

September 8, 2009

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
TUESDAY, SEPTEMBER 8, 2009
1:00 O’CLOCK P.M.**

AGENDA

1. Call to Order.
2. Invocation and Pledge of Allegiance by Commissioner Patterson.
3. Approve minutes of regular meeting held on September 1, 2009.
4. Public Comments regarding the Agenda and Announcements.

CONSENT AGENDA ITEMS 5 - 12:

5. COUNTY JUDGE:

- A. **Approve Amendment to renew Agreement between Fort Bend County and Katy Area Economic Development Council for an amount not to exceed \$15,000 for FY2010. (Fund: Non-Departmental, Fees)**
- B. **Approve Full Release from Model T Ford Club of America for use of the Parking Lot at William B. Travis Building on September 19 or September 26, 2009.**
- C. **Approve correction to amount shown for Agenda Item No. 8B from Commissioners Court meeting on September 1, 2009: renewal of Agreement between Fort Bend County and Mental Health America of Fort Bend County for mental health services in the amount of \$60,000 for FY 2010. (Fund: Non-Departmental, Fees)**
- D. **Accept appropriated funds in the amount of \$1,293,258.92 from the Texas Commission on Environmental Quality (TCEQ) for the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Retirement Program (LIRAP) for the period of September 1, 2009 through August 31, 2010.**
- E. **Approve Amendment No. 6 to the Interlocal Agreement between Fort Bend County and Houston-Galveston Area Council to administer the Low Income Vehicle Repair Assistance, Retrofit and Accelerated Retirement Program (LIRAP) for activity through August 31, 2011.**
- F. **Correct ending date of contract between Fort Bend County and the Texas Commission on Environmental Quality (TCEQ) for the Low Income Vehicle Repair Assistance, Retrofit and Accelerated Retirement Program (LIRAP) effective September 1, 2008 through August 31, 2011, (not August 31, 2009, as indicated on August 26, 2008), and record contract with corrected date.**

6. **BUDGET TRANSFERS:**

- A. **Facilities Management & Planning:** Approve transfer in the amount of \$1,200,000 as detailed on Auditor's form dated September 3, 2009, to allocate funds into correct line item for the Precinct Three Service Center.
- B. **Justice of the Peace, Pct. 1, Pl. 1:** Approve transfer in the amount of \$6,400 from JP Technology Fund, into JP 1, Capital Acquisitions, to allocate funds into correct line item for purchase of equipment costing more than \$5,000.
- C. **Justice of the Peace, Pct. 2:** Approve transfer in the amount of \$6,400 from JP Technology Fund, into JP 2, Capital Acquisitions, to allocate funds into correct line item for purchase of equipment costing more than \$5,000.
- D. **Law Library:** Approve transfer in the amount of \$6,600 as detailed on Librarian's form dated September 1, 2009, to allocate funds into correct line items for 2009 postage fees and to continue paying 2009 book/material invoices through September 30, 2009.
- E. **Public Transportation:** Approve transfer in the amount of \$73,306 as detailed on Transportation Director's form dated September 2, 2009, to reallocate grant match funds not required at this time.
- F. **Risk Management:** Approve transfer in the amount of \$61,000 from Property and Equipment into Capital Acquisitions to allocate funds from totaled vehicles by various County departments into correct line item.
- G. **Road & Bridge:** Approve transfer in the amount of \$45,000 from Capital Acquisitions into Property and Equipment to allocate funds into correct line item for purchase of new school zone lights.

7. **COMMUNITY SUPERVISION & CORRECTIONS DEPARTMENT:** Accept grant funding in the amount of \$150,000 from the Office of the Governor, Criminal Justice Division, for the Drug Court (Closing Addition's Revolving Door - CARD), Misdemeanor Drug Court, and DWI Drug Court Programs, for substance abuse related case management, counseling, outpatient treatment services.

8. **ENGINEERING:**

- A. Approve payment of Invoice No. 0154879 (Pay Estimate No. 22) in the amount of \$1,769.79 to Jones & Carter, Inc. for Fifth Street Paving and Drainage Project Improvements (from FM 1092 to FM 2234), Mobility Bond Project #17, Precinct 2.
- B. Approve payment of Invoice No. 809029 (Pay Estimate No. 18) in the amount of \$12,040.95 to Klotz Associates regarding labor rates relating to Fort Bend County Mobility Bond Projects in Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)
- C. Approve release of Performance Bond #6386456 in the amount of \$5,000.00 to HC Beck, Ltd. for completion of work on Belknap, Permit #83204, Precinct 3.
- D. Approve release of Performance Bond #24147251 in the amount of \$2,000.00 to Wier Enterprises for completion of work on Highland Knolls, Permit #82174, Precinct 3.

ENGINEERING (Continued)

- E. Approve release of Cashier's Check #0681928979 in the amount of \$5,000.00 to Riverway Services, LLC for completion of work on Fulshear-Gaston, Permit #83640, Precinct 3.
 - F. Approve application from WFL Development, LP/dba BE&DE Construction to construct a driveway tie-in onto South Fry Road, Precinct 3.
 - G. Approve application from J.C. Hernandez Construction, Inc. / Debo Homes LLC to construct a driveway tie-in onto Dale Jean Drive, Precinct 1.
 - H. Approve acceptance of Sure Tec Insurance Company perpetual bond #5054575 for J.C. Hernandez Construction, Inc.
 - I. Accept Oversize, Overweight...bond #TX 702 003 in the amount of \$50,000.00 from Carrizo Well Service, LLC for any and all damages that may be sustained to any roads or bridges while operating equipment in Fort Bend County, Pct. 1.
 - J. Set public hearing for acceptance of the traffic control plan for Shops at Bella Terra, Section 4, Pct. 3. *(Tuesday, October 6, 2009, at 1:00 p.m.)*
 - K. Set public hearing for the revised traffic/safety study for Exley Elementary School (Katy ISD Elem. School #24), to install "No U-turn" signs along Westheimer Parkway, Pct. 3. *(Tuesday, October 6, 2009, at 1:00 p.m.)*
9. **FACILITIES MANAGEMENT & PLANNING:** The Director of Facilities Management & Planning submits these invoices for approval of payment for projects that have been budgeted and funded by Facility Bonds and/or Capital Projects:
- A. Pay Application No. 3 in the amount of \$747,663.00 to JE Dunn South Central, Inc. for construction services regarding the Justice Center;
 - B. Invoice No. 10026623 in the amount of \$42,369.70 to PGAL for architectural services regarding the Justice Center;
 - C. Pay Application No. 5 in the amount of \$431,452.05 to Crain Zamora LLC for professional services regarding the Missouri City Annex;
 - D. Pay Application No. 08-00900013 in the amount of \$577,916.35 to Bass Construction Company, Inc. for construction services regarding the Gus George Academy; and
 - E. Pay Application No. 08-00300013 (Final) in the amount of \$6,820.00 to Bass Construction Company, Inc. for construction services regarding the Needville Facility.
10. **PURCHASING:** Authorize advertising for Statements of Qualification (SOQs), Bids, and/or Request for Proposals (RFPs) for the following:
- A. Buses for Public Transportation; and
 - B. Mailing and printing of voter certificates.

11. ROAD & BRIDGE:

- A. Approve renewal of Lease Agreement between Fort Bend County and Needville Independent School District for storage of Fort Bend County road and bridge materials effective October 1, 2009, with automatic yearly renewals.**
- B. Approve the renewal of Primary Interlocal Agreements between Fort Bend County and the following entities effective through September 30, 2010, with automatic one-year renewals: Austin County; City of Beasley; Brazos Independent School District; City of Kendleton; City of Needville; Needville Independent School District; City of Orchard; Richmond State Supported Living Center; City of Simonton; Texana Center; Town of Thompsons; and Wharton County Junior College.**

12. TAX ASSESSOR/COLLECTOR:

- A. Record into Minutes the cancellation and removal of certain taxes from the Delinquent Tax Roll of Fort Bend County, pursuant to Texas Property Tax Code §33.05, Limitation on Collection of Taxes, as submitted by Tax Assessor/Collector.**
- B. Record into Minutes the cancellation and removal of certain taxes from the Delinquent Tax Roll of Fort Bend County Lateral Road & Flood Control District, pursuant to Texas Property Tax Code §33.05, Limitation on Collection of Taxes, as submitted by Tax Assessor/Collector.**
- C. Approve Amendment to Interlocal Cooperation Agreements for the Collection of Taxes between Fort Bend County and City of Meadows Place effective through June 30, 2010.**

13. COUNTY JUDGE:

- A. Take all appropriate action on request to transfer the amount of \$85,574 from Non-Departmental Contingency into Fees to allocate funds for payments on parcels not properly coded by the Central Appraisal District in City of Missouri Tax Investment Reinvestment Zone (TIRZ) No. 2 from 1999 through 2008.**
- B. Take all appropriate action to establish the regular schedule of Fort Bend County Commissioners Court, pursuant to Local Government Code §81.005(a) for Fiscal Year 2010, meeting every Tuesday except the third and fifth Tuesday of each month, at 1:00 p.m. in the Commissioners Courtroom located on the 7th Floor of the William B. Travis Building in Richmond, Texas.**
- C. Take all appropriate action to consider changes in the regular meeting schedule of Commissioners Court for the months of October, November, and December, 2009, to accommodate adoption of the tax rate, budget requirements, and Holidays.**

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14. COMMISSIONER, PCT. 1: Take all appropriate action to authorize County Judge to sign and submit grant application for the Transportation Investment General Economic Recovery (TIGER) funding regarding the widening of Crabb River Road (FM 2759) and FM 762.
15. COMMISSIONER, PCT. 3:
 - A. Take all appropriate action on request by John Dombrowski representing JRD Wine Interests LTD to waive penalty and interest, including attorney fees totaling \$264.78 on personal property taxes for tax year 2008.
 - B. Take all appropriate action on request by Rizwan Mistry representing Pem-Tech, Inc. to waive penalty and interest, including attorney fees totaling \$6,149.83 on property taxes for tax year 2008.
 - C. Take all appropriate action to accept the resignation of Trent Thomas from the Board of Directors for the Fort Bend Toll Road Authority, and appoint Melody Hess effective for the term through January 22, 2012.
16. COMMISSIONER, PCT. 4: Take all appropriate action on Ground Lease Agreement between Fort Bend County and University of Houston System for the University Branch Library - Sugar Land campus. (Fund: Facility Bond Project)
17. AUDITOR: Take all appropriate action to accept additional funding from the Texas Task Force on Indigent Defense in the amount of \$130,707 in the form of an equalization disbursement.
18. FIRE MARSHAL: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$71.00 to Anco Wessendorff Insurance Services for purchase of Notary Bond without a purchase order. (Fund: Fire Marshal, Fees)
19. FORT BEND COUNTY TOLL ROAD AUTHORITY: The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") reviewed the following item at their regular meeting held on August 19, 2009, and requests that Commissioners Court approve the adoption of Order Exercising Fort Bend County's Local Option to Develop the Grand Parkway.

20. HUMAN RESOURCES:

- A. Take all appropriate action on request for a new grant funded position, Licensed Vocational Nurse, Grade 9 of the Public Health Policy Group, effective September 8, 2009. (Fund: Clinical Health Grants)
- B. Take all appropriate action on request for a new grant funded position, Community Service Aide, Grade 5 of the Administrative Clerical Policy Group, effective September 8, 2009. (Fund: Clinical Health Grants)

21. PUBLIC TRANSPORTATION:

- A. Take all appropriate action on Contract Amendment No 1 for Section 5310 Elderly and Disabled Transportation Program Contract No. 51912F7217, State Project No. RPT 0905(12), to add remainder of Federal award to project budget with no local match required.
- B. Take all appropriate action to authorize submission of Grant Application TX 90-X869 to Federal Transit Administration for Federal FY07 Section 5307 Urbanized funding in the amount of \$2,120,000 with a County match of \$1,085,337; and authorize electronic submission by Director of Public Transportation on behalf of the County Judge. (Fund: Transportation, FY08 Grant Allocation)

22. PURCHASING:

- A. Take all appropriate action to authorize the purchase of additional software licenses and maintenance support for document management system from Image Now by Perceptive Software utilizing The Cooperative Purchasing Network Agreement R4841 for an amount not to exceed \$24,000. (Fund: Sheriff's Office)
- B. Take all appropriate action on trade package submissions from J. E. Dunn for the Justice Center Project.
- C. Take all appropriate action on Agreement between Fort Bend County and Rosenberger Construction in an amount not to exceed \$3,286,000 for construction of the Precinct Three Annex pursuant to RFP #09-096. (Fund: Facility Bond Project)
- D. Take all appropriate action on Professional Program Management Agreement between Fort Bend County and The Mathis Group for the Justice Center project pursuant to SOQ #09-101, for an amount not to exceed \$630,000. (Fund: Justice Center Bond Project)
- E. Take all appropriate action on the following:
 - 1) Bid #10-001 - Trophies for Summer Reading Program;
 - 2) Bid #10-002 - High Demand Books;
 - 3) Bid #10-003 - HVAC Libraries;
 - 4) Bid #10-004 - Janitorial Libraries;
 - 5) Bid #10-005 - Janitorial County Buildings;
 - 6) Bid #10-006 - DVDs for Libraries;
 - 7) Bid #10-007 - Safety Supplies;

PURCHASING (Continued)

- 8) Bid #10-008 - Fire alarm, sprinkler, anti-backflow, Ansul systems Maintenance Service and Fire/Security Monitoring;
 - 9) Bid #10-009 - Fire Alarm Maintenance for Jail and Juvenile;
 - 10) Bid #10-010 - Hydro-Insensitive Polyurethane Foam Materials and Labor;
 - 11) Bid #10-011 - Uniforms for Sheriffs Office;
 - 12) Bid #10-012 - Duty Gear;
 - 13) Bid #10-013 - Facsimile Machine Maintenance;
 - 14) Bid #10-014 - Pauper Burials and Transportation;
 - 15) Bid #10-016 - Tires and Tubes;
 - 16) Bid #10-017 - Chrysler Repair Parts;
 - 17) Bid #10-018 - Mowing of Right-of-Ways;
 - 18) Bid #10-019 - Oil and Lubricants;
 - 19) Bid #10-020 - Weed, Brush and Insect Control Chemicals;
 - 20) Bid #10-021 - Traffic Signs, Posts and Supplies;
 - 21) Bid #10-023 - Armored Car Services;
 - 22) Bid #10-024 - Hard Hats and Safety Glasses; and
 - 23) Bid #10-025 - Abatement of Junked Vehicles.
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23. ROAD & BRIDGE: Take all appropriate action on Change Order No. 1 in the amount of \$3,345.40 to E.L. Harris III Construction, Inc., for additional services requested pursuant to Bid #09-076, Fry Road Modifications. (Fund: Road & Bridge, Multi)

 24. SPECIAL PROJECTS: Take all appropriate action to establish a Mental Health Public Defender Advisory Board for the purpose of providing recommendations to Commissioners Court on the operation of the department and appoint to the Board: one District Court Judge, one County Court-at-Law Judge, two County Commissioners (or their appointees), two Criminal Defense Attorneys, and one Mental Health Advocate, as required under the terms of the Criminal Justice/Mental Health Initiative Grant.

 25. Approve Bills.

 26. Authorize County Auditor to pay and release time sensitive bills on September 17, 2009, to be ratified by Commissioners Court on September 22, 2009.

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.
Thor Ranch, FM 1093 at Spring Green Road.
 - 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) FM 1464 (a 90/10 Texas Department of Transportation reimbursement project) Phase II, Mobility Bond Project #764, Precinct 3.
 - 2) FM 359: (a 90/10 Texas Department of Transportation reimbursement project), Precincts 1 and 3.
 - 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.
County Librarian.
28. Reconvene Open Session and consider taking action on the following matters:
- A. § 551.071. Consultation With Attorney.
Thor Ranch, FM 1093 at Spring Green Road.
 - B. § 551.072. Deliberation Regarding Real Property
 - 1) FM 1464 (a 90/10 Texas Department of Transportation reimbursement project) Phase II, Mobility Bond Project #764, Precinct 3.
 - 2) FM 359: (a 90/10 Texas Department of Transportation reimbursement project), Precincts 1 and 3.

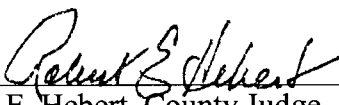
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Reconvene Open Session (Continued)

- C. § 551.074. Personnel Matters.
County Librarian.

29. Adjournment.

In the event any of the foregoing items are not covered in the time allocated on the date of this agenda, the County may order a continuance for the next day until the discussion is completed on all items.



Robert E. Hebert, County Judge

Notice of meeting/agenda posted at the Fort Bend County Courthouse Complex in Richmond, Texas, on Friday, September 4, 2009, by Donna Capina. An electronic version of this notice is also posted on the Fort Bend County website: www.co.fort-bend.tx.us under Commissioners Court.

NOTICE

Policy of Non-Discrimination on the Basis of Disability

Fort Bend County does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The County's ADA Coordinator is the Director of Facilities Management & Planning, located at 1715 Eugene Heimann Circle, Suite 500, Richmond, Texas, 77469, and can be reached at telephone number 281-633-7045. The Director of Facilities Management & Planning is designated to coordinate compliance with the non-discrimination requirements in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.

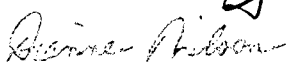
NOTICE

The County Commissioners Court of Fort Bend County reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

FILED FOR RECORD

NO. _____ TIME 1:37 ^{A.M.} P.M.

SEP 04 2009


Donna Capina
County Clerk Fort Bend Co. Tex.