

December 8, 2009

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

AGENDA

1. Call to Order.
2. Invocation and Pledge of Allegiance by Commissioner Morrison.
3. Approve minutes of regular meeting held on November 24, 2009.
4. Public Comments regarding the Agenda and Announcements.
5. PUBLIC HEARINGS: 1:00 p.m.: Conduct Public Hearings and take all appropriate action on the following matters:
 - A. Approval of replat, River Forest Section 3, Replat No. 1, being a replat of Lot 7, 8, 9, Blk. 2 of River Forest Section 3, Pct. 1.
 - B. Acceptance of the traffic control plan for Lakemont Ridge, Section 1, Pct. 3.
 - C. Acceptance of the traffic control plan for Parkway Oaks, Section 6, Pct. 3.

CONSENT AGENDA ITEMS 6 - 16:

6. **OUT-OF-STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
Sheriff’s Office
 - A. **Scott Soland to Quantico, Virginia, January 7 through March 22, 2010, to attend FBI National Academy. (Fund: Sheriff, Enforcement, Travel)**
 - B. **Jeff Kapche to New Berlin, Wisconsin, April 11-16, 2010, to attend digital forensic training. (Fund: Sheriff, Enforcement, Travel)**
7. **COUNTY JUDGE:**
 - A. **Approve designation of delegates to the Houston Galveston Area Council 2010 General Assembly and Board of Directors effective January 1, 2010: Andy Meyers, Representative, General Assembly, and Delegate to the Board of Directors; Robert Hebert, Representative, General Assembly, and Alternate, Board of Directors; Grady Prestage, Alternate, General Assembly; and Richard Morrison, Alternate, General Assembly.**
 - B. **Approve the reappointment of primary and designated alternate members to the following Houston-Galveston Area Council committees for the year 2010: Transportation Policy Council – James Patterson, Primary Voting Member; Paulette Shelton, Designated Alternate Member; Technical Advisory Committee – Jesse Hegemier, Primary Voting Member; Ronald Drachenberg, Designated Alternate Member.**

8. **COMMISSIONER, PCT. 4: Reappoint Ben Bono to the Board of Directors for Fort Bend Emergency Services District #5 for a term through December 31, 2011.**

9. **BUDGET TRANSFERS:**
 - A. **Constable, Pct. 4: Approve transfer in the amount of \$16,341 as detailed on Constable's form dated December 1, 2009, to reallocate funds into proper line items for expenditures within the law enforcement agreement for Westpark Toll Road.**
 - B. **Facilities Management & Planning: Approve transfer in the amount of \$431,748 as detailed on Auditor's form dated November 30, 2009, to allocate funds from various departments into Facilities for utilities payment processing.**

10. **ENGINEERING:**
 - A. **Approve payment of Invoice No. 200910-133 (Pay Estimate No. 3) in the amount of \$163,658.70 to Durwood Green Construction Company regarding paving and drainage for Greenbusch Road, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**
 - B. **Approve payment of Invoice No. 0109607 (Pay Estimate No. 14) in the amount of \$14,500.00 to Pate Engineers, Inc. regarding Old Richmond Road (from West Airport Boulevard to Boss Gaston Road), Mobility Bond Project #729, Precinct 4. (Fund: 2007 Mobility Bonds)**
 - C. **Approve payment of Invoice No. 09-10-008 (Pay Estimate No. 20) in the amount of \$7,125.00 to Kelly Kaluza & Associates, Inc. regarding Professional Engineering and Surveying for West Bellfort Paving and Drainage Project (from Martinez Street to Farm Market 1464), Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**
 - D. **Approve payment of Invoice No. 20094569 (Pay Estimate No. 3) in the amount of \$9,037.50 to LJA Engineering & Surveying, Inc. for paving and storm sewer facilities on Teal Bend Boulevard, Mobility Bond Project #746, Precinct 1. (Fund: 2007 Mobility Bonds)**
 - E. **Approve payment of Invoice No. 01110875 (Pay Estimate No. 15) in the amount of \$18,140.00 to Pate Engineers, Inc. regarding Old Richmond Road, (from West Airport Boulevard to Boss Gaston Road), Mobility Bond Project #729, Precinct 4. (Fund: 2007 Mobility Bonds)**
 - F. **Approve payment of Invoice No. 19 (Pay Estimate No. 19) in the amount of \$7,348.97 to Cobb-Fendley & Associates, Inc. regarding the expansion of Greenbusch Road, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**
 - G. **Approve payment of Invoice No. 5980 (Pay Estimate No. 15) in the amount of \$29,718.31 to Othon, Inc. regarding the expansion of Ransom Road (from River Park to Main Street in Fort Bend County and City of Richmond), Mobility Bond Project #747, Precinct 1. (Fund: 2007 Mobility Bonds)**

ENGINEERING (Continued)

- H. Approve payment of Invoice No. 20094338 (Pay Estimate No. 3) in the amount of \$116,642.08 to LJA Engineering & Surveying, Inc. regarding the extension of South Post Oak Blvd. (from South Post Oak Blvd. to West of Steep Bank Trace), Mobility Bond Project #763, Precinct 1. (Fund: 2007 Mobility Bonds)
 - I. Approve payment of Invoice No. 9524 (Pay Estimate No. 10) in the amount of \$29,899.00 to IDCUS, Inc. dba IDC, Inc. regarding the expansion of Harlem Road, Mobility Bond Project #725, Precinct 3. (Fund: 2007 Mobility Bonds)
 - J. Approve payment of Invoice No. FBC2009-1001718 (Pay Estimate No. 2) in the amount of \$44,472.94 to SES Horizon Consulting Engineers, Inc. regarding the expansion of Brand Lane (from Ludwig to US 90A), Mobility Bond Project #718, Precinct 2. (Fund: 2007 Mobility Bonds)
 - K. Approve payment of Invoice No. FBC2009-1001769 (Pay Estimate No. 2) in the amount of \$41,051.95 to SES Horizon Consulting Engineers, Inc. regarding Brand Lane expansion (from Ludwig to Avenue E), Mobility Bond Project #769, Precinct 2. (Fund: 2007 Mobility Bonds)
 - L. Approve release of Performance Bond #9352869 in the amount of \$50,000.00 to Landmark Industries for completion of work on Westheimer Parkway and Greenbusch Road, Permit #83451, Precinct 3.
 - M. Approve application from Devon Street Homes to construct driveway tie-ins on Knox Estate Drive, Millwood Pass Circle and Starling Creek Drive, Precinct 3.
 - N. Approve application from Arrow Custom Homes, Inc. to construct a driveway tie-in onto Rolling Wood Trails, Precinct 3.
 - O. Set public hearing for adopting revised Fort Bend County Regulations of Subdivisions for Precincts 1, 2, 3, and 4. (*Tuesday, January 5, 2010, at 1:00 p.m.*)
11. **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 Bonds and/or Capital Projects:
- A. Periodical Estimate No. 24 in the amount of \$2,068,915.09 to Turner Construction Company for construction services regarding the Jail Expansion Project;
 - B. Pay Application No. 08-00900016 in the amount of \$147,004.12 to Bass Construction Company, Inc. for construction services regarding the Gus George Academy;
 - C. Pay Application No. 2 in the amount of \$254,397.21 to Crain Zamora, LLC for construction services regarding the Jane Long Renovation;
 - D. Pay Application No. 8 in the amount of \$503,291.48 to Crain Zamora, LLC for construction services regarding the Missouri City Annex;
 - E. Invoice No. N111109-1 in the amount of \$2,395.00 to Division One Special Services for services regarding renovations to the George Memorial Library;

FACILITIES MANAGEMENT & PLANNING (Continued)

- F. Invoice No. 973917 and Invoice No. 973918 totaling \$3,110.94.00 to Lowe's Commercial Services for furniture, fixture and equipment costs associated with the South Post Oak Ball Park;
 - G. Invoice No. 10026624, Invoice No. 10026895, Invoice No. 10027011-E, Invoice No. 10027176-E, and Invoice No. 10027176 for an amount totaling \$45,481.17 to PGAL for professional services regarding the Justice Center;
 - H. Invoice No. H004622 in the amount of \$2,483.88 to Raba Kistner for professional services regarding the Precinct Three Annex; and
 - I. Invoice No. 22760 in the amount of \$28,500.00 to The Mathis Group (TMG+) for professional services regarding the Justice Center.
12. **FIRE MARSHAL:** Approve renewal of Interlocal Agreement between Fort Bend County and Village of Pleak for Fire Code Inspections effective through September 30, 2010 with automatic renewal.
13. **PURCHASING:**
- A. Approve renewal of Boon-Chapman as administrator of Fort Bend County Employee Benefit Plan for 2010.
 - B. Approve renewal of Interlocal Agreement between Fort Bend County and Village of Pleak for the purchase of goods and services.
14. **SHERIFF'S OFFICE:**
- A. Approve and record into Minutes the Amended FY 2009 Federal Equitable Sharing Agreement and Certification for the Sheriff's Office.
 - B. Approve renewal of Interlocal Agreements between Fort Bend County and the following entities Housing of Prisoners, effective October 1, 2009 through September 30, 2010: City of Meadows Place and City of Missouri City.
 - C. Approve renewal of Mutual Aid Agreement between Fort Bend County and City of Meadows Place for police protection effective October 1, 2009 through September 30, 2010 with automatic renewal on a yearly basis.
 - D. Approve the renewal of Agreements between Fort Bend County and the following entities for use of the County Public Safety Radio System effective October 1, 2009 through September 30, 2010: City of Meadows Place and Orchard Volunteer Fire Department.
 - E. Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Pecan Grove Municipal Utility District effective October 1, 2009 to September 30, 2010.
15. **SPECIAL SERVICES:** Approve Agreement for Use of County Property between Fort Bend County and XL Films, Ltd. to use the 240th District Court area for filming on Saturday, December 12, 2009.

16. **TAX ASSESSOR/COLLECTOR: Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on December 1, 2009, for an amount totaling \$12,843.24.**
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17. COUNTY JUDGE:

- A. Take all appropriate action to cast votes for candidate(s) to represent Fort Bend County on the Fort Bend Central Appraisal District Board of Directors for the term of January 1, 2010 through December 31, 2011.
- B. Take all appropriate action on proposed Departmental Fee Schedules for Engineering, Elections, and Environmental Health, effective January 1, 2010.

18. COMMISSIONER, PCT. 4:

- A. Take all appropriate action to accept the resignation of Bradley Somers from the Board of Directors for Fort Bend County Levee Improvement District No. 14, and appoint Herb Krog to fill the position for a term until July 2, 2012.
- B. Take all appropriate action to re-appoint Ronald J. Frerich, Christine M. Lukin, and Carl Mazzo to the Board of Directors of First Colony Levee Improvement District No. 2, for term effective through January 3, 2012, or until a successor is appointed.

19. BUDGET OFFICE:

- A. Take all appropriate action to appoint an Investment Officer for Fort Bend County pursuant to Government Code §2256.005(f).
- B. Take all appropriate action to review, amend, and adopt the Fort Bend County Investment Policy as presented by the Director of Finance & Investments, pursuant to Government Code §2256.005(e).
- C. Take all appropriate action to adopt the Fort Bend County Investment Strategy as presented by the Director of Finance & Investments, pursuant to Government Code §2256.005(e).

20. COMMUNITY DEVELOPMENT: Take all appropriate action on Agreements between Fort Bend County and the organizations listed below, all of which are part of the FY 2009 Consolidated Action Plan approved by Commissioners Court on July 7, 2009, and funded by Community Development Block Grant programs, and authorize County Judge to sign all documents pertaining to the agreements:

- A. Brazos Bend Guardianship Services: to provide case management services to disabled adults and their families in Fort Bend County for an amount not to exceed \$15,000;
- B. Child Advocates of Fort Bend County: to provide administrative expenses for a Child and Family Specialist for an amount not to exceed \$26,250;
- C. Fort Bend Community Revitalization Projects (Fort Bend CORPS) to administer a home repair program to low-to-moderate income homeowners for an amount not to exceed \$225,000;

COMMUNITY DEVELOPMENT (Continued)

- D. Literacy Council of Fort Bend County: to provide administrative and operating expenses for the student/tutor match program for an amount not to exceed \$35,000;
 - E. The Arc of Fort Bend County: to provide weekly and monthly activities for program participants at a reduced or no cost for an amount not to exceed \$24,760;
 - F. Fort Bend County Women's Center: to provide administrative expenses for the shelter in an amount not to exceed \$28,000; and
 - G. Fort Bend Senior Citizens, Inc.: to provide meals and other operating costs for the home-delivered meal program for an amount not to exceed \$35,000.
21. EMERGENCY MANAGEMENT: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$242.50 to Enterprise Rent-A-Car for vehicle rental without a purchase order. (Fund: Emergency Management, UASI Grant, Travel)
22. ENGINEERING:
- A. Take all appropriate action on First Amendment to Agreement for Professional Engineering Services between Fort Bend County and Landtech Consultants, Inc. for services related to Mason Road improvements, increasing the funding amount from \$450,000 to a not-to-exceed amount of \$700,000 and extending the performance time to December 31, 2010; Mobility Bond Project No. 735. (Fund: 2007 Mobility Bonds)
 - B. Take all appropriate action to authorize the Engineering Department to submit a nomination form to the Texas Department of Transportation (TXDOT) for Statewide Transportation Enhancement Program (STEP) funding under Texas Administrative Code §11.200 through §11.205 in the amount of \$240,000 for the US 59/ FM 762 Cottonfield Scheme Roadway Project as detailed on the nomination form, authorize twenty percent cash match by the County, and determine funding source for the match, Precinct 1.
 - C. Take all appropriate action on request for temporary road closure of Edgewood Drive Bridge over Drainage Ditch for bridge replacement (TXDOT #AA2095-001), effective December 14, 2009, until the construction is complete, Pct. 1.
23. HUMAN RESOURCES: Take all appropriate action on revisions to the Fort Bend County Employee Information Manual, Section 511: Continuation of Health Benefits Upon Retirement, as recommended by Director of Risk Management.
24. PURCHASING:
- A. Take all appropriate action on Agreement between Fort Bend County and Jacobs Engineering Group, Inc. pursuant to SOQ #09-077 to provide engineering services for the City of Kendleton Wastewater Treatment Plant for an amount not to exceed \$67,950. (Fund: Community Development Block Grant)
 - B. Take all appropriate action on Bid #10-035 for Pauper Burials.
 - C. Take all appropriate action on renewal of Agreement between Fort Bend County and Linebarger, Goggan, Blair and Sampson, LLP for the collection of delinquent ad valorem taxes.

PURCHASING (Continued)

- D. Take all appropriate action to authorize contract negotiations with HDR, Claunch and Miller, and Kimley-Horn & Associates pursuant to RFP #09-071: professional assistance for Transportation planning activities.
 - E. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(7) for the purchase of an item available from only one source for the following:
 - 1) OverDrive: for online digital media services in an amount not to exceed \$60,000. (Fund: Library)
 - 2) Penworthy: for pre-bound bindings in an amount not to exceed \$50,000. (Fund: Library)
 - 3) Random House: for books on tape in an amount not to exceed \$90,000. (Fund: Library)
 - 4) Recorded Books: for an amount not to exceed \$60,000. (Fund: Library)
 - 5) Regent: for bound books in an amount not to exceed \$50,000. (Fund: Library)
 - 6) World Book: for copyrighted materials in an amount not to exceed \$50,000. (Fund: Library)
 - 7) Thomson Reuters/West Group: for materials in an amount not to exceed \$100,000. (Fund: Law Library)
 - 8) LexisNexis Matthew Bender & Company, Inc.: for online database in an amount not to exceed \$36,000. (Fund: Law Library)
 - 9) LexisNexis Accurint: for online database in an amount not to exceed \$20,000 annually. (Fund: Multiple County Departments)
25. SPECIAL SERVICES: Take all appropriate action on request to transfer the amount of \$700 from Non-Departmental Contingency into Special Services, Office Supplies, to allocate funds for replacement of printer cartridges.
26. Approve Bills.
27. Ratify the release of time-sensitive bills by Auditor on December 3, 2009.
28. 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) Contemplated litigation - Jail Expansion Project.
 - 2) Cause No. 09-CCV-039249; Fort Bend County, Texas vs. David E. Gillespie, et al.; In the County Court at Law No. 4 of Fort Bend County, Texas.

December 8, 2009

FILED FOR RECORD
NO. _____ TIME 11:09 ^(A.M.) _(P.M.)
DEC 04 2009 CAK

Shirley Wilson
County Clerk
Fort Bend Co., Tex.

Meet in Closed Session (Continued)

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; FM 1464, Phase 2, Mobility Bond Project #764, Precinct 4.

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

Director of Mental Health/Public Defender Department.

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

A. § 551.071. Consultation With Attorney.

1) Contemplated litigation - Jail Expansion Project.

2) Cause No. 09-CCV-039249; Fort Bend County, Texas vs. David E. Gillespie, et al.; In the County Court at Law No. 4 of Fort Bend County, Texas.

B. § 551.072. Deliberation Regarding Real Property.

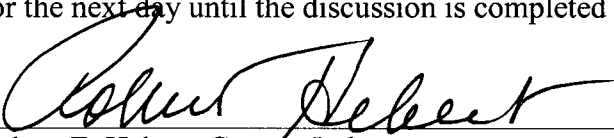
Acquisition of property; FM 1464, Phase 2, Mobility Bond Project #764, Precinct 4.

C. § 551.074. Personnel Matters.

Director of Mental Health/Public Defender Department.

30. 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, December 4, 2009, by Donna Ospina. 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 1517 Eugene Heimann Circle, Suite 500, in Richmond, Texas, 77469, telephone 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).