorize the purchase of an additional pew and seat cushions for the Justice Center from Imperial Woodworks pursuant to Bid #11-023, for an amount not to exceed \$858. (Fund: Facility Bond Project)**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (4-0), it is ordered to authorize the purchase of an additional pew and seat cushions for the Justice Center from Imperial Woodworks pursuant to Bid #11-023, for an amount not to exceed \$858. (Fund: Facility Bond Project)

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

**19. ROAD & BRIDGE:**

**Take all appropriate action on Agreement between Fort Bend County and Carroll & Blackman, Inc. to provide Storm Water Pollution Prevention Plans for Fort Bend County Facilities, including Road & Bridge, Engineering, Vehicle Maintenance, and Fueling Facilities, County expenditure not to exceed \$51,806. (Fund: Road & Bridge and Non-Departmental, Fees)**

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 Carroll & Blackman, Inc. to provide Storm Water Pollution Prevention Plans for Fort Bend County Facilities, including Road & Bridge, Engineering, Vehicle Maintenance, and Fueling Facilities, County expenditure not to exceed \$51,806. (Fund: Road & Bridge and Non-Departmental, Fees)

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

**20. SHERIFF'S OFFICE:**

**Take all appropriate action on Revised Order Creating Rules and Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County.**

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Revised Order Creating Rules and Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County.

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

**21. Approve Bills.**

Moved by Commissioner Morrison Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve bills in the amount of \$6,264,931.98.

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

**Recess:**

Recessed at 1:15 p.m.

**22. 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.**

**Cause No. 10-CCV-042391; Fort Bend County, Texas vs. Willie M. Flora, Pamela Edwards, Rachael Edwards, et al.; In the County Court at Law #2 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.**

- 1. Property: 4.9074 acres located off McKeever Road in Arcola.**
- 2. Dulles Avenue, Mobility Bond Project #720, Precinct 2.**
- 3. Land Matters; Fort Bend County Country Club property, Pct 1.**

**Closed Session:**

Convened at 1:22 p.m.

Adjourned at 1:59 p.m.

**Reconvene:**

Reconvened at 2:10 p.m.

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

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

**Cause No. 10-CCV-042391; Fort Bend County, Texas vs. Willie M. Flora, Pamela Edwards, Rachael Edwards, et al.; In the County Court at Law #2 of Fort Bend County, Texas.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to incur additional litigation expenses in an amount not to exceed \$5,000.00 for Cause No. 10-CCV-042391; Fort Bend County, Texas vs. Willie M. Flora, Pamela Edwards, Rachael Edwards, et al.; In the County Court at Law #2 of Fort Bend County, Texas.

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

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

**1. Property: 4.9074 acres located off McKeever Road in Arcola.**

No action.

**2. Dulles Avenue, Mobility Bond Project #720, Precinct 2.**

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 22, parts 1 & 2 of the Dulles Avenue Mobility Project in the amount of \$1,920.00 plus necessary costs not to exceed \$5,000.00 with funds from Right of Way Fund and authorize the County Judge to sign all necessary documents.

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

**3. Land Matters; Fort Bend County Country Club property, Pct 1.**

No action.

**24. Adjournment.**

Commissioners Court adjourned at 2:12 p.m. on Tuesday, March 1, 2011.