

January 5, 2010

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
TUESDAY, JANUARY 5, 2010
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 December 22, 2009.
4. Public Comments regarding the Agenda and Announcements.
5. PUBLIC HEARINGS: 1:00 p.m.:
 - A. Conduct Public Hearing on revisions to the Fort Bend County Regulations of Subdivisions for Precincts 1, 2, 3, and 4.
 - B. Conduct Public Hearing to receive comments on Fort Bend County's award of Section 5310 Elderly and Disabled Program Funding for FY 2010.

CONSENT AGENDA ITEMS 6 - 16:

6. **OUT-OF-STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
 - A. **Emergency Management: Jeff Braun to New Orleans, Louisiana, April 9-14, 2010, to attend the 2010 National Planning Conference by the American Planning Association. (Fund: Emergency Management, Travel)**
 - B. **Sheriff's Office:**
 - 1) **Ratify travel by Mike Kubricht and Carol Papenfuss to Los Angeles, California, December 21-23, 2009, for extradition of two prisoners back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
 - 2) **Judy Cervenka and Arlana Haydel to San Diego, California, May 10-14, 2010, to attend Tiburon User Group Conference. (Fund: Sheriff, Enforcement, Travel)**
7. **COUNTY JUDGE: Approve the reappointment of Marvin Marcell and Bobby Kunz to the Board of Directors of the Fort Bend Subsidence District for a term of two years, commencing February 1, 2010.**
8. **COMMISSIONER, PCT. 2: Approve the reappointment of Dave Pay and Linda Burks to the Fort Bend County Library Advisory Board for a term of office from January 2010 through December 2012.**

9. **BUDGET TRANSFERS:**
 - A. **Constable, Pct. 2:** Approve transfer in the amount of \$1,203 as detailed on Budget Officer's form dated December 28, 2009, to reallocate additional funds into salary line items for temporary/part-time services budgeted for FY 2010.
 - B. **Information Technology:** Approve transfer in the amount of \$8,600 from Capital Acquisitions into Information Technology to reallocate funds into correct line item for expenditures.
 - C. **Public Transportation:** Approve transfer in the amount of \$56,756 as detailed on Director's form dated December 30, 2009, to reallocate funds for Public Transportation's local match portion of FY 2010 Federal Discretionary grant approved by Commissioners Court on December 15, 2009.

10. **COMMUNITY DEVELOPMENT:** Approve Agreement between Fort Bend County and Texas Department of Rural Affairs, Contract No. DRS010047 to accept funds in the amount of \$1,054,737 for the Community Development Block Grant Disaster Recovery Entitlement Program (application approved by Commissioners Court on June 23, 2009, in accordance with the Method of Distribution approved by Court on April 17, 2009).

11. **EMERGENCY MANAGEMENT:**
 - A. Approve and sign the final Grant Adjustment Notice between Fort Bend County and the State of Texas to close out the Homeland Security Grant Program for performance year 2006.
 - B. Approve and sign the Grant Adjustment Notice between Fort Bend County and the State of Texas to extend the grant performance period by thirty days to March 31, 2010, for the Homeland Security Grant Program year 2007.

12. **ENGINEERING:**
 - A. Approve payment of Invoice No. 26 (Pay Estimate No. 26) in the amount of \$31,161.05 to Schaumburg & Polk, Inc. regarding Management and Administrative Support Services for 2007 Mobility Bond Project Program, Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)
 - B. Approve payment of Invoice No. 20 (Pay Estimate No. 20) in the amount of \$4,337.57 to Cobb-Fendley & Associates, Inc. regarding the expansion of Greenbusch Road, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)
 - C. Approve payment of Invoice No. 09-11-004 (Pay Estimate No. 21) in the amount of \$4,185.00 to Kelly Kaluza & Associates, Inc. regarding Professional Engineering Surveying Services related to West Belfort (from Martinez Street to Farm Market 1464) Precincts 3 and 4. (Fund: 2007 Mobility Bonds)

ENGINEERING (Continued)

- D. Approve payment of Invoice No. 20094700 (Pay Estimate No. 4) in the amount of \$94,341.24 to LJA Engineering & Surveying , Inc. regarding the extension of South Post Oak Boulevard (from South Post Oak Blvd to West Steep Bank Trace), Mobility Bond Project #763, Precinct 1. (Fund: 2007 Mobility Bonds)
 - E. Approve application from Phonoscope LLC to bore under Sienna Springs Drive, Precinct 1.
 - F. Approve application from AT&T Texas to bury cable along Ricefield, Precinct 1.
 - G. Approve application from Kinder Morgan Texas Pipeline LLC to construct a driveway tie-in onto Baker Road, Precinct 1.
13. **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. Invoice No. 10-9220 in the amount of \$17,550.00 to Brown & Gay Engineers, Inc. for professional services regarding the Senior Citizens Center;
 - B. Invoice No. 006 in the amount of \$7,248.00 to Brian Smith Construction Inspection, Inc., for professional services regarding the Missouri City Annex;
 - C. Pay Application No. 3 in the amount of \$186,733.13 to Crain Zamora LLC for construction services regarding the Jane Long Renovation;
 - D. Pay Application No. 9 in the amount of \$217,873.11 to Crain Zamora LLC for construction services regarding the Missouri City Annex;
 - E. Invoice No. 2966096-1 and Invoice No. 2966096-0, for an amount totaling \$5,549.00 to Jones & Cook, for furniture, fixture, and equipment costs associated with the Gus George Academy;
 - F. Invoice No. 09-08-004 in the amount of \$991.25 to Kelly R. Kaluza & Associates for professional services regarding the Preliminary Master Drainage Plan for the 40-acre property on Ransom Road;
 - G. Invoice No. 22785 in the amount of \$28,500.00 to The Mathis Group (TMG+) for professional services regarding the Justice Center; and
 - H. Invoice No. H004648 in the amount of \$4,630.88 to Raba Kistner for professional services regarding the Precinct Three Annex.
14. **HUMAN RESOURCES:** Approve applications for withdrawal of hours from the Shared Sick Leave Pool as follows:
- A. Employee of District Clerk's Office, Position No. 4501-0058 40 hours
 - B. Employee of District Clerk's Office, Position No. 4501-0043 96 hours

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15. **SHERIFF'S OFFICE: Approve and record into Minutes the Amended FY 2008 Federal Equitable Sharing Agreement and Certification for the Fort Bend County Narcotics Task Force.**

16. **TAX ASSESSOR/COLLECTOR:**
 - A. **Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on December 29, 2009, for an amount totaling \$42,410.48.**
 - B. **Record into Minutes the disposal of deposit folders, scanned by the Winward Group, Boxes 692 through 714, dated September 23, 2009 through December 8, 2009, per State Archive Retention Schedule of destruction for the Office of Patsy Schultz**
 - C. **Record into Minutes the disposal of miscellaneous Tax Office documentation dated from years 1999 through 2008, and detailed on report dated December 17, 2009, per State Archive Retention Schedule of destruction for the Office of Patsy Schultz.**

17. **COUNTY JUDGE:**
 - A. Take all appropriate action on Order Requiring the Application of the Provisions of Subchapter F, Chapter 233, Local Government Code, Related to Residential Building Code Standards, to the Unincorporated Areas of Fort Bend County, effective April 1, 2010.
 - B. Take all appropriate action to set a Public Hearing on regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of Houston Executive Airport, to be conducted on Tuesday, February 2, 2010, at 1:00 p.m. in the Commissioners Courtroom located on the 7th Floor of the William B. Travis Building.

18. **COMMISSIONER, PCT. 1:** Take all appropriate action on request to waive penalty and interest, including attorney fees for an amount totaling \$15,897.10 on property taxes for Donald Gibson, Tax Years 2007 and 2008, Precinct 1.

19. **COMMISSIONER, PCT. 2:** Take all appropriate action to grant an exemption to the competitive bidding process as authorized by Local Government Code §262.024 for the purchase of a professional service, an Agreement between Fort Bend County and Lolalisa D. King to provide Professional Energy Efficiency Technical Consulting Services for the Energy Efficiency and Conservation Block Grant Program. (Fund: Energy Efficiency and Conservation Block Grant)

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20. COMMISSIONER, PCT. 3: Take all appropriate action on request for a variance to the Order Regulating the Distance Between the Sale of Alcoholic Beverages and the Nearest Public Schools, Churches, and Public Hospitals, Day Care Centers and Child Care Facilities, on behalf of Las Alamedas Restaurant, located at 23501 Cinco Ranch Boulevard in Katy, Precinct 3.
21. AUDITOR: Take all appropriate action to set the mileage reimbursement rate at fifty cents (\$.50) per mile, (same as Internal Revenue Service) effective January 5, 2010.
22. 400TH DISTRICT COURT: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$105.00 to Advance Safe & Lock for services received without a purchase order. (Fund: 400th District Court, Property and Equipment)
23. EMERGENCY MANAGEMENT: Take all appropriate action to approve submittal of application to the Texas Division of Emergency Management for FY 2010 Emergency Management Performance Grant funding, with no cash match required by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.
24. ENGINEERING:
 - A. Take all appropriate action on Standard Utility Agreement between Fort Bend County, the State of Texas, and Atmos Energy Company regarding roadway changes for Highway FM 1464 (from Shiloh Lake Drive to SH 99), County expenditure not to exceed \$749,872.53, Precinct 4. (Fund: Right of Way)
 - B. Take all appropriate action on Standard Utility Agreement between Fort Bend County, the State of Texas, and Copano NGL Services, L.P. (Texas Department of Transportation U#-U11729) regarding roadway changes for Highway FM 1464 (from FM 1093 to SH 99) for an amount not to exceed \$108,760 in addition to the original estimate of \$125,900 for total not to exceed \$234,660; Precincts 3 and 4. (Fund: Right of Way)
 - C. Take all appropriate action on Standard Utility Agreement between Fort Bend County, the State of Texas, and Dow Pipeline Company regarding road way changes for Highway FM 1464 (from Shiloh Lake Drive to SH 99) for an amount not to exceed \$494,530; Precinct 4. (Fund: Right of Way)
25. FIRE MARSHAL: Take all appropriate action on request to transfer the amount of \$5,000 from Non-Departmental Contingency into Fire Marshal, Capital Acquisitions, to allocate funds for materials for the County's Interdepartmental Construction to build desks and workstations required in the Fire Marshal's office.
26. HEALTH & HUMAN SERVICES – EMERGENCY MEDICAL SERVICE: Take all appropriate action on Interlocal Agreement between Fort Bend County and City of Richmond for personnel of the Richmond Fire Department to ride aboard Fort Bend County Emergency Medical Service Ambulances for training purposes, effective October 1, 2009, with automatic renewal on a yearly basis.

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27. HUMAN RESOURCES:
 - A. Take all appropriate action on request to reclassify Position No. 5031-0016, Information Technology, from Systems Support Specialist, Grade 10 of the Professional Management Policy Group to Senior Communications Specialist, Grade 11 of the Administrative Clerical Policy Group effective January 5, 2010.
 - B. Take all appropriate action on request to reclassify Position No. 6451-0005, Social Services, from Social Services Coordinator, Grade 10 of the Administrative Clerical Policy Group to Grade 10 of the Professional Management Policy Group effective January 5, 2010.

28. PURCHASING:
 - A. Take all appropriate action on Bid #10-041 for Improvements to Katy Gaston Road from FM 1093 to Cinco Ranch Boulevard. (Fund: Mobility Bond Project No. 733)
 - B. 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: online databases from EBSCO Publishing for an amount not to exceed \$60,000. (Fund: Library)

29. SHERIFF'S OFFICE: Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$40,845.00 to Carter Goble Associates, Inc. for start-up facility maintenance performed during the month of September without a purchase order. (Fund: 2009 Sheriff, Detention, Operating, Fees)

30. Approve Bills.

31. Ratify the release of time-sensitive bills by Auditor on December 31, 2009.

32. 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) Cause No. 07-CCV-032357; The State of Texas and Fort Bend County, vs. Raheem Ali Charania, et al.; In the County Court at Law Number One (1) of Fort Bend County, Texas.
 - 2) Cause No. 07-CCV-032709 Consolidated into No. 07-CCV-032357 The State of Texas and Fort Bend County, vs. Raheem Ali Charania, et al.; In the County Court at Law Number One (1) of Fort Bend County, Texas.
 - 3) Cause No. 09-CCV-039248; Fort Bend County, Texas vs. Donald H. Krenek, Donna F. Krenek, et al; In the County Court at Law Number Four (4) of Fort Bend County, Texas.

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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.
 - 1) Land matters: Fort Bend Central Appraisal District expansion.
 - 2) Acquisition of property, Old Richmond Road, FM1464: Mobility Bond Project #728, Precinct 4.

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

- A. § 551.071. Consultation With Attorney.
 - 1) Cause No. 07-CCV-032357; The State of Texas and Fort Bend County, vs. Raheem Ali Charania, et al.; In the County Court at Law Number One (1) of Fort Bend County, Texas.
 - 2) Cause No. 07-CCV-032709 Consolidated into No. 07-CCV-032357 The State of Texas and Fort Bend County, vs. Raheem Ali Charania, et al.; In the County Court at Law Number One (1) of Fort Bend County, Texas.
 - 3) Cause No. 09-CCV-039248; Fort Bend County, Texas vs. Donald H. Krenek, Donna F. Krenek, et al; In the County Court at Law Number Four (4) of Fort Bend County, Texas.
- B. § 551.072. Deliberation Regarding Real Property.
 - 1) Land matters: Fort Bend Central Appraisal District expansion.
 - 2) Acquisition of property, Old Richmond Road, FM1464: Mobility Bond Project #728, Precinct 4.

34. 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 Thursday, December 31, 2009, by _____. 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 12:01 P.M.
DEC 31 2009
KWS

Deanna Wilson
County Clerk Fort Bend Co., Tex.