

May 7, 2013

**NOTICE OF MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
TUESDAY, MAY 7, 2013
1:00 P.M.**

AGENDA

1. Call to Order.
2. Invocation and Pledge of Allegiance by Commissioner Prestage.
3. Approve minutes of regular meeting held on April 23, 2013.
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. Replat of Long Meadow Farms Commercial Reserve, Section 1, Partial Replat No. 2, Precinct 4.
 - B. Approval of replat: Oreilly FM 1464 Subdivision, being a replat of a portion of Restricted Reserve "A" in Twin Oaks Village, Section 15, Precinct 2.

CONSENT AGENDA ITEMS 6 - 21:

6. **OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:**
 - A. **Constable, Pct. 2: Rodney Pentecost to Pittsburgh, Pennsylvania, August 3-7, 2013, to attend the National Organization of Black Law Enforcement Executives (NOBLE) 37th Annual Training Conference and Exhibition. (Fund: Constable, Pct. 2, Travel)**
 - B. **Elections Administration: Maria Rose Gonzales to Fort Myers, Florida, July 12-21, 2013, to attend professional development classes conducted by the Election Center. (Fund: Elections Contract, Travel)**
 - C. **Health & Human Services - Emergency Medical Service: Rita Graeber to San Diego, California, July 7-13, 2013, to attend the ESRI User's Conference. (Fund: Emergency Medical Service, Travel)**

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- D. **Health & Human Services - Social Services:** Anna Gonzales and Jenny Varnado to Washington, D.C., July 22-24, 2013, to attend the 2013 National Conference on Ending Homelessness. (Fund: Social Services, Travel)
 - E. **Office of Emergency Management:** Krista Whitehead to Fort Lauderdale, Florida, September 8-13, 2013, to attend the International Association of Crime Analysts (IACA) Training Conference. (Fund: 2012 UASI Intelligence Analyst Grant)
 - F. **Sheriff's Office:** Ratify travel by M. Kubricht and N. Mendoza to St. Louis, Missouri, April 29-30, 2013, to extradite prisoner back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)
 - G. **Sheriff's Office:** S. Rader, M. Patterson and R. Castillo to Washington, DC, May 12-16, 2013, to represent Fort Bend County Sheriff's Honor Guard at National Peace Officers Memorial Week. (Fund: Sheriff, Enforcement, Travel)
 - H. **Sheriff's Office:** J. Hernandez and N. Mendoza to Birmingham, Alabama, and Lake Charles, Louisiana, May 7-8, 2013, to extradite prisoners back to Fort Bend County. (Fund: Sheriff, Enforcement, Travel)
 - I. **Sheriff's Office:** Gilbert Jalomo, Daniel Quam, Jim Leach, Mary Reveles, Mary desVignes-Kendrick, and Pamela Gubbels to Detroit, Michigan, May 21, 2013 for a site visit pertaining to RFP 13-049 Inmate Medical Services. (Fund: Multiple County Departments, Travel)
7. **COMMISSIONER, PCT. 1:**
- Approve Interlocal Project Agreement between Fort Bend County and City of Rosenberg to provide assistance with repairs to the Canoe Launch at the Community Park, County expenditure not to exceed \$1,700. (Fund: Road & Bridge)
8. **AUDITOR:**
- Accept Monthly Financial Report prepared by the County Auditor for five months ending February 28, 2013, pursuant to Local Government Code Section 114.023.
9. **BUDGET & FINANCE/BUDGET TRANSFERS:**
- A. **Information Technology:** Approve transfer in the amount of \$62,199 from Information Technology, Fees and Services into Emergency Medical Service (EMS), Information Technology, to allocate funds for upgrading equipment and software within the EMS Department.

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- B. **Law Library:** Approve transfer in the amount of \$530 from Property and Equipment into Information Technology to allocate funds for the purchase of software.
- C. **Library:** Approve transfer in the amount of \$44,100 from Office Supplies into Information Technology to allocate funds for the purchase of Early Literacy computer stations.
- D. **Office of Emergency Management:** Approve transfer in the amount of \$5,283 from Salaries and Labor into Temporary/Part-Time to allocate funds needed for temporary assistance.

10. **DISTRICT CLERK:**

Record into Minutes the Certificate of Completion awarded to District Clerk Annie Rebecca Elliott for completion of the required twenty hours of Continuing Education for 2012, as prescribed in Section 51.605 of the Texas Government Code.

11. **ELECTIONS ADMINISTRATION:**

Record into Minutes the Continuation Certificate for the Official Bond and Oath by John Oldham, Fort Bend County Elections Administrator, in the amount of \$20,000 effective June 18, 2013 through June 18, 2014.

12. **ENGINEERING:**

- A. Approve payment of Invoice No. 7 (Pay Estimate No. 7) in the amount of \$431,401.97 to Allgood Construction Company, Inc. regarding Mason Road, Phase I, from FM 359 to north of Skinner Road, Mobility Bond Project #735, Precinct 3. (Fund: 2007 Mobility Bonds)
- B. Approve payment of Invoice No. 7 (Pay Estimate No. 7) in the amount of \$316,885.32 to Allgood Construction Company, Inc. regarding Falcon Landing Boulevard, Phase 4, from Spring Green to Gaston Road, Mobility Bond Project #703 (D), Precinct 3. (Fund: 2007 Mobility Bonds)
- C. Approve payment of Invoice No. 8 (Pay Estimate No. 8) in the amount of \$202,467.45 to Allgood Construction Company, Inc. regarding Falcon Landing Boulevard, Phase 2, Mobility Bond Project #703 (B), Precinct 3. (Fund: 2007 Mobility Bonds)
- D. Approve payment of Invoice No. 9 (Pay Estimate No. 9) in the amount of \$184,350.99 to Allgood Construction Company, Inc. regarding Falcon Landing Boulevard, Phase 2, Mobility Bond Project #703(B), Precinct 3. (Fund: 2007 Mobility Bonds)

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- E. **Approve release of performance bond #LPM 8792640 in the amount of \$50,000.00 to Aspect Energy, LLC for completion of work along several county roads and drainage ditches, Precinct 1.**
- F. **Approve application from AT&T Texas to bury fiber optic cable under Wimberly Canyon Drive and Grand Parkway (State Highway 99), Precinct 1.**
- G. **Approve application from J.C. Hernandez to construct a driveway tie-in onto Tori Road, Precinct 1.**
- H. **Approve application from Tackle Construction, Inc. to bore under Aldridge Drive, Precinct 1.**
- I. **Approve application from Centerpoint Entex to bore a 2-inch plastic gas line under Crossover Road, Precinct 3.**
- J. **Approve application from M Street Homes, LLC to construct a driveway tie-in onto Quarto Lane, Precinct 3.**
- K. **Approve application from John Mu to construct a driveway tie-in onto Moore Road, Precinct 2.**
- L. **Approve application from AT&T Texas to bury fiber optic cable along West Bellfort, Precinct 4.**
- M. **Approve application from T Construction, LLC to construct an outfall into Keegans Bayou and open cut several streets in Kingsbridge Municipal Utility District to repair storm sewer, Precinct 2.**
- N. **Approve application from Paskey, Incorporated to bore under and bury 6-foot by 3-foot box culvert under the Grand Parkway (State Highway 99), Precinct 4.**
- O. **Approve application from Phonoscope, LLC to set a utility pole in Right of Way of Farmer Road, Precinct 3.**
- P. **Approve application from Debo Homes, LLC to construct a driveway tie-in onto Leah Drive, Precinct 1.**
- Q. **Accept Bond Rider # 1070095 for Sunrise Meadow, Section 6, decreasing the amount from \$366,205.00 to \$183.103.00, Precinct 1.**
- R. **Accept street into the County Road Maintenance System for Grand Parkway (SH99) Northbound Access Road: north of West Bellfort and south of Peek Road: 4,803.00 LF, Precinct 4.**

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- S. **Accept the streets in Cinco Ranch Southwest, Section 49: Owl Landing Lane 393.63 LF; Sparrow Creek Court 533.40 LF; and West Nightingale Hill Lane 436.85 LF; for a total of 1,363.88 LF; and release Bond #SB016000347 in the amount of \$102,060.00, Precinct 3.**
- T. **Approve the plat for Mason Road No. 1 STD, Precinct 3.**
- U. **Approve the plat for Autumn Leaves Cinco Ranch Subdivision, Precinct 3.**
- V. **Approve plat for the roads within Avalon at Spring Green, Section 1, Precinct 3.**
- W. **Approve plat for the lots within Avalon Spring Green, Section 1, Precinct 3.**
- X. **Approve plat for the roads within Shadow Glen at Riverstone, Section 4, Precinct 4.**
- Y. **Approve plat for the lots within Shadow Glen at Riverstone, Section 4, Precinct 4.**
- Z. **Approve plat for the roads within Avalon at Riverstone, Section 3, Precinct 4.**
- AA. **Approve plat for the lots within Avalon at Riverstone, Section 3, Precinct 4.**
- BB. **Set public hearing for acceptance of the traffic control plan for Grand Parkway (SH99) Northbound Access Road, north of West Bellfort and south of Peek Road, Precinct 4. (Tuesday, June 4, 2013, at 1:00 p.m.)**
- CC. **Set public hearing for acceptance of the traffic control plan for Cinco Ranch Southwest, Section 49, Precinct 3. (Tuesday, June 4, 2013, at 1:00 p.m.)**
- 13. **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. **Pay Application No. 5 to J. E. Dunn Construction Company in the amount of \$241,865.00 for construction services regarding the Senior Center;**
 - B. **Pay Application No. Seven (7) to Phoenix 1 Restoration and Construction, Ltd. in the amount of \$234,251.65 for Construction Services regarding Restoration of the Historic Courthouse.**

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14. **FORT BEND FLOOD CONTROL WATER SUPPLY CORP.:**

The Board of Directors of the Fort Bend Flood Control Water Supply Corporation reviewed this item at their regular meeting held on April 24, 2013, and recommends that Commissioners Court authorize payment of invoices for work performed by consultants and/or contractors as listed on the Board Report dated April 24, 2013, for an amount totaling \$21,123.18 regarding Big Creek. (Fund: Big Creek)

15. **FORT BEND GRAND PARKWAY TOLL ROAD AUTHORITY: The Board of Directors of the Fort Bend Grand Parkway Toll Road Authority (GPTRA) reviewed this item at their regular meeting held on April 17, 2013, and makes the following recommendation to Commissioners Court:**

Approve Violation Processing Services Agreement between Fort Bend Grand Parkway Toll Road Authority and Xerox State & Local Solutions, Inc.

16. **HEALTH & HUMAN SERVICES:**

Accept and sign Texas Department of State Health Services (DSHS) Amendment to Contract #2012-040288, Program Attachment #001C, the content of which is confidential as allowed by Texas Government Code 413.183(f).

17. **HUMAN RESOURCES:**

Approve and record into Minutes the Application for Appointment of Deputy Constable, Eric H. Buenaventura, by Constable Precinct 3, in accordance with Constable's form dated April 30, 2013, pursuant to Local Government Code §86.011.

18. **PUBLIC TRANSPORTATION:**

Authorize County Judge to sign and Transportation Director to electronically submit to Texas Department of Transportation on behalf of Fort Bend County the FY 13 Federal Certification and Assurances for Federal Transit Administration Assistance Programs as required by Texas Department Transportation.

19. **PURCHASING:**

- A. **Authorize advertising for request for proposals for lease of property at Kitty Hollow Park.**
- B. **Authorize advertising for statement of qualifications to update the Major Thoroughfare Plan.**

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20. **ROAD & BRIDGE:**

- A. **Approve payment of Invoice No. 1474 in the amount of \$51,300.45 to Reliable Signal & Lighting Solutions, LLC for traffic signal construction at the intersection of Fry Road and Center Village Drive. (Fund: Road & Bridge, Traffic Signals)**
- B. **Approve payment of Invoice No. 2 (Pay Estimate No. 2) in the amount of \$94,742.36 to Mar-Con Services, Inc. regarding the construction of James Lane Bridge at Bessie's Creek, Precinct 3. (Fund: Road & Bridge)**

21. **TAX ASSESSOR/COLLECTOR:**

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on April 30, 2013, for an amount totaling \$19,058.72 for the Office of Patsy Schultz.

22. **COUNTY JUDGE:**

- A. Take all appropriate action on request to appoint a Review Committee for the Justice Assistance Grant (JAG) in preparation for the upcoming round of grant opportunities, and authorize Committee to review on behalf of Commissioners Court the application for the FY 2013 Edward Byrne Memorial Justice Assistance Grant local solicitation pursuant to the 30-day governmental review policy.
- B. Take all appropriate action on Resolution of the Commissioners Court Supporting Annual Funding for Public Safety Emergency Communications Under House Bill 442 of the 82nd Legislature.

23. **COMMISSIONER, PCT. 3:**

Take all appropriate action on request by Lalit Bhatnagar to waive penalty and interest totaling \$37.03 on property taxes for Tax Year 2012, Precinct 3.

24. **COMMISSIONER, PCT. 4:**

- A. Take all appropriate action on Resolution by Fort Bend County Commissioners Court in support of the Sugar Land Cultural District, with no funding required by the County.
- B. Take all appropriate action on request by Leonard Chan to waive penalty and interest totaling \$43.90 on property taxes for Tax Year 2012, Precinct 4.

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25. ENGINEERING:

- A. Take all appropriate action on request by Ernesto Aguilar Cruz & Emilio Cruz for a variance to the Fort Bend County Regulations of Subdivisions, Section 2.2 H, to allow a 5.0272 acre tract to be divided into two (2) lots each 2.513 acres located in Tract 42, H&TC Railroad Company Survey, Section 77, Abstract 243, recorded in official Fort Bend County Deed Records, Instrument #2006036785, Fort Bend County, Texas, Precinct 1.
- B. Take all appropriate action for request for temporary road closure of Kroesche Road Bridge over Coon Creek #080-AA0934-001, and Bushnell Road Bridge over Drainage Ditch #080-AA0973-001 during replacement of the bridges; closure date May 7, 2013 until construction is complete, Precinct 1.

26. HEALTH & HUMAN SERVICES:

Social Services: Take all appropriate action on request to ratify Letter of Intent to apply for the Cooperative Agreement to Support Navigators in Federally Facilitated and State Partnership Exchanges through the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, Center for Consumer Information and Insurance Oversight.

27. INDIGENT HEALTH CARE:

Take all appropriate action on request to authorize payment by Invoice Transmittal in the amount of \$16,666.67 to Oak Bend Medical Group for primary care physician services provided without a purchase order to Indigent Health Care clients during the month of April 2013. (Fund: Indigent Health Care, Professional Services)

28. PUBLIC TRANSPORTATION:

Take all appropriate action on Intergovernmental Agreement between Fort Bend County and Houston-Galveston Area Council, Contract # TS7111-19, for Federal Congestion Mitigation Air Quality (CMAQ) funds in the amount of \$35,920, with a cash match by Fort Bend County in the amount of \$35,920; for a total third year program cost of \$71,841 to provide commuter services to Texas Medical Center. (Fund: Public Transportation, Grants)

29. PURCHASING:

- A. Take all appropriate action to authorize the purchase four (4) 15-Passenger Vans for Community Supervision & Corrections Department, (CSCD), replacement vehicles, from Caldwell Chevrolet utilizing Buy Board Agreement 358-10. (Fund: CSCD, State)

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- B. Take all appropriate action on request to authorize the purchase of two (2) Fusions for Community Supervision & Corrections Department (CSCD), replacement vehicles, from Helfman Ford, pursuant to Bid #13-020. (Fund: CSCD State Funds)
- C. Take all appropriate action on Bid 13-055 for Construction of a Pre-Fabricated Bathroom Facility for Mustang Park.
- D. Take all appropriate action on Bid 13-057, a Term Contract for Diesel Exhaust Fluid.
- E. Take all appropriate action on Construction Agreement between Fort Bend County and Crain Group, LLC, for Library Administration Building, pursuant to RFP 13-047, for an amount not to exceed \$3,720,000. (Fund: Capital Improvement Project and Facility Bond Project)
- F. Take all appropriate action on Third Renewal for Professional Auctioneering Services between Fort Bend County and Ernie Croucher Auctioneers, for Public Transportation auctions, pursuant to RFP 10-048.
- G. Take all appropriate action on Renewal Agreement for Professional Auctioneering Services between Fort Bend County and Ernie Croucher Auctioneers, for County auctions.
- H. Take all appropriate action on renewal of Service Agreement Subscription from Gartner utilizing State of Texas Department of Information Resources contract DIR-SDD-1273 in an amount not to exceed \$75,445. (Fund: Information Technology, Fees)
- I. Take all appropriate action on Third Amendment to Inmate Health Services Agreement between Fort Bend County and Correctional Healthcare Companies, Inc., pursuant to RFP 09-099, effective through September 30, 2013.
- J. Take all appropriate action on Second Amendment to Professional Engineering Services Agreement between Fort Bend County and Kelly R. Kaluza & Associates, Inc. for additional services in the of \$60,000, for a total Agreement amount not to exceed \$737,000 regarding Golfview Drive, Mobility Bond Project No. 709, Precinct 1. (Fund: 2007 Mobility Bonds)
- K. Take all appropriate action on Third Amendment to Professional Engineering Services Agreement between Fort Bend County and SES Horizon Consulting Engineers, Inc. for additional services in the amount of \$99,437, for a total Agreement amount not to exceed \$790,437 regarding Brand Lane, Mobility Bond Project Nos. 718 and 769, Precinct 2. (Fund: 2007 Mobility Bonds)

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- L. Take all appropriate action on SOQ 13-053 for Engineering Services for Roadway and Underground Utilities for the City of Kendleton project.
 - M. Take all appropriate action on RFP 13-046 for Software to Monitor Social Media Intelligence.
 - N. Take all appropriate action on RFP 13-056 for the Lease of Property located at 819 Avenue H in Rosenberg.
30. SHERIFF'S OFFICE:
- A. Take all appropriate action on request to transfer the amount of \$452,576 from Non-Departmental Contingency into Sheriff, Enforcement, salary line items as detailed on Sheriff's form dated April 30, 2013, to allocate additional funds for overtime not included in the budget.
 - B. Take all appropriate action on request to authorize application to the Texas State School Safety Center for participation in the Fiscal Year 2014 Tobacco Enforcement Grant Program.
 - C. Take all appropriate action on submission of the Grant Application and Resolution to the Office of the Attorney General, Crime Victims Services Division for the Victim Coordinator Liaison Grant (VCLG) effective September 1, 2013 through August 21, 2015, with no cash match required by Fort Bend County, and authorize County Judge to sign all documents pertaining to the Application.
31. Approve Bills.
32. Ratify release of time-sensitive bills by Auditor on May 2, 2013.

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- 33. 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. Medical Subrogation Lien Claim: Kidder, Gary; Date of Incident: May 10, 2011.
 - 2. Cause No. 13-CCV-050306; State of Texas and Fort Bend County, Texas vs. Nancy Jean Bartosh and Linda Carol Kalinowski, et al; In the County Court at Law #1 of Fort Bend County, Texas.
 - 3. LGI Homes-Sunrise Meadow, Ltd./Sunrise Meadow.
 - 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.

Annual Evaluation - Director of Facilities Management and Planning.

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34. Reconvene Open Session and consider taking action on the following matters:
- A. § 551.071. Consultation With Attorney.
1. Medical Subrogation Lien Claim: Kidder, Gary; Date of Incident: May 10, 2011.
 2. Cause No. 13-CCV-050306; State of Texas and Fort Bend County, Texas vs. Nancy Jean Bartosh and Linda Carol Kalinowski, et al; In the County Court at Law #1 of Fort Bend County, Texas.
 3. LGI Homes-Sunrise Meadow, Ltd./Sunrise Meadow.
- B. § 551.074. Personnel Matters.
- Annual Evaluation - Director of Facilities Management and Planning.
35. 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, May 3, 2013. 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 (Deliberation of Real Property), 551.0725 (Deliberation of Contract Being Negotiated), 551.073 (Deliberation of Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberation of Security Devices) and 551.086 (Economic Development).

FILED FOR RECORD
NO _____ TIME 1:35 **A.M.**
MAY 03 2013 *SF*

County Clerk Fort Bend Co. Texas