

COMMISSIONERS' COURT DOCKET, JANUARY 27, 2003
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 27th day of January, 2003, the Honorable Commissioners' Court of Montgomery County, Texas, was duly convened in a Special Session in the Commissioners' Courtroom of the Montgomery County Courthouse Annex, Conroe, Texas, with the following Members of the Court present:

County Judge, Alan "Barb" Sadler
Commissioner, Precinct 1, Mike Meador
Commissioner, Precinct 2, Craig Doyal
Commissioner, Precinct 3, Ed Chance
Commissioner, Precinct 4, Ed Rinehart
Also - Alice Drake, County Clerk's Office

INVOCATION GIVEN BY DAVID WALKER, COUNTY ATTORNEY.

PLEDGE OF ALLEGIANCE WAS RECITED BY EVERYONE PRESENT.

1. COMMISSIONERS' COURT AGENDA APPROVED

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve Commissioners' Court Agenda for discussion and necessary action. Motion carried.

AGENDA ITEM 5A - TEXAS COMMISSION ON ENVIRONMENTAL QUALITY WAS DISCUSSED BY REPRESENTATIVES FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY. BEGINNING MAY 1, 2003, VEHICLES WILL BE REQUIRED TO PASS THE EMISSION CONTROL TEST IN ORDER TO MEET FEDERAL CLAIM AIR ACT REQUIREMENTS.

A PROCLAMATION WAS READ BY MIKE MCDUGAL, DISTRICT ATTORNEY, ON BEHALF OF THE ROTARY CLUB OF CONROE, TO DESIGNATE A SIGN TO BE PLACED ON A BRIDGE, EAST OF BENTWATER SUBDIVISION ON F.M. 1097, WHICH WILL READ "ROTARY FRIENDSHIP BRIDGE", AS A MEANS OF PROMOTING GOODWILL AND FRIENDSHIP IN MONTGOMERY COUNTY.

AGENDA ITEMS 5B1 - IRMA PENA, AN EMPLOYEE IN THE DISTRICT ATTORNEY'S OFFICE WAS SELECTED AS "EMPLOYEE OF THE MONTH" FOR JANUARY 2003. MRS. PENA WAS PRESENTED WITH A GIFT CERTIFICATE AND A PLAQUE.

2. MINUTES APPROVED - COMMISSIONERS' COURT MINUTES - COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for January 6 and January 13, 2003, as per Minutes on file. Motion carried.

3. INTERLOCAL AGREEMENT APPROVED - MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT - COUNTY CLERK

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve an Interlocal Cooperation Agreement by and between Montgomery County and Montgomery Emergency Communication District (9-1-1), for mutual exchange of mapping information, as per Agreement on file. Motion carried. (Agreement was deferred, See Motion #35 - Corrected copy to be resubmitted on February 10, 2003 Court)

4. MEMBERS ACKNOWLEDGED - 2003 SALARY GRIEVANCE COMMITTEE

Motion by Judge Sadler, seconded by Commissioner Chance, to acknowledge the following Citizens who agreed to serve on the 2003 Salary Grievance Committee for Elected Officials:

PRIMARY MEMBERS	ALTERNATE MEMBERS
Jane Yarberry - The Woodlands	Judy Smith - Montgomery
Robert Crawford - Conroe	Charles Lee Grable - Magnolia
William (Bill Kahn) - Conroe	

as per List on file. Motion carried.

5. CONSENT AGENDA APPROVED - AGENDA ITEMS 6A THROUGH 6F

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the following Items listed under Today's Court Agenda:

COUNTY AUDITOR - AGENDA ITEMS 7A

- a. ACCOUNTS approved, as presented by the County Treasurer.
- b. BUDGET AMENDMENTS approved, as follows:
 - 1. Commissioner, Pct. #1 - to adjust line items
 - 2. Commissioner, Pct. #1 - C/P Road Bonds - to recognize/allocate reimbursement from State Comptroller for Req. #1/2 on FM830 contract
 - 3. Commissioner, Pct. #1/Risk Management - to allocate funds to cover damage claim for Pierce
 - 4. Commissioner, Pct. #2 - to recognize/allocate real property lease from Beck
 - 5. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Harrison
 - 6. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Hahne
 - 7. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Bruess
 - 8. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Money Motors
 - 9. Commissioner, Pct. #3 - to recognize/allocate reimbursement from WJPA
 - 10. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Phillips
 - 11. Commissioner, Pct. #3 - to recognize/allocate vending machine commission for December 2
 - 12. Community Corrections - to recognize/allocate September 2, reimbursement
 - 13. Community Corrections - to recognize/allocate October 2 reimbursement
 - 14. Constable, Pct. #1 - to adjust line items
 - 15. Constable Pct. #4 Forfeitures/Risk Management - to transfer funds for damage claim
 - 16. County Court at Law 3 - to adjust line items to cover PO#23501975
 - 17. Drug Court - to adjust line items
 - 18. Non-Departmental - to allocate funds to cover shortage in restricted line

19. Sheriff - to recognize/allocate reimbursement from Allstate County Mutual Insurance Co. for Unit 671
20. Sheriff's Department - to recognize/allocate reimbursement from Travelers Indemnity for Unit 658
21. Sheriff - to recognize/allocate restitution from L. Patterson
22. Sheriff - to adjust line items
23. Sheriff/Justice of Peace, Pct. #1 - to transfer funds for longevity as approved by Commissioners' Court 1-6-03
24. Sheriff/Risk Management - to allocate funds for damage claim to Wayne Bart and Tina Wright
25. Sheriff/Risk Management - Prop. - to transfer funds to pay Sherman Sauls lawsuit

as per Budget Amendments on file.

- c. OFFICIALS' FEE REPORT approved, as audited for the months of October and November, 2002, as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 7B

- a. WEEKLY INVESTMENT REPORT approved, for the week of January 6, through January 10, 2003, as per Report on file.
- b. WEEKLY INVESTMENT REPORT approved, for the week of January 13, through January 17, 2003, as per Report on file.

AGENDA ITEM 7B3 - WEEKLY INVESTMENT REPORT FOR WEEK OF JANUARY 20, THROUGH JANUARY 24, 2003 - DEFERRED

- c. PLEDGES AND/OR RELEASE OF SECURITIES REPORT approved, for Woodforest National Bank, Cusip #9128277CO, par value \$5,000,000.00, as per Report on file.
- d. BANK RESOLUTIONS approved for Judge Lanny Moriarty, Justice of the Peace, Precinct #1, with Woodforest National Bank, and Justice of the Peace, Pct. #4, with Woodforest National Bank, as per Resolutions on file.
- e. PLEDGED COLLATERAL REPORT approved, for the month of December 2002, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 7C

- a. TAX COLLECTION REPORT approved, for the month ending December 31, 2002, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 7D

- a. AUTHORIZATION TO ADVERTISE, for the following bids/proposals:
 1. Concrete (5-sack) delivered - Pct. #4
 2. New or Used Haul Truck - Various Departments
 3. Sale and Removal of Fire Pump Water Tank, Pump, Engine and Building - Pct. #4

- b. ALSO, to acknowledge the opening of the following bids/proposals:
1. RFP/Q Phase Treatment Program (5PYP) - Drug Court - Project #2003-0029 - (bids opened 1-8-03)
 2. RFP/Q Drug Testing - Drug Court - Project #2003-0028) - (bids opened 1-9-03)
 3. RFP Herbicide Spraying System - Various Departments - Project #2003-0025 - (bids opened 1-15-03)
 4. Electrical/Lighting for Ipes Rd. Park - Precinct #4 - Project #2003-0032 - (bids opened 1-17-03)
 5. RFP Software and Hardware for internal development of telephone and internet accessible interactive services - Various Departments - Project #2003-0033 - (bids opened 1-23-03)
 6. Installation of carpet and rubber cove base - Various Departments - Project #2003-0034 - (bids opened 1-24-03)
- c. RENEWAL CONTRACTS approved, as follows:
1. Moore Supply Company - PO#2002258 - for pneumatic metro-fit metering replacement hot/cold cartridges and adapter assembly - Sheriff's Department
 2. Demco, Inc. - PO#2002295 - for library specialty supplies - Library Department
 3. Brodart Co. - PO#2002296 - for library specialty supplies - Library Department
 4. Gaylord Brothers, Inc. - PO#2002297 - for library specialty supplies - Library Department
 5. Soules Insurance Agency - PO#2002187 and #2002187X - for E & O policy/performance bonds - Risk Management
 6. Cintas - PO#2000252 - for dust mop, floor mat, shop, textile and bath towel - Various Departments
 7. Campbell Concrete & Materials, L.P. - PO#2002429 - for concrete (5 sack) delivered - Precinct #4
 8. TXU Communications Telephone - PO#2001149 - for local line service - Inmate Telephone System
 9. Telephone Data and Sound - PO#2001150 - for telephone maintenance - Inmate Telephone System
 10. Roger G. Barlow dba Makesense - PO#9900271 - for service agreement - Inmate Telephone Maintenance System
 11. Raymond Jacob Martinez dba Circle M Lawn Service - PO#2002259 - for lawn maintenance service - Precinct #4
 12. Heritage Quest - PO#2001221 - for audio/visual materials - Library Department
 13. Resource Protection Management LLC - PO#2002190 - for security officers - Montgomery County Courthouse and Annex
- d. CHANGE ORDER #12 approved, PO#2001117 - to Willis Pest Control for Pest Control Service - Various Departments
- e. CHANGE ORDER #1 approved, PO#2003100 - to Waste Management for Disposal Service - Various Departments
- f. PERFORMANCE AND PAYMENT BONDS approved, (#61SB103970017BCM) - for the construction of Traffic Signalization at Lake Woodlands Dr. at Six Pines Dr, to Traffic Systems Construction, Inc., as per Bonds on file.

- g. ITEMS DECLARED SALVAGE approved, from Precinct #1 and the Sheriff's Department, as follows:
1. Hot Water Heater
 2. Miscellaneous Baseball Field Bleachers, Fencing, Buildings and Electrical Box

as per Requests on file.

- h. REQUEST approved, to allow the County Purchasing Agent to extend bid opening dates, as needed, if in the best interest of Montgomery County. (no paperwork)
- i. REQUEST approved, to allow the carryover of \$495.00 from 2002 budget to the 2003 budget. Funds were returned due to cancellation of Class. Place funds into Line Item 407-7418 - Professional Service

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 7E1

- a. ROADS accepted, into the one year maintenance period, in Keystone Trails Subdivision, Section 1, consisting of .59 miles, 3,089.54 l.f., effective January 27, 2003, as per Request on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 7E2

- a. PUBLIC HEARING DATE SET, for February 24, 2003, to consider the abandonment of a portion of Lake Drive, Located in Lake Creek Forest, Section 1, as per Notice on file.
- b. ORDER approved, to acknowledge receipt of a check in the amount of \$5.00, from Jacque Carter, for the lease of real property described as Glenmont Estates, Section 1, Tract 5, and South 1/2 of Tract 8, Precinct #2. (Check forwarded to County Treasurer for further handling)
- c. FINAL PLAT approved, for the North Gosling Road Street Dedication, consisting of 0.58 acres, 1 block, as per Plat on file.
- d. ROADS accepted, in High Meadow Ranch, Section 16, into the one year maintenance period, consisting of 1.87 miles, 9,874.81 l.f., effective January 27, 2003
- e. ROADS accepted, BOND released - Chasewood Subdivision, Section 3, consisting of .25 miles, 1,308.43 l.f., have completed the one year maintenance period. Also, to release the bond. (streets are private and will not be maintained by Montgomery County
- f. VARIANCE approved, with the recommendation of the Federal Emergency Management Agency, (FEMA), to grant a building permit in River Plantation Subdivision to Ms. Beck Cain, 718 River Plantation Drive, Conroe, as per Letter on file.
- g. AGREEMENT approved, with Natural Resources Conservation Service, (NRCS), to provide construction services related to erosion remediation projects, as per Agreement on file.
- h. PUBLIC HEARING DATE set, for February 24, 2003, to consider changing the name of College Square Drive to Windsor Lakes Boulevard, the Woodlands, College Park, Section 1, as per Request on file.

- i. PUBLIC HEARING DATE set, for February 24, 2003, to consider removing stop sign located at East Foxbriar Forest Circle, Village of Alden Bridge, Section 79, The Woodlands, as per Request on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 7E3

- a. ORDER approved, to consent to street construction, repair and maintenance to certain streets in the Woodlands, in accordance with a certain Interlocal Agreement dated May 10, 1993, as per Order on file.
- b. ORDER approved, to accept a donation deed from the Woodlands Land Development Company, L.P. for the Woodlands Parkway Direct Connector to IH-45, as per Order on file.
- c. QUITCLAIM DEED approved, to the State of Texas for the Woodlands Parkway Direct Connector to IH-45, as per Deed on file.
- d. ROADS accepted, in the Village of Sterling Ridge, Section 24, into the one year maintenance period, consisting of 3,593.44 l.f., .68 miles, effective January 27, 2003, as per Letter on file.
- e. ROADS accepted, in the Village of Sterling Ridge, Section 26, into the one year maintenance period, consisting of .32 miles, 1,706.18 l.f., effective January 27, 2003, as per Letter on file.
- f. ROADS accepted, BOND released, in Village of Carlton Woods, Section 3, consisting of .39 miles, 2,061.00 l.f. Also, to release the Bond, as per Letter on file. (Roads are private and will not be maintained by Montgomery County)
- g. ROADS accepted, BOND released, in Village of Carlton Woods, Section 8, consisting of .92 miles, 4,846.27 l.f. Also, to release the Bond, as per Letter on file. (Roads are private and will not be maintained by Montgomery County)
- h. ROADS accepted, BOND released, in Village of Carlton Woods, Section 9, consisting of .87 miles, 4,573.48 l.f. Also, to release the Bond, as per Letter on file. (Roads are private and will not be maintained by Montgomery County)
- i. ROADS accepted, BOND released, in Village of Carlton Woods, Section 10, consisting of .49 miles, 2,560.95 l.f. Also, to release the Bond, as per Letter on file. (Roads are private and will not be maintained by Montgomery County)
- j. UTILITY PERMIT approved, from Phonoscope, Ltd, to place a bore/trench line within the right-of-way of Lake Robbins Drive, as per Permit on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 7E4

- a. CHECK accepted, from the City of Roman Forest for the purchase of fuel for the month of November, 2002, in the amount of \$186.51, as per Request on file. (check forwarded to County Treasurer for further handling)

- b. CHECK accepted, from Sierra Woods Development Corp. for material used to overlay Lindley Wood Road, in the amount of \$4,487.46, as per Request on file. (check forwarded to County Treasurer to be deposited into Account 615.7340)
- c. LEASE AGREEMENT approved, between Montgomery County, Lessor, and Jane Lea Hicks, Lessee, for property described as Tracts 329, 330, and 331, Krohn Ranchettes, as per Lease Agreement on file.
- d. ORDER approved, to acknowledge receipt of a check in the amount of \$27.00, from Jane Lea Hicks for the lease of Tracts 329, 330 and 331, Krohn Ranchettes, as per Order on file. (check forwarded to County Treasurer for further handling).
- e. ORDER approved, to declare the existence of a public necessity and to authorize the institution of condemnation proceedings, to obtain real property known as Parcel 44, in connection with the F.M. 1314 right-of-way project, 2.6 miles Northwest of Loop 494 to .09 miles Northwest of Loop 494, as per Order on file.
- f. FINAL PLAT approved, for Summerset Estates, Section 1, consisting of 129.849 acres, 337 lots, as per Plat on file.
- g. ROADS accepted, BOND released, by Montgomery County, in Harpers Landing at College Park, Section 7, consisting of .81 miles, 4,299.39 l.f. Also, to release the Bond, as per Request on file.
- h. ROADS accepted, BOND released, by Montgomery County, in Harpers Landing at College Park, Section 10, consisting of .25 miles, 1,298.97 miles. Also, to release the Bond, as per Request on file.
- i. PUBLIC HEARING DATE SET, for February 24, 2003, to consider placing a "No Overnight Parking on Roadway throughout Subdivision" sign in Summer Hills Subdivision, as per Request on file.
- j. PUBLIC HEARING DATE SET, for February 24, 2003, to consider placing a stop sign on Cunningham Drive at Clinnie Needham Road, as per Study on file.
- k. PUBLIC HEARING DATE SET, for February 24, 2003, to consider placing a stop sign on Riverbrook Drive at Sherbrook Circle in Sherbrook Subdivision, as per Study on file.
- l. PUBLIC HEARING DATE SET, for February 24, 2003, to consider placing a stop sign on White Rock Road at Weir Road, as per Study on file

ALL PRECINCTS - AGENDA ITEMS 7E5A

- a. OVERLOAD/OVERSIZE PERMIT approved, for Campbell Concrete & Materials, Inc., to move various loads over all county roads, except Roads noted on Permit. Movement to begin not earlier than January 1, 2003, and to be completed by March 31, 2003.

- b. OVERLOAD/OVERSIZE PERMIT approved, for Fairway Construction, to move various loads over all county roads. Movement to begin not earlier than January 23, 2003, and to be completed by April 23, 2003, as per Permit on file.
- c. OVERLOAD/OVERSIZE PERMIT approved, for Langston Timber Company, to move various loads over all county roads. Movement to begin not earlier than January 8, 2003, and to be completed by April 8, 2003, as per Permit on file.

Motion carried.

END OF CONSENT AGENDA

AGENDA ITEM 8 - FRANK ILDEBRANDO, RBC DAIN RAUSCHER FINANCIAL ADVISORS, ADDRESSED THE COURT TO GIVE AN UPDATE REGARDING 2003 BORROWING SCHEDULE AND DOLLAR AMOUNTS NEEDED. THE COURT AUTHORIZED THE PREPARATION OF A "SCHEDULE OF EVENTS" BE SUBMITTED FOR COURT'S APPROVAL NEXT COURT SESSION.

- 6. APPOINTMENT APPROVED - BRAZOS VALLEY COMMUNITY ACTION AGENCY BOARD - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to appoint JoAnne Callahan to the Brazos Valley Community Action Agency Board, as per Request on file. Motion carried.

- 7. REQUEST APPROVED - HIRING OF TEMPORARY ASSOCIATES - JUSTICE OF THE PEACE, PCT. #4

Motion by Judge Sadler, seconded by Commissioner Meador, to authorize Newly Elected Justice of the Peace, Pct. #4, to hire five (5) temporary Associates, (approximately \$20,000.00, to be funded from increase in revenues). Said Associates will aid in the completion of several tasks within the office for approximately four (4) weeks, as per Request on file. Motion carried.

- 8. REQUEST APPROVED - UPGRADE IN POSITIONS - BUILDING MAINTENANCE

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Request from Building Maintenance Director to upgrade the following Positions:

- Mechanic II Operator - Robert Cochrans
- Mechanic II Auto Mechanic - Paul Dyess
- Mechanic II Plumber - Lance Sockwell
- Mechanic II Cabinet Maker - Bryant Stein

as per Request on file. Motion carried. (fund increases from current budget)

- 9. VARIANCES APPROVED - INSTALLATION OF AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the following Variances for the installation of an aerobic septic system in the flood plain:

- a. A. W. & Vicki Parker
18300 Nightingale
Whispering Pines, Conroe, Tx.
- b. Manuel Hernandez
17884 Crystalwood
Crystalwood Estates, New Caney, Tx.

as per Requests on file. Motion carried.

10. REQUEST APPROVED - REPLACEMENT OF SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the request to replace a failing system with an aerobic septic system in the flood plain for John Howard Jones, 341 Crystal Park Circle, Willis, Texas, as per Request on file. Motion carried.

11. REQUESTS APPROVED - REPLACEMENT OF SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the following Requests to replace failing systems with an aerobic septic system in the flood plain:

- a. Phillip & Linda Flowers
31110 Maury Lane
Magnolia, Texas 77354
- b. Jerry Walker
26436 FM2978
Magnolia, Texas 77355

as per Requests on file. Motion carried.

12. DONATION ACCEPTED - VEHICLE - AUTO THEFT TASK FORCE

Motion by Commissioner Meador, seconded by Commissioner Chance, to accept the donation of a vehicle from Mary Devore. Vehicle to be sold at the June, 2003 Auction. Proceeds to be placed in the Auto Theft Task Force Budget, as per Request on file. Motion carried.

13. VIDEO CAMERAS ACKNOWLEDGED - GRANT MONIES - CONSTABLE, PRECINCT #2

Motion by Judge Sadler, seconded by Commissioner Chance, to acknowledge receipt of six (6) video cameras purchased by grant monies through the Texas Department of Public Safety, as per Request on file. Motion carried.

14. REQUEST APPROVED - CARRYOVER OF ACCUMULATED TIME - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Request from the Sheriff's Department to allow the Communication Division to carryover their 2002 accumulated holiday and vacation time, as per Request on file. Motion carried.

AGENDA ITEM 15A - LIBRARY - CONTRACT FOR THE LONE STAR LIBRARIES GRANT FOR \$33,681.00 - DEFERRED, PENDING REVIEW OF CONTRACT.

15. REQUEST APPROVED - COURT REPORTING EQUIPMENT - COUNTY COURT AT LAW #3

Motion by Commissioner Meador, seconded by Judge Sadler, to approve the purchase of a Stenography Stentura 8000LX at a price of \$4,095.00, for County Court at Law #3, to be funded from Court Reporter's Service Fund, as per Request on file. Motion carried.

16. PAYMENT OF CLAIM APPROVED - U. S. DEPARTMENT OF JUSTICE - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the payment of the Claim by U. S. Department of Justice, for the refund of overpayment on the FY2002 SCAAP Grant, in the approximate amount of \$2,244,919.00, in accordance with the payment schedule on file. Motion carried.

17. REPORT ACCEPTED - AUDIT OF FIXED ASSET - VARIOUS OFFICIALS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept the Report of fixed assets which was audited for the following departing officials:

- a. Justice of the Peace, Pct. #1
- b. Justice of the Peace, Pct. #4
- c. 359th District Court

as per Report on file. Motion carried.

AGENDA ITEMS 18A 1 3, 9, 13, & 14 - RECOMMENDATIONS AND CONTRACTS - DEFERRED. THE COURT STATED THAT THEY WOULD CONSIDER THE RFP/Q CONSULTANT FOR POSITION CLASSIFICATION AND COMPENSATION PLAN NEXT FISCAL YEAR.

18. BIDS REJECTED - AUTHORIZATION TO READVERTISE - NEW OR USED FRONT END LOADER - VARIOUS DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to reject the bids previously received, and to authorize the Purchasing Agent to readvertise. Motion carried. (no paperwork)

19. RECOMMENDATION AND CONTRACT APPROVED - GWEN HRUSKA HIKE & BIKE TRAIL - PARKS DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to accept the bid, (opened November 26, 2002), for the Gwen Hruska Hike & Bike Trail to J. J. Contracting, Inc., in the amount of \$94,050.00. Funding from Grant funds and River Plantation Community Improvement Association will cover the cost of said project, as per Contract on file. Motion carried.

20. RECOMMENDATION AND CONTRACT APPROVED - ELECTRONIC MARQUEE - LONE STAR CONVENTION CENTER

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened December 12, 2002, for an Electronic Marquee to Nu-Way Signs in the amount of \$49,270.00, as per Contract on file. Motion carried.

21. RECOMMENDATION AND CONTRACT APPROVED - MONTGOMERY COUNTY ANNEX

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened December 20, 2002), for Montgomery County Annex to G.T.T., Inc., (2nd lowest bidder), as per Contract on file. Motion carried.

22. RECOMMENDATION AND CONTRACT APPROVED - HONEA-EGYPT ROAD PROJECT - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bid, (opened January 3, 2003), to Smith and Company, for the construction of maintenance type work consisting of cross culvert replacement & metal guard fence on Honea-Egypt Rd. from FM2854 to Windcrest Estates Blvd., in the amount of \$182,905.58, (fund from Bond funds), as per Contract on file. Motion carried.

23. RECOMMENDATION AND CONTRACT APPROVED - RECYCLING USED TIRES - VARIOUS DEPARTMENTS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bid, (opened January 3, 2003), for the transporting, processing and recycling used tires to Recovery Technologies Group, as per Contract on file. Motion carried.

24. RFP APPROVED - DRUG TESTING - DRUG COURT

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to award the proposal, (opened January 9, 2003), for drug testing to Joe Winter Investigations, Inc., as per Proposal on file. Motion carried.

25. RFP APPROVED - HERBICIDE SPRAYING SYSTEM - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the proposal, (opened January 15, 2003), for Herbicide Spraying System to Swinglok Sprayers, Inc., as per Proposal on file. Motion carried.

26. RECOMMENDATION AND CONTRACT APPROVED - ELECTRICAL LIGHTING/PARK - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to award the bid, (opened January 15, 2003), for electrical/lighting for Ipes Road Park to Diamond Electric, Inc., in the amount of \$185,000.00, as per Contract on file. Motion carried.

27. CHANGE ORDER #1 APPROVED - LANDSCAPING PARKING GARAGE - MONTGOMERY COUNTY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Change Order #1, PO#2002514, to Kamp Sprinkler/Carter's Landscaping for landscaping the parking garage, in the amount of \$5,728.00, (fund from restricted phone account), as per Change Order on file. Motion carried.

28. REQUEST APPROVED - WAIVING OF BONDS - PRECINCT #2

FUNDS APPROVED - COURTHOUSE SECURITY SYSTEM - PURCHASING DEPARTMENT

CONTRACT APPROVED - JUVENILE SERVICES - JUVENILE PROBATION DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following Requests:

- a. BONDS waived - from Hasara Culvert & Contracting, Inc., for the construction of steel sheet piling to replace head wall - Pct. #2, as per Request on file.
- b. FUNDS approved, for additional funds in the amount of \$500.00, for the Courthouse Security System, as per Request on file.
- c. CONTRACT AGREEMENT approved, between montgomery County and Nueces County Juvenile Department for residential placement service, (not to exceed \$10,000.00), as per Agreement on file.

Motion carried.

29. REQUEST APPROVED - REIMBURSEMENT TO ADMINISTRATION FUND ACCOUNT - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the reimbursement to the County Administration Fund Account for litigation expenses, in the approximate amount of \$800.00. Motion carried. (no paperwork)

30. REQUEST APPROVED - DETENTION OF INVESTIGATOR - MONTGOMERY COUNTY BAIL BOND BOARD - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the Request for the retention of an Investigator for Montgomery County Bail Bond Board, (fund from bail board monies). Motion carried.

31. REQUEST APPROVED - FUNDING APPROVED - ADDITIONAL INVESTIGATOR POSITION - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve funding, (fund from Justice of the Peace, Pct. #4 revenue to be collected from outstanding warrants), of an additional investigator's position for the County Attorney's Department. Motion carried.

AGENDA ITEMS 19D - TAX ABATEMENT AGREEMENT BETWEEN HALLIBURTON, SCP 2002F L.P. AND MONTGOMERY COUNTY

32. REQUEST APPROVED - REVIEW OF COUNTY CONTRACTS - VARIOUS DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve having all Contracts and Grants with any financial obligation on the part of Montgomery County be reviewed by the following Department Officials prior to presenting them to Commissioners' Court for consideration and/or approval:

County Auditor
County Attorney
Purchasing Agent
Risk Management Director

as per Request on file. Motion carried.

AGENDA ITEM 20A2 - ACCEPT H-GAC SOLID WASTE IMPLEMENTATION PROGRAM CONTRACT - DEFERRED

33. ROAD NAME CHANGE APPROVED - WATERWAY COURT - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to change the name of Waterway Place to Waterway Court, The Woodlands/Town Center, as per Notice on file. Motion carried.

34. REQUEST APPROVED - PLACEMENT OF STOP SIGN - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the placement of a stop sign on Waukegan Road at Coon Hollow, as per Notice on file. Motion carried.

35. INTERLOCAL COOPERATION DEFERRED - MAPPING INFORMATION EXCHANGE - COUNTY CLERK

Motion by Commissioner Chance, seconded by Commissioner Doyal, to defer the Interlocal Cooperation Agreement by and between Montgomery County and Montgomery Emergency Communication District, (9-1-1), for mutual exchange of mapping information. Motion carried. (Agreement need some minor changes made - to be presented for Court's approval on February 10, 2003)

EXECUTIVE SESSION

The Court recessed into Executive Session in the County Judge's Chambers to discuss matters authorized under Article 551.071 thru 551.076, Texas Government Code, as follows:

- a. Consider and Discuss EEOC Claims of Phyllis Traylor and Pam Hernandez
- b. Consider and Discuss Claim of David Park
- c. Discuss Real Property Issues

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

AGENDA ITEM 23 - CITIZENS - WILLIAM (ALLEN) ROGERS, JR., a resident of Precinct #4, addressed the Court concerning drainage problems he has on his property located in Commissioner's Rinehart's Precinct. Mr. Rogers stated this is a three (3) year problem with ditches that are not properly constructed to take care of the water problem on his property.

Mr. Rinehart told the Court that in order to fix ditches for proper drainage, the County would need to dig into Mr. Rogers property, and as of this date, Mr. Rogers does not want the County digging on his property.

36. REVISIONS APPROVED - VARIOUS COUNTY POLICIES - HUMAN RESOURCES

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the following Revisions to the Montgomery County Personnel Manual:

- a. Table of Contents
- b. Workers' Compensation Policy
- c. Vacation Policy
- d. Sick Leave Policy
- e. Family Leave Policy
- f. Personal Leave Policy (to be accrued same as sick & vacation time)
- g. Sick Leave Pool Policy

as per Revisions on file. Motion carried.

37. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Payroll Change Requests, as follows:

request of Animal Control to discharge Glenda Fulton, Clerk/Dispatcher, effective January 14, 2003

request of Animal Control to change the status of Barbara Mahey from Animal Care Technician to Clerk Dispatcher, (replacement for Glenda Fulton), effective January 27, 2003

request of CIS to place Kathy Rifoat, Computer Tech/Help Desk, (replacement for Stacey Williams), on payroll, effective January 13, 2003

request of CIS to promote Harvey Salinas from Analyst/Programmer to Technical System Administrator, effective January 13, 2003

request of CIS to promote Stacey Williams from Computer Technician to Programmer/Analyst, (replacement for Harvey Salinas, effective January 13, 2003

request of Collections to accept the resignation of Gwen Armstrong, Clerk, (replacement for Gwendolyn Armstrong), effective December 20, 2002

request of Collections to place Floresthela Sollie, Clerk, (replacement for Gwendolyn Armstrong), effective January 6, 2003

request of Commissioner, Pct. #2, to promote Ivan Carl Hansen, Sign Department/Operator, effective January 6, 2003, due to probation period completed

request of Commissioner, Pct. #3 to bridge the time of Kenneth Ackley, Driver, to reflect new leave anniversary date to be July 14, 1999, effective January 18, 2003

request of Commissioner, Pct. #3 to place Thomas Curry, Driver/Helper, on payroll, effective January 13, 2003

request of Commissioner, Pct. #4 to place Jana Lee Lea, Administrative Assistant, (replacement for Ron Wyatt), on payroll, effective January 21, 2003

request of Commissioner, Pct. #4 to discharge James Little, Operator 1, effective January 17, 2003, with 10.85 vacation hours due and .25 comp hours due

request of Commissioner, Pct. #4 to discharge Danny R. Ward, Operation I, effective January 17, 2003

request of Commissioner, Pct. #4 to transfer Ron Wyatt from Administrative Assistant to Parks Director, effective January 18, 2003

request of County Attorney to place Louis Williams, Investigator, on payroll, effective January 28, 2003

request of County Clerk to accept the retirement of Marleane V. Gates, Chief Court Clerk, effective January 3, 2003, with 37.7667 vacation hours due and 272 sick leave hours due

request of County Clerk to place Linda Henry, Recording Scan Clerk, (replacement for Dennis Hall), effective January 8, 2003

request of County Clerk to accept the retirement of Sandra White, Chief Deputy, effective January 31, 2003, with 175.6064, and 204 hours sick leave due and .13 comp hous due

request of District Attorney to pay Robert Bartlett, Assistant District Attorney, longevity pay, in accordance with HB178, effective February 1, 2003

request of District Attorney to pay Eric Berg, Assistant District Attorney, longevity pay, in accordance with HB178, effective February 1, 2003

request of District Attorney to pay David Bluestein, First Assistant County Attorney, longevity pay, in accordance with HB178, effective February 1, 2003

request of District Attorney to pay Frances Madden, Assistant District Attorney, longevity pay, in accordance with HB178, effective February 1, 2003

request of District Attorney to pay Michael Tiffin, Assistant District Attorney, longevity pay, in accordance with HB178, effective February 1, 2003

request of District Attorney to pay Marcia Tillman, Assistant District Attorney, longevity pay, in accordance with HB178, effective February 1, 2003

request of Elections Administrator to change the status of Sophia Ann Isaac from Temporary Part-time Clerk to Clerk/Technician, (replacement for Melissa Teague), effective January 9, 2003

request of Elections Administrator to increase the salary of Shirley Sutton, Voter Registration Clerk, effective January 18, 2003, due to additional duties

request of Environmental Health to bridge the time of Frankie Bemrose, Office Manager, to reflect new leave anniversary date 4-22-96, effective January 18, 2003

request of Juvenile Probation Director to discharge Violet Caesar, Detention Officer, effective January 1, 2003, with 15.53 vacation hours due, 15.01 comp hours due and 24 holiday hours

request of Juvenile Probation Director to place Kevin Sean Gilliam, Detention Officer, on payroll, effective January 14, 2003

request of Juvenile Probation Director to discharge Dennis Ray Gulley, Detention Officer, effective January 14, 2003, with 9.0 comp hours due

request of Juvenile Probation Director to discharge Monte Lane, Substitute Detention Officer, effective January 4, 2003 - (eligible for re-hire)

request of Juvenile Probation Director to place April Meador, Substitute Detention Officer, on payroll, effective January 14, 2003

request of Juvenile Probation Director to place Jason Milo, Substitute Detention Officer, on payroll, effective January 14, 2003

request of Juvenile Probation Director to place Jason park, Detention Officer, (replacement for Michael Countz), on payroll, effective January 14, 2003

request of Juvenile Probation Director to change the status of Stella M. Scott from Substitute Detention Officer to Detention Officer, (replacement for Violet Caesar), effective January 18, 2003

request of Juvenile Probation Director to change the status of Wendy Spearman from Substitute Detention Officer to Detention Officer, (replacement for Dennis Gulley), effective January 18, 2003

request of Juvenile Probation Director to place Michelle Sykes, Detention Officer, (replacement for Carolina Corpus), on payroll, effective January 13, 2003

request of Library Director to accept the resignation of Karen Ford, Shelving Clerk, effective January 16, 2003

request of Library Director to accept the resignation of Lisa Sager, Library Assistant III, effective January 31, 2003, with 37.135 vacation hours due

request of Library Director to place Edna Senter, Library Assistant II, on payroll, effective January 21, 2003, after returning from family leave of absence

request of Sheriff's Department to place Michael Anderson, Dispatcher I, (replacement for Anabel Rivera), on payroll, effective February 1, 2003

request of Sheriff's Department to promote Joey Ashton from Detention Deputy to Crime Scene Investigator, (replacement for Heath Romeril), effective January 13, 2003

request of Sheriff's Department to transfer Christopher Bernard from Detention Deputy to District III, Patrol Deputy, (replacement for Kenneth Bivens), effective January 18, 2003

request of Sheriff's Department to promote Kenneth Bivens from District III, Patrol Deputy to Detective I, (replacement for William Bucks), effective January 18, 2003

request of Sheriff's Department to transfer James Burleson form Detention Deputy to District IV, Patrol Deputy, (replacement for Stephanie Spiller), effective January 13, 2003

request of Sheriff's Department to promote Hailey Clemente from Clerk I to Clerk II, effective February 1, 2003

request of Sheriff's Department to promote Steven Cranston from Detention Officer II to Detention Deputy, (replacement for Joey Ashton), effective January 18, 2003

request of Sheriff's Department to transfer Gary Frank from Mechanic III to Jail Maintenance, (replacement for Billy Williams), effective January 18, 2003

request of Sheriff's Department to rescind the payroll change for Melissa Hammer, Dispatch, Shift Coordinator, approved on January 6, 2003, demoting her to a dispatcher, per her request

request of Sheriff's Department to place Christina Harper, Detention Officer I, (replacement for Marcus Brooks), effective January 11, 2003

request of Sheriff's Department to transfer Joshua Hernandez from Town Center Deputy to Detention Deputy, (replacement for Kristopher Krolczyk), effective January 13, 2003

request of Sheriff's Department to place Christopher Holcomb, District II, Patrol Deputy, (replacement for Ricky Staggs), effective January 11, 2003

request of Sheriff's Department to accept the resignation of Shawn C. Jones, Detention Officer II, effective December 27, 2002, with 117.0400 vacation hours due, 47.2600 comp hours due and 101.7500 holiday hours due

request of Sheriff's Department to change the status of Heather Lawson from Dispatcher I to Temporary Data Clerk, effective January 9, 2003

request of Sheriff's Department to increase the salary of Donald Likens from Detective I to Detective II, effective January 4, 2003, due to one year probation completed

request of Sheriff's Department to increase the salary of Derek McGhee, Detention Officer II, effective February 1, 2003, due to one year probation completed

request of Sheriff's Department to place Elizabeth Middleton, CJR Specialist I, (replacement for Rebecca Krug), on payroll, effective January 9, 2003

request of Sheriff's Department to increase the salary of Maurice Mullins, Detention Officer II, effective February 1, 2003, due to one year probation completed

request of Sheriff's Department to transfer Larry Oxner from Detention Deputy to District III, Patrol Deputy, (replacement for Daniel Wiesepape), effective January 13, 2003

request of Sheriff's Department to transfer Casey Parks, Town Center Patrol Deputy, (replacement for Joshua Hernandez), effective January 13, 2003

request of Sheriff's Department to increase the salary of Lori Pyle, Detention Officer II, effective January 18, 2003, due to one year completion due

request of Sheriff's Department to discharge Heath Romeril, Firearms Investigator, effective January 13, 2003, with 23.92 vacation hours due and 57.2300 comp hours due

request of Sheriff's Department to promote Gordon Schuster from Detention Officer II to Detention Officer, (replacement for Christopher Bernard), effective January 18, 2003 - received law enforcement certification

request of Sheriff's Department to transfer Wilson Shotwell from Detention Deputy to District I, Patrol Deputy, (replacement for Steven Dresel), effective January 13, 2003

request of Sheriff's Department to increase the salary of Reuben Simonton, Detention Officer II, effective January 18, 2003, due to one year probation period completed

request of Sheriff's Department to place Denny Rex Simpson, Detention Officer I, (replacement for Steven Cranston), on payroll, effective January 18, 2003

request of Sheriff's Department to increase the salary of Brenda Smith, Dispatcher II, effective February 1, 2003, due to one year probation period completed

request of Sheriff's Department to accept the retirement of Troy Smith, Jail Maintenance, effective February 28, 2003, with 175.301 vacation hours due and 240.0000 comp hours due

request of Sheriff's Department to place Harvey Smitherman, District II, Patrol Deputy, (replacement for Ward Hammons), effective January 11, 2003

request of Sheriff's Department to accept the resignation of Lola Taylor, Detention Officer II, effective January 17, 2003, with 100.4200 vacation pay due and 12.3800 comp hours due and 40 holiday hours due

request of Sheriff's Department to increase the salary of Eddy R. Tessier, Detention Deputy, (replacement for Casey Parks), effective January 18, 2003, due to law enforcement certification received

request of Sheriff's Department to place Jared Urban, Detention Deputy, (replacement for Ricky Staggs), on payroll, effective January 11, 2003

request of Sheriff's Department to discharge Meagan Weaver, Dispatcher II, effective December 19, 2002, with 30.88 vacation hours due, 241.0000 comp hours due and 25.7500 holiday hours due

request of Sheriff's Department to place Jason Whittington, Detention Officer I, (replacement for Kevin Moore), on payroll, effective January 11, 2003

request of Sheriff's Department to transfer Daniel Wiesepepe from District II, Patrol Deputy to Detention Deputy, (replacement for Larry Oxner), effective January 13, 2003

request of Sheriff's Department to promote James Wiley from Detention Officer II to Detention Deputy, (replacement for James Burlson), effective January 18, 2003, due to law enforcement certification received

request of Sheriff's Department to promote Valerie Williams from Detention Officer I to Detention Officer II, effective February 1, 2003, due to one year probation period completed

request of Tax Assessor/Collector to accept the retirement of John Rivas, Compliance Officer, effective January 31, 2003, with 144.1335 vacation hours due and 108 sick leave hours due

request of Tax Assessor/Collector to promote Teresa Whitten, Deputy Specialist I, effective February 1, 2003, with an increase in salary

request of County Auditor to place Denise Riebold, Accounts Payable Clerk, (replacement for Jamie Bright), on payroll, effective February 3, 2003

request of Custodial Services to promote Marianne Boyd, Lead Custodian, effective January 18, 2003, with an increase in salary

request of Custodial Services to promote Betty L. Claborn, Floor custodian, effective January 18, 2003, with an increase in salary

request of Custodial Services to promote Jesus Villasenor, Part-time Custodian, effective January 18, 2003, with an increase in salary

request of District Clerk to accept the resignation of Melisa Miller, Deputy Court Clerk, effective January 17, 2003

request of Juvenile Probation Director to change the status of Paula Simon from Detention Officer, to Substitute Detention Officer, effective January 20, 2003

request of Justice of the Peace, Pct. #1, to accept the resignation of Maria G. Elizardo, Clerk, effective January 31, 2003, with 29.85 vacation hours due

request of Justice of the Peace, Pct. #4 to accept the resignation of Jewell Elaine Patterson, Clerk I, effective January 22, 2003, with 40.32 vacation hours due and 73.50 comp hours due

request of Building Maintenance to increase the salary of Robert Cochran, Mechanic II, effective February 15, 2003, due to additional job responsibilities

request of Building Maintenance to increase the salary of Paul Dyess, Mechanic II, effective February 15, 2003, due to additional job responsibilities

request of Building Maintenance to increase the salary of Lance Sockwell, Mechanic II, effective February 15, 2003, due to additional job responsibilities

request of Building Maintenance to increase the salary of Richard Stein, Mechanic II, effective February 15, 2003, due to additional job responsibilities

request of Tax Assessor/Collector to discharge Kara Karickhoff, Deputy Specialist I, effective January 16, 2003

request of Constable, Precinct #3 to transfer Shane Hatton, Deputy, (replacement for Jake-Paul Gonzales), effective December 7, 2002

as per Payroll Change Requests on file. Motion carried.

38. COURT ADJOURNS

Motion by Commissioner Chance, seconded by Commissioner Meador, to adjourn this Session of Commissioners' Court. Motion carried.

The above and foregoing Commissioners' Court Minutes were read and approved by the Court.

ATTEST:

Mark Turnbull, County Clerk
and Ex-Officio Clerk
Commissioners' Court
Montgomery County, Texas

BY: _____
County Clerk

County Judge