

COMMISSIONERS' COURT DOCKET, MARCH 8, 2004
REGULAR SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 8th day of March, 2004, the Honorable Commissioners' Court of Montgomery County, Texas, was duly convened in a Regular 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 COMMISSIONER CHANCE.

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1.COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 6A - HERITAGE MUSEUM REPRESENTATIVE, GERTIE SPENCER, ADDRESSED THE COURT TO INVITE THE MEMBERS OF A COURT TO THEIR APRIL 13, 2004 FUNCTION.

CONSTABLE, GENE DEFOREST, ADDRESSED THE COURT TO GIVE SPECIAL RECOGNITION TO HIS TEAM FOR DONATING SUPPLIES TO THE TROOPS IN THE 101 AIRBORNE IN IRAQ. ALSO, PRESENT WERE TWO SOLDIERS FROM THE 101 AIRBORNE TO ACCEPT THE SPECIAL RECOGNITION.

2.PROCLAMATION APPROVED - POISON PREVENTION WEEK

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to proclaim the week of March 21-27, 2004, as "Poison Prevention Week", as per Proclamation on file. Motion carried.

AGENDA ITEM 6D - EMPLOYEE OF THE MONTH WAS RICHARD LE, AN EMPLOYEE FOR CIS, WAS PRESENTED WITH A PLAQUE AND A GIFT CERTIFICATE FROM THE EMPLOYEES' COMMITTEE. THE NOMINATING LETTER WAS WRITTEN BY THE COUNTY TREASURER'S EMPLOYEES.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for February 23, 2004, as presented by the County Clerk. Motion carried.

AGENDA ITEM 21 - MONTGOMERY COUNTY LANDFILL

LINDA STEGENGA, JACKIE WOYCHESIN AND LEAH SMITH addressed the Court to further discuss the problems in the area which the proposed Montgomery County Landfill Solutions site may be located.

The Citizens against Montgomery Landfill requested to the Court to approve an Order that would prohibit the construction of landfills in certain area of the county.

Linda Stegenga told Commissioners that Montgomery Landfill Solutions had withdrawn its permit from the Texas Commission

on Environmental Quality, but plans are to resubmit the permit request in the near future.

The Court stated that they are against the landfill, but they are in no position to act upon such an Order to prohibit landfill located within Montgomery County.

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

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

COUNTY AUDITOR - AGENDA ITEMS 8A

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

b. BUDGET AMENDMENTS approved, as follows:

1. 359th District Court - to transfer funds to cover PO#2450333

2. Budget Officer - to transfer funds to cover restricted line

3. Commissioner, Pct. #2 - to adjust line items

4. Commissioner, Pct. #3 - (1 of 12) - to recognize and to allocate reimbursement from S. Buxton

5. Commissioner, Pct. #3 - (2 of 12) - to recognize and to allocate reimbursement from WJPA

6. Commissioner, Pct. #3 - (3 of 12) - to recognize and to allocate proceeds from sale of plotter

7. Commissioner, Pct. #4 - (4 of 12) - to recognize and to allocate reimbursement from MRE Builders

8. Commissioner, Pct. #3 - (5 of 12) - to recognize and to allocate reimbursement from Valladares

Construction

9. Commissioner, Pct. #3 (6 of 12) - to recognize and to allocate reimbursement from Progressive Co. Mutual Ins. for A. Benavides

10. Commissioner Pct. #3 (7 of 12) - to recognize and to allocate reimbursement from Progressive Co. Mutual Ins. for S. Fedick

11. Commissioner, Pct. #3 - (8 of 12) - to recognize and to allocate reimbursement from WJPA

12. Commissioner, Pct. #3 (9 of 12) - to recognize and to allocate reimbursement from Progressive Co. Mutual Ins. for I. Robiedo

13. Commissioner Pct. #3 (10 of 12) - to recognize and to allocate reimbursement from C. Duncan

14. Commissioner, Pct. #3 (11 of 12) - to recognize and to allocate reimbursement from A. Smith

15. Commissioner, Pct. #3 (12 of 12) - to set up grant budget for Household Hazardous Waste Grant

16. Commissioner, Pct. #4 (1 of 6) - to recognize and to allocate reimbursement from City of Patton Village

17. Commissioner, Pct. #4 (2 of 6) - to recognize and to allocate reimbursement from New Caney ISD

18. Commissioner, Pct. #4 (3 of 6) - to adjust line items

19. Commissioner, Pct. #4 (4 of 6) to recognize and to allocate reimbursement from City of Roman Forest

20. Commissioner Pct. #4 (5 of 6) to recognize and to allocate reimbursement from Mark Schmidt

21. Commissioner, Pct. #4 (6 of 6) - to recognize and to allocate reimbursement from Jane Hicks

22. Constable, Pct. #2 (1 of 2) - to adjust line items

23. Constable, Pct. #1 (2 of 2) - to recognize and to allocate 1/26/04 contract payment from SJRA

24. Constable Pct. 2 - to transfer fund to build furniture

- 25. Constable, Pct. #3 - to set up budget for contract with Community Associations as approved by Motion #36, 2/23/04
- 26. County Court at Law #3 - to adjust line items
- 27. Court Collections - to adjust line items
- 28. District Attorney - to transfer funds to build furniture
- 29. Environmental Health - to recognize and to allocate revenue
- 30. Juvenile Probation (1 of 2) - to recognize and to allocate reimbursement from State for December 3rd
- 31. Juvenile Probation (2 of 2) - to adjust line items
- 32. Risk Management (1 of 2) - to recognize and to allocate reimbursement on Claim U-04003
- 33. Risk Management (2 of 2) - to transfer funds to cover 2/6/04 damage to gate
- 34. Sheriff - to adjust line items

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 8B

- a. WEEKLY INVESTMENT REPORT approved, for the week of March 1 through March 5, 2004, as per Report on file.
- b. PLEDGES AND/OR RELEASES OF COLLATERAL approved, as follows:
 - 1. Release of Collateral - Woodforest Bank, Cusip #3133X14N4 - par value \$1,000,000.00
 - 2. Woodforest Bank, Cusip #912828CB4 - par value \$5,000,000.00
 - 3. Woodforest Bank, Cusip #9128277M8 - par value \$5,000,000.00

as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a. BOND approved, for Kroger Texas L.P. - Bond #285017564, as per Bond on file. (no county obligations)
- b. CHANGES acknowledged, to the February 2004 Supplemental name and address changes to the 2003 Consolidated Taxroll, as per Report on file.
- c. BOND CONTINUATION approved, for Sterling McCall Honda of Kingwood, Bond #61BSBAC9179, as per Bond on file. (no county obligations)

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, as follows:
 - 1. Electronic Monitoring Services - Juvenile Service
 - 2. Pharmaceutical - Prescriptions - Various Departments
 - 3. Purchase of one (1) or more used dozer - Various Departments
- b. ALSO, to acknowledge the following bids/proposals, opened by the Purchasing Department:
 - 1. Moving Services - Various Departments - Project #2004-0031 (opened 2-23-04)
 - 2. Sale of RCP Pipe and Accessories - Pct. #3 - Project #2004-0036 - (opened 2-26-04)
 - 3. RFP Pagers and Paging Services - Various Departments - Project

#2004-0039 (opened 3-3-04)

c. RENEWAL CONTRACTS approved, as follows:

1. Houston Remediation - PO#2003333 - for wood recycling service - Pct. #3 - Citizens - Drop-off center
2. Compliance Drug & Paternity Testing - PO#2003280 - for drug testing - Juvenile Services
3. Urelift Central, Inc. - PO#2003331 - for raising and undersealing concrete slabs and roads - Various Departments
4. Uretex USA, Inc. - PO#2003332 - for raising and undersealing concrete slabs and roads - Various Departments
5. Texas Workforce commissioner - PO#2003353 - for interlocal agreement for access to unemployment insurance tax records - Collections

as per Request on file.

d. CHANGE ORDER #10 and Change Order #1 approved, PO#2002318 and PO#2004235, to Vulcan, Inc., to reflect that Item #.240 should read 24 x 36 not 24 x 30, as per Request on file.

e. CHANGE ORDER #3 approved, PO#2004126, to Netview Technologies, Inc., to add various equipment to the New Computer Equipment and Peripherals contract, as per Change Order on file.

f. CHANGE ORDER #3 approved, PO#2002041, to Lone Star Services, Inc., for changes made to the pavement striping and road marker installation contract, as per Change Order on file.

g. CHANGE ORDER #3 approved, PO#2002043, to Lone Star Services, Inc., for concrete road repair for existing roads and replacing concrete curbs, as per Change Order on file.

h. ITEMS DECLARED SALVAGE approved, from Precinct #4 and Custodial Services, as per List of Items on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEM 8E1

a. UTILITY PERMIT approved, for A-1 Utility & Construction Services, Inc., to place a 2" SCH 40 force main line within the right-of-way of Old Montgomery Road, as per Permit on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

a. UTILITY PERMIT approved, for MSEC Enterprises, Inc., to place a water line within the right-of-way of Tobacco Road, Honea Egypt and Roe Ann Road, as per Permit on file.

b. UTILITY PERMIT approved, for MSEC Enterprises, Inc., to place a 6" water line within the right-of-way of Pennsylvania Avenue and Capitol Hill Road, as per Permit on file.

c. FINAL PLAT approved, for Ridgelake Shores, Section 4,

consisting of 287.0588 acres, Lots 182, as per Plat on file.

- d.FINAL PLAT approved, for Kroger Store No. 389, consisting of 13.116 acres, 3 Reserves, as pr Plat on file.
- e.FINAL PLAT approved, for Sunrise Ranch Subdivision, Section 4, consisting of 22.542 acres, 112 lots, as pe Plat on file.
- f.ROADS accepted, into the one year maintenance period, consisting of 1955.28 l.f., 0.37 miles, located in Tejas Creek, Section 3, as per Request on file.
- g.PUBLIC HEARING DATE set, for April 5, 2004, to consider the cancellation of Hermitage Subdivision, recorded in Cabinet O, Sheet 136, Plat Records.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

AGENDA ITEM 8E3A - TO AUTHORIZE THE RESEARCH INTO THE PROPOSED PURCHASE OF REAL PROPERTY AND APPOINTING SPECIAL COMMISSIONER TO CONDUCT PURCHASE OF REAL PROPERTY - SEE MOTION #38 FOR COURT ACTION.

- a.ORDER approved, to accept a Donation Deed of right-of-way for the expansion of Hanna Road. Also, to authorize the County Judge to execute same, as per Order on file.
- b.UTILITY PERMIT approved, for SLC Construction, L.P., to place a water and sanitary sewer line within the right-of-way of Woodlands Parkway, as per Permit on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a.CHECK accepted, in the amount of \$341.54, from the City of Roman Forest for the purchase of fuel for the month of January, 2004, in accordance with an Interlocal Agreement dated October 7, 2002, as per Request on file. (Check forwarded to County Treasurer for further handling)
- b.CHECK accepted, in the amount of \$2,000.00, from the City of Patton Village for the reimbursement of road material used for the Peach Creek Colony project, as per Request on file. (Check forwarded to County Treasurer for further handling)
- c.PUBLIC HEARING DATE set, for April 4, 2004, to discuss the proposed plat of Roda Drive Acres, as per Notice on file.
- d.ORDER approved, to authorize the purchase and payment of \$10,769.00, for Parcel 20 to Texas Taylor Martin Enterprises, Inc., in connection with the FM1314 Right-of-Way project.
- e.ORDER approved, to authorize the purchase and payment of \$15,868.00 for Parcel No. 22 to Clifford R. and Kay Mueller in connection with the FM1314 right-of-way project.
- f.ORDER approved, to authorize the purchase and payment of \$22,881.00, for Parcel 23B from Daniel O. Tyler, in connection with the F.M. 1314 right-of-way widening project, as per Order on file.
- g.ORDER approved, to authorize the purchase and payment of

\$11,868.50, for Parcel 31A to John J. Ainsworth in connection with the FM 1314 right-of-way widening project, as per Order on file.

h.ORDER approved, to authorize the purchase and payment of \$12,514.25, for Parcel 31B to Karen Walker in connection with the FM 1314 right-of-way widening project, as per Order on file.

i.ORDER approved, to authorize the purchase and payment of \$23,242.00, for Parcel 56 to Vicki Teasdale, in connection with the FM1314 right-of-way widening project, as per Order on file.

j.ORDER approved, to authorize the purchase and payment of \$8,804.00, for Parcel 59 to Robert K. Smith, in connection with the FM1314 right-of-way widening project, as per Order on file.

k.ORDER approved, to authorize the purchase and payment of \$862.00 for Parcel No. 61A to Mark W. Martin, Trustee, in connection with the FM1314 right-of-way widening project, as per Order on file.

l.ORDER approved, to authorize the purchase and payment of \$2,139.00 for Parcel 65 to Hung Thiet Tan and Sang T. Tran, in connection with the FM1314 right-of-way widening project, as per Order on file.

m.USE AGREEMENTS approved, as follows:

- 1.Ruff-N-Ready Dog Show - Sallas Park Pavilion
- 2.L & K Team Penning - Sallas Park Arena/Pavilion (Agreement not submitted)
- 3.Texas High School Rodeo Assoc. - Sallas Park Arena
- 4.Piney Wood Trail Ride Assoc. - Sallas Park
- 5.STBRA Barrel Racing - Sallas Arena/Pavilion
- 6.Turn-N-Burn - Sallas Park Arena/Pavilion

as per Use Agreements on file.

JUVENILE PROBATION - AGENDA ITEM 8F

a.RECEIPT acknowledged, of Juvenile Detention Center Certification as required by Section 51.12(c) of the Texas Family Code, as per Certification on file.

SHERIFF'S DEPARTMENT - AGENDA ITEM 8G

a.RECEIPT acknowledged, of the 2003 Racial Profiling Annual Report, as submitted by the Sheriff.

CONSTABLE, PRECINCT #2 - AGENDA ITEM 8H

a.RECEIPT acknowledged, of the 2003 Racial Profiling annual Report submitted by Constable, Pct. #2.

DISTRICT CLERK - AGENDA ITEM 8I

a.RESOLUTION AND ORDER approved, to add Family Outreach of Montgomery County to the Juror's Donation list, as per Request on file.

LIBRARY DEPARTMENT - AGENDA ITEM 8J

a.CHECK accepted, from "People and Stories-Gente Y Cuentos", in the amount of \$426.41, to be deposited in the Library System's Travel Expense Account #6511-7425, as per

Request on file. (check forwarded County Treasurer for further processing)

PARKS DEPARTMENT - AGENDA ITEM 8K

a. USE AGREEMENTS approved, for the following Users:

1. Sam Houston Trail Riders to use West Montgomery County Park
2. Trendy Trinkets - Grand Jury Courtroom
3. Texans for Equal Justice - Administration Lobby

as per Agreements on file.

RISK MANAGEMENT - AGENDA ITEMS 8L

a. SURETY BONDS, RIDERS, ETC. approved, for various County Employees:

1. Mike Meador - Rider #13741863 - name change
2. Mike Meador - Rider #13741864 - name change
3. Lea K. Fauster, Reserve Deputy Constable, Pct. #2 - - New Bond #14547764
4. Paul Cooke, Deputy Constable, Pct. #3 - Renewal Bond #15487516
5. Bruce Gilchrist, Deputy Constable, Pct. #3 - Renewal Bond #15487514
6. Shane Hatton, Deputy Constable, Pct. #3 - Renewal Bond #15487511
7. Joseph McGalliard, Deputy Constable, Pct. #3 - New Bond #15454718
8. Frank Mitchell, Deputy Constable, Pct. #3 - Renewal Bond #15487515
9. Gerald Smith, Deputy Constable, Pct. #3 - Renewal Bond #15487510
10. Anneliese Stafford, Deputy Constable, Pct. #3 - Renewal Bond #15487513
11. Michael Uber, Deputy Constable, Pct. #3 - Renewal Bond #15487512
12. Charles R. Fuller, Deputy Constable, Pct. #4 - Renewal Bond #13402637
13. Donald Ross Hansen, II, Deputy Constable, Pct. #4 - Reserve/New Bond #14331771
14. Jeremy A. Henry, Deputy Constable, Pct. #4 - Reserve/New Bond #15530149
15. William Alton Morgan, Deputy Constable, Pct. #5 - Reserve/New Bond #90-KV-0429-2
16. Dale Park, Deputy Constable, Pct. #5 - Reserve/New Bond #529300

17. Larry Medearis, Deputy Constable, Pct. #5 - New Bond #14512884
18. James Williams, Arson Investigator, Fire Department - Renewal Bond #15486582

as per Bonds on file.

OFFICE OF INDIGENT DEFENSE - AGENDA ITEM 8M

a. FEE approved, for Berenice Juan to become a certified Court Interpreter for a fee of \$575.00, as per Request on file.

COMMUNICATION INFORMATION SERVICES - AGENDA ITEM 10

a.REQUEST approved, for Nextel installing signal boosters in the Administration Building, Lone Star Convention Center, Sheriff's and Constable Pct. #5, at no cost to the County, as per Request on file.

Motion carried.

END OF CONSENT AGENDA

5.MEMBERSHIP DUES APPROVED - NORTH & EAST TEXAS COUNTY JUDGES AND COMMISSIONERS' ASSOCIATION - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Membership Renewal fee for \$100.00, to the North & East Texas County Judges & Commissioners' Association. as per Request on file. Motion carried.

6.REQUEST APPROVED - CARRYOVER OF FUNDS - COUNTY COURT AT LAW #4

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the carryover of funds in the amount of \$5,624.00, from County Court at Law #4 FY2003 budget, as per Request on file. Motion carried.

7.APPOINTMENT APPROVED - CPS BOARD - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to appoint Donna Gutierrez to fill the vacant position under County Judge to the CPS Board, as per Request on file. Motion carried.

8.REQUEST APPROVED - EXTENSION TO H-GAC GRANT - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the extension to the H-GAC Mitigation Plan Extension Period Agreement. Motion carried. (no paperwork)

AGENDA ITEM 8N - COMMUNICATION INFORMATION SERVICES TO NEXTEL SIGNAL BOOSTERS INSTALLED IN VARIOUS BUILDINGS - SEE AGENDA ITEM 8N.

9.VARIANCE APPROVED - SEPTIC SYSTEM INSTALLATION - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve a Variance for Patrick Fortune, Kipling Oaks Subdivision, to install an Aerobic Septic System in the flood plain, as per Request on file. Motion carried.

10.REQUEST APPROVED - SALARY ADJUSTMENT - ENVIRONMENTAL HEALTH

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the salary adjustment of \$3,013.00 from FY03 carryover for Office Manager for the completion of six (6) month probation period, ending February 2004, as per Request on file. Motion carried.

11.REQUEST APPROVED - AUTO ALLOWANCE - ENVIRONMENTAL HEALTH

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve equalization of auto allowance for two (2) employees, by transfer of funds, as per Request on file. Motion carried.

12.REQUEST APPROVED - RETIREMENT OF TIMMY MORGAN - CONSTABLE, PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart to payoff balance of Timmy Morgan medical retirement in the amount of \$6,659.00, for unused leave time from Contingency, as per Request on file. Motion carried.

13.REQUESTS APPROVED - CONSTABLE, PRECINCT #3

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

- a.Promotion of Jonathan Ray to replace Timmy Morgan which leave a surplus of \$3,940.00
- b.Transfer of George Biernesser Collections-Warrant Investigator to replace Jonathan Ray, leaving a surplus of \$1,864.00
- c.Transfer of Kent Burton from Sheriff's Department to replace George Biernesser, (new base salary is greater than the position currently funds), need \$1,041.00 additional funds
- d.Brent Nickerson to replace Scott Morgan who transferred to The Woodlands contract, (the new base salary is greater than the position currently funded), \$1,040.00 additional funding needed

as per memo on file dated March 5, 2004 from Constable Holifield. Motion carried.

AGENDA ITEM 12A5 - ANNELIESE STAFFORD TRANSFER WAS NOT DISCUSS IN COURT BY CONSTABLE HOLIFIELD.

AGENDA ITEM 12A7 - CHANGES CAUSE A NEGATIVE IMPACT ON THE BUDGET OF \$3,236.00, REQUESTING FUNDING FROM CONTINGENCY FUND - DELETED FROM AGENDA

14.FUNDS APPROVED - TRANSFER OF BRENT AKIN - CONSTABLE, PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve paying Brent Akin, (who is transferring from the Sheriff's Department to Constable, Pct. #3)

one-half of 440 hours he has accumulated in comp time at the Sheriff's Department rate. Remainder of comp time accumulated to be addressed at a later date. Motion carried. (fund from Contingency)

15.REQUEST APPROVED - TRANSFER OF POSITION - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the transfer of \$123.00 from District II Patrol Corporal Position to District III Patrol Corporal Position. Corporal Jason Montgomery base pay is \$123.00 more than Corporal Jason Moore, as per Request on file. Motion carried.

16.REQUEST APPROVED - COMPUTER PURCHASE - 9TH DISTRICT COURT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve \$633.00, to pay for a desk top computer purchased by the 9th District Court, Court Reporter, as per Request on file. Motion carried. (fund from Court Reporter Service Fund)

AGENDA ITEM 15A7 & 8 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

17.BIDS REJECTED - AUTHORIZATION TO RE-ADVERTISED - VARIOUS DEPARTMENTS AND PRECINCT #3

Motion by Commissioner Meador, seconded by Commissioner Doyal, to reject the followings bids, and to authorize the Purchasing Agent to re-advertise:

- a.moving services - Various Departments - Project #2004-0031
- b.sale of RCP pipe and accessories - pct. #3 - Project 32004-0036

Motion carried.

18.RECOMMENDATION AND CONTRACT APPROVED - NEW VEHICLES - CONSTABLE, PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the bid, (opened January 6, 2004), for five (5) 2004 Ford Police Interceptors to Anderson Ford in the amount of \$20,425.00 each, for a total of \$102,125.00, as per Contract on file. Motion carried.

19.RECOMMENDATIONS AND CONTRACTS APPROVED - STREET BLADE SIGN BLANKS - VARIOUS PRECINCTS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bids, (opened January 29, 2004), to the following Vendors:

- a.Newman Traffic Signs - retroreflective sheeting
- b.American Traffic Safety Materials, Inc. - electronically cuttable film
- c.transfer tape for EC film - American Traffic Safety Materials, Inc.

as per Contracts on file. Motion carried.

20.QUALIFICATION APPROVED - RIGHT-OF-WAY SERVICES - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the Qualifications (RFQs), opened February 13, 2004, for engineering, surveying and right-of-way services, to the following Vendors:

- Godinich Surveyors LLC - Houston, Texas
- Thomas E. lightfoot & Associates - Houston, Texas
- Paradigm Consultants, Inc. - Houston, Texas
- AEI Engineering, Inc. - Spring, Texas
- Andrew Lonnie Sikes, Inc. - Conroe, Texas
- Pinnacle Consulting Management Group - Round Rock, Tx.

HBC Terracom - Houston, Texas
 Espey Consultants, Inc. - Houston, Texas
 Cobb Fendley & Associates, Inc. - Houston, Tx.
 LJA Engineering & Surveying, Inc. - Houston, Tx.
 Burke-Kleinpeter, Inc. - Houston, Tx.
 Bleyl & Associates - Conroe, Tx.
 Huitt-Zollars - Houston, Tx.
 HTS, Inc. - Houston, Tx.
 Turner Collie & Braden, Inc. - Houston, Tx.
 QC Laboratories, Inc. - Houston, Tx.
 J. F. Thompson, Inc. - Houston, Tx.
 TSC Engineering Company - Houston, Tx.
 Landtech Consultants, inc. - Houston, Tx.
 Civil Tech Engineering, Inc. - Cypress, Tx.
 KSA Engineers - Sugarland, Tx.
 Montgomery & Associates - Houston, Tx.
 AMF Appraisal Group, Inc. - Conroe, Tx.
 JNS Inc. - Houston, Tx.
 Geotech Engineering & Testing - Houston, Tx.
 Hostetter Engineering Co. - Houston, Tx.
 Engle Surveying, Inc. - Houston, Tx.
 CFSC Continental Field Service - Springfield, Va.
 United States Right-of-Way Acquisition Co. - Highland Village, Tx.
 Jones & Carter, Inc. - The Woodlands, Tx.
 Halff Associates - Houston, Tx.
 Berg Oliver Associates, Inc. - Houston, Tx.
 CDS/Muery Services - Spring, Tx.
 CLR, Inc. - Houston, Tx.
 Dodson & Associates, Inc. - Houston, Tx.
 Dannenbaum Engineering Corp. - Houston, Tx.
 Klotz Associates, Inc. - Houston, Tx.
 American Civil Engineering Services LP - Conroe, Tx.
 HRM Consultants, Inc. - Wimberley, Tx.
 Sunland Group Houston, Tx.
 Carter & Burgess, Inc. - Houston, Tx.
 CH2M Hill - Houston, Tx.
 Raba-Kistner Consultants
 Geoscience Engineering & Materials - Houston, Tx.
 Coastal Testing Laboratories - Houston, Tx.
 Binkley & Barfield, Inc. - Houston, Tx.
 Othan, Inc. - Houston, Tx.
 Brown & Gay Engineers, Inc. - Houston, Tx.
 Pate Engineers, Inc. - Houston, Tx.
 PBS & J -Houston, Tx.

as per List of Vendors on file. Motion carried.

21. RECOMMENDATION AND CONTRACT APPROVED - LABOR TO REPAIR GLASS DAMAGE - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Chance, to award the bid, (opened February 20, 2004), to Steen Glass for labor to repair glass damage, as per Contract on file. Motion carried.

22. PROPOSAL APPROVED - SURVEYING SERVICES - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Proposal from Engle Surveying for additional surveying services for the South County Library for a fee of \$1,530.00, as per Proposal on file. Motion carried. (fund from library bond monies)

23. PROPOSAL APPROVED - APPRAISAL SERVICES - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Proposal from Cervenka & Associates, Inc., for appraisal services for Pruitt Rd. and Budde Rd., project for a fee not to exceed \$18,600.00, as per Proposal on file. Motion carried. (fund from 02' road bonds)

24. PROPOSAL APPROVED - TOPOGRAPHIC SURVEY - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Proposal from Halff Associates, Inc., for topographical surveying services for the East County Library for a fee of \$6,000.00, as per Proposal on file. Motion carried. (fund from library fund)

25. PROPOSAL APPROVED - ENDANGERED SPECIES SURVEYING SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the proposal from HNTB Corporation for endangered species surveying services for FM1488 from FM2978 to Waller county line for a fee not to exceed \$22,444.33, as per Proposal on file. Motion carried. (03' road bonds - leverage)

26. RESOLUTION APPROVED - REHABILITATION OF VARIOUS BRIDGES - PRECINCTS #1 AND #2

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Resolution with TxDot to replace or rehabilitate structurally deficient and functionally obsolete bridges at the following locations: Old Hwy. 105 at Caney Creek, Mary Wagner Rd. at Hostetter Creek, Boars Head Rd. at un-named Draw and Jackson Rd. at Lake Creek Draw, as per Resolution on file. Motion carried.

27. FUNDING AGREEMENT APPROVED - TXDOT PROJECT - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Local Transportation Project Advance Funding Agreement Congestion Mitigation and Air Quality Program Category 5 with TxDot providing funds for Lake Woodlands and Grogan's Mill/Sawdust signal upgrade and synchronization project, as per Agreement on file. Motion carried. (fund from 02' Bond funds)

28. REQUEST APPROVED - ADDITIONAL CABLING - NEW ANNEX BUILDING

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the additional telephone/data cabling in the amount of \$4,542.60 from Graybar for the new annex building. Motion carried. (fund from bond monies)

29. REQUEST APPROVED - ADDITIONAL FUNDS - COURTHOUSE SECURITY SYSTEM - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve additional funds in the amount of \$415.00 to sonitrol for yearly maintenance fees of \$1,020.00 for the Courthouse and annex security system, as per Request on file. Motion carried.

30. REQUEST APPROVED - ARCHITECTURAL DESIGN SERVICES - AIRPORT

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the architectural design services for the Election Central remodeling project. Motion carried. (no paperwork).

31.REQUEST APPROVED - EMERGENCY REPAIR TO A/C UNIT - AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Chance, to authorize the emergency repair of an air conditioning unit for the Flight Service Center located at the Airport in the approximate amount of \$70,000.00, as per Request on file. Motion carried. (fund from Airport capital project fund)

32.RESOLUTION AND ORDER APPROVED - INDEMNIFICATION FOR ELECTED AND APPOINTED OFFICIALS - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution and Order to indemnify all elected and appointed officers of Montgomery County against personal liability for the loss of County funds, or loss of or damage to personal property, incurred by and any such officer in performance of official duties on or after December 1, 2003, as per Resolution and Order on file. Motion carried.

33.REQUEST APPROVED - INCREASE OF SPEED LIMIT - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve increasing the speed limit to 50 mph on Cedar Lane from County Line Road to FM1484, rather than 40 mph, as per Notice on file. Motion carried.

34.REQUEST APPROVED - PLACEMENT OF STOP SIGNS - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the placement of stop signs at the following locations in River Plantation:

- a.stop sign on Bull Run at Ravensworth
- b.stop sign on Fort Sumpter at Ravensworth
- c.stop sign on Mobile Court at Stonewall Jackson Drive
- d.stop sign on Endicott Lane at Charter Oaks Drive
- e.stop sign on Woodstock Lane at Charter Oaks Drive
- f.stop sign on Melmont Lane at Charter Oaks Drive
- g.stop sign on Hampton Hall Lane at Cumberland Trail
- h.stop sign on Charter Oaks Drive at Forest Lane

as per Notice on file. Motion carried.

35.REQUEST APPROVED - PLACEMENT OF STOP SIGN - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the placement of a stop sign on Amara Court at Tangle Brush, located in the Village of Panther Creek, Section 6, The Woodlands, as per Request on file. Motion carried.

36.REQUEST APPROVED - RIGHT-OF-WAY DEDICATION - PRECINCT #4

REQUEST APPROVED - PLACEMENT OF STOP SIGNS - PRECINCT #4

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

- a.approve proposed plat of Kellyn Oaks, Danika Drive right-of-way dedication
- b.approve placement of stop signs at all "T" intersections in

Country Estates (List on file of all intersections)

as per Requests on file. Motion carried.

37.REQUEST APPROVED - REPAIRS OF STREETS - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to proceed with repairs and replacement of pavement at the intersection of Grogans Mill and North Millbend and the intersection of Gosling Road and Shadowbend Drive, in accordance with an Interlocal Agreement dated June 14, 2001, between Montgomery County and San Jacinto River Authority Board (SJRA), as per Request on file. Motion carried.

38.ORDER APPROVED - PURCHASE OF REAL PROPERTY AND SPECIAL COMMISSIONERS APPOINTMENTS - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to authorize research into the proposed purchase of real property and the appointment of Special Commissioners to conduct purchase of two tracts of land in connections with the Riley Fuzzzel Road construction project, as per Order on file. Motion carried.

39.ORDER APPROVED - ROAD ACCEPTED BY PRESCRIPTIVE RIGHTS - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve an Order to accept an additional 216 feet of Lazy Lane Rd., located in Wood Hollow Subdivision, by prescriptive rights, as per Order 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 Claims of Phyllis Traylor and Pamela Hernandez (Section 551.071)
2. Discuss Caruthers vs. City of Houston, Texas Department of Public Safety, and Montgomery County, Texas (Section 551.071)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

40.REQUEST APPROVED - COURT RECORDER POSITION - COUNTY COURT AT LAW #3

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Court Recorder Position at a salary of \$56,948.06 annually, as requested by Judge Martin. Also, to authorize the County Auditor to sweep any monies remaining for the Court Reporter's position and place into Contingency, as per Request on file. Motion carried.

41.PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following Payroll Change Requests:

request of County Court at Law #3 to transfer Joanne Kay Bergh from Court Administrator to Court Recorder, effective March

1, 2004

request of Commissioner, Pct. #2 to place Madeline Underwood,
Part-time Secretary, on payroll, effective February 25, 2004

request of Commissioner, Pct. 3 to promote Justin Key from
Grounds Maintenance to Signal Technician, effective February
28, 2004

request of Commissioner, Pct. #3 to promote David Scardino from
Driver to Signal Technician I, effective February 28, 2004

request of County Attorney to correct the resignation of Robert
Rosenquist, Senior Litigation Attorney to February 27, 2004

request of District Clerk to accept the resignation of Guadalupe
Salazar, Manager, effective March 1, 2004, with 103.20
vacation hours due

request of Elections Administrator to place May Stephens,
Temporary Voters Clerk, effective February 28, 2004

request of Environmental Health to increase the salary of Miriam
Huerta, Office Manager, effective February 28, 2004,
due to probation period completed

request of Environmental Health to accept the resignation of
Stacy Morgan, Building Permit/Flood Plain Clerk, effective
March 5, 2004

request of Environmental Health to place Scott Nichols,
Designated Representative in Training, on an annual auto
allowance, effective February 14, 2004

request of Extension Services to discharge Tracey V. Dean, 4-H
Program Assistant, effective March 3, 2004, with 56.68
vacation hours due

request of Juvenile Probation to accept the resignation of Raven
Burns, Substitute Detention Officer, effective February 22,
2004

request of Juvenile Probation to place Laurie Denise Ingram,
Juvenile Probation Officer, (replacement for Joyce
Politoski), effective March 1, 2004

request of Library Director to accept the resignation of Sarah
Crone, Catalog Technician, effective March 5, 2004

request of Library Director to place Lerna Hansel from Part-time
Assistant II to Full-time Library Assistant, (replacement
for Beverly Norris), effective March 1, 2004

request of Library Director to accept the resignation of Cindy
Lou Reed, Library Assistant II, effective March 12, 2004,
with 6.16 vacation hours due

request of Sheriff's Department to promote Aaron Lozano from
Detention Officer II to Detention Deputy, (replacement for
Kent Burton), effective March 1, 2004

request of Sheriff's Department to accept the resignation of
Derek McGhee, Detention Officer II, effective March 12,
2004, with 55.9000 vacation hours due, 3.7500 comp time
hours due and 40.000 holiday hours

request of Sheriff's Department to transfer Timothy Montgomery
from District II, Patrol Corp. to District III, Patrol

Corp., (replacement for Jason Moore), effective February 28, 2004

request of Sheriff's Department to transfer Jason Moore from District III, Patrol Corp. to District II Patrol Corp. (replacement for Timothy Montgomery), effective 02-28, 2004

request of Sheriff's Department to place Paula P. Pugh, Accountant, effective March 1, 2003

request of Sheriff's Department to place Patricia Rogers, Dispatcher, (replacement for Shelley Rowe), on payroll, effective March 8, 2004

request of Tax Assessor/Collector to accept the retirement of Delores McDole, Branch Office Manager, effective February 27, 2004, with 58.06 vacation hours due and .25 comp hours

request of Tax Assessor/Collector to increase the salary of Ryan McKinnies, Deputy Specialist I, effective March 1, 2004, due to probation period completed

request of Tax Assessor/Collector to discharge Wanda Wilson, Deputy Specialist II, effective February 24, 2004, with 89.36 vacation hours due and 2.50 comp hours due

as per Payroll Change requests on file.

42.COURT ADJOURNS

Motion by Commissioner Meador, seconded by Commissioner Chance, 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