

MINUTES

BE IT REMEMBERED, That on this 1st DAY of MAY, 2012, Commissioners Court of Fort Bend County, Texas, met at a regular meeting with the following present:

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

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

1. Call to Order.

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

2. Invocation and Pledge of Allegiance by Commissioner Morrison.

Invocation and Pledge of Allegiance by Commissioner Morrison.

3. Approve minutes of regular meeting held on April 24, 2012.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the minutes of regular meeting held on April 24, 2012.

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

4. Public Comments regarding the Agenda and Announcements.

Peter McElwain, District Architect/Planner for Katy ISD, is in favor of item 20B and thanked Commissioner Meyers and the Engineering Department.

Judge Hebert presented a Proclamation to William Adams, the founder of the Fort Bend Boys Choir, in recognition of their 30th anniversary.

CONSENT AGENDA ITEMS 5 - 13:

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

- A. **Risk Management: Wyatt Scott to Nashville, Tennessee, June 3-6, 2012, to attend Public Risk Management Association (PRIMA) 2012 Annual Conference. (Fund: Risk Management, Travel)**
- B. **Sheriff's Office: Ratify travel by M. Kubricht and C. Matthews to Fort Lauderdale, Florida, May 1-3, 2012, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
- C. **Sheriff's Office: J. Hernandez and S. Heinemeyer to Edgefield, South Carolina, May 8-10, 2012, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**

6. COUNTY JUDGE:

Record into Minutes the Public Official Bond for John Steffes as Treasurer for Fort Bend Emergency Services District No. 1 effective through February 11, 2013.

7. COMMISSIONER, PCT. 2:

Approve Interlocal Project Agreement between Fort Bend County and Fort Bend County Water Control and Improvement District No. 2 (WCID 2) to provide assistance with digging ditches, setting pipes, widening shoulders, and asphalt overlay at 3114 Fifth Street, a district-owned street, County expenditure not to exceed \$16,515. (Fund: Road & Bridge)

8. BUDGET & FINANCE/BUDGET TRANSFERS:

- A. **Budget Director: Approve transfer in the amount of \$378,754 as detailed on Budget Director's form dated April 25, 2012, pursuant to FY 2012 Second Quarter Salary Audit for the General Fund.**
- B. **Constable, Pct. 4: Approve transfer in the amount of \$100 from Fees into Information Technology to allocate additional funds for upgrade of software license.**
- C. **Facilities: Approve transfer in the amount of \$100,000 as detailed on Auditor's form dated April 25, 2012, to allocate additional funds necessary to complete renovations to the Rosenberg Annex.**
- D. **Parks Department: Approve transfer in the amount of \$2,304 from Parks, Fees, into Facilities, Utilities, to allocate funds for payments to City of Houston for drainage fees.**

Item 8 continued - Budget & Finance/Budget Transfers:

- E. **Road & Bridge:** Approve transfer in the amount of \$142,830 as detailed on Budget Director's form dated April 25, 2012, pursuant to FY 2012 Second Quarter Salary Audit.

9. DISTRICT ATTORNEY:

Approve change in funding source for out of state travel by John Bohannon to Las Vegas, Nevada, April 15-20, 2012, to attend training by the National Association of Certified Fraud Examiners. (Fund: District Attorney, LEOSE, Travel)

10. ENGINEERING:

- A. Approve payment of Invoice No. 38132 in the amount of \$54,574.25 to CLR, Inc. regarding improvements to Burney Road, Mobility Bond Project #719, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)
- B. Approve payment of Invoice No. 237083 (Pay Estimate No. 4) in the amount of \$60,625.00 to Cobb-Fendley & Associates, Inc. regarding improvements to Gaston Road, Mobility Bond Project #733, Precinct 3. (Fund: 2007 Mobility Bonds)
- C. Approve payment of Invoice No. 459301/05/II in the amount of \$228,429.45 to Dannenbaum Engineering Corporation regarding Phase I design extension of FM 1093 (from State Highway 99 to West of FM 359), Mobility Bond Project #748, Precinct 3. (Fund: 2007 Mobility Bonds)
- D. Approve payment of Invoice No. 51069 in the amount of \$37,690.19 to Burk-Kleinpeter, Inc. regarding the expansion of Trammel Fresno Road, Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)
- E. Approve application from Joslin Construction Texas, LLC to bore an 8-inch waterline under Spring Green Blvd., Precinct 3.
- F. Approve release of cashier check #251374 in the amount of \$5,000.00 to Brayton Operating Corporation for completion of work on Buls, Permit #83327, Precinct 1.
- G. Approve application from Debo Homes, LLC to construct a driveway tie-in onto Emily Ruth Drive, Precinct 1.
- H. Approve application from Phonoscope, LLC to bury cable and set a power pole along Richmond-Gaines Road, Precinct 3.
- I. Approve application from CenterPoint Entex to bore under Katy-Flewellen Road, Pct 3.
- J. Approve application from CenterPoint Entex to bury a 2-inch plastic gas line along Roesner Road, Precinct 3.
- K. Approve the plat for Minamax Automotive and Commercial Center, Precinct 2.

Item 10 continued - Engineering:

- L. **Set public hearing for acceptance of the traffic control plan to establish and approve regulatory traffic control devices on Katy Gaston Road, Mobility Bond Project #733, from FM 1093 to Cinco Ranch Boulevard, and modification to the speed limit for School Zones along Fry Road, Precinct 3. (Tuesday, June 5, 2012, at 1:00 p.m.)**
- M. **Set public hearing for acceptance of the revised Traffic/Safety Study for (Katy ISD Elementary School No. 32) at Cinco Terrace and Fiona Sky Lane Extension and Reserves, Precinct 3. (Tuesday, June 5, 2012, at 1:00 p.m.)**

11. PARKS & RECREATION:

Approve Full Release and Agreement for Usage of County Property between Fort Bend County and Young Men's Christian Association of the Greater Houston Area (YMCA) for use of the Bates Allen Park for Summer Youth Day Camp from June 4 through August 10, 2012.

12. PURCHASING: Authorize advertising for Statements of Qualification (SOQs), Bids, and/or Request for Proposals (RFPs) for the following:

- A. **Bids for drainage and paving improvements for West Bellfort;**
- B. **Bids for wheel chair accessible minivan for Public Transportation;**
- C. **Bids for sale of motor graders.**

13. TAX ASSESSOR/COLLECTOR:

Record into Minutes the disposal of Tax Office research documentation dated 1992 through 2010 and described on report dated April 18, 2012, in accordance with the State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 5 - 13.

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

14. COUNTY JUDGE:

Take all appropriate action on the Second Restated as Amended Tax Abatement Agreement between Fort Bend County and Spera Pharmaceuticals, Inc.; assignment of Agreement to Bournewood Partners, LP, as Owner, and Spirra Pharmaceuticals, Inc. and Healix, Inc. as Lessees.

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the Second Restated as Amended Tax Abatement Agreement between Fort Bend County and Spera Pharmaceuticals, Inc.; assignment of Agreement to Bournewood Partners, LP, as Owner, and Spirra Pharmaceuticals, Inc. and Healix, Inc. as Lessees.

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

15. COMMISSIONER, PCT. 1:

A. Take all appropriate action on Resolution in support of the West Fort Bend Management District Application to Houston- Galveston Area Council (HGAC) for the Access Management Planning Study of US Highway 90A.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Resolution in support of the West Fort Bend Management District Application to Houston- Galveston Area Council (HGAC) for the Access Management Planning Study of US Highway 90A.

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

Item 15 continued - Commissioner Pct. 1:

- B. Take all appropriate action on request by Jennifer Maples-Gibbs on behalf of M C Lighting Maintenance, to waive penalty and interest for an amount totaling \$277.06 on property taxes for tax year 2011, Precinct 1.**

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to deny request by Jennifer Maples-Gibbs on behalf of M C Lighting Maintenance, to waive penalty and interest for an amount totaling \$277.06 on property taxes for tax year 2011, Precinct 1.

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

16. COMMISSIONER, PCT. 3:

- Take all appropriate action on request by Ruma Acharya to waive penalty and interest on multiple accounts for an amount totaling \$760.07 on property taxes for tax years 2008 and 2011, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to deny request by Ruma Acharya to waive penalty and interest on multiple accounts for an amount totaling \$760.07 on property taxes for tax years 2008 and 2011, Precinct 3.

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

17. COMMUNITY DEVELOPMENT:

Take all appropriate action on Substantial Amendment to the FY 2011 Consolidated Annual Action Plan for the Emergency Solutions Grant (ESG) Program Funding, and authorize County Judge to sign all documents pertaining to the Amendment.

Moved by Commissioner Patterson Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Substantial Amendment to the FY 2011 Consolidated Annual Action Plan for the Emergency Solutions Grant (ESG) Program Funding, and authorize County Judge to sign all documents pertaining to the Amendment.

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

18. CONSTABLE, PCT. 1:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$162.00 to Harris County for repairs to radio without a purchase order. (Fund: Constable, Pct. 1, Property and Equipment)

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 \$162.00 to Harris County for repairs to radio without a purchase order. (Fund: Constable, Pct. 1, Property and Equipment)

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

19. CONSTABLE, PCT. 2:

Take all appropriate action on request to transfer the amount of \$27,000 from Non-Departmental Contingency into Constable, Pct. 2, Capital Acquisitions, to allocate funds for replacement of vehicle taken out of service, Unit CD2-35.

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to transfer \$27,000 from Non-Departmental Contingency into Constable, Pct. 2, Capital Acquisitions, to allocate funds for replacement of vehicle taken out of service, Unit CD2-35.

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

20. ENGINEERING:

A. Take all appropriate action on the First Amendment to Professional Engineering Services Agreement between Fort Bend County and JNS Engineers, LLC, for additional services in an amount not-to-exceed \$58,500; for improvements to Falcon Landing Boulevard, total project cost not-to-exceed \$100,500, Mobility Bond Project No. 703, Precinct 3. (Fund: 2007 Mobility Bonds)

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the First Amendment to Professional Engineering Services Agreement between Fort Bend County and JNS Engineers, LLC, for additional services in an amount not-to-exceed \$58,500; for improvements to Falcon Landing Boulevard, total project cost not-to-exceed \$100,500, Mobility Bond Project No. 703, Precinct 3. (Fund: 2007 Mobility Bonds)

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

Item 20 continued - Engineering:

- B. Take all appropriate action on Interlocal Agreement between Fort Bend County and Katy Independent School District for improvements to Falcon Landing Blvd, Gaston Road and Greenbusch Road, Mobility Bond Project No. 703, Precinct 3. (Fund: 2007 Mobility Bonds)**

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreement between Fort Bend County and Katy Independent School District for improvements to Falcon Landing Blvd, Gaston Road and Greenbusch Road, Mobility Bond Project No. 703, Precinct 3. (Fund: 2007 Mobility Bonds)

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

Commissioner Meyers thanked Peter McElwain with Katy ISD for attending Commissioners Court today.

- C. Take all appropriate action on request by Brent and Leslie Anderson for a variance to the Fort Bend County Regulations of Subdivision, Section 2.2, to divide 5.0195 acres out of a called 10.039-acre tract situated in the Churchill Fulshear League, Abstract 29, recorded in official Fort Bend County Deed Records, Instrument #2010052115 and correction deed #2010059086, and conveyance Instrument #2011101032 to Joshua Stanka, Fort Bend County, Texas, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve request by Brent and Leslie Anderson for a variance to the Fort Bend County Regulations of Subdivision, Section 2.2, to divide 5.0195 acres out of a called 10.039-acre tract situated in the Churchill Fulshear League, Abstract 29, recorded in official Fort Bend County Deed Records, Instrument #2010052115 and correction deed #2010059086, and conveyance Instrument #2011101032 to Joshua Stanka, Fort Bend County, Texas, Precinct 3.

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

Item 20 continued - Engineering:

- D. Take all appropriate action on the Consent to Encroachment Agreement between Fort Bend County and Fort Bend County Municipal Utility District No. 35 for the construction of a traffic signal control box at the corner of Fry Road and Gaston Road, Precinct 3, and record the Encroachment in the real property records.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Consent to Encroachment Agreement between Fort Bend County and Fort Bend County Municipal Utility District No. 35 for the construction of a traffic signal control box at the corner of Fry Road and Gaston Road, Precinct 3, and record the Encroachment in the real property records.

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

21. JUSTICE OF THE PEACE, PCT. 2:

- A. Take all appropriate action to authorize payment by Invoice Transmittal for an amount totaling \$210.03 to AT&T for wireless phone service without a purchase order. (Fund: Justice of the Peace, Pct. 2, Fees)**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal for an amount totaling \$210.03 to AT&T for wireless phone service without a purchase order. (Fund: Justice of the Peace, Pct. 2, Fees)

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

Item 21 continued - Justice of the Peace Pct. 2:

- B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$60.05 to Ozarka for drinking water received without a purchase order. (Fund: Justice of the Peace, Pct. 2, Fees)**

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$60.05 to Ozarka for drinking water received without a purchase order. (Fund: Justice of the Peace, Pct. 2, Fees)

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

22. PUBLIC TRANSPORTATION:

- A. Take all appropriate action on Amendment #1 to the Agreement between Fort Bend County and Texas Department of Transportation, Project Grant Agreement #51212F7216, to revise the Project Description for Demand Response and Commuter Service provided by Public Transportation, with no change to funding, and authorize County Judge to sign the Amendment.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Amendment #1 to the Agreement between Fort Bend County and Texas Department of Transportation, Project Grant Agreement #51212F7216, to revise the Project Description for Demand Response and Commuter Service provided by Public Transportation, with no change to funding, and authorize County Judge to sign the Amendment.

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

Item 22 continued - Public Transportation:

- B. Take all appropriate action on Change Order to Contract No. TS7111-17 between Fort Bend County and Houston-Galveston Area Council (H-GAC), to extend contract term for the Fort Bend Express Park & Ride until August 31, 2012, with no change to funding.**

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Change Order to Contract No. TS7111-17 between Fort Bend County and Houston-Galveston Area Council (H-GAC), to extend contract term for the Fort Bend Express Park & Ride until August 31, 2012, with no change to funding.

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

23. PURCHASING:

- A. Take all appropriate action on request to amend Procurement Card Policy and Procedures Manual.**

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to amend Procurement Card Policy and Procedures Manual.

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

- B. Take all appropriate action on RFP #12-046 for Emergency Power Systems Expansion for Sheriff's Office.**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to enter into contract negotiations with McDonald Electric for RFP #12-046 for Emergency Power Systems Expansion for Sheriff's Office.

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

Item 23 continued - Purchasing:

- C. Take all appropriate action on Agreement for Design/Build Services between Fort Bend County and P2MG, LLC, for an amount not to exceed \$214,000 for City of Arcola Community Center, pursuant to SOQ #12-037. (Fund: Community Development Block Grant)**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Agreement for Design/Build Services between Fort Bend County and P2MG, LLC, for an amount not to exceed \$214,000 for City of Arcola Community Center, pursuant to SOQ #12-037. (Fund: Community Development Block Grant)

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

- D. Take all appropriate action to purchase one (1) replacement vehicle, Vehicle 13 SUV, from Caldwell Chevrolet for Constable Pct 2, pursuant to Bid #11-028. (Fund: Constable Pct 2)**

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to purchase one (1) replacement vehicle, Vehicle 13 SUV, from Caldwell Chevrolet for Constable Pct 2, pursuant to Bid #11-028. (Fund: Constable Pct 2)

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

24. SHERIFF'S OFFICE:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$300.00 to Reliant Business Products, Inc. for installation and design fees provided without a purchase order. (Fund: Sheriff, OCDETF Grant, Fees)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by Invoice Transmittal in the amount of \$300.00 to Reliant Business Products, Inc. for installation and design fees provided without a purchase order. (Fund: Sheriff, OCDETF Grant, Fees)

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 Meyers

Duly put and unanimously carried (5-0), it is ordered to approve bills in the amount of \$2,342,306.33.

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

26. WORKSHOP - ENGINEERING:

A. Receive presentation by Dannenbaum Engineering Corporation on the proposed Schematic Design for Phase I of the FM 1093/Westpark Extension, Precinct 3.

David Milner, VP of Dannebaum Engineering, explained the road extension. There are three parts to the project. The County will need to purchase additional right of ways. Mr. Milner answered questions from members of court.

Item 26 continued - Workshop - Engineering:

- B. Take all appropriate action on the Schematic Design of Phase I of the FM 1093/Westpark, including, but not limited to authorizing submission of the Design to the Texas Department of Transportation.**

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the Schematic Design of Phase I of the FM 1093/Westpark, including, but not limited to authorizing submission of the Design to the Texas Department of Transportation.

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

Recess:

Recessed at 1:55 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.**

Civil Action No. 11-CV-00887; William Butera v. Fort Bend County, Texas; 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.**

- 1. Acquisition of property: Old Richmond Road, Mobility Bond Project #729, Precinct 4.**
- 2. Acquisition of property: Spur 10, (Texas Department of Transportation 90/10 Reimbursement), Precinct 1.**
- 3. Acquisition of property: Sycamore/Rabb Road, Precinct 1.**

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

- C. **§ 551.074. Personnel Matters. Commissioners Court will meet in Closed Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.**

Annual Evaluation - Facilities Management & Planning Director.

Closed Session:

Convened at 2:07 p.m.
Adjourned at 2:35 p.m.

Reconvene:

Reconvened at 2:55 p.m.

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

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

Civil Action No. 11-CV-00887; William Butera v. Fort Bend County, Texas; In the United States District Court for the Southern District of Texas, Houston Division.

No action.

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

1. Acquisition of property: Old Richmond Road, Mobility Bond Project #729, Precinct 4.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 9E for \$4,835.00 and Parcel 10E for \$2,076.00 of the Old Richmond Road Mobility Project plus necessary costs not to exceed \$5,000.00 each with funds from Right of Way Fund and authorize the County Judge to execute all necessary documents.

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

Item 28B continued - 551.072 Deliberation Regarding Real Property:

2. Acquisition of property: Spur 10, (Texas Department of Transportation 90/10 Reimbursement), Precinct 1.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to purchase Parcel 9 for \$54,769.00, Parcel 31 for \$259,735.00, Parcel 44 for \$169,410.00 and Parcel 45 for \$58,306.00 of the Spur 10 Mobility Project plus necessary costs not to exceed \$5,000.00 each with funds from Right of Way Fund and authorize the County Judge to execute all necessary documents.

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

3. Acquisition of property: Sycamore/Rabb Road, Precinct 1.

No action.

C. § 551.074. Personnel Matters.

Annual Evaluation - Facilities Management & Planning Director.

Annual review conducted.

29. Adjournment.

Commissioners Court adjourned at 3:00 p.m. on Tuesday, May 1, 2012.