

COMMISSIONERS' COURT DOCKET, FEBRUARY 23, 2004
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 23rd day of February 2004, 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 ED CHANCE, COMMISSIONER, PCT. #3

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1. COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 6A - EMPLOYEES' COMMITTEE

LOUISE CHESHIRE, County Clerk's office, was selected as Employee of the Month for February by the Employees' Committee. Mrs. Cheshire was presented with a plaque and a gift certificate from said Committee.

2. PURCHASE APPROVED - EMPLOYEES SERVICE PINS - EMPLOYEES' COMMITTEE

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the purchase of 189 employee service pins from J. Brandt Company for \$1,856.96, (fund from contingency). Motion carried. (no paperwork)

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for February 9, 2003, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8G

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Consent Agenda, as follows:

COUNTY AUDITOR - AGENDA ITEMS 8A

a. ACCOUNTS approved, as presented by the County Auditor.

b. BUDGET AMENDMENTS approved, as follows:

1. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Texas Home Concepts
2. Commissioner, Pct. #4 - to adjust line items
3. Memorial Library - to adjust line items
4. Memorial Library - to recognize/allocate memorial gifts
5. Purchasing Agent - to recognize and to allocate

- 6. funds for use in repairs to PA systems for courts
Risk Management - to transfer funds to cover William James damage claim
- 7. Risk Management - to recognize/allocate reimbursement for deductible for Unit 709
- 8. Risk Management - to transfer funds to cover damage claim from Dennis Partain
- 9. Sheriff - to adjust line items
- 10. Sheriff - to adjust line items
- 11. Tax Assessor/Collector - to recognize and to allocate transfer funds to cover release #272343

as per Budget Amendments on file.

- c. OFFICIALS' FEES REPORT approved, for the months of October and November, 2003, as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 8B

- a. REPORT approved, for the week of February 9 through February 13, 2004, as presented by the County Treasurer.

AGENDA ITEM 8B2 - WEEKLY INVESTMENT REPORT FOR THE WEEK OF FEBRUARY 9-13, 2004 - REMOVED FROM AGENDA

- b. REPORT approved, for pledges and/or release of securities, as follows:
 - 1. Woodforest Nat'l. Bank - Cusip #3134A4UB8 - par value \$3,000,000.00
 - 2. Woodforest Nat'l. Bank - Cusip #3133X14N4 - par value \$2,000,000.00
 - 3. JPMorgan Chase - Cusip #912828AE0 - par value \$40,000,000.00

as per Report on file.

- c. REPORT approved, for the distribution of National Forest Receipts to school districts in Montgomery County for fiscal year ending September 30, 2003, as per Report on file.
- d. FINANCIAL REPORT approved, for the month of December, 2003, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEM 8C

- a. MONTHLY TAX REPORT approved, for collections for month ending January 31, 2004
- b. REQUEST approved, from LJA Engineering & Surveying, Inc., to access property for right-of-way surveying and mapping services on FM1774 from 5th Street to Magnolia Industrial Park, as per Request on file.
- c. SUPPLEMENTAL CHANGES acknowledged, for February 2004 to the 2003 consolidated taxroll, as presented by the Tax Assessor/Collector.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, AS FOLLOWS:
 - 1. Pre-Engineered metal buildings (material only) - Various Departments
 - 2. Removal/Haul off of Security Community Building -

- Pct. #4
3. RFP on-site maintenance and software support for IBM equipment, such as but not limited to - 02H50, 7133-D40, 6026-H503995-C66 - Various Departments
 4. New personal computers and accessories - Various Departments
 5. RFP for a Provider for individual faithful performance bonds - Risk Management
 6. Heavy Equipment rental - Various Departments
- b. ALSO, to acknowledge the opening of the following bids/proposals, which were opened by the Purchasing Department:
1. Pre-Engineered metal building - Pct. #3 - Project #2004-0022 (opened 2-10-04)
 2. Morgue transport services - Various Justice of the Peace, Project #2004-0028 - (opened 2-11-04)
 3. RFQ Engineering, Surveying and right-of-way services - Various Departments - Project #2004-0034 (opened 2-13-04)
 4. Labor to repair glass damage - Various Departments - Project #2004-0030 - (opened 2-20-04)
 5. Audio/Visual materials - film/fiche and compact discs - library - Project #2004-0032 - (opened 2-20-04)
 6. One (1) or more new 2004 heavy duty 3/4 ton extended cab pickup truck with service body and tow package - Various Departments - Project #2004-0037 - (opened 2-20-04)
- c. RENEWAL CONTRACTS approved, as follows:
1. Montgomery County Hospital District - PO#2000389 and #2000389X - for interlocal agreement to maintain certain radios belonging to county that operate on the Ericsson EDACS System - Various Departments
 2. Harris County, Texas/Fund 1000 - PO#2002397 - for interlocal agreement for the use of Harris County's 800 mhz public radio system - Various Departments
 3. Telephone Data & Sound - PO#2001242 and #2001242X - for telephone system maintenance - C.I.S.
 4. Dennis B. McMahon - PO#2002036 - for Risk Management Services - Risk Management - (rate increase of \$20,000.00 per year, effective October 1, 2004)
 5. Vulcan, Inc. - PO#2002318 - for traffic signs, posts and related supplies - Various Precincts - (changes noted in file)
 6. Custom Products, Inc. - PO#2002319 - for traffic signs, posts and related supplies - Various Precincts
 7. Trantex Transportation Products of Texas, Inc. - Various Precincts - PO#2003205 - Various Precincts
- d. CHANGE ORDER #2 approved, (PO#2004126) - to New View Technologies, Inc., for new computer equipment and peripherals, as changes noted in memo on file.
- e. CHANGE ORDER #4 approved, (PO#2003060) - to Portable Computer Systems, Inc., for laptop pc/toughbooks and accessories - Various Departments

- f. CHANGE ORDER #2 approved, (PO#2003124) - to Weisinger Gardens, Inc., to add the following to the present Landscaping Services Contract:
 - (1) hydro-seeding for common bermuda or annual rye grasses -\$.0425 per sq. ft.
 as per Change Order on file.
- g. CHANGE ORDER #1 approved, (PO#2004190) - to Southeast Texas Forensic Center, Inc., for forensic services, to add items to present contract, as outlined in memo dated February 23, 2004, on file.
- h. ITEMS DECLARED SALVAGE approved, from C.I.S. and Pct. #4, to declare various computer equipment as salvage, as per Request on file.
- i. REQUEST approved, to cancel PO#2004108 to Tarpon Technology, Inc., for new personal computer equipment and accessories, as per Request on file.
- j. REQUEST approved, to create a "X" PO#2004125, to Hughes Supply, Inc., for lamps, bulbs and ballasts, not to exceed \$10,000.00, as per Request on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEM 8E1

- a. AGREEMENT approved, for the county library site which required the signing of the Consent, Joinder and Subordination Agreement for the City of Montgomery, as per Agreement on file

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. REQUEST approved, to accept Grogan's Mill Road into the one year maintenance period, as requested by the Woodlands. (no paperwork)
- b. UTILITY PERMIT approved, from LDC, Inc., to place a 4" pressure P.E. GA line within the right of way of Keenan cut-off road and Adou Rd., as per Permit on file.
- c. UTILITY PERMIT approved, from Time Warner Communications, Inc., to place a CATV Line within the the right-of-way of various roads in High Meadow Ranch, as per Permit on file.
- d. INTERLOCAL AGREEMENT approved, between Montgomery County and City of Magnolia, to provide governmental functions and services to the City, as per Agreement on file.
- e. INTERLOCAL AGREEMENT approved, between Montgomery County and the City of Magnolia, for the purchase of goods and services from Montgomery County by the City, as per Agreement on file.
- f. ORDER approved, to acknowledge receipt of a check in the amount of \$5.00 from Jacque Carter for the lease of Tract 5 and the South Half Tract 8, of Glenmont Estates, Section 1, as per Order on file. (check forwarded to County Treasurer for further handling)

- g. ORDER approved, to allow the partial lot conveyances of a portion of Lot 3, Block 1 of Indigo Lake Estates, Section 2, as per Order on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a. DONATION accepted, from the Community Association of The Woodlands, of a 10' x 12' portable pesticide storage building for use by Montgomery County House Chemical Waste Facility. (estimated value was \$5,000.00), as per Request on file.
- b. ORDERS approved, for a partial lot conveyances of Lot 48, Block 4 and Lot 53, Block 9, of Benders Landing, Section 2, as per Orders on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a. FINANCIAL AUDIT REPORTS approved, for Montgomery County Emergency Services District #12, for FY2002 and FY2003, as per Reports on file.
- b. CHECK accepted, from the City of Roman Forest in the amount of \$352.45, for purchase of fuel for the month of December, 2003, in accordance with the Interlocal Agreement dated 10/07/02, between Roman Forest and the County of Montgomery, as per Request on file. (check forwarded to County Treasurer for further processing).
- c. PUBLIC HEARING DATE SET, for March 22, 2004, to consider setting a speed limit of 30 mph for Wiggins Road from Johnson Mallard Road to Wigginsville Road. (no paperwork)
- d. ROADS accepted, in Kings Manor, Section 15, into the one year maintenance period. (no paperwork)
- e. ORDER approved, to authorize the purchase of right-of-way from Thomas W. Ferguson, in the amount of \$51,163.50, for Parcel No. 53, in connection with the FM1314 Project, as per Order on file. (to be funded from Road bonds)

ALL PRECINCTS - AGENDA ITEM 8E5

- a. OVERLOAD/OVERSIZE PERMIT approved, from Gulf Coast Stabilized Materials, to move various loads across all County Roads. Movement to begin not earlier than March 1, 2004, and to be completed by May 31, 2004, as per Permit on file.

CONSTABLE, PRECINCT #1 - AGENDA ITEMS 8F

- a. RECEIPT acknowledged, of Constable Precinct #1 Racial Profiling Statistics for 2003, as per Report on file.

RISK MANAGEMENT - AGENDA ITEMS 8G

- a. PAYMENT acknowledged, to Enterprise Rent-A-Car in the amount of \$569.85, in regard to the Claim for Dennis D. Partain, due to an incident on December 24, 2003 - Commissioner Pct. #2, as per Request on file.

- b. SURETY BONDS approved, for various employees, as follows:
1. Bond #14534065 - Christy Buchanan Petty, Reserve Deputy Constable, Pct. #1, - Pct. #1
 2. Bond #14534070 - Demonte Gerhing, Reserve Deputy Constable, Pct. #1, - New
 3. Bond #14534081 - Deseri S. Gehring, Reserve Deputy Constable, Pct. #1 - New
 4. Bond #14534084 - Robert Moore, Reserve Deputy Constable, Pct. #1 - New
 5. Bond #14534091 - James Walker, Reserve Deputy Constable, Pct. #1 - New
 6. Bond #14268456 - Johnny R. Walker, Deputy Constable, Pct. #1 - Renewal
 7. Bond #15486588 - Teresa Chilcutt, Deputy Constable, Pct. #1 - Renewal
 8. Bond #14545414 - Bryan K. Foster, Reserve Deputy Constable, Pct. #2
 9. Bond #15486589 - Dan Pina, Deputy Constable, Pct. #2 - Renewal
 10. Bond #15486587 - Steve Roper, Deputy Constable, Pct. #2 - Renewal
 11. Bond #15486586 - Louis Young, Deputy Constable, Pct. #2 - Renewal
 12. Bond #14268451 - Jeffrey McLaughlin, Deputy Constable, Pct. #3 - Renewal
 13. Bond #14268450 - Stephen Mullis, Deputy Constable, Pct. #3 - Renewal
 14. Bond #14331770 - Robert W. Green, Deputy Constable, Pct. #4 - New
 15. Bond #15663496 - Jeremy Brooks Lockhart, Reserve Deputy Constable, Pct. #4 - New
 16. Bond #15663495 - Kevin Daniel Payne, Reserve Deputy Constable, Pct. #4 - New
 17. Bond #14537351 - Tracy Wade, Deputy Constable, Pct. #4 - New
 18. Bond #14382096 - Jason Grindstaff, Reserve Deputy Constable, Pct. #5 - New
 19. Bond #15486590 - Charlotte Hamm, Deputy Constable, Pct. #5 - Renewal
 20. Bond #15454715 - Trey Uhlman, Deputy Constable, Pct. #5 - Renewal
 21. Bond #15454713 - Gordon Welch, Deputy Constable, Pct. #5 - Renewal
 22. Bond #41862650 - Daniel F. Welsh, Fire Marshal - Renewal
 23. Bond #15487509 - Stephanie Anne Burton, Chief Deputy, Tax Assessor/Collector - Renewal
 24. Bond #13747351 - Michael Reinecke, Inventory Control Manager, Tax Assessor/Collector - Renewal
 25. Bond #13035568 - Lisa Bauer, Clerk Treasurer's Office - Renewal
 26. Bond #14545683 - Wanda Jean Griffith, Clerk Treasurer's Office - Renewal

as per Bonds on file.

Motion carried.

END OF CONSENT AGENDA

5. CARRYOVER FUNDS APPROVED - FY2003/04 - DISTRICT CLERK

Motion by Judge Sadler, seconded by Commissioner Chance, to approve the carryover of funds from District Clerk for \$17,288.28, for FY2003 o FY2004, as per Request on file. Motion carried.

6. CARRYOVER FUNDS APPROVED - FY2003/04 - PARKS DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the carryover of funds from the Parks Department in the amount of \$19,000.00, for FY2003/04 budget, as per Request on file. Motion carried.

7. GRANT APPLICATION APPROVED - DEPARTMENT OF JUSTICE - DRUG COURT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Grant Application for Bureau of Justice Assistance for Drug Court funds, as per application on file. Motion carried.

8. GRANT APPLICATION APPROVED - JUVENILE DRUG COURT - JUVENILE PROBATION DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Juvenile Probation Department's Drug Court Implementation Grant Application, as per Application on file. Motion carried.

9. VARIANCE APPROVED - PERIMETER FENCING - ANIMAL CONTROL

Motion by Judge Sadler, seconded by Commissioner Rinehart, to approve a perimeter fence for Mike and Kate Davis' Savannah cat, to be located at 22861 Wesner Dr., Porter, Texas, as per Request on file. Motion carried.

10. CERTIFICATION OF PETITIONS APPROVED - SALE OF ALCOHOLIC BEVERAGES/CITY OF CONROE - ELECTIONS CENTRAL

ORDER APPROVED - CALLING LOCAL OPTION ELECTION - SALE OF ALCOHOLIC BEVERAGES/CITY OF CONROE - ELECTIONS CENTRAL

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the Petition and Order for the legal sale of alcoholic beverages and mix beverages within the boundaries of the City of Conroe, as per Petition and Order on file. Motion carried.

11. CERTIFICATION OF PETITIONS APPROVED - CALLING LOCAL OPTION ELECTION - LEGALIZE SALE OF BEER AND WINE - JUSTICE OF THE PEACE - PRECINCT #4

CERTIFICATION OF PETITIONS APPROVED - LOCAL OPTION ELECTION TO LEGALIZE SALE OF MIXED BEVERAGES - JUSTICE OF THE PEACE - PRECINCT #4

ORDER APPROVED - CALLING JOINT LOCAL OPTION ELECTION - ISSUANCES OF BEER, WINE AND MIXED BEVERAGES - JUSTICE OF THE PEACE - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the following Petitions and Orders to hold a local election to legalize the sale of beer, wine and mixed beverages:

- a. Petition - for local option election to legalize the sale of beer and wine within the current boundaries of the Justice of the Peace, Precinct #4
- b. Certification of Petitions - for local option election to legalize the sale of mixed beverages in restaurants by food and beverage certificate holders only within the current boundaries of the Justice of the Peace, Precinct #4
- c. Order - to call a joint local option election, to legalize the issues in A & B above, within the current boundaries of the Justice of the Peace, Precinct #4

as per Paperwork on file. Motion carried.

12. REQUEST APPROVED - DPS REFURBISHED COMPUTER - CIS

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to authorize CIS to provide the New Caney Department of Public Safety a refurbished computer, as per Request on file. Motion carried.

13. REQUEST APPROVED - ADDITIONAL EMPLOYEES - JUSTICE OF THE PEACE - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Request to hire an additional full-time Clerk and a part-time Clerk, as per Request on file. Motion carried.

14. REQUEST APPROVED - STENO WRITER PURCHASE - 284TH DISTRICT COURT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Request from 284th District Court to use \$3,291.00 for a steno writer. Funds to be paid from the Court Reporter Service Fund, as per Request on file. Motion carried.

15. GRANT AWARD ACCEPTED - TASK FORCE FOR INDIGENT DEFENSE - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to accept the Formula Grant from Task Force on Indigent Defense for FY04, in the amount of \$124,842.00, as per Notice on file. Motion carried.

16. REQUEST APPROVED - MODIFICATION TO COUNTY'S CAPITAL ASSET POLICY - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the modification to County's Capital Asset Policy, as per Modification Changes on file. Motion carried.

AGENDA ITEM 17A3,6,8 ,9 & 10 - RECOMMENDATIONS AND CONTRACTS - DEFERRED.

17. RECOMMENDATION AND CONTRACT APPROVED - FLEET MAINTENANCE SOFTWARE - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Chance, to award the Proposal, (opened November 25, 2003), for fleet maintenance software, to CCG Systems, Inc., in the amount of \$69,291.00, as per Proposal on file. Motion carried.

18. RECOMMENDATION AND CONTRACT APPROVED - MERIDIAN RELEASE 25 OR HIGHER SOFTWARE - VARIOUS DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the Proposal, (opened December 10, 2003), for meridian release 25 or higher software and Option 81C DC hardware, to Petracom, Inc., in the amount of \$65,000.00, as per Contract on file. Motion carried.

19. RECOMMENDATION AND CONTRACT APPROVED - PRESSURE WASHING SERVICE - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened January 30, 2004), for pressure washing service to Berkeley Services, as per Contract on file. Motion carried.

20. RECOMMENDATION AND CONTRACT APPROVED - PRE-ENGINEERED METAL BUILDING - PRECINCT #3

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened February 10, 2004), for pre-engineered metal building to Mueller, Inc., in the amount of \$35,535.00, as per Contract on file. Motion carried.

21. RECOMMENDATION AND CONTRACT APPROVED - MORGUE TRANSPORT SERVICES - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Chance, to award the bid, (opened February 11, 2003), for Morgue Transport Services, as follows:

Prime Award:	Metcalf Funeral Directors
Alternate:	-Clarence Lewis & Son Mortuary Sherman's First Call & Mortuary Services
	-Addison-Smith Funeral Home -Cashner Funeral Home

as per Contracts on file. Motion carried.

22. RECOMMENDATION AND CONTRACT APPROVED - NEW 2004 HEAVY DUTY PICKUP TRUCK - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened February 20, 2004), for one (1) or more new 2004 Heavy Duty 3/4 ton extended cab pickup truck with service body and tow package to Anderson Ford, in the amount of \$22,450.00, as per Contract on file. Motion carried.

23. RECOMMENDATION AND CONTRACT APPROVED - TELESCOPIC BOOM EXCAVATOR - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bid, (opened September 19, 2003), for one (1) Gradall XL3100 Telescopic Boom to Hi-Way Equipment Co., in the amount of \$194,351.00, as per Contract on file. Motion carried.

24. CHANGE ORDER #1 APPROVED - ENGINEERING SERVICES - PCT. #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #1, PO#2002367, to Binkley & Barfield, Inc., for changes to the Engineering Services Contract, as per Change Order on file. Motion carried.

25. CHANGE ORDER #1 - JOB CONTROL TESTING SERVICES - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #1, PO#2003286, to Atser LP, for job control testing services for the Riley Fuzzel Rd. project, as per Change Order on file. Motion carried.

26. CHANGE ORDER #1 APPROVED - TRAFFIC SIGNAL INSTALLATION /GOSLING RD. - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #1, PO#2003413, to Statewide Traffic Signal Co. for changes to the Traffic Signal Installation & Paving Improvements on Gosling Rd. at Shadow Bend Place contract, as per Change Order on file. Motion carried.

27. RECEIPT ACKNOWLEDGED - UNCLAIMED MONIES - SHERIFF'S DEPARTMENT

Motion by Commissioner chance, seconded by commissioner rinehart, to acknowledge receipt of unclaimed monies in the amount of \$2,551.04 from the Sheriff's Department. Cash money was picked up by County Treasurer for deposit in proper fund, as per Request on file. Motion carried.

28. PURCHASE APPROVED - MISCELLANEOUS WOOD AND MATERIALS - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the purchase of miscellaneous wood and materials in the amount of \$3,912.44, for the new annex, as per Request on file. Motion carried.

29. PROPOSAL APPROVED - PRELIMINARY ENVIRONMENTAL SERVICE - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the proposal from Carter & Burgess to provide preliminary environmental services for Hanna Rd. project, in the amount of \$11,188.43, (fund from 02' bonds), as per Proposal on file. Motion carried.

30. PROPOSAL APPROVED - PRELIMINARY ENVIRONMENTAL SERVICES - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Proposal from Carter & Burgess to provide preliminary environmental services for Richards Rd., for a fee of \$11,188.43, as per Proposal on file. Motion carried.

31. PROPOSAL APPROVED - ARCHEOLOGICAL SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Proposal from HNTB, Inc., to provide consulting services for extensive archeological survey as required by TxDot and the Texas Historical Commission for FM1488 project in Jones State Forest, for a fee not to exceed \$40,117.00, (fund from 02' bond leverage), as per Proposal on file. Motion carried.

32. AGREEMENT APPROVED - LOCAL PROJECT ADVANCE FUNDING -
PRECINCT #1 AND PRECINCT #4

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Local Project Advance funding Agreements with TxDot for FM1097, FM1484 and FM1485 Bond projects, as per Agreements on file

33. REQUEST APPROVED - ADDITIONAL PARKING FOR JURORS - DISTRICT CLERK

Motion by Judge Sadler, seconded by Commissioner Meador, to allow Jurors to park at the First Baptist Church parking lot when they are requested to report for jury duty in Montgomery County. Motion carried.

34. REQUEST APPROVED - STORAGE SPACE - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve storage space on the fourth floor of the new annex building, as per Request on file. Motion carried.

35. INVESTMENT CONTRACT APPROVED - MBIA MUNICIPAL INVESTORS SERVICE CORPORATION - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Investment Contract between MBIA Municipal Investors Service Corporation and Montgomery County, as per Contract on file. Motion carried.

36. AGREEMENT APPROVED - LAW ENFORCEMENT SERVICES - CONSTABLE, PCT. #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Agreement for Law Enforcement Services for Pct. #3 Constable to assign deputy constables for additional law enforcement services on behalf of the following:

- a. The Woodlands Community Association, The Woodlands Association, and the Woodlands Commercial Owners Association, with the Woodlands Community Services Corporation acting as Agent for the Associations

as per Agreement on file. Motion carried.

37. AMENDMENTS APPROVED - REHABILITATION OF ROADS - AIRPORT PROJECT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Amendments to the Texas Department of Transportation's 2004 Routine Airport Maintenance Program (RAMP):

- a. addition of pavements, rehabilitation of roads and striping of roads around the terminal and access roads at the County Airport, and
- b. addition and changing of signage at Airport

Also, to authorize the County Judge to execute same, as per Amendments on file. Motion carried.

38. SECOND ADDENDUM APPROVED - EXTENSION OF AGREEMENT WITH UTMB/GALVESTON - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Second Addendum to extend the term of the Agreement between Montgomery County and the University of Texas Medical Branch at Galveston, in order to provide public health services. Also, to authorize the County Judge to execute same, as per Addendum on file. Motion carried.

39. PROPOSED PLAT APPROVED - MONTGOMERY I.S.D. NEW ELEMENTARY NO. 1 - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the proposed plat of Montgomery I.S.D. New Elementary No. 1, which includes a partial replat of Walden Business Park, as per Notice on file. Motion carried. (plat not submitted this session)

40. ROAD NAME CHANGES APPROVED - VILLAGE OF ALDEN BRIDGE, SECTION 100 - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the following Road name changes:

- a. West Cottage Green Street to be changed to West Pipers' Green Street, and
- b. East Cottage Green Street to be changed to East Pipers' Green Street

as per Notice on file. Motion carried.

41. PROPOSED PLAT APPROVED - KROGER NO. 389 - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the proposed replat of Kroger No. 389 which includes the partial replat of Westwood, Section 3, as per Notice on file. Motion carried. (no plat submitted this Court Session)

42. REQUEST APPROVED - PAYROLL DEDUCTIONS - MONTGOMERY COUNTY LAW ENFORCEMENT ASSOCIATION

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve payroll deductions for dues of Montgomery County Law Enforcement Association, as per Request on file. Motion carried.

43. GRANT ACCEPTED - HGAC FY2004 FINANCIAL GRANTS - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve acceptance of HGAC FY2004 Financial Grants, as follows:

- a. Electronic Collection and Disposal 04-16-G08 - \$20,000.00 - Pct. #3
- b. Montgomery County Household Hazardous Waste Facility 04-16-G09 - \$341,309.00

as per Acceptance on file. Motion carried.

EXECUTIVE SESSION

The Court recessed into Executive Session in the County Judge's Chambers to discuss matters Pursuant to one or more of the following Provisions of the Texas Government Code, to-wit: Chapter 551, Sub-Chapter D; Articles 551.071, 551.072, 551.073, 551.074, 551.075, 551.076, 551.084 and 551.087

1. Consider and Discuss the Claims of Phyllis Traylor and Pamela Hernandez - (Section 551.071)
2. Consider and Discuss Riley Fuzzel Road/Wetlands Mitigation issue (Section 551.071)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

44. ORDER APPROVED - TOLLING AGREEMENT - COUNTY ENGINEER

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Order to authorize the County engineer to sign Tolling Agreement for Riley Fuzzel Road construction Project, as per Order on file. Motion carried.

45. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

Motion by Judge Sadler, seconded by Commissioner Chance, to approve the following Payroll Change Requests, with the exception of William Zavadil, Investigator I, payroll change to replace Wendy Shanks who recently retired, pending further information from County Attorney.

request of County Auditor to accept the resignation of Roberta Lynn Adams, Fixed Asset Auditor, effective February 13, 2004

request of County Auditor to accept the resignation of Zona King, Accounts Payable Clerk, effective February 13, 2004, with 22.84 vacation hours due

request of County Auditor to transfer Diana Williams, Assistant Auditor (replacement for Zona King), effective February 17, 2004

request of County Court at Law Judge #3 to transfer Joanne Kay Bergh from Court Reporter to Court Administrator, (replacement for Bonnie Tidwell), effective January 31, 2004

request of Custodial Services to accept the resignation of Ana Altamirano, Floor Custodian, effective February 9, 2004, with 36.31 vacation hours due and 1.61 comp hours due

request of Custodial Services to accept the resignation of Raul E. Lacayo, Part-time Custodian, effective February 13, 2004

request of Custodial Services to promote Nallely Ontiveros from Part-time Custodian to Floor Custodian, (replacement for Ana Altamirano), effective February 14, 2004

request of County Clerk to increase the salary of Gloria E. Beyan, Recording/Scan Clerk, effective February 14, 2004

request of District Attorney to promote Robert M. Shirley from Misdemeanor Attorney to Attorney, (replacement for Eric Berg), effective February 14, 2004

request of Department of Public Safety to place Gloria Eason, Administrative Assistant, on payroll, (replacement for Pamela Hernandez), effective March 1, 2004

request of Elections Administrator to place Peggy Avant, Early Voting Judge, on payroll, effective February 14, 2004

request of Elections Administrator to place Peggy Avant back to Temporary Voters Registration Clerk, effective March 6, 2004

request of Justice of the Peace, Pct. #3 to accept the resignation of Sandra E. Long, Data Management Specialist, effective February 13, 2004

request of Library Director to place Mary Thompson, Shelving Clerk, (replacement for Katherine Spencer), on payroll, effective February 17, 2004

request of Sheriff's Department to promote Peggy J. Arisola from Dispatcher I to Dispatcher II, effective February 28, 2004, due to 1-year probation completed

request of Sheriff's Department to promote Erin Colburn from Detention Officer I to Detention Officer II, effective February 14, 2004

request of Sheriff's Department to accept the resignation of Rene Duewall, Detention Officer, effective February 20, 2004, with 12.32 vacation hours due and 16 holiday hours due

request of Sheriff's Department to transfer Tara Fay from Detention Deputy to District I, Patrol Deputy, (replacement for David Wallace), effective February 14, 2004

request of Sheriff's Department to promote Nikki Gowton from Detention Officer II to Detention Deputy, (replacement for Richard Mercer), effective February 14, 2004

request of Sheriff's Department to promote Darrell C. Murray from Dispatcher I to Dispatcher II, effective February 28, 2004

request of Sheriff's Department to accept the resignation of Ruby Smith, Central Jail Record Specialist, effective February 13, 2004, with 158.635 vacation hours due and 7.5000 comp hours due

request of Sheriff's Department to transfer David Wallace from District I, Patrol Deputy to Detention Deputy, (replacement for Tara Fay), effective February 14, 2004

request of Tax Assessor/Collector to place Jerry Cooper, Deputy Specialist I, (replacement for Lisa Hurst), on payroll, effective February 23, 2004

request of 359th District Judge to place Julie Shute, CSR for 359th, on payroll, (replacement for Donna King), effective March 1, 2004

request of County Attorney to accept the resignation of Robert Rosenquist, Senior Litigation Attorney, effective February 26, 2004

request of County Attorney to transfer Cara Wood from Assistant District Attorney to Senior Litigation Attorney, (replacement for Robert Rosenquist), effective March 15, 2004

request of Environmental Health to place Lerna Barker, Scanning Clerk, on payroll, effective March 1, 2004

request of Environmental Health to place Frank Green, Designated Representative III, on payroll, (replacement for John E. Sainz), effective March 1, 2004

request of Juvenile Probation Department to discharge Tena Arceneaux, Detention Officer, effective February 17, 2004, with 9.48 vacation hours due

request of Juvenile Probation Department to promote Frank Cox from Substitute Detention Officer to Detention Officer, (replacement for Danny Mason), effective February 28, 2004

request of Juvenile Probation Department to promote Danny Mason from Detention Officer to Juvenile Probation Officer-Detention, (replacement for Nathaniel Wilbert), effective February 28, 2004

request of Juvenile Probation Department to accept the resignation of April Meador, Detention Officer, effective February 15, 2004

request of Juvenile Probation Department to promote Melissa Williams from Substitute Detention Officer to Detention Officer, (replacement for April Meador), effective February 28, 2004

request of Sheriff's Department to promote David Jordan from Medic I to Medic II, effective February 28, 2004, due to on year probation completed

as per Payroll Change Requests on file. Motion carried.

46. 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