

January 4, 2011

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
TUESDAY, JANUARY 4, 2011
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 21, 2010.
4. Public Comments regarding the Agenda and Announcements.

CONSENT AGENDA ITEMS 5 - 17:

5. **OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
 - A. **Office of Emergency Management : Jeff Braun to Boston, Massachusetts, April 8-13, 2011, to attend American Planning Association (APA) 2011 National Planning Conference. (Fund: Emergency Management, Travel)**
 - B. **Sheriff's Office: Ratify travel by J. Orlop to Biloxi, Mississippi, December 15, 2010, for extradition of prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
6. **COUNTY JUDGE:**
 - A. **Record the approval of Bonds for County Commissioner Grady Prestage, Precinct 2, and County Commissioner James Patterson, Precinct 4, by County Judge Robert Hebert for the term of January 1, 2011 through December 31, 2014.**
 - B. **Approve and record Bonds for newly elected officials effective January 1, 2011 through December 31, 2014: County Judge Robert Hebert; District Clerk Annie Rebeca Elliott; County Treasurer Paul Jeff Council; County Clerk Dianne Wilson; County Court at Law No. 1 Judge Ben W. "Bud" Childers; County Court at Law No. 2 Judge Jeff McMeans; County Court at Law No. 3 Judge Susan G. Lowery; County Court at Law No. 4 Judge Sandy Bielstein; Justice of the Peace, Precinct 1, Place 2 Judge Mary S. Ward; Justice of the Peace, Precinct 2 Judge Joel C. Clouser, Sr.; Justice of the Peace, Precinct 3 Judge Kenneth Cannata; and Justice of the Peace, Precinct 4 Judge Jim Richard.**

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- C. **Record into Minutes the Bond for District Attorney John F. Healey, Jr. for term of office January 1, 2011 through December 31, 2014.**
- D. **Approve the appointment of Judge Jeff McMeans as the Designee of County Court-at-Law Judges to serve on the Bail Bond Board for the term of January 1 through December 31, 2011.**
- E. **Approve the reappointment of Ann Werlein as the County Judge's Designee on the Fort Bend County Bail Bond Board effective January 1 through December 31, 2011.**
- F. **Approve the reappointment of Manny Reyes and Thelma Shelton to the Fort Bend County Spanish Language Advisory Committee for Elections Administration for the term of January 1, 2011 through December 31, 2012.**
- G. **Approve the reappointment of James Clark, Harvey Ludwig, Morris Mitchell, and Jon Strange as Directors of the Fort Bend Subsidence District for a two year term effective January 31, 2011 through January 31, 2013.**
- H. **Approve annual payment to Harris County Treasurer in the amount of \$77,148 which is Fort Bend County's proportionate share of total expenses for the 1st and 14th Appellate Courts for fiscal year ending February 28, 2010 pursuant to Section 22.202 of the Government Code. (Fund: Non-Departmental, Fees)**
- 7. **COMMISSIONER, PCT. 2:**

Approve the reappointment of Ronald Castillo and Johanna Compean to the Fort Bend County Spanish Language Advisory Committee for Elections Administration for the term of January 1, 2011 through December 31, 2012.
- 8. **COMMISSIONER, PCT. 3:**
 - A. **Approve the appointment of J. J. Martinez and Lupe Uresti to the Fort Bend County Spanish Language Advisory Committee for Elections Administration for the term of January 1, 2011 through December 31, 2012.**
 - B. **Approve the reappointment of Gregg Nady and Hank Wenzler as Commissioners to the Fort Bend County Emergency Services District No. 1 (Kelliwood) for a two year term effective January 1, 2011 through December 31, 2012.**
 - C. **Approve the reappointment of John Godbee as Commissioner to Fort Bend County Emergency Services District No. 5 for a two year term, effective January 1, 2011 through December 31, 2012.**

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9. **COMMISSIONER, PCT. 4:**

Approve the reappointment of Laura Munoz and Sylvia Garza to the Fort Bend County Spanish Language Advisory Committee for Elections Administration for the term of January 1, 2011 through December 31, 2012.

10. **ELECTIONS ADMINISTRATION:**

Acknowledge and record appointments of the following individuals to the Fort Bend County Spanish Language Advisory Committee for Election Administration with terms ending December 31, 2012: Ted Garcia and Robert Jimenez by the Fort Bend County Elections Administrator, and Ken Stubbe by the Chairman of the Fort Bend County Democrat Party.

11. **ENGINEERING:**

- A. **Approve payment of Invoice No. 38 (Pay Estimate No. 38) in the amount of \$26,345.00 to Schaumburg & Polk, Inc. regarding Management and Administrative Support Services for the 2007 Mobility Bond Projects located within Precincts 1, 2, 3, and 4. (Fund: 2007 Mobility Bonds)**
- B. **Approve payment of Invoice T172645 (Pay Estimate No. 4) in the amount of \$13,093.38 to Terracon regarding Greenbusch Road, Phase II (from Mill Manor to Falcon Landing Blvd.) Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**
- C. **Approve payment of Invoice No. 10-356 (Pay Estimate No. 6) in the amount of \$7,617.45 to HVJ Associates, Inc regarding materials testing for improvements to Katy Flewellen Road, Mobility Bond Project #734, Precinct 3. (Fund: 2007 Mobility Bonds)**
- D. **Approve payment of Invoice No. 20104883 (Pay Estimate No. 10) in the amount of \$6,191.92 to LJA Engineering & Surveying, Inc. regarding the extension of South Post Oak Blvd. and the reconstruction of McKeever Road, Mobility Bond Project #763, Precinct 1. (Fund: 2007 Mobility Bonds)**
- E. **Approve payment of Invoice No. 48918 (Pay Estimate No. 17) in the amount of \$30,387.81 to Burk-Kleinpeter, Inc. regarding the expansion of Trammel Fresno Road, Mobility Bond Project #746, Precincts 1 and 2. (Fund: 2007 Mobility Bonds)**
- F. **Approve payment of Invoice No. 30 (Pay Estimate No. 30) in the amount of \$267.05 to Cobb-Fendley & Associates, Inc. regarding Greenbusch Road, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**
- G. **Approve payment of Invoice No. WHX17400-09 in the amount of \$24,326.80 to Jacobs Engineering Group, Inc. regarding FM1093/Westpark Tollway, Mobility Bond Project 748, Precinct 3. (Fund: 2007 Mobility Bonds)**

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- H. Approve payment of Invoice No. 211560107 (Pay Estimate No. 7) in the amount of \$2,446.84 to Huitt-Zollars, Inc. regarding the expansion of Falcon Landing Blvd. (from Greenbusch to Katy-Gaston), Mobility Bond Project #703, Precinct 3. (Fund: 2007 Mobility Bonds)
- I. Approve payment of Invoice No. 26923 in the amount of \$24,118.71 to Landtech Consultants, Inc. regarding the expansion of Mason Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)
- J. Approve payment of Invoice No. 27 (Pay Estimate No. 27) in the amount of \$18,183.60 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 City of Richmond, Texas, Mobility Bond Project #747, Precinct 1. (Fund: 2007 Mobility Bonds)
- K. Approve application from CenterPoint Entex to bore a 2-inch plastic gas line under Bellaire Boulevard, Precinct 3.
- L. Approve application from CenterPoint Entex to bore a 2-inch plastic gas main under Roesner Road, Precinct 3.
- M. Approve application from CenterPoint Entex to bore a 4-inch plastic gas line under Farmer Road, Precinct 3.
- N. Approve application from Comcast of Houston LLC c/o Jier LLC to bore under Fifth Street, Precinct 2.
- O. Approve application from D. L. Elliott Enterprises, Inc. to bore a 16-inch waterline under McKaskle and bury waterline along Old Richmond, Dora Lane and McKaskle and to construct a driveway tie-in onto McKaskle, Precinct 4.
- P. Approve application from Gonzales Construction Enterprises, Inc. to bore under Williwaw Drive, Keegans Bayou and Addicks Clodine with 12-inch waterline, Pct. 3.
- Q. Accept the streets in Cinco Ranch Southwest, Section 33: Hinesdale Park Lane 722.46 LF; Marbrook Meadow Lane 334.66 LF; Heritage Stream Drive 577.80 LF; Stanville Drive 269.77 LF; Stoney Cloud Drive 529.58 LF; Glenirish Drive 757.57 LF; Wedgeoak Drive 1,266.64 LF; Hollyfare Drive 536.33 LF; Hazepoint Drive 1,110.96 LF; Knoll Mill Lane 155.00 LF; Middleoak Grove Lane 898.43 LF; and Wedgeoak Court 342.19 LF for a total of 7,501.39 LF; and release bond #SU5025065 in the amount of \$554,960.00, Precinct 3.
- R. Accept the streets in Sienna Village of Water Lake, Section 14: Cline Way 101.19 LF; Combwell Garden 1,267.01 LF; Carlton Square 215.00 LF; and Carlton Square 68.26 LF for a total of 1,651.46 LF; and release bond #6496619 in the amount of \$124,927.60, Precinct 1.

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- S. **Accept the streets in Creekstone at Riverstone, Section 5: Creekstone Village Drive 1,647.64 LF; Jordan Falls Drive 204.72 LF; Pearl Pass Lane 598.10 LF; Kendall Hill Lane 1,012.91 LF; Pearl Pass Court 80.90 LF; Sydney Park Lane 112.40 LF; Waverly Canyon Court 225.33 LF; Merry Meadow Court 374.85 LF; and Kendall Hill Court 155.27 LF; for a total of 4,412.12 LF; and release bond #MNT8919419 in the amount of \$320,600.00, Precinct 4.**
- T. **Set public hearing for acceptance of the traffic control plan for Cinco Ranch Southwest, Section 33, Precinct 3. *(Tuesday, February 1, 2011, at 1:00 p.m.)***
- U. **Set public hearing for acceptance of the traffic control plan for Sienna Village of Water Lake, Section 14, Precinct 1. *(Tuesday, February 1, 2011, at 1:00 p.m.)***
- V. **Set public hearing for acceptance of the traffic control plan for Creekstone at Riverstone, Section 5, Precinct 4. *(Tuesday, February 1, 2011, at 1:00 p.m.)***
- 12. **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. 10029199, Invoice No. 10029369, Invoice No. 10029372, Invoice No. 10029400, and Invoice No. 10029509 for an amount totaling \$174,667.17 to PGAL for Professional Services regarding the Justice Center;**
 - B. **Invoice No. ADV-12651 in the amount of \$895.00 to Advant Tech Solution for equipment costs associated with the Gus George Academy;**
 - C. **Invoice No. 23054 in the amount of \$28,500.00 to The Mathis Group (TMG+) for Professional Services regarding the Justice Center;**
 - D. **Invoice No. 161325 in the amount of \$25,000.00 to Gowan, Inc., for testing and balancing services regarding the Justice Center;**
 - E. **Invoice No. 171791 in the amount of \$449.09 to Home Depot for furniture, fixture, and equipment costs associated with the EMS Medic One facility;**
 - F. **Invoice No. T172646 in the amount of \$13,757.66 to Terracon for Materials Testing Services regarding the University Branch Library in Sugar Land;**
 - G. **Invoice No. N171887 in the amount of \$2,535.00 to Data Vox for Communication Equipment regarding the Fort Bend County North Annex;**
 - H. **Invoice No. 20 and Invoice No. 2 for an amount totaling \$16,906.28 to Bailey Architects for Professional Services regarding the University Branch Library in Sugar Land.**

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13. **HEALTH & HUMAN SERVICES:**

Approve and sign budget Amendment No. 001D to Attachment #001C for Grant Contract #2010-033332, between Fort Bend County and Texas Department of State Health Services, effective December 17, 2010, the content of which is covered under Texas Government Code § 418.183(f).

14. **OFFICE OF EMERGENCY MANAGEMENT:**

Approve request to Texas Division of Emergency Management for extension of time to process 2008 Grant Year expenditures for the UASI and SHSP programs; authorize County Judge to sign letter and Extension Request Form for the request.

15. **PUBLIC TRANSPORTATION:**

Approve and authorize County Judge to sign Texas Department of Transportation Project Grant Agreement (PGA) Amendment #2 (PGA #51012F7307), to extend the contract ending date for the New Freedom transportation services from March 31, 2011 to August 31, 2011.

16. **RISK MANAGEMENT:**

Authorize County Judge to approve and execute Settlement Agreement, and approve payment in the amount of \$943.17 in full and final settlement of all claims made by Donald M. Robinson and Avis Rent A Car System, L.L.C., regarding incident dated October 26, 2010. (Fund: Risk Management)

17. **TAX ASSESSOR/COLLECTOR:**

- A. **Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on December 28, 2010, for an amount totaling \$4,104.57 for the Office of Patsy Schultz.**
 - B. **Record into Minutes the disposal of miscellaneous Tax Office Documentation, scanned by Windward Group as Boxes 877 through 891, dated October 14, 2010 through November 24, 2010, per State Archive Retention Schedule of Destruction for the Office of Patsy Schultz.**
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18. **COUNTY JUDGE:**

Take all appropriate action on the First Amendment to the Tax Abatement Agreement between Fort Bend County and Frito-Lay, Inc. decreasing the full-time employee requirement from 450 to 350.

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19. COMMISSIONER, PCT. 3:

Take appropriate action on request for a variance to the Texas Alcoholic Beverage Commission (TABC) requirement regarding Genghis Grill, located at 23501 Cinco Ranch Boulevard, Suite H130 in Katy, Texas, Precinct 3.

20. COMMUNITY DEVELOPMENT: Take all appropriate action on Agreements between Fort Bend County and the following entities, all of which are part of the FY 2010 Consolidated Action Plan approved by Commissioners Court on July 6, 2010, and funded by the Community Development Block Grant Program, and authorize County Judge to sign all documents pertaining to the respective agreements:

- A. Fort Bend County Women's Center, Inc. in the amount of \$29,556 to provide salaries for shelter staff;
- B. Fort Bend Community Revitalization Projects (Fort Bend CORPS) in the amount of \$225,000 to administer a home repair program;
- C. City of Needville in the amount of \$250,000 for rehabilitation of the City's sanitary sewer collection system;
- D. City of Rosenberg in the amount of \$260,700 for the installation of sanitary sewer system improvements;
- E. City of Richmond in the amount of \$258,500 for the installation of sanitary sewer collection line improvements - Phase II.

21. ENGINEERING:

- A. Take all appropriate action on Third Amendment to Professional Engineering Services Agreement between Fort Bend County and Landtech Consultants, Inc. to extend the time for services regarding improvements to Mason Road until December 31, 2012, Mobility Bond Project No. 735, Precinct 3. (Fund: 2007 Mobility Bonds)
- B. Take all appropriate action on Third Amendment to Professional Engineering Services Agreement between Fort Bend County and Othon, Inc. to extend the time for services for improvements to Ransom Road until December 31, 2012, Mobility Bond Project No. 747, Precinct 1. (Fund: 2007 Mobility Bonds)
- C. Take all appropriate action on Change Order No. 1 to the Agreement between Fort Bend County and Durwood Greene Construction Company to increase the amount by \$166,540.70 regarding improvements to Katy-Flewellen Road, Mobility Bond Project #734, Precinct 1. (Fund: 2007 Mobility Bonds)

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- D. Take all appropriate action on Change Order No. 1 to the Agreement between Fort Bend County and Durwood Greene Construction Company to increase the amount by \$75,801.65 regarding the extension of South Post Oak Boulevard and McKeever Road past West Plantation Drive, Mobility Bond Project #763, Precinct 1. (Fund: 2007 Mobility Bonds)
 - E. Take all appropriate action on Partial Release of Reversionary Interest executed by Fort Bend Independent School District in favor of Fort Bend County, Texas, necessary to convey portion of property at the Mamie George Library to the City of Sugar Land, Texas for the Dulles Avenue Upgrade Project, Pct. 3.
 - F. Take all appropriate action on Special Warranty Deed conveying a 0.099 acre tract of land from the Fort Bend Independent School District to Fort Bend County, Texas for improved access to the Mamie George Library, as a part of the Dulles Avenue Upgrade Project, Pct. 3.
 - G. Take all appropriate action on Special Warranty Deed to convey a 0.4011-acre tract of land from Fort Bend County, Texas to the City of Sugar Land, Texas for the Dulles Avenue Upgrade Project, Pct. 3.
22. HUMAN RESOURCES:
- Take all appropriate action on request to reclassify Position No. 4553-0005, in the Office of Justice of the Peace, Precinct 2, from Clerk III, Grade 7 of the Administrative Policy Group to Case Manager, Grade 8 of the Administrative Policy Group, effective January 8, 2011.
23. JUSTICE OF THE PEACE, PCT. 3:
- Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$110.00 to Skelton Business Equipment for copier supplies received without a purchase order. (Fund: Justice of the Peace, Pct. 3, Office Supplies)
24. PUBLIC TRANSPORTATION:
- A. Take all appropriate action to authorize Grant Application to Federal Transit Administration (FTA) for FY 09 Section 5307 funds (Project ID# TX-95-X915) in the amount of \$2,590,835 with a local match of \$1,450,376; authorize electronic submission by Director of Public Transportation on behalf of County Judge, and designate funding source for the local match.
 - B. Take all appropriate action on Texas Department of Transportation Project Grant Agreement (PGA) Amendment #1 (PGA # 51112F7018) to add residual FY 2010 funds for a total grant award of \$145,452.01 with no local match required.

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25. PURCHASING:

- A. Take all appropriate action on Agreement between Fort Bend County and Hernandez Funeral Home, Inc. pursuant to RFP #11-012 for Pauper Burial and Transportation Services effective through September 30, 2011. (Fund: Social Services)
- B. Take all appropriate action on Bid #11-026 to provide and install 100-Foot Communications Tower for the Office of Emergency Management. (Fund: UASI Grant)
- C. Take all appropriate action to add additional space to the janitorial services Contract with Agape Cleaning pursuant to Bid #10-005, in an amount not to exceed \$85.00 per month for the Precinct 1 Facility. (Fund: Facilities Management & Planning)

26. ROAD & BRIDGE:

Vehicle Maintenance : Take all appropriate action on the Vehicle Borrower Agreement between Fort Bend County and Classic Chevrolet for temporary use of a Police Package Chevrolet Tahoe, at no cost to the County.

27. Approve Bills.

28. Ratify the release of time-sensitive bills by Auditor on December 30, 2010.

29. 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. 09-CCV-039253, Fort Bend County, Texas V. Robert W. Traugott, Sharon L. Traugott, et al.; In the County Court at Law No. Three (3) of Fort Bend County, Texas.
 - 2. Cause No. 09-CCV-039738; Fort Bend County, Texas v. Harold J. Mathis, Jr., et al. In the County Court at Law Number One (1) of Fort Bend County, Texas.

NO. _____ TIME 12:52 ^{A.M.}_{P.M.}DEC 30 2010 *Ru*

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Dianne Nelson

County Clerk Fort Bend Co., Tex.

- 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. Acquisition of property: Old Richmond Road, Mobility Bond Project #728, Precinct 4.
 2. Acquisition of property: Dulles Avenue: Mobility Bond Project #720, Precinct 2.
30. Reconvene Open Session and consider taking action on the following matters:
- A. § 551.071. Consultation With Attorney.
1. Cause No. 09-CCV-039253, Fort Bend County, Texas V. Robert W. Traugott, Sharon L. Traugott, et al.; In the County Court at Law No. Three (3) of Fort Bend County, Texas.
 2. Cause No. 09-CCV-039738; Fort Bend County, Texas v. Harold J. Mathis, Jr., et al. In the County Court at Law Number One (1) of Fort Bend County, Texas.
- B. § 551.072. Deliberation Regarding Real Property.
1. Acquisition of property: Old Richmond Road, Mobility Bond Project #728, Precinct 4.
 2. Acquisition of property: Dulles Avenue: Mobility Bond Project #720, Precinct 2.
31. 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

Robert E. Hebert, County Judge

Notice of meeting/agenda was filed with the County Clerk at 12:52 p.m., by *Ru* and posted at the Fort Bend County Courthouse Complex in Richmond, Texas, on Thursday, December 30, 2010, by Linda Kotach. 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 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).