

December 15, 2009

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
TUESDAY, DECEMBER 15, 2009
1:00 O'CLOCK P.M.**

AGENDA

1. Call to Order.
2. Invocation and Pledge of Allegiance by Commissioner Prestage.
3. Approve minutes of regular meeting held on December 8, 2009.
4. Public Comments regarding the Agenda and Announcements.

CONSENT AGENDA ITEMS 5 - 15:

5. **OUT-OF-STATE TRAVEL:** Approve out-of-state travel requests for County personnel:
 - A. **Public Transportation:** Tennille Jones, Randall Bond and Kathy Novosad to Oklahoma City, Oklahoma, February 1-4, 2010, to attend the Federal Transit Administration (FTA) Civil Rights Training. (Fund: Transportation Grants)
 - B. **Sheriff's Office:**
 - 1) Ratify travel by Rene Callie and Shelly Nicodemus to Columbia, South Carolina, December 14-16, 2009, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)
 - 2) Mike Kubricht and Carol Papenfuss to Los Angeles, California, December 21-22, 2009, for extradition of two prisoners back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)
6. **COMMISSIONER, PCT. 3:**
 - A. Approve the reappointments of Robert Armstrong, Gayle (Pat) Hawkins, and Denis Murphy as Commissioners to Fort Bend County Emergency Services District No. 1 for terms effective January 1, 2010 through December 31, 2011.
 - B. Approve the reappointment of Jim Pagonis to the Fort Bend County Library Advisory Board for a three-year term.

7. BUDGET TRANSFERS:

- A. County Attorney: Approve transfer in the amount of \$399 from Information Technology into Capital Acquisitions to allocate additional funds for replacement copier.**
- B. Sheriff's Office: Approve transfer in the amount of \$25 as detailed on Sheriff's form dated December 11, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds donated to Search and Rescue for kennel supplies.**

8. ENGINEERING:

- A. Approve payment of Invoice No. 9538 (Pay Estimate No. 10) in the amount of \$2,459.00 to IDCUS, Inc. dba IDC, Inc. regarding the expansion of Harlem Road, Mobility Bond Project #725, Precinct 3. (Fund: 2007 Mobility Bonds)**
- B. Approve payment of Invoice No. 47251 (Pay Estimate No. 10) in the amount of \$112,490.89 to Burk-Kleinpeter, Inc. regarding the expansion of Trammel-Fresno Road, Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**
- C. Ratify change to project name only for Agenda Item No. 22 B from Commissioners Court on December 8, 2009, so the application to Texas Department of Transportation for Statewide Transportation Enhancement Program (STEP) funding under Texas Administration Code §11.200 through §11.205 regarding US 59/FM 762 reads Landscaping Project. The twenty-percent cash match by Fort Bend County will not exceed \$321,109.40, funding source to be determined if application is approved.**
- D. Approve payment of Invoice No. 1109118 (Pay Estimate No. 21) in the amount of \$1,836.83 to Klotz Associates regarding labor rates for Fort Bend County Mobility Bond Projects in Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)**
- E. Approve payment of Invoice No. 26229 (Pay Estimate No. 9) in the amount of \$40,818.40 to Landtech regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)**
- F. Approve payment of Invoice No. 9-09-02-631 (Pay Estimate No. 5) in the amount of \$910.50, Invoice No. 9-10-1-631 (Pay Estimate No. 6) in the amount of \$784.10 and Invoice No. 9-10-02-631 (Pay Estimate No. 7) in the amount of \$1,643.90 to Percheron Acquisitions, LLC regarding Mason Road Expansion Project #735, Precinct 3. (Fund: Right of Way)**
- G. Approve payment of Invoice No. 3366 in the amount of \$28,861.50 to Property Acquisitions Services (PAS) for various right of way acquisition services in Precincts 1, 2, 3, and 4. (Fund: Right of Way)**
- H. Approve payment of Invoice No. 6 (Pay Estimate No. 6) in the amount of \$115,240.99 to Durwood Green Construction Company for the West Bellfort Paving and Drainage Project, Mobility Bond Project #731, Precinct 4. (Fund: 2007 Mobility Bonds)**

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 Bonds and/or Capital Projects:
 - A. Pay Application No. 15 in the amount of \$1,024,750.46 to Brookstone, L.P. for construction services regarding the Sienna Library;
 - B. Pay Application No. 6 in the amount of \$1,919,461.00 to JE Dunn South Central, Inc. for construction services regarding the Justice Center;
 - C. Pay Application No. 2 in the amount of \$172,247.00 to Rosenberger Construction, LP for construction services regarding the Precinct Three Annex; and
 - D. Invoice No. 30105736 in the amount of \$2,345.00 to Uline Shipping Supply Specialists for furniture, fixture, and equipment costs associated with the Gus George Academy.
10. **HUMAN RESOURCES:** Approve applications for withdrawal of hours from the Shared Sick Leave Pool as follows:
 - A. Employee of Library, Position No. 6501-0110: 100 hours; and
 - B. Employee of District Clerk, Position No. 4501-0043: 80 hours.
11. **LIBRARY:** Approve Grant Contract Number 442-10332 between Fort Bend County and Texas State Library & Archives Commission for receipt of the Loan Star Libraries Grant in the amount of \$141,277 for use from September 1, 2009 through August 31, 2010, with no cash match required by Fort Bend County.
12. **PUBLIC TRANSPORTATION:**
 - A. Set Public Hearing to receive public comments on Fort Bend County's award of FY 10 Section 5310 Elderly and Disabled Program Funding to be conducted Tuesday, January 5, 2010, at 1:00 p.m. in the Commissioners Courtroom, 7th Floor, William B. Travis Building, in Richmond, Texas.
 - B. Approve Contract Number 51912F7150 RPT 0903(12), Amendment Number 2, for Federal FY 09 Section 5311 to revise line item budget and authorize County Judge to sign all documents related to the grant.
 - C. Approve Contract Number 51012F7019 RPT 1001(12), Amendment Number 1, for State FY 10 Section 5311 to revise line item budget and authorize County Judge to sign all documents related to the grant.
13. **PURCHASING:** Approve the renewal of Interlocal Agreement between Fort Bend County and Williamson County for the purchase of goods and services.

14. RISK MANAGEMENT:

- A. Approve Addendum to Fort Bend County Employee Benefit Plan effective December 15, 2009.**
- B. Approve premiums for retiree health coverage for 2010.**

15. TAX ASSESSOR/COLLECTOR:

- A. Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on December 8, 2009, for an amount totaling \$4,204.83.**
 - B. Record into Minutes the Summary Monthly Report of Property Taxes Collected in November, 2009, as submitted by the Office of Patsy Schultz, Tax Assessor/Collector.**
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- 16. ELECTIONS ADMINISTRATION:** Take all appropriate action regarding the Joint Resolution for the Fort Bend County Primary Election to be held on Tuesday, March 2, 2010, and a Runoff Election, if necessary, to be held on Tuesday, April 13, 2010.

17. ENGINEERING:

- A. Take all appropriate action to accept advance funding from LRI Investment Group, Ltd. for construction of two tie-in paving connections, two southbound deceleration lanes, and one northbound left turn lane at proposed Lismer Road at FM 1464 and proposed Newcroft Boulevard at FM 1464 within the Cloisters Development, Precinct 4.**
- B. Take all appropriate action on request to transfer the amount of \$187,060 as detailed on Auditor's form dated December 10, 2009, to amend the budget pursuant to Local Government Code §111.0706 and allocate funds received for right of way purchase regarding FM 1464.**
- C. Take all appropriate action on Advance Funding Agreement for Voluntary Local Government Contribution to Transportation Improvement Projects between Fort Bend County and Texas Department of Transportation regarding construction of two tie-in paving connections, two southbound deceleration lanes, and one northbound left turn at proposed Lismer Road at FM 1464 and proposed Newcroft Boulevard at FM 1464 within the Cloisters Development, at no cost to the County, Precinct 4.**
- D. Take all appropriate action to authorize County Engineer to negotiate with Geotech Engineering for a construction material testing services contract for the Katy Gaston Road Widening Project, Mobility Bond Project #733, Precinct 3.**

18. FACILITIES MANAGEMENT & PLANNING: Take all appropriate action on Change Order No. 2 to increase by \$205,450 the Agreement between Fort Bend County and Turner Construction Company, for the 911 Call Center, pursuant to SOQ #07-010, for a total contract amount of \$66,790,648 for the Jail Expansion Project. (Fund: Facility Bond Project)
19. HEALTH & HUMAN SERVICES – CLINICAL HEALTH SERVICES: Take all appropriate action on request to pay overtime premium for Clinical Health Services staff beginning with Payroll No. 26, for the limited duration of, and only for, those activities related to the H1N1 vaccination response. (Fund: Health & Human Services, Overtime)
20. PUBLIC TRANSPORTATION: Take all appropriate action on Project Grant Agreement for Federal FY10 Section 5311 Discretionary in the amount of \$243,528 with a County match of \$56,756 and authorize County Judge to sign all documents related to the grant. (Fund: Transportation, FY09 Grant Allocation)
21. PURCHASING:
 - A. Take all appropriate action on trade package submissions from J.E. Dunn for the Justice Center Project.
 - B. Take all appropriate action to authorize the purchase of two (2) excavators utilizing Houston Galveston Area Council (H-GAC) Contract EM06-09, for an amount not to exceed \$625,030. (Fund: Road and Bridge)
 - C. Take all appropriate action on the following:
 - 1) Bid #10-036 for Tires;
 - 2) Bid #10-037 for On-site clearing, grubbing, and debris removal services for various road projects; and
 - 3) Bid #10-038 for Window Washing.
 - D. Take all appropriate action to authorize the purchase of card access and camera security system for Sienna Library from Siemens utilizing Texas Multiple Award Schedule (TXMAS) Contract 8-84030, for an amount not to exceed \$65,000. (Fund: Facility Bond Project)
 - E. Take all appropriate action on Second Amendment to Agreement for Tobacco Prevention and Control for Health and Human Services Projects pursuant to RFP #08-052, for an amount not to exceed \$139,425. (Fund: Health & Human Services, Tobacco Prevention and Control Grant)
 - F. Take all appropriate action on renewal of professional services agreement between Fort Bend County and Benjamin E. Oei, M.D. to serve as Medical Director of Fort Bend County Emergency Medical Service effective through September 30, 2010 for an amount not to exceed \$25,000.08. (Fund: Emergency Medical Service, Fees)

PURCHASING (Continued)

- G. 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 communication service for various facilities from Windstream Sugar Land, Inc., for a three-year term in an amount not to exceed \$45,000 annually. (Fund: Facilities)
- 22. ROAD & BRIDGE: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$17.97 to Ozarka for products received not included on purchase order. (Fund: Road & Bridge, Fees)
- 23. SHERIFF'S OFFICE: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$86.25 to Sprowl's Security Service for repairs performed without a purchase order. (Fund: Sheriff, Forfeited Assets, State, Fees)
- 24. Approve Bills.
- 25. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:
 - § 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.
 - A. Contemplated litigation: Fort Bend Central Appraisal District Board of Directors appointment.
 - B. Cause No. 09-CCV-039700, Fort Bend County, Texas V. Roy M. Horlock, Jr., and/or D.L. Crowell and/or David L. Crowell, individually and as trustee of an unknown trust, et al.; In the County Court at Law No. One (1) of Fort Bend County, Texas. (Parcel 7)
 - C. Cause No. 09-CCV-039701, Fort Bend County, Texas V. Roy M. Horlock, Jr., and/or D.L. Crowell and/or David L. Crowell, individually and as trustee of an unknown trust, et al.; In the County Court at Law No. One (1) of Fort Bend County, Texas. (Parcel 7A)

December 15, 2009

26. Reconvene Open Session and consider taking action on the following matters:
§ 551.071. Consultation With Attorney.
- A. Contemplated litigation: Fort Bend Central Appraisal District Board of Directors appointment.
 - B. Cause No. 09-CCV-039700, Fort Bend County, Texas V. Roy M. Horlock, Jr., and/or D.L. Crowell and/or David L. Crowell, individually and as trustee of an unknown trust, et al.; In the County Court at Law No. One (1) of Fort Bend County, Texas. (Parcel 7)
 - C. Cause No. 09-CCV-039701, Fort Bend County, Texas V. Roy M. Horlock, Jr., and/or D.L. Crowell and/or David L. Crowell, individually and as trustee of an unknown trust, et al.; In the County Court at Law No. One (1) of Fort Bend County, Texas. (Parcel 7A)
27. 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 11, 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

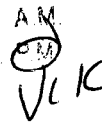
Policy of Non-Discrimination on the Basis of Disability


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).

FILED FOR RECORD

NO. _____ TIME 3:00 ^{A.M.}
DEC 11 2009 


County Clerk Fort Bend Co. Tex.