

November 9, 2010

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
TUESDAY, NOVEMBER 9, 2010
1:00 O'CLOCK P.M.**

AGENDA

1. Call to Order.
2. Invocation and Pledge of Allegiance by Commissioner Meyers.
3. Approve minutes of regular meeting held on November 2, 2010.
4. Public Comments regarding the Agenda and Announcements.
5. PUBLIC HEARINGS: 1:00 p.m.: Conduct Public Hearing and take all appropriate action on the following matter:

Acceptance of traffic control plan for Lakemont Shores, Sec. 1, Precinct 3.

CONSENT AGENDA ITEMS 6 - 15

6. **OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
 - A. **Sheriff's Office : Ratify travel by T. Oxley and J. Orlop to Riverside, California, November 3-4, 2010, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
 - B. **Sheriff's Office : Ratify travel by B. Schmitt and J. Harris to Bakersfield, California, October 19-21, 2010, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
 - C. **Sheriff's Office : Ratify travel by H. H. Knight to Lake Charles, Louisiana, November 2, 2010, for prisoner transport. (Fund: Sheriff, Enforcement, Travel)**
 - D. **Sheriff's Office : Ratify travel by R. Callie and E. Parr to Marshall, Minnesota, November 9-11, 2010, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**

7. **BUDGET & FINANCE/BUDGET TRANSFERS:**

- A. **Child Protective Services** : Approve FY 2010 transfer in the amount of \$29,302 from Non-Departmental Fees into Child Protective Services to allocate funds donated by jurors.
- B. **Community Supervision & Corrections Department** : Approve FY 2011 transfer in the amount of \$2,239 from Property and Equipment into Information Technology to allocate funds into correct line item for purchase of replacement copier.
- C. **Engineering** : Approve FY 2011 transfer in the amount of \$1,500 from Engineering, Office Supplies, into Central Mailroom, Office Supplies, to allocate funds for postage meter.
- D. **Library** : Approve FY 2011 transfer in the amount of \$6,100 from Library, Utilities into Facilities, Utilities to allocate funds for University Branch Library phone and circuit lines.

8. **328th DISTRICT COURT:**

Approve out of state travel for Carol Thesing and Brandy Knudson (volunteer supervisors for Child Advocates of Fort Bend) to Phoenix, Arizona, December 8-12, 2010, to attend the 25th National Training Institute for instruction regarding the Zero to Three Program for Maltreated Infants and Toddlers. (Fund: Maltreated Infants and Toddlers Grant, Travel)

9. **ENGINEERING:**

- A. Approve payment of Invoice No. 10-318 (Pay Estimate No. 5) in the amount of \$15,814.88 to HVJ Associates, Inc. regarding materials testing for improvements on Katy Flewellen Road, Mobility Bond Project #734, Precinct 3. (Fund: 2007 Mobility Bonds)
- B. Approve payment of Invoice No. 6425 (Pay Estimate No. 25) in the amount of \$19,818.72 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 Bonds)
- C. Approve payment of Invoice No. 201010-109 (Pay Estimate No. 6) in the amount of \$495,852.55 to Durwood Greene Construction Company regarding Katy-Flewellen Road Improvements, Mobility Bond Project #734, Precinct 3. (Fund: 2007 Mobility Bonds)

November 9, 2010

- D. **Approve payment of Invoice No. 201010-125 (Pay Estimate No. 1) in the amount of \$252,662.40 to Durwood Greene Construction Company regarding the extension of South Post Oak Blvd. and reconstruction of McKeever Road, Mobility Bond Project #763, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**
- E. **Approve application from Burlington Operating, LLC to construct a driveway tie-in onto Pilcik, Precinct 1.**
- F. **Approve application from Devon Street Homes to construct driveway tie-ins on Knox Estate Drive, Kincaid Falls Court, Millwood Pass Circle and Jay Thrush Drive, Precinct 3.**
- G. **Approve application from Comcast, LLC to bore under and bury cable along Lake Riverstone Drive, L J Parkway, and Herrin Landing, Precinct 1.**
- H. **Approve the plat for Charis Subdivision, Precinct 3.**
- I. **Approve application from Texas Quality Mats, LLC to construct a driveway tie-in onto Battle, Precinct 1.**
- J. **Set public hearing for the traffic control plan prohibiting overnight parking of commercial motor vehicles, on Summer Park Drive as petitioned by the Summer Park Apartment Community pursuant to Texas Transportation Code Ann. § 545.307, Precinct 2. (Tuesday, December 7, 2010, at 1:00 p.m.)**
- 10. **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 Bond and/or Capital Projects:**
 - A. **Invoice No. 5086 in the amount of \$16,875.84 to Total Technologies for Voice and Data Cabling expenses regarding the EMS Medic One Facility;**
 - B. **Invoice No. 9360330451 in the amount of \$221.94 to Grainger for lawn equipment necessary for the maintenance of the 40 Acre Site;**
 - C. **Invoice No. 6056 in the amount of \$5,198.00 to Eddie's Small Engine Repair for lawn equipment necessary for the maintenance of the 40 Acre Site;**
 - D. **Invoice No. 23006 and Invoice No. 23019 for an amount totaling \$28,546.53 to The Mathis Group (TMG+), for Professional Services regarding the Justice Center.**
- 11. **FIRE MARSHAL:**

Approve and record into Minutes the State FY 2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency for the Fort Bend County Fire Marshal.

November 9, 2010

12. HEALTH & HUMAN SERVICES - ENVIRONMENTAL HEALTH:

- A. **Accept request to terminate the Adopt-A-Road Agreement between Fort Bend County and The River Church for litter clean up on Harlem Road from US 99 to FM 1093.**
- B. **Approve Adopt-A-Road Agreement between Fort Bend County and the Matlock Family for assistance with litter control on Needville-Fairchilds Road, from Highway 36 North to Jeske Road, Needville, Texas.**
- C. **Approve renewal of Agreements between Fort Bend County and the following entities for the Inspection of Newly Constructed On-Site Sewage Disposal Systems and OSSF Nuisance Compliance effective October 1, 2010 through September 30, 2011: City of Fulshear; City of Simonton; City of Weston Lakes; Village of Fairchilds; Village of Pleak.**
- D. **Approve renewal of Agreements between Fort Bend County and the following entities for the Inspection of Food Service Establishments effective October 1, 2010 through September 30, 2011: City of Beasley; City of Fulshear; City of Kendleton; City of Needville; City of Orchard; City of Simonton; City of Weston Lakes; Village of Fairchilds; Village of Pleak.**

13. LIBRARY:

Record into Minutes the petty cash fund donated by Friends of the Sienna Library for the Sienna Branch Library.

14. PARKS & RECREATION:

Approve renewal of Occupancy Agreements between Fort Bend County and Fort Bend Seniors Meals on Wheels & Much, Much More, effective from October 1, 2010 through September 30, 2015, for the following facilities: Bud O'Shieles Community Center, Mustang Center, and Fifth Street Community Center.

15. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on November 2, 2010, for an amount totaling \$38,159.78 for the Office of Patsy Schultz.

November 9, 2010

16. COUNTY JUDGE:

- A. Take all appropriate action to set bond amounts for the following elected officials for the term beginning January 1, 2011: County Judge \$10,000; County Treasurer \$500,000; and County Court-at-Law Judges \$10,000.
- B. Take all appropriate action on Second Amended and Restated Concurrent Order Creating a Freight Rail District pursuant to Texas Transportation Code Chapter 171; and making other provisions and findings related to the subject.
- C. Take all appropriate action on the Tax Abatement Agreement between Fort Bend County and Whirlpool Corporation for improvements located the Kendleton area, Fort Bend County Reinvestment Zone No. 13.

17. COMMISSIONER, PCT. 4:

- A. Take all appropriate action on request by Tahir and Fatima Ahmed to waive penalty, interest, and collection fees totaling \$732.48 on property taxes for Tax Year 2009, Pct. 4.
- B. Take appropriate action on Abandonment of an 80-Foot Easement adjacent to the westerly right of way line of old FM 1464, Pct. 4.

18. AUDITOR:

Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$8,800.00 to Moody's Investors Service for professional services not invoiced at time of closing regarding Revenue Refunding Bonds for the Fort Bend County Flood Control Water Supply Corporation, Series 2010. (Fund: Flood Control Water Supply, Debt Service)

19. ENGINEERING:

- A. Take all appropriate action on Resolution and Order to Abandon a Portion of Manor Road in Fort Bend County, Pct. 4.
- B. Take all appropriate action on Change Order No. 3 to the Agreement between Fort Bend County and Allgood Construction Company, Inc. to increase the scope of services by \$240,801.07 regarding construction improvements to Katy-Gaston Road, from FM 1093 to Cinco Ranch Blvd., for a total project amount not to exceed \$2,967,227.66; Mobility Bond Project #733, Precinct 3. (Fund: 2007 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 Nandina at Riverstone, on behalf of Frost Ranch Development, L.P., Precinct 4.

November 9, 2010

- D. Take all appropriate action on plat for the roads within Nandina at Riverstone, Precinct 4.
 - E. Take all appropriate action on plat for the lots within Nandina at Riverstone, Precinct 4.
 - F. Take all appropriate action to rescind Court's approval of Agenda Item 31B from Commissioners Court meeting on November 17, 2009 regarding Advance Funding Agreements for Bridge Replacement or Rehabilitation Off the State System between Fort Bend County and the Texas Department of Transportation for the bridges listed: CSJ 0912-34-157 Barek Road at Mound Creek, CSJ 0912-34-158 Fenske Lane at Fairchilds Creek and CSJ 0912-34-159 Walker Road at Turkey Creek; due to a change in the program, Precinct 1.
 - G. Take all appropriate action on the Advance Funding Agreements for Bridge Replacement or Rehabilitation Off the State System between Fort Bend County and the Texas Department of Transportation for the Bridges listed as follows: CSJ 0912-34-158 Fenske Lane at Fairchilds Creek, CSJ 0912-34-159 Walker Road at Turkey Creek, CSJ 0912-34-169 Foster School Road at Fairchilds Creek Tributary, and CSJ 0912-34-170 Tierra Grande Drive at Snake Creek, Precinct 1.
 - H. Take all appropriate action on the Railroad Crossing License and Force Account Agreement between Fort Bend County, the State of Texas and Union Pacific Railroad for installation of a highway-grade crossing warning system at Junker Road in Precinct 1, at no cost to Fort Bend County.
 - I. Take all appropriate action on the Railroad Crossing License and Force Account Agreement between Fort Bend County, the State of Texas and Union Pacific Railroad for installation of a highway-grade crossing warning system at Scott Road in Precinct 1, at no cost to Fort Bend County.
 - J. Take all appropriate action on Second Amendment to the Professional Engineering Services Agreement between Fort Bend County and Landtech Consultants, Inc. to increase the amount from \$700,000 to a not-to-exceed amount of \$800,000 for the expansion of Mason Road, Mobility Bond Project No. 735, Precinct 3. (Fund: 2007 Mobility Bonds)
20. HUMAN RESOURCES:
- Take all appropriate action on request to reclassify Position Number 5031-0016 in the Information Technology Department from Senior Communications Specialist, Grade 11, Administrative Clerical Policy Group to Technical Support Supervisor, Grade 12, Professional Management Policy Group, effective November 9, 2010.

November 9, 2010

21. PARKS & RECREATION:

- A. Take all appropriate action on the Facilities Extension Agreement between Fort Bend County and CenterPoint Energy Houston Electric in the amount of \$10,255 for the installation of power poles to provide utilities for the location at 19855 Westheimer Parkway, Pct. 3. (Fund: Parks & Trails Grant)
- B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$210.00 to Lower Colorado River Authority for testing services performed on water well without a Purchase Order. (Fund: Parks, Fees)
- C. Take all appropriate action on Agreement of Supervision of Heliport Park between Fort Bend County and the Fort Bend Helis Group regarding use of a designated area of Fort Bend County Fairgrounds as a Heliport Park for radio-controlled model helicopters.

22. PURCHASING:

- A. Take all appropriate action to authorize the purchase of one (1) Pick-up Truck #5 (V) from Helfman Ford for Constable Pct. 3, pursuant to Bid #08-027. (Fund: Constable Pct. 3)
- B. Take all appropriate action to approve negotiated Contract between Fort Bend County and Nunn Constructors, Ltd. pursuant to Bid #10-116, Construction of the Kendleton Wastewater Treatment Plant, for an amount not to exceed \$564,070. (Fund: Community Development Block Grant)
- C. Take all appropriate action to add additional sites for sprinkler inspections from Casteel Automatic Fire Protection, Inc. pursuant to Bid #10-028. (Fund: Facilities Management & Planning)
- D. Take all appropriate action to add Missouri City Annex for fire alarm monitoring from Casteel Automatic Fire Protection, Inc. pursuant to Bid #10-028. (Fund: Facilities Management & Planning)
- E. Take all appropriate action to add additional sites for fire alarm inspections from Royal Protection Group, Inc. pursuant to Bid #10-028. (Fund: Facilities Management & Planning)
- F. Take all appropriate action on Bid #11-013; Opening Day Collection for University Branch Library.
- G. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code Section 262.024 (a)(7) to purchase an item available from only one source: online services with The Gale Group, in an amount not to exceed \$28,213.28. (Fund: Library, Office Supplies)

November 9, 2010

- H. Take all appropriate action on Addendum to Agreement between Fort Bend County and Brainfuse to extend the term for online homework tutoring, pursuant to RFP #08-087, in an amount not to exceed \$54,900. (Fund: Library, Office Supplies)
 - I. Take all appropriate action to consider granting an exemption to the competitive bid process as authorized by Local Government Code Section 262.024 (a)(7) for the purchase an item available from only one source, and approve renewal of Agreement between Fort Bend County and Mango Languages for an amount not to exceed \$24,990. (Fund: Library, Office Supplies)
 - J. Take all appropriate action on Interlocal Agreement between Fort Bend County and City of Meadows Place for the purchase of goods and services.
23. ROAD & BRIDGE:
- Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$119.95 to Helfman Ford for repairs made to an ambulance without a Purchase Order. (Fund: Vehicle Maintenance)
24. Approve Bills.
25. Authorize Auditor to pay and release time-sensitive bills on November 18, 2010, to be ratified by Commissioners Court on November 23, 2010.
26. WORKSHOP:
- Receive update by the Judicial Steering Team on Project Rawhide.
27. 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.
- Office of Emergency Management Project - Parcel 3, Lots 1, 2, 3, and 4.
- 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.
- Trammel Fresno, Mobility Bond Project #746, Precinct 1.

November 9, 2010

28. Reconvene Open Session and consider taking action on the following matters:
- A. § 551.071. Consultation With Attorney.
Office of Emergency Management Project - Parcel 3, Lots 1, 2, 3, and 4.
 - B. § 551.072. Deliberation Regarding Real Property.
Trammel Fresno, Mobility Bond Project #746, Precinct 1.
29. 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 was filed with the County Clerk at 1:53 p.m., by KWS and posted at the Fort Bend County Courthouse Complex in Richmond, Texas, on Friday, November 5, 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 _____ A.M.
P.M.

NOV 9 5 2010


County Clerk Fort Bend Co. Tex.