

October 1, 2013

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

AGENDA

1. Call to Order.
2. Invocation and Pledge of Allegiance by Commissioner Patterson.
3. Approve minutes of meetings held on September 23, 24, and 26, 2013.
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 the traffic control plan for Silver Grove at Riverstone, Silver Grove at Riverstone, Section 2, and Edgewood at Riverstone, Section 1, Precinct 4.

CONSENT AGENDA ITEMS 6-14:

6. **COUNTY JUDGE:**
 - A. **Authorize the appointment of a committee to address compliance with 83rd Legislature Regular Session Senate Bill 484, composed of members or their appointees of the following offices: County Judge, Commissioner, Pct. 3, County Attorney, District Attorney, District Judges, Community Supervision, and Behavioral Health.**
 - B. **Record into Minutes the statement by County Judge Robert Hebert to cancel the August 13, 2013 Order Prohibiting Outdoor Burning in Fort Bend County effective September 24, 2013, based on information by the Texas Forest Service indicating drought conditions no longer exist within the County.**
 - C. **Approve the reappointment of Mary desVignes-Kendrick, MD, MPH, FAAP, as Local Health Authority of Fort Bend County effective through October 4, 2015.**
 - D. **Approve Renewal Agreement between Fort Bend County and Mental Health America of Fort Bend County for Mental Health Services in the amount of \$60,000 effective October 1, 2013 through September 30, 2014. (Fund: Non-Departmental, Fees)**

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- E. **Approve renewal of the Consultant Agreement between Fort Bend County and Hicks-Richardson Associates in the amount of \$42,000 for professional services regarding federal legislative issues during FY 2014. (Fund: Non-Departmental Fees)**

7. **COMMISSIONER, PCT. 3:**

Approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Cinco Residential Property Association with services to be provided by Constable Precinct 3, effective through September 30, 2014.

8. **AUDITOR:**

Accept Monthly Financial Report prepared by the County Auditor for ten months ending July 31, 2013, pursuant to Local Government Code Section 114.023.

9. **BUDGET & FINANCE:**

- A. **Associate County Courts at Law: Approve FY2014 transfer in the amount of \$400 from Fees into Information Technology to allocate funds for the purchase of software for Judge Kennedy.**
- B. **Auditor: Approve FY2014 transfer in the amount of \$3,721,735 as detailed on Auditor's form dated September 24, 2013, to allocate funds budgeted for 2014 Capital Improvement Projects into project accounts.**
- C. **Engineering: Approve FY2013 transfer in the amount of \$50,000 as detailed on Auditor's form dated September 20, 2013, to allocate funds into project account for the County's match on the Major Thoroughfare Plan between Fort Bend County and Houston Galveston Area Council.**
- D. **Facilities Management & Planning: Approve FY2013 transfer in the amount of \$26,185 as detailed on Director's form dated September 25, 2013 to allocate funds for utility work pertaining to the Pedestrian Mall project.**
- E. **Information Technology: Approve FY2013 transfer in the amount of \$21,990 from Information Technology, Fees, into the Infrastructure Project Account to allocate funds for installation, programming and training on the new Avaya server.**
- F. **Public Transportation: Approve FY2013 transfer in the amount of \$1,833,557 as detailed on Director's form dated September 25, 2013, to allocate local match funds for various grant programs, necessary due to Map 21 Legislative changes.**

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- G. **Public Transportation:** Approve FY 2014 transfer in the amount of \$580,317 as detailed on Director's form dated September 25, 2013, to allocate local match funds for Federal 5307 Grant #TX-90-X968, necessary due to Map 21 Legislative changes.

10. **COMMUNITY DEVELOPMENT:**

Approve Shelter Plus Care Amendment and Extension Agreement between Fort Bend County and the United States Department of Housing and Urban Development (approved by Commissioners Court October 28, 2008) to extend the term of the tenant based rental assistance program until September 30, 2014.

11. **ENGINEERING:**

- A. Accept a Street Easement conveying a 0.6158 acre tract and a 0.3106 acre tract of land from International Piping and Procurement Group, L.P. to Fort Bend County for public street purposes, Precinct 3, and record same in the Official Public Records of Fort Bend County, Texas.
- B. Approve payment of Invoice No. 1 (Pay Estimate No. 1) in the amount of \$277,164.00 to Mar-Con Services, LLC regarding Mason Road, Segment 2, from Oyster Creek to North of Delta Lake, Mobility Bond Project #735B, Precinct 3. (Fund: 2007 Mobility Bonds)
- C. Approve payment of Invoice No. 459301/21/11 in the amount of \$10,803.90 to Dannenbaum Engineering Corporation regarding improvements to FM 1093, from State Highway 99 to west of FM 359, Mobility Bond Project #748, Precinct 3. (Fund: 2007 Mobility Bonds)
- D. Accept the Endorsement Rider #SU1119002 for Canyon Lakes at Cardiff Ranch, Section 2, reducing the bond from \$40,180.00 to \$20,090.00, Precinct 3.
- E. Accept Endorsement Rider #SU1119000 for Red Canyon Park Drive & Wooded Canyon Drive Street Dedication (Cardiff Ranch), reducing the bond from \$174,624.80 to \$87,312.40, Precinct 3.
- F. Accept Endorsement Rider #SU1119001 for Canyon Lakes at Cardiff Ranch, Section 3, reducing the bond from \$127,190.00 to \$63,595.00, Precinct 3.
- G. Accept Endorsement Rider #SU1120738 for Canyon Lakes at Cardiff Ranch, Section 4, reducing the bond from \$205,916.00 to \$102,958.00, Precinct 3.
- H. Approve the application from Comcast of Houston, LLC c/o Jier, Inc. to bury conduit along Avenue E, Precinct 2.

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- I. **Approve application from Devon Street Homes to construct a driveway tie-in onto Longvale Glen Court, Precinct 1.**
 - J. **Approve application from Devon Street Homes to construct two driveway tie-ins, one on Emory Mill Road and one on Silktail Court, Precinct 3.**
 - K. **Approve application from Texas Petroleum Group/ Interplan Architects, Inc. to construct five driveway tie-ins and two median cuts, two driveway tie-ins and one median cut on LJ Parkway and three driveway tie-ins and one median cut on University Boulevard, Precinct 4.**
 - L. **Approve application from Centerpoint Entex to bury a 2-inch plastic gas line along Barzum Way, Precinct 3.**
 - M. **Approve application from AT&T to bore under Avala Lane and bury cable along Williams Way Boulevard, Precinct 1.**
 - N. **Approve plat for the roads within Sunrise Meadow, Section 8, Precinct 1.**
 - O. **Approve plat for the lots within Sunrise Meadow, Section 8, Precinct 1.**
 - P. **Approve the plat for Cinco Village Center Sec 2 Partial Replat No. 2, Precinct 3.**
 - Q. **Approve the plat for Churchill Farms Sec. 2 Amending Plat No. 1, Precinct 3.**
 - R. **Set public hearing for replat: Valero Store No. 1481, being a replat of Commercial Reserve "A" out of Firethorne, Section 20, Precinct 3. (*Tuesday, November 5, 2013, at 1:00 p.m.*)**
 - S. **Set public hearing for replat: Providence at Riverstone, Section One, Amending Plat No. 1, Precinct 4. (*Tuesday, November 5, 2013, at 1:00 p.m.*)**
12. **FACILITIES MANAGEMENT & PLANNING:**
- Approve payment of Invoice No. 2012-001-07 in the amount of \$12,286.29 to STOA Architects for Architectural Services regarding expansion of the Central Appraisal District facility. (Fund: Capital Improvement Project)**
13. **PURCHASING:**
- Approve renewal of the County Choice Retiree Medical Program for the 2014 benefit year from Monumental through Texas Association of Counties, with no increase in rates.**

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14. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on September 24, 2013, for an amount totaling \$11,507.95 for the Office of Patsy Schultz.

15. COUNTY JUDGE:

- A. Take all appropriate action on Resolution Nominating Candidate(s) for a Position on the Board of Directors of the Fort Bend Central Appraisal District for a term of office through December 31, 2015.
- B. Take all appropriate action on Agreement between Fort Bend County and Fort Bend County Heritage Unlimited Museum in the amount of \$25,000 to provide programs using historic buildings, artifacts, and documents relating to Fort Bend County history effective October 1, 2013 through September 30, 2014. (Fund: Non-Departmental Fees)
- C. Take all appropriate action on the Tax Abatement Agreement between Fort Bend County and Aldi (Texas) L.L.C., Precinct 1.

16. COMMISSIONER, PCT. 2:

Take all appropriate action on request by Cheryl Smith to refund \$100 rental fee for reservation at Pavilion E in Kitty Hollow Park. (Fund: Parks Department)

17. COMMISSIONER, PCT. 3:

Take all appropriate action on Agreement for Additional Law Enforcement Services between Fort Bend County and Pecan Grove Municipal Utility District, with services to be provided by Sheriff's Office effective October 1, 2013 through September 30, 2014.

18. COMMISSIONER, PCT. 4:

Take all appropriate action on the resignation of Jeff Wiley from the Board of Directors of City of Sugar Land Tax Increment Reinvestment Zone No. 3, and the appointment of Dave Lawrence to fill the position for the remainder of the term ending December 31, 2013.

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19. AUDITOR:

- A. Take all appropriate action on request to transfer the amount of \$2,780 from the 1115 Waiver Draw Down into Health & Human Services, 1115 Waiver Administration, to allocate funds for the purchase of a computer and printer for the Project Specialists.
- B. Take all appropriate action on request to transfer the amount of \$22,046 from the 1115 Waiver Draw Down into Health & Human Services, Behavioral Health Crisis Response and Intervention Program, to allocate funds for the technology costs at the Texana Center.

20. ELECTIONS ADMINISTRATION:

Take all appropriate action on the revised Early Voting Schedule for the November 5, 2013 Special Election, as approved in the Election Order for Mobility Bonds adopted August 13, 2013, and the Election Order to approve or disapprove the creation of the Fort Bend County Assistance District No. 6 adopted August 27, 2013.

21. ENGINEERING:

- A. Take all appropriate action on request for a variance to the building setback line requirement as stated in Section 5.12, C of the Fort Bend County Regulations of Subdivisions, for Lakes of Bella Terra Section 11, and L.O.B. Limited Partnership, Precinct 3.
- B. Take all appropriate action on plat for the roads within Lakes of Bella Terra, Section 11, Precinct 3.
- C. Take all appropriate action on plat for the lots within Lakes of Bella Terra, Section 11, Precinct 3.
- D. Take all appropriate action on request for variance to the building setback line requirement, as stated in Section 5.12, C of the Fort Bend County Regulations of Subdivisions, for Cinco Ranch Southwest, Section 64, on behalf of Terrabrook Cinco Ranch Southwest, LLC, Precinct 3.
- E. Take all appropriate action on plat for the roads within Cinco Ranch Southwest, Section 64, Precinct 3.
- F. Take all appropriate action on plat for the lots within Cinco Ranch Southwest, Section 64, Precinct 3.

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22. HEALTH & HUMAN SERVICES:

- A. Emergency Medical Service (EMS): Take all appropriate action on Business Associate Agreement between Fort Bend County and City of Sugar Land to permit the City access to confidential medical information records related only to the Cooperation Agreement for First Responder Services.
- B. Social Services: Take all appropriate action on the Occupancy Agreement between Fort Bend County and Texana Center for Texana to use office space at 307 Texas Parkway in Missouri City to provide therapeutic services to Fort Bend County area children.

23. HUMAN RESOURCES:

Take all appropriate action on request to reclassify vacant Position Number 6111-0020 in the Road & Bridge Department, from Administrative Assistant, Grade 8 of the Administrative Clerical Policy to Clerk II, Grade 6 of the Administrative Clerical Policy Group, effective October 1, 2013.

24. INDIGENT HEALTH:

Take all appropriate action on request for variance to the Fort Bend County Travel Policy, to authorize reimbursement in the amount of \$388.70 to Martha Hernandez for hotel cancellation fee. (Fund: Indigent Health, Travel)

25. PARKS & RECREATION:

- A. Take all appropriate action on Agreement for Operation and Programming of Fifth Street Community Center between Fort Bend County and Boys and Girls Clubs of Greater Houston, Inc. for an amount not to exceed \$125,000 effective October 1, 2013 through September 30, 2014. (Fund: Parks Department)
- B. Take all appropriate action on Agreement for Programs at Beasley Elementary School between Fort Bend County and Fort Bend YMCA for an amount not to exceed \$35,000 effective through September 30, 2014. (Fund: Parks Department)

26. PUBLIC TRANSPORTATION:

- A. Take all appropriate action on Budget Modification No. 14 to Federal Transit Administration Urban Section 5307 Grant No. TX-90-X836-00 revising the Budget to mitigate restrictions brought about by the Moving Ahead for Progress in the 21st Century Act (MAP-21), with no change to the Federal Share amount, and an increase of \$139,145 to the Local Share amount, for a total of \$1,558,327 Federal Share and \$893,349 Local Share. (Fund: Public Transportation Grants)
- B. Take all appropriate action on Budget Modification No. 8 to Federal Transit Administration Urban Section 5307 grant number TX-90-X847 revising the Budget to fully fund the local match requirement of the Grant and to mitigate restrictions brought about by the Moving Ahead for Progress in the 21st Century Act (MAP-21) with no change to the Federal Share amount, and an increase of \$281,315 to the Local Share amount, for a total amount of \$2,444,185 Federal Share and \$1,587,791 Local Share. (Fund: Public Transportation Grants)
- C. Take all appropriate action on Budget Modification No. 5 to Federal Transit Administration Urban Section 5307 Grant Number TX-90-X699 revising the Budget to fully fund local match requirement for the grant and to mitigate restrictions brought about by the Moving Ahead for Progress in the 21st Century Act (MAP-21), with no change to the Federal Share amount, and an increase of \$208,586 to the Local Share amount, for a total of \$2,120,000 Federal Share and \$1,239,923 Local Share. (Fund: Public Transportation Grants)
- D. Take all appropriate action on Budget Modification No. 2 to Federal Transit Administration Urban Section 5307 Grant Number TX-90-X915 revising the Budget to fully fund local match requirement for the Grant and to mitigate restrictions brought about by the Moving Ahead for Progress in the 21st Century Act (MAP-21), with no change to the Federal Share amount and an increase of \$302,515 to the Local Share amount, for a total of \$2,590,835 Federal Share and \$1,450,376 Local Share. (Fund: Public Transportation Grants)
- E. Take all appropriate action on Budget Modification No. 2 to Federal Transit Administration Urban Section 5307 Grant Number TX-90-X968 revising the Budget to mitigate restrictions brought about by the Moving Ahead for Progress in the 21st Century Act (MAP-21) with no change to the Federal Share amount of \$5,680,227 or the Local Share amount of \$3,123,134. (Fund: Public Transportation Grants)

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27. PURCHASING:

- A. Take all appropriate action on Agreement for Professional Materials Testing Engineering Services between Fort Bend County and Aviles Engineering Corporation in an amount not to exceed \$135,967 for improvements to West Bellfort, Mobility Bond Project #741, Precinct 4. (Fund: 2007 Mobility Bonds)
- B. Take all appropriate action on request to authorize the sale of surplus property, vehicles, and equipment by auction on October 26, 2013.
- C. Take all appropriate action on Agreement for Construction Services between Fort Bend County and Turner Construction Company for expansion of the Central Appraisal District facility, pursuant to RFP 13-078, for an amount not to exceed \$2,293,099. (Fund: Capital Improvement Project)
- D. Take all appropriate action on Change Order No. 1 to the Contract between Fort Bend County and C.F. McDonald Electric, Inc., pursuant to Bid 13-039, for City of Rosenberg Water Plant #3 Emergency Generator. (Fund: Community Development Block Grant, Disaster Recovery, Ike 2.1)
- E. Take all appropriate action on request by City of Needville to purchase surplus property from Fort Bend County, pursuant to Local Government Code Section 263.152 (a)(1), specifically one (1) 2005 pickup truck for \$3,000 and one (1) 2002 pickup truck for \$1,400 for a total amount of \$4,400.00.
- F. Take all appropriate action on request to grant an exemption to the competitive bid process, as authorized by Local Government Code Section 262.024, for the purchase of an item available from only one source, Syncsort Incorporated, and approve renewal of server software maintenance for an amount not to exceed \$52,077. (Fund: Information Technology)

28. Approve Bills.

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29. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:

§ 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.

Budgetary Authority of Commissioners Court.

30. Reconvene Open Session and consider taking action on the following matters:

§ 551.071. Consultation With Attorney.

Budgetary Authority of Commissioners Court.

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 Thursday, September 26, 2013. An electronic version of this notice is also posted on the Fort Bend County website: www.fortbendcountytexas.gov 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 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 3:29 A.M.
P.M.

SEP 26 2013

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