

March 2, 2010

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
TUESDAY, MARCH 2, 2010
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 February 23, 2010.
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: CVS Grand Mission, Replat No. 1, Pct. 3.
 - B. Approval of replat: Long Meadow Farms Commercial Reserve, Sec. 2, Partial Replat No. 1, Pct. 3.

CONSENT AGENDA ITEMS 6 - 14:

6. **OUT-OF-STATE TRAVEL:**
 - A. Enter into record the out-of-state travel by elected official:
Constable, Pct. 2: Constable Ruben Davis to Baltimore, Maryland, July 8-15, 2010, to attend the 34th National Organization of Black Law Enforcement Executives (NOBLE) Annual Training Conference. (Fund: Constable, Pct. 2, Travel)
 - B. Approve out-of-state travel requests for County personnel:
 - 1) **Commissioner, Pct. 2:** Felecia Evans-Smith and Brenda Patton to New Orleans, Louisiana, May 13-16, 2010, to attend the National Organization of Black County Officials (NOBCO) 26th Annual Economic Development Conference. (Fund: Commissioner Pct. 2, Travel)
 - 2) **Constable, Pct. 2:** Rodney Pentecost to Baltimore, Maryland, July 8-15, 2010, to attend the 34th National Organization of Black Law Enforcement Executives (NOBLE) Annual Training Conference. (Fund: Constable, Pct. 2, Travel)
 - 3) **Library:** Lorraine Lessey to Portland, Oregon, March 23-27, 2010, to attend the Public Library Association National Conference. (Fund: Library, Travel)
 - 4) **Sheriff's Office:** Ratify travel by Aramis Gonzales and Bruce Denney to Franklinton, Louisiana, March 1-2, 2010, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)

7. COUNTY JUDGE:

- A. Record into Minutes the Continuation Certificate of Official Bond and Oath for Robert L. Perez as Treasurer for Harris-Fort Bend Emergency Services District No. 100 effective January 1, 2010 through January 1, 2011.**
- B. Record into Minutes the 2009 Annual Report as submitted by Fort Bend County Emergency Services District No. 5, pursuant to Health & Safety Code Title 9, Chapter 775, Section 775.036.**

8. COMMISSIONER, PCT. 3: Approve the reappointments of James H. White and Ernie Carter as Commissioners for the Fort Bend County Emergency Services District No. 5 for a term of January 1, 2010 through December 31, 2011.

9. BUDGET TRANSFERS:

- A. Extension Office: Approve transfer in the amount of \$1,756 as detailed on Auditor's form dated February 24, 2010 to amend the budget pursuant to Local Government Code §111.0706 and allocate funds received from various departments for work done by the Extension Office.**
- B. Facilities Management & Planning: Approve transfer in the amount of \$48 from Office Supplies into Information Technology to allocate additional funds due to price increase in purchase of computer and license.**

10. ENGINEERING:

- A. Approve payment of Invoice No. 6099 (Pay Estimate No. 17) in the amount of \$10,237.00 to Othon, Inc. regarding the expansion of Williams Way Boulevard (formerly known as Ransom Road), from River Park to Main Street in Fort Bend County and Richmond, Texas), Mobility Bond Project #747, Precinct 1. (Fund: 2007 Mobility Bond)**
- B. Accept Oversize, Overweight...bond #5068177 in the amount of \$50,000.00 from C & E Operating, Inc. for any and all damages that may be sustained to any roads or bridges while operating equipment in Fort Bend County, Pct. 1.**
- C. Approve application from C&E Operating, Inc. to construct a driveway tie-in onto Dipple-Lehmann, Precinct 1.**
- D. Approve release of Cashier's Check #850305553 in the amount of \$5,000.00 to En-Touch Systems, Inc. for completion of work on Katy-Gaston, Permit #82724, Precinct 3.**
- E. Approve release of Cashier's Check #593519577 in the amount of \$5,000.00 to En-Touch Systems, Inc. for completion of work on Katy-Gaston, Permit #82842, Precinct 3.**
- F. Approve release of Performance Bond #46BSBEJ6256 in the amount of \$5,000.00 to Parkstone Estates Homes for completion of work on Royal Lakes Blvd., Permit #83284, Precinct 1.**
- G. Approve the plat for Shops at Bella Terra, Section 8, Pct. 3.**
- H. Approve plat for the roads within Del Webb-Richmond, Section 1, Pct. 1.**
- I. Approve plat for the lots within Del Webb-Richmond, Section 1, Pct. 1.**

ENGINEERING (Continued)

- J. Approve application from Harrison Construction & Remodeling, Inc. to repair driveway on Red Lake Lane, Precinct 3.**
- K. Approve application from Wind Stream Communications to bore under and bury cable along Sienna Parkway and Waters Lake Boulevard, Precinct 1.**
- L. Approve application from Devon Street Homes to construct driveway tie-ins onto Jay Thrusch Drive, Sandal Grove and Millwood Pass Circle, Precinct 3.**
- M. Approve application from Blocker Investment Group dba Milano Custom Homes to construct driveways on Dove Country and Commerce Business Drive, Precinct 2.**
- N. Accept the streets in Bonbrook Plantation South, Section 3 and release bond #022-021-719 in the amount of \$264,740.00, Pct. 1.**

Reading Road	548.16 LF
Buford Lane	229.59 LF
Rappahanook Lane	944.65 LF
Cavalier Lane	988.22 LF
Culpepper Drive	<u>322.49 LF</u>
TOTAL:	3,033.11 LF
- O. Set public hearing for acceptance of the traffic control plan for Bonbrook Plantation South, Section 3, Pct. 1. (Tuesday, April 6, 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. Invoice No. 22216 in the amount of \$7,012.00 to Wellington Electric, Inc. for the purchase of a generator regarding the Jail Expansion Project;**
- B. Invoice No. 1763 in the amount of \$117,932.90 to Carter Goble Lee, LLC, for program management services regarding the Jail Expansion Project;**
- C. Invoice No. 40232 in the amount of \$2,470.00 to 2M Business Products for furniture, fixture, and equipment costs associated with the Missouri City Annex;**
- D. Invoice No. 728451 in the amount of \$4,670.00 to Aves Audio Visual Educational Systems, for audio/visual costs associated with the Missouri City Annex;**
- E. Invoice No. XDKN8CP58 in the amount of \$4,337.20 to Dell for furniture, fixture, and equipment costs associated with the Jail Expansion Project;**
- F. Invoice No. 55970 in the amount of \$4,968.00 to Royal Protection Group, Inc. for security/fire installation services regarding the Dew House;**
- G. Invoice No. 5441492517 in the amount of \$55,984.97 to Siemens Industry, Inc. for the installation of door access systems for several County facilities;**
- H. Invoice No. 22835 in the amount of \$28,500.00 to The Mathis Group (TMG+) for program/construction management services regarding the Justice Center; and**
- I. Periodical Estimate #26 in the amount of \$52,074.00 to Turner Construction Company for design services regarding the 9-1-1 Call Center.**

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12. **PUBLIC TRANSPORTATION:** Approve Amendment Number 1 to Contract No. 51812F7074, terminating the Federal FY08 Section 5317 (New Freedom) Contract as of February 28, 2010.
 13. **PURCHASING:** Authorize advertising for Bids for Fencing at the Juvenile Detention Facility.
 14. **TAX ASSESSOR/COLLECTOR:** Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on February 23, 2010, for an amount totaling \$231,399.52.
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15. COMMISSIONER, PCT. 3: Take all appropriate action on Resolution and Order Decreeing the Acquisition of Property to be a Public Necessity and Authorizing the Acquisition and Payment of Compensation for public project known as widening of Mason Road, Mobility Bond Project No. 735.
 16. CONSTABLE, PCT. 3:
 - A. Take all appropriate action on request to transfer the amount of \$88,146 from Non-Departmental Contingency as detailed on Auditor's form dated February 23, 2010 to amend the budget pursuant to Local Government Code §111.0706 and allocate funds for two new vehicles and equipment for the law enforcement agreement with Cinco Ranch.
 - B. Take all appropriate action on request to transfer the amount of \$44,073 from Non-Departmental Contingency as detailed on Auditor's form dated February 23, 2010 to amend the budget pursuant to Local Government Code §111.0706 and allocate funds for one new vehicle and equipment for the law enforcement agreement with Falcon Ranch.
 - C. Take all appropriate action on request to transfer the amount of \$44,073 from Non-Departmental Contingency as detailed on Auditor's form dated February 23, 2010 to amend the budget pursuant to Local Government Code §111.0706 and allocate funds for one new vehicle and equipment for the law enforcement agreement with Twin Oaks.
 17. DISTRICT ATTORNEY: Take all appropriate action to approve Resolutions for continuation of below listed programs and authorize submission of electronic applications to the Office of the Governor, Criminal Justice Division, and authorize County Judge to sign all documents pertaining to the grant funding of the programs from September 1, 2010 through August 31, 2011:
 - A. Victim Witness Expansion Staff Expansion (VOCA) Grant in the amount of \$73,198; with a County match of \$56,750;
 - B. Violence Against Women (VAWA) Prosecutor Grant in the amount of \$75,125; with a County match of \$41,500; and
 - C. Violence Against Women (VAWA) Investigator Grant in the amount of \$49,024 with a County match of \$28,750.

18. ENGINEERING:

- A. Take all appropriate action on Change Order No. 4 to the Agreement between Fort Bend County and Durwood Greene Construction Company to increase the amount by \$433,524.30 regarding paving and drainage improvements to West Belfort, for a total contract amount not to exceed \$4,790,578; Mobility Bond Project #731, Precinct 4. (Fund: 2007 Mobility Bonds)
- B. Take all appropriate action on request by Texas Department of Transportation (TxDOT) to pay the Fort Bend County portion in the amount of \$92,028.87 regarding the Advance Funding Agreement for a surface transportation program for FM 1464 (from 200 feet north of FM 1093 to 1,000 feet south of Fort Bend Westpark Toll Way), Mobility Bond Project #59, Precinct 3. (Fund: 2000 Mobility Bonds)
- C. Take all appropriate action on request for variance to the building set back line requirement, (Section 5.12 C of the Fort Bend County Regulations of Subdivisions), for Del Webb-Richmond, Section 2, on behalf of C.W. Richmond, L.P., Pct. 1.
- D. Take all appropriate action on the plat for roads within Del Webb-Richmond, Section 2, Pct. 1.
- E. Take all appropriate action on the plat for lots within Del Webb-Richmond, Section 2, Pct. 1.

19. HUMAN RESOURCES:

- A. Take all appropriate action on revisions to Fort Bend County Employee Information Manual, specifically Section 406: Transfers, Separations and Subsequent Rehires, and Section 510: Retirement.
- B. Take all appropriate action on request to reclassify Position No. 5401-0068, in the Emergency Medical Service Department from EMT Intermediate, Grade 8, Public Health Policy Group to Paramedic I, Grade 9, Public Health Policy Group, effective March 6, 2010.

20. INDIGENT HEALTH CARE: Take all appropriate action to terminate the Agreement between Fort Bend County and Oak Bend Medical Group for medical services to Eligible Indigent County Residents.

21. JUVENILE PROBATION: Take all appropriate action to authorize electronic submission of application and Resolution to the Office of the Governor, Criminal Justice Division, for first year grant funding of the Saved by the Bell II, a new grant in the amount of \$120,990.43 to expand the Delinquency Reduction Program for use from September 1, 2010 through August 31, 2011, with no cash match required by Fort Bend County, to be ratified at next meeting of the Juvenile Board.

22. PUBLIC TRANSPORTATION: Take all appropriate action on Project Grant Agreement Contract No. 51012F7307 for Federal FY10 Section 5317 (New Freedom) for a total amount of \$480,697 and cash match by Fort Bend County of \$309,011; with \$255,829.67 in federal funds and County match of \$181,769.92 remaining for the period ending September 30, 2010; and authorize County Judge to sign all documents pertaining to the grant. (Fund: Transportation, FY10 Grant Allocation)
23. PURCHASING:
- A. Take all appropriate action to grant an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(4) for the purchase of a professional service, for mechanical testing and balancing services at the Justice Center from Systems Commissioning, Inc., for an amount not to exceed \$147,918. (Fund: Facility Bond Project)
 - B. Take all appropriate action to authorize payment of Invoice Number 206658 in the amount of \$4,790.55 to ESP Office Solutions, LLC for copier maintenance of Sharp Model 2060 machines during the month of October, 2009. (Fund: Non-Departmental, Fees)
 - C. Take all appropriate action on Converged Network Solutions Agreement between Fort Bend County and Sprint Solutions, Inc. for the Sheriff's Office and Jail Facility.
 - D. 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 supplemental agreement with Manatron to provide licenses, products, and services for upgrade to Agenda Link, Version 4.3, in an amount not to exceed \$738. (Fund: County Clerk, Records Management)
 - E. Take all appropriate action to renew IBM maintenance with Sirius utilizing Texas Multiple Award Schedule (TXMAS) Contract-4-70080, for an amount not to exceed \$42,778.32. (Fund: Information Technology, Sheriff's Office, and District Attorney's Office)
 - F. Take all appropriate action to grant an exemption to the competitive bid process as authorized by Local Government Code §262.024 (a)(4) for the purchase of a professional service, for renewal of security management program from Cybertrust, Inc., in an amount not to exceed \$78,000. (Fund: Library and Information Technology)
 - G. Take all appropriate action on the following:
 - 1) Bid # 10-045 – Paving Improvements to Teal Bend Boulevard;
 - 2) Bid # 10-047 – Construction of hike and bike trails in Buffalo Bayou parks and trail system;
 - 3) Bid # 10-053 – Pavement marking;
 - 4) Bid # 10-054 – Thermoplastic traffic coating;
 - 5) Bid # 10-056 – Culverts;
 - 6) Bid # 10-057 – Bridge materials;
 - 7) Bid # 10-058 – Earthen type road materials;

PURCHASING (Continued)

- 8) Bid # 10-059 – Chemical type road materials;
- 9) Bid # 10-060 – Equipment filters;
- 10) Bid # 10-061 – HVAC repairs;
- 11) RFP# 10-033 - Records storage; and
- 12) SOQ# 10-050 - Design/build expansion of Emergency Management.

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. Cause No. 32,357 and Cause No. 32,709 Consolidated into No. 32357; 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.
- B. Medical Subrogation Lien Claim: Holbert, Nadine; Date of Incident October 24, 2009.
- C. Cause No. 09-CCV-039361; The State of Texas and Fort Bend County, Texas vs. Eileen Rosniak, et al.; In the County Court at Law Number One (1) of Fort Bend County, Texas.
- D. Cause No. 09-CCV-040649; The State of Texas and Fort Bend County, Texas vs. LRI Investment Group, Ltd., et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas.
- E. Cause No. 09-CCV-040651; The State of Texas vs. Orchard Lake Estates HOA, Inc., et al; In the County Court at Law Number Three (3) of Fort Bend County, Texas.
- F. Cause No. 09-CCV-040653; The State of Texas and Fort Bend County, Texas vs. Timothy L. Schumann, Chelsea Harbour, Ltd., et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas.

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

§ 551.071. Consultation With Attorney.

- A. Cause No. 32,357 and Cause No. 32,709 Consolidated into No. 32357; 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.
- B. Medical Subrogation Lien Claim: Holbert, Nadine; Date of Incident October 24, 2009.

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Reconvene Open Session (Continued)

- C. Cause No. 09-CCV-039361; The State of Texas and Fort Bend County, Texas vs. Eileen Rosniak, et al.; In the County Court at Law Number One (1) of Fort Bend County, Texas.
- D. Cause No. 09-CCV-040649; The State of Texas and Fort Bend County, Texas vs. LRI Investment Group, Ltd., et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas.
- E. Cause No. 09-CCV-040651; The State of Texas vs. Orchard Lake Estates HOA, Inc., et al; In the County Court at Law Number Three (3) of Fort Bend County, Texas.
- F. Cause No. 09-CCV-040653; The State of Texas and Fort Bend County, Texas vs. Timothy L. Schumann, Chelsea Harbour, Ltd., et al.; In the County Court at Law Number Four (4) of Fort Bend County, Texas.

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, February 26, 2010, 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 2:50 PM A.M.
FEB 26 2010 *KWS*

Shirley Wilson
County Clerk Fort Bend Co. Tex.