

June 8, 2010

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING. RICHMOND, TEXAS
TUESDAY, JUNE 8, 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 meetings held May 25 and June 1, 2010, and special meeting held on May 26, 2010.
4. Public Comments regarding the Agenda and Announcements.
5. PUBLIC HEARING: 1:00 p.m.: Conduct Public Hearing on the following matter:

Receive public input on how the 2010 Edward Byrne Justice Assistance Grant (JAG) funds might be spent.

CONSENT AGENDA ITEMS 6 - 16

6. **COUNTY JUDGE:**

Approve the reappointment of J. C. Whitten to Position No. 7 representing Fort Bend County on the Texana Center Board of Trustees for a two-year term commencing September 1, 2010.
7. **COMMISSIONER, PCT. 1:**

Approve the reappointment of Stephen McDowell to Position No. 5 representing Fort Bend County on the Texana Center Board of Trustees for a two-year term commencing September 1, 2010.

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8. **COMMISSIONER, PCT. 2:**

Approve the reappointment of Dr. Dennis W. Young to Position No. 3 representing Fort Bend County on the Texana Center Board of Trustees for a two-year term commencing September 1, 2010.

9. **BUDGET TRANSFERS:**

- A. **Auditor:** Approve transfer in the amount of \$525,756 as detailed on Auditor's form dated June 1, 2010, to reallocate funds budgeted for the SH 36 Park & Ride Project to the Public Transportation Department.
- B. **County Court at Law No. 2** : Approve transfer in the amount of \$54 from Office Supplies into Information Technology (IT) to allocate additional funds for shortage in IT account.
- C. **Constable, Pct. 4** : Approve transfer in the amount of \$1,100 from Property and Equipment into Information Technology to allocate funds for purchase of network printer and upgrade of software for three Windows VLA Pro 7.
- D. **Facilities Management & Planning** : Approve transfer in the amount of \$199,049 as detailed on Auditor's form dated June 1, 2010 to reallocate funds into various capital projects.
- E. **Fairgrounds** : Approve transfer in the amount of \$55 as detailed on Director's form dated May 26, 2010, to allocate funds into correct line item for "call forward" feature to phone system.
- F. **Justice of the Peace, Pct. 1, Place 1** : Approve transfer in the amount of \$61 from Property and Equipment into Information Technology to allocate funds into correct line item for replacement of UPS for telephone system.

10. **DISTRICT ATTORNEY:**

Approve salary supplement in the amount of \$75.00 bi-weekly for Position No. 4801-0022 and in the amount of \$230.77 bi-weekly for Position No. 4801-0083 in the Office of District Attorney, effective June 12, 2010, pursuant to Code of Criminal Procedure, Chapter 59, Article 59.06 (d), Disposition of Forfeited Property. (Fund: District Attorney, State Asset Forfeiture, Salaries/Benefits)

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11. ENGINEERING:

- A. **Approve payment of Invoice No. 2010132 (Pay Estimate No. 10) in the amount of \$1,354.75 to Tedsi Infrastructure Group regarding the expansion of Harlem Road, Mobility Bond Project #725-A, Precincts 3 and 4. (Fund: 2007 Mobility Bonds)**
- B. **Release Bond #6496686 in the amount of \$155,271.00 for Aliana Trace Drive STD and accept the replacement reduction Letter of Credit #3102306 in the amount of \$41,548.15, Precinct 4.**
- C. **Approve application from CenterPoint Entex to bury a 2-inch plastic gas main along Charlie Roberts Lane, Precinct 1.**
- D. **Approve application from Budget Construction Service, Inc. to construct three driveway tie-ins, two on Clodine-Reddick and one on Beechnut Street, Precinct 3.**
- E. **Approve application from Identity Homes Construction Management, LLC to construct a driveway tie-in onto Knoll Oak, Precinct 1.**
- G. **Approve payment of Invoice No. 2 (Pay Estimate No. 2) in the amount of \$291,858.79 to Harris Construction Company, Ltd. regarding paving improvements on Teal Bend Blvd, Mobility Bond Project #746, Precinct 1. (Fund: 2007 Mobility Bonds)**
- H. **Set Public Hearing for Fulbrook, Section 3B Replat of Lots 1 and 2, Block 1, Precinct 3. (Tuesday, July 13, 2010, at 1:00 p.m.)**
- I. **Set public hearing for Fulbrook, Section 3B Replat of Lots 3, 4, and 5, Block 1, Precinct 3. (Tuesday, July 13, 2010, at 1:00 p.m.)**

12. FACILITIES MANAGEMENT & PLANNING:

- A. **Approve payment of Pay Application No. 12 in the amount of \$4,235,728.00 to JE Dunn South Central, Inc. for construction services regarding the Justice Center. (Fund: Facility Bond Project)**
- B. **Approve payment of Invoice No. A-025144 in the amount of \$880.00 to DataVox to move the Partner System associated with the Child Support Build Out on the 40 Acre Site. (Fund: Facility Bond Project)**
- C. **Approve payment of Invoice No. WALD-3411-0/1 in the amount of \$3,016.00 to Wald Relocation for moving services associated with the Child Support Build Out on the 40 Acre Site. (Fund: Facility Bond Project)**
- D. **Approve payment of Pay Application No. 09-00400005 in the amount of \$314,132.70 to Bass Construction Company, Inc. for construction services regarding the EMS Medic One facility . (Fund: Facility Bond Project)**

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- E. **Approve payment of Pay Application No. 08-00900018 in the amount of \$20,700.00 to Bass Construction Co., Inc., for construction services regarding the Gus George Academy. (Fund: Facility Bond Project)**

- F. **Approve payment of Invoice No. 10028119 and Invoice No. 10028120 for a total amount of \$51,075.82, to PGAL, for professional services regarding the Justice Center. (Fund: Facility Bond Project)**

13. HEALTH & HUMAN SERVICES:

Accept and sign Texas Department of State Health Services Contract No. 2010-035029, for grant funds in the amount of \$22,956; the content of which is covered by Texas Government Code § 418.183(f), with an in-kind match of \$5,800 for the grant term of July 1, 2010 through July 31, 2011.

14. PURCHASING:

Authorize advertising for bids for construction of the City of Kendleton Wastewater Treatment Plant.

15. ROAD & BRIDGE:

Approve renewal of Primary Interlocal Agreement between Fort Bend County and City of Houston effective through September 30, 2010, with automatic one-year renewals.

16. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on June 2, 2010, for an amount totaling \$23,645.86.

17. COUNTY JUDGE:

Take all appropriate action on the First Amendment to the Tax Abatement Agreement between Fort Bend County, Site-West Development, LLC, and National Oilwell DHT, LP for assignment to GSL Fund 21 Sub G, LLC as Owner and National Oilwell Varco, LP as Lessee.

18. COMMISSIONER, PCT. 1:

- A. **Take all appropriate action on request by Corry Slot on behalf of Corpa Real Estate Solutions LLC to waive penalty and interest totaling \$314.23 on property taxes for Tax Year 2009, Precinct 1.**
- B. **Take all appropriate action on Resolution Supporting Crabb River Road (FM 762 and FM 2759) Locally Preferred Alternative Improvements and Funding Initiatives.**

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19. COMMISSIONER, PCT. 2:

Take all appropriate action on request by Richard and Shirlette Dias to waive penalty and interest totaling \$184.48 on property taxes for Tax Year 2009, Precinct 2.

20. COMMISSIONER, PCT. 3:

Take all appropriate action to reappoint Valerie Meyer and Sondra Salchak as Directors of Fort Bend County Levee Improvement District No. 12 and take action to appoint Robert V. Bullis, Jr. to fill the unexpired term of Larry Gore to the Fort Bend County Levee Improvement District No. 12, each for four year terms commencing November 7, 2010.

21. COMMISSIONER, PCT. 4:

Take all appropriate action to appoint Charles (Chuck) Hewell to fill the unexpired term of Gil Saenz as Director of Fort Bend County Levee Improvement District No. 2, for a term effective June 8, 2010 through June 8, 2014.

22. AUDITOR:

Take all appropriate action on transfer in the amount of \$7,100 as detailed on Auditor's form dated June 4, 2010 to allocate funds for the purchase of software to produce financial statements.

23. CONSTABLE, PCT. 4:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$52.60 to Harris County for radio repairs performed without a purchase order. (Fund: Fort Bend Toll Road Authority, Law Enforcement Agreement, Operating Supplies)

24. ENGINEERING:

- A. Take all appropriate action on Agreement between Fort Bend County and Texas Department of Transportation (TxDOT) to review the County's Planning Study on the segment of FM 2759 from US 59 to FM 762, and on FM 762 from FM 2759 to the new Lamar Independent School District High School, at no cost to the county, Precinct 1.
- B. Take all appropriate action on application to Houston-Galveston Area Council for grant funding in the amount of \$83,436 for the Household Hazardous Waste portion of the FY 2011 Solid Waste Grant Program, with in-kind services provided by Fort Bend County, and authorize the County Judge to sign all documents pertaining to the application.
- C. Take all appropriate action on application to Houston Galveston Area Council (H-GAC) to request funds in the amount of \$60,000 for the FY 2011 Solid Waste Grant Program, to conduct technical studies and feasibility analyses of biosolid waste issues, with in-kind services provided by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.

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25. FACILITIES MANAGEMENT & PLANNING:

- A. Take all appropriate action on the Agreement between Fort Bend County and Lockwood, Andrews and Newnam, Inc. (LAN), for Professional Engineering Services for an amount not to exceed \$260,000 regarding Energy Audits to be conducted on various County Facilities. (Fund: Energy Efficiency Block Grant)
- B. Take all appropriate action on the Agreement between Fort Bend County and Jaymark Engineering Corporation for Project Management Services in an amount not to exceed \$36,000 regarding the Senior Citizen Center. (Fund: Capital Improvement Project)

26. FORT BEND COUNTY TOLL ROAD AUTHORITY: The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") reviewed these items at their regular meeting held on May 19, 2010, and recommends that Commissioners Court take all appropriate action on the following matters:

- A. Application for the creation of the Fort Bend Grand Parkway Toll Road Authority.
- B. Order Approving the Creation of the Fort Bend Grand Parkway Toll Road Authority; Approving the Articles of Incorporation and the Bylaws Thereof; and Containing Findings and Other Provisions Relating to the Subject.
- C. Advance Reimbursement Agreement between Fort Bend County and the Fort Bend Grand Parkway Toll Road Authority for Grand Parkway, Segment D, Phase I.

27. GRANTS ADMINISTRATION:

- A. Take all appropriate action on the non-binding recommendations by the JAG Review Committee on spending the 2010 Edward Byrne Justice Assistance Grant.
- B. Take all appropriate action to approve application to the U. S. Department of Justice for FY 2010 Edward Byrne Justice Assistance Grant (JAG) in the amount of \$93,978 with no cash match required by Fort Bend County, and authorize County Judge to sign all documents pertaining to the application.

28. INFORMATION TECHNOLOGY:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$14.85 to Nextel/Sprint for purchases made without a purchase order. (Fund: Information Technology, Property and Equipment)

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29. PARKS DEPARTMENT:

Take all appropriate action on the Interlocal Agreement for Recreational Facilities between Fort Bend County and Cinco Municipal Utility District No. 1 for payment to Fort Bend County in the amount of \$692,500 to construct the Buffalo Bayou Nature Trail and Regional Park.

30. OFFICE OF EMERGENCY MANAGEMENT:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$275.78 to Helfman Ford for repair service on the 2007 Expedition vehicle without a purchase order. (Fund: Emergency Management, Property and Equipment)

31. PURCHASING:

Take all appropriate action to authorize the purchase of Video Conferencing Integration Systems from Visual Systems Group, Inc., for use by the Sheriff's Office, utilizing GSA Contract No. #GS-35F-0601T for an amount not to exceed \$68,000. (Fund: OCDETF Grant)

32. TAX ASSESSOR/COLLECTOR:

Take all appropriate action on Amendment One to Lease Agreement between Fort Bend County and State of Texas for use of four additional Registration Title System workstations at the Precinct Three North Annex, including a one (1) time site set-up cost. (Fund: Facility Bond Project)

33. Approve Bills.

34. Authorize County Auditor to pay and release time sensitive bills on June 17, 2010, to be ratified by Commissioners Court on June 22, 2010.

35. 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. Civil Action No. 4:09-cv-1058; The United States of America, Plaintiff v. Fort Bend County, Texas, Defendant; In the United States District Court for the Southern District of Texas, Houston Division.
2. Office of Emergency Management Project.

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- B. § 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.
1. Annual Evaluation: County Engineer.
 2. Annual Evaluation: Road & Bridge Commissioner.
36. Reconvene Open Session and consider taking action on the following matters:
- A. § 551.071. Consultation With Attorney.
1. Civil Action No. 4:09-cv-1058; The United States of America, Plaintiff v. Fort Bend County, Texas, Defendant; In the United States District Court for the Southern District of Texas, Houston Division.
 2. Office of Emergency Management Project.
- B. § 551.074. Personnel Matters.
1. Annual Evaluation: County Engineer.
 2. Annual Evaluation: Road & Bridge Commissioner.
37. Adjournment.

FILED FOR RECORD
NO _____ TIME 1:13 ^{A.M.}_{P.M.}
JUN 04 2010 *VCK*
Dianne Nilson
County Clerk Fort Bend Co. Tex.

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 was filed with the County Clerk at 1:13 p.m. by VCK and posted at the Fort Bend County Courthouse Complex in Richmond, Texas, on Friday, June 4, 2010, by Donna Osipina. 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).