

October 11, 2011

**NOTICE OF MEETING  
FORT BEND COUNTY COMMISSIONERS COURT  
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS  
TUESDAY, OCTOBER 11, 2011  
1:00 O'CLOCK P.M.**

**AGENDA**

1. Call to Order.
2. Invocation and Pledge of Allegiance by Commissioner Morrison.
3. Approve minutes of regular meeting held on October 4, 2011.
4. Public Comments regarding the Agenda and Announcements.
5. PUBLIC HEARING: 1:00 p.m.: Conduct Public Hearing and take all appropriate action on the following matter:

Acceptance of traffic control plans for Firethorne, Section 10, Section 16, and Section 17, Precinct 3.

**CONSENT AGENDA ITEMS 6 - 17:**

6. **OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:**  
  
**Sheriff's Office : Ratify travel by J. Orlop to Lake Charles, Louisiana, September 30, 2011, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)**
7. **COUNTY JUDGE:**
  - A. **Authorize Presiding Officer of Commissioners Court to execute any and all documents pertaining to action taken during Court on October 11, 2011, including documents previously approved by the Court, as necessary.**
  - B. **Ratify County Judge's acceptance of the Second Amendment to the EPA FY05 State & Tribal Assistance Grant for the benefit of Fort Bend Fresh Water Supply District #1 Water and Wastewater Infrastructure project, extending the terms of the grant through August 31, 2013.**

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- C. **Ratify County Judge's acceptance of the First Amendment to the EPA FY06 State & Tribal Assistance Grant for the benefit of Fort Bend Fresh Water Supply District #1 and the City of Arcola's Water and Wastewater Infrastructure project, extending the terms of the grant through August 31, 2013.**
  
- 8. **COMMISSIONER, PCT. 3:**  
  
**Approve renewal of Interlocal Agreement for Additional Law Enforcement Services between Fort Bend County and Fort Bend County Municipal Utility District No. 124; services to be provided by Constable's Office effective through September 30, 2012.**
  
- 9. **BUDGET & FINANCE/BUDGET TRANSFERS:**
  - A. **Auditor : Approve FY 2012 transfer in the amount of \$1,089,000 from General Fund Projects into the Central Appraisal District Project for the expansion of the facility.**
  
  - B. **County Judge : Approve FY 2011 transfer in the amount of \$460 from Non-Departmental Travel into Commissioner, Pct. 2, Travel, to allocate funds for reimbursement to Commissioner for travel to National Association of Counties Conference as delegate for the County.**
  
  - C. **District Attorney : Approve FY 2011 transfer in the amount of \$15 from Office Supplies into Information Technology to allocate funds into correct line item for the purchase of flash drives.**
  
  - D. **Health & Human Services - Social Services : Approve FY 2011 transfer in the amount of \$5,088 as detailed on Director's form dated October 4, 2011, to allocate additional funds for autopsies performed in 2010 and public assistance billing in FY 2011.**
  
  - E. **Office of Emergency Management : Approve FY 2011 transfer in the amount of \$825 from Fees into Capital Acquisitions to allocate funds into correct line item for graphics on the OEM Crown Victoria vehicle.**
  
- 10. **CONSTABLE, PCT. 1:**  
  
**Approve renewal of Interlocal Agreement for Additional Law Enforcement Services between Fort Bend County and Greatwood Community Association, effective through September 30, 2012.**
  
- 11. **CONSTABLE, PCT. 2:**  
  
**Approve renewal of Interlocal Agreements for Additional Law Enforcement Services between Fort Bend County and Briargate Community Improvement Association, Quail Glen Homeowner's Association and Quail Run Community Improvement Association, effective through September 30, 2012.**

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12. **ENGINEERING:**

- A. **Approve payment of Invoice No. 201109-118 (Pay Estimate No. 4) in the amount of \$293,470.18 to Durwood Greene Construction Company regarding Old Richmond Road (from Voss to West Airport Blvd.), Mobility Bond Project #728, Precinct 4. (Fund: 2007 Mobility Bonds)**
- B. **Approve payment of Invoice No. 2 (Pay Estimate No. 2) in the amount of \$19,740.57 to HR Green, Inc. for work regarding existing bridge replacement on Knight Road at the Gulf Coast Water Authority Canal, Precinct 2. (Fund: 2000 Mobility Bonds)**
- C. **Approve payment of Invoice No. TX152-00-03 (Pay Estimate No. 3) in the amount of \$11,519.20 to AIA Engineers, Ltd. for work regarding bridge replacement on existing Kroesche Road, Precinct 1. (Fund: 2000 Mobility Bonds)**
- D. **Approve payment of Invoice No. 6809 (Pay Estimate No. 31) in the amount of \$4,907.13 to Othon, Inc. regarding the expansion of 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)**
- E. **Approve payment of Invoice No. 13 (Pay Estimate No. 13) in the amount of \$316,161.87 to Allgood Construction Company, Inc. regarding improvements to Greenbusch Road, Phase II, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**
- F. **Approve payment of Invoice No. 201109-109 (Pay Estimate No. 10) in the amount of \$421,553.07 to Durwood Greene Construction Company regarding South Post Oak Blvd. extension and reconstruction of McKeever Road, Mobility Bond Project #763, Precinct 1. (Fund: 2007 Mobility Bonds)**
- G. **Approve release of Cashier's Check #400467458 in the amount of \$5,000.00 to Schwing Design / Van Salley for completion of work on Moortown Circle, Permit #84008, Precinct 3.**
- H. **Approve application from AT&T Texas to bury cable along Mullins Road, Precinct 3.**
- I. **Accept the streets in University Boulevard at Riverstone Phase I Street Dedication: University Boulevard 1,079.26 LF; there is no bond to be released, Precinct 4.**
- J. **Set public hearing for acceptance of the traffic control plan for University Boulevard at Riverstone Phase I Street Dedication, Precinct 4. (*Tuesday, November 8, 2011 at 1:00 p.m.*)**

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13. **FACILITIES MANAGEMENT & PLANNING: The Director of Facilities Management & Planning submits this invoice for approval and payment for a project that has been budgeted and funded by Facility Bond and/or Capital Projects:**

**Pay Application No. 11-013 002 in the amount of \$47,874.58 to Bass Construction Co., Inc. for Construction Services regarding the Employee Clinic.**

14. **HEALTH & HUMAN SERVICES:**

**Approve and sign Affiliation Agreement between Fort Bend County and Walden University for students to perform components of their clinical course experience throughout the County's Health and Human Services programs effective through September 30, 2012.**

15. **PUBLIC TRANSPORTATION:**

**Approve Amendment No. 2 to FY 2007 Sub-Award Interlocal Agreement By and Between Fort Bend County and The Gulf Coast Rail District, to extend the duration of the Agreement for an additional (18) months.**

16. **SHERIFF'S OFFICE:**

**Approve renewal of the Tactical Diversion Task Force Agreement between Fort Bend County and U. S. Department of Justice, Drug Enforcement Administration, for the use of state and local overtime and authorized expense/strategic initiative program effective through September 30, 2012. (Fund: Sheriff's Office, DEA Grant )**

17. **TAX ASSESSOR/COLLECTOR:**

**Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on October 4, 2011, for an amount totaling \$3,641.66 for the Office of Patsy Schultz.**

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18. **COUNTY JUDGE:**

- A. Take all appropriate action to nominate by Resolution a candidate for the Board of Directors of the Fort Bend Central Appraisal District for the term of January 1, 2012 through December 31, 2013.
- B. Take all appropriate action to authorize payment by Invoice Transmittal in the amount of \$437.00 to Cherokee County for mental health commitment hearing at Rusk State Hospital without a purchase order. (Fund: Non-Departmental, Fees)

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19. COMMISSIONER, PCT. 1:

- A. Take all appropriate action on request by John Paul Ledger to waive penalty, interest and collection fees totaling \$1,513.68 on Agricultural Rollback taxes for tax years 1992 through 1996, Precinct 1.
- B. Take all appropriate action on Resolution to issue Certificates of Obligation or engage in a bank financing instrument for the costs of the expansion and improvements to the Fort Bend County Central Appraisal District facilities.

20. AUDITOR:

Take all appropriate action to authorize payment by Invoice Transmittal for an amount of \$20.00 to Joseph Dybala Photography, Inc. for repair of damage to Judges' portrait caused during move to the Justice Center. (Fund: Facility Bond Project)

21. ENGINEERING:

- A. Take all appropriate action on request to grant a Water Line Easement across Fort Bend County property located along Spur 529 to the City of Rosenberg, Precinct 1.
- B. Take all appropriate action on the Professional Engineering Services Agreement between Fort Bend County and Kelly R. Kaluza & Associates, Inc. for improvements to Harlem Road in an amount not to exceed \$381,600.00; Mobility Bond Project No. 726. (Fund: 2007 Mobility Bonds)
- C. Take all appropriate action on request for temporary road closure at the intersection of Gin Road (Loop 541) and US Highway 59 in the Kendleton area, on October 15, 2011, for construction purposes, pursuant to Section 251.011 of the Texas Transportation Code, Precinct 1.

22. OFFICE OF EMERGENCY MANAGEMENT:

Take all appropriate action on a Homeland Security Grant Program Property Transfer Record Agreement to transfer a grant-purchased Lowboy Trailer From Fort Bend County to The City of Stafford Fire Department.

23. PUBLIC TRANSPORTATION:

Take all appropriate action to accept and authorize Presiding Officer of Commissioners Court to execute Amendment No. 1 to FY 2011 Section 5310 Project Grant Agreement No. 51112F7249 between Fort Bend County and Texas Department of Transportation to add the remaining apportionment of funds provided on Minute Order 11294 and 112710; increasing the total reimbursable amount to \$203,824 with a local match requirement of \$50,956. (Fund: Public Transportation)

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24. PURCHASING:

- A. Take all appropriate action on request for price increase by Reflective Printing pursuant to Bid #08-039 for printing of stationary.
- B. Take all appropriate action on Bid #11-084 for Traffic Signalization at Harlem Road and Plantation Drive.
- C. Take all appropriate action on Change Order #1 to the Agreement between Fort Bend County and Tegrity TH1 LLC, in an amount not to exceed \$6,150.00 for increased scope of services pursuant to RFP #11-065 regarding construction of single family residential structures. (Fund: Community Development Hurricane Ike Recovery Funds)
- D. Take all appropriate action on Interlocal Agreement between Fort Bend County and Harris County Department of Education for the purchase of programs and services.
- E. Take all appropriate action to authorize the purchase bulk fuel from Susser utilizing Choice Facilities Partners Agreement 08/038JC.
- F. 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 from only one source, for commitment hearings to state mental facilities from the following: Travis County for Austin State Hospital; Howard County for Big Spring Hospital; Cherokee County for Rusk State Hospital; Kerr County for Kerrville State Hospital; Wilbarger County for Vernon State Hospital; Bexar County for San Antonio State Hospital; and Kaufman County for Terrell State Hospital.

25. RISK MANAGEMENT:

Take all appropriate action on the 2012 Texas Association of Counties retiree medical program (County Choice Silver Monumental).

26. SHERIFF'S OFFICE:

Take all appropriate action on request to transfer the amount of \$444,810 as detailed on Director's form dated October 5, 2011, to consolidate the Courthouse Security budget with the Bailiff budget for FY 2012.

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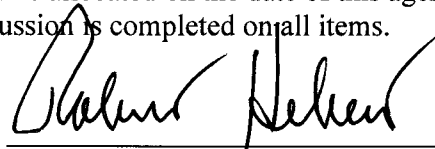
27. Approve Bills.
28. Authorize County Auditor to pay and release time sensitive bills on October 20, 2011, to be ratified by Commissioners Court on October 25, 2011.
29. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:
  - A. § 551.071. Consultation 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. 10-CCV-041822; The State of Texas and Fort Bend County, Texas vs. Robert Schumann, et al.; In the County Court at Law No. 4 of Fort Bend County, Texas, and 10-CCV-041823 Consolidated into No. 10-CCV-041822; The State of Texas and Fort Bend County, Texas vs. Robert Schumann, et al.; In the County Court at Law No. 4 of Fort Bend County, Texas.
    2. C.A. No. 11-CV-00887; William Butera v. Fort Bend County, Texas; In the United States District Court for the Southern District of Texas, Houston Division.
    3. Powerline Road at Sunrise Meadow Subdivision.
  - 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.

Acquisition of Property: Justice of the Peace - Precinct 1, Place 1.

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30. Reconvene Open Session and consider taking action on the following matters:
- A. § 551.071. Consultation With Attorney.
    - 1. Cause No. 10-CCV-041822; The State of Texas and Fort Bend County, Texas vs. Robert Schumann, et al.; In the County Court at Law No. 4 of Fort Bend County, Texas, and 10-CCV-041823 Consolidated into No. 10-CCV-041822; The State of Texas and Fort Bend County, Texas vs. Robert Schumann, et al.; In the County Court at Law No. 4 of Fort Bend County, Texas.
    - 2. C.A. No. 11-CV-00887; William Butera v. Fort Bend County, Texas; In the United States District Court for the Southern District of Texas, Houston Division.
    - 3. Powerline Road at Sunrise Meadow Subdivision.
  - B. § 551.072. Deliberation Regarding Real Property.
    - Acquisition Of Property: Justice of the Peace - Precinct 1, Place 1.
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, County Judge

Notice of meeting/agenda was filed with the County Clerk on Friday, October 7, 2011. An electronic version of this notice is also posted on the Fort Bend County website: [www.co.fort-bend.tx.us](http://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 2:04 P.M.  
OCT 07 2011 SF  
*Shirley Wilson*  
County Clerk Fort Bend Co. Texas