

August 22, 2008

IMAGED 6 PAGES
ON 9-4-08
DATE

**NOTICE OF SPECIAL MEETING
FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
FRIDAY, AUGUST 22, 2008
1:30 P.M.**

FILED FOR RECORD
NO. _____ TIME 11:28 A.M.
P.M.

AUG 18 2008 *VG*

Deanne Nilson

County Clerk Fort Bend Co. Tex.

AGENDA

1. Call to Order.
2. 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.
City of Arcola – McKeever Road
3. Reconvene Open Session and consider taking action on the following matters:
§ 551.071. Consultation With Attorney.
City of Arcola – McKeever Road
4. 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 posted at the Fort Bend County Courthouse Complex in Richmond, Texas, on Tuesday, August 19, 2008, by Linda Kutach. 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 1402 Band Road, Suite 100, in Rosenberg, Texas, 77471, and can be reached at telephone number 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 11:31 A.M.
P.M.

AUG 19 2008 *VG*

Deanne Nilson

County Clerk Fort Bend Co. Tex.

APPROVAL OF MINUTES
COMMISSIONERS COURT
FORT BEND COUNTY

I, Dianne Wilson, duly elected County Clerk and Clerk of Court, Fort Bend County, Texas do hereby submit the Official Minutes of Commissioners Court held on the 22nd day of August, 2008. (Special meeting)



DIANNE WILSON, COUNTY CLERK

Now, therefore, be it resolved upon the motion of Commissioner Starinoha seconded by Commissioner Patterson, duly put and carried, it is ordered to accept as presented for record the attached minutes approved on this the 26th day of August, 2008.



~~ROBERT E. HEBERT, COUNTY JUDGE~~

W-A. "Audy" Meyers
County Commissioner Pct. 3

August 22, 2008

Approved

MINUTES

BE IT REMEMBERED, That on this 22nd DAY of AUGUST, 2008, Commissioners Court of Fort Bend County, Texas, met at a special meeting with the following present:

TOM D. STAVINOHA	COMMISSIONER PRECINCT 1
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
JAMES PATTERSON	COMMISSIONER PRECINCT 4
SHERRY FISK for DIANNE WILSON	COUNTY CLERK

Judge Hebert absent. Commissioner Prestage presided.

When the following were heard and the following orders were passed:

1. **Call to Order.**

Call to Order by Commissioner Prestage at 1:30 p.m.

Recess:

Recessed at 1:31 p.m.

2. **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.**

City of Arcola – McKeever Road

Closed Session:

Convened at 1:31 p.m.
Adjourned at 2:20 p.m.

Reconvene:

Reconvened at 2:24 p.m.

August 22, 2008

3. **Reconvene Open Session and consider taking action on the following matters:**
§ 551.071. Consultation With Attorney.
City of Arcola – McKeever Road

Moved by Commissioner Patterson, Seconded by Commissioner Meyers, duly put and carried (3-1), it is ordered to approve the First Amendment to the Interlocal Project Agreement between the City of Arcola and Fort Bend County and authorize Commissioner Prestage to sign in the absence of Judge Hebert.

Judge Hebert	absent	Commissioner Meyers	yes
Commissioner Stavinoha	no	Commissioner Patterson	yes
Commissioner Prestage	yes		

4. **Adjournment.**

Commissioners Court special meeting adjourned at 2:25 p.m. on Friday, August 22, 2008.

STATE OF TEXAS

KNOW ALL PERSONS BY THESE PRESENTS

COUNTY OF FORT BEND

THIS FIRST AMENDMENT ("First Amendment") is entered into by and between FORT BEND COUNTY, TEXAS ("County") and the CITY OF ARCOLA, TEXAS ("City")

WHEREAS, the County and City entered into that certain Interlocal Project Agreement ("IPA") by signatures on 01/29/2008 and 02/05/2008;

WHEREAS, the City has notified the County of the City's intent to exercise its 10 day termination option, which would cause County to stop work after the ten days;

WHEREAS, the ceasing of operations within only ten days will not provide enough time for the County to demobilize and depart the project in a safe state, thereby possibly jeopardizing the safety of the citizenry; and,

WHEREAS, both County and City desire to consider the safety of their citizens.

NOWHEREFORE, the County and the City agree as follows:

1. The County will complete the construction of the underground drainage installation on the South side of McKeever Road from Steep Bank Trace to Long Point Slough, which underground drainage installation will include 40 feet of 36 inch Pipe, 300 feet of 30 inch Pipe, and 800 feet of 24 inch Pipe.
2. The construction will also include the installation of inlet drains, backfilling, and establishing swell ditch grade to inlet drains, which includes the re-sloping of backslope of ditch and road shoulders for approximately 2000 feet. Four mailboxes will be reinstalled and several driveway crossings will be asphalted which consist of four residential tie-ins, and two street tie-ins for East & West Plantation Oaks Drives. The area which is 2000 feet long by 25 feet wide will be seeded to prevent erosion.
3. The construction area on the north side of McKeever Road, from Steep Bank Trace for approximately 2000 feet west to Long Point Slough, will be re-graded and seeded to prevent erosion. This area should have some excess dirt that will be spread out with minimal areas to be improved with stabilized sand.
4. The construction area on the north side of McKeever Road from Long Point Slough, for approximately 1550 feet west to the New Bridge over Oyster Creek, will be re-graded and seeded to prevent erosion.

5. The construction area on the north side of McKeever Road from New Bridge to Arcola City Limits, which is approximately 700 feet, will be re-graded and seeded.
6. Guardrails will be installed at the cross-pipes at McKeever Road and Long Point Slough on the north and south right-of-way, and guardrail will be extended at the northeast side of the new bridge over Oyster Creek.
7. The fence that was removed to access the canal on the northeast side of the bridge at Oyster Creek will be replaced.
8. Inlet drains and safety end treatments will be addressed with stabilized sand and concrete to help ensure no failure or erosion.
9. The County will use best efforts to complete the herein above stated work within 30 working days.
10. The City temporarily suspends the termination date from the 10th day until the date of completion of the construction and work described in this First Amendment, upon which completion date the IPA will then terminate.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment in multiple counterparts.

FORT BEND COUNTY, TEXAS

CITY OF ARCOLA, TEXAS

By:

Grady Prestage
Grady Prestage, Commissioner Pct. 2
Presiding Officer

By:

Mary Etta Anderson
Mary Etta Anderson, Mayor

Date:

8/22/08

Date:

Attest:

Dianne Wilson
Dianne Wilson, County Clerk

Attest:

Sally Cantu
Sally Cantu, City Secretary

Approved as to form:

Roy L. Cordes, Jr.
Fort Bend County Attorney

Glen D. Dunbar

By: Glen D. Dunbar
Assistant County Attorney