

COMMISSIONERS' COURT DOCKET, MARCH 10, 2003  
REGULAR SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

Be it remembered that on this the 10th day of March, 2003, 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 - Absent  
Also - Alice Drake, County Clerk's Office

INVOCATION GIVEN BY COMMISSIONER ED CHANCE.

PLEDGE OF ALLEGIANCE WAS 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.

2. RESOLUTION APPROVED - MONTGOMERY COUNTY ECONOMIC IMPROVEMENT DISTRICT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Resolution to support the formation of the Southwest Montgomery County Economic Improvement District, as per Resolution on file. Motion carried.

EMPLOYEE COMMITTEE - AGENDA ITEM 5B - "EMPLOYEE OF THE MONTH" PRESENTATION

Vanessa Atkinson, was selected "Employee of the Month" for March, 2003, by the Employees' Committee. Patti Maginnes, District Attorney's Office, read the nominating letter. Vanesse was presented with a plaque and a gift certificate from the Employees' Committee.

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

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for February 24, 2003, and March 3, 2003, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 7A THROUGH 7H

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. Animal Control - to adjust line items

2. Commissioner, Pct. #3 - to recognize/allocate contribution form Rayford - Richard Property LP
3. Constable, Pct. #2 - to recognize/allocate surplus revenue
4. Constable, Pct. #4 - to adjust line items
5. District Attorney - to recognize/allocate juror donations
6. Elections Administrator - to recognize/allocate reimbursement from State
7. Emergency Management - to fund shortage in restricted line
8. Environmental Health - to adjust line items
9. Juvenile Probation - Local - to recognize/allocate grant proceeds
10. Sheriff/Risk Management - to recognize/allocate reimbursement for Unit 716
11. Tax Assessor/Collector - to transfer funds to cover release #255810
12. Tax Assessor/Collector - to transfer funds to cover release #256615

as per Budget Amendments on file.

- c. OFFICIALS' FEES REPORT approved, for the month of December 2002, as audited by the County Auditor, as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 7B

- a. WEEKLY INVESTMENT REPORT approved, for the week of March 3, 2003, through March 7, 2003, as per Report on file.
- b. FINANCIAL REPORT approved, for the month of January, 2003, as per Report on file.

AGENDA ITEM 7B3 - PLEDGES AND/OR RELEASE OF COLLATERAL - THERE WERE NO PLEDGES AND/OR RELEASES SUBMITTED THIS COURT SESSION.

PURCHASING DEPARTMENT - AGENDA ITEMS 7C1

- a. AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS AND/OR PROPOSALS:
  1. X-Ray Services - Jail Division
- b. BIDS/PROPOSALS acknowledged, as follows:
  1. RFP Technical Services - County Clerk -Project #2003-0050 (bids opened 3-4-03)
  2. Computer, Printer and Copier Repair, Parts and Labor - CIS - Project #2003-0048 (bids opened 3-5-03)
- c. RENEWAL CONTRACT approved, as follows:
  1. Bank of America - PO#20023345 - Merchant Card Services - Various Departments
- d. REQUEST approved, from Animal Control to dispose of approximately 122 bottles of expired vaccines on site, as per Request on file.

- e. CHANGE ORDER #13 approved, PO#2001117, to Willis Pest Control for pest control services - Various Departments
- f. CHANGE ORDER #4 approved, PO#2002297, to Gaylord Brothers, Inc. for Library Specialties.
- g. CONTRACT EXTENSION approved, with Harris County for autopsy/use of morgue facilities, as per Request on file.
- h. CONTRACTS approved, from Walter Y. Quijano, Ph.D., P.C. and Peggy Heath, MS., LPC/Mental Health Resource Center for the 5 Phase Treatment Program (5PTP) - Drug Court, as per Contract on file.
- i. PAYMENT AND PERFORMANCE BONDS acknowledged, as follows:
  - 1. Statewide Traffic Signal Company - for traffic signal installation on Lake Robbins Road at Six Pines Drive, Pct. #3 (PO#2003242), in the amount of \$117,614.00 each;
  - 2. Statewide Traffic Signal Company - for traffic signal installation on Research Forest Drive at Bear Branch Park, Pct. #3, (PO#2003226), in the amount of \$95,677.00 each;
  - 3. Statewide Traffic Signal Company - for traffic signal installation on Research Forest Drive at Green Bridge Drive, Pct. #3, (PO#2003225), in the amount of \$84,322.00,

as per Bonds on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEM 7D1

- a. ORDER approved, to allow the partial lot conveyances without a replat in Western Hills Commercial Development, Section 2, as per Order on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 7D2

- a. ORDER approved, to acknowledge receipt of Replacement Letter of Credit No. 289, (Letter of Credit No. 284 to be released), for the account of Forest West Subdivision, Section 1, as per Order on file.
- b. ORDER approved, to authorize the abandonment of a 20' utility easement along with a 5' by 20' aerial easement that exists along the centerline between Lots 123 & 124, Block 2 of Lake Creek Forest, Section 1, as per Order on file.
- c. ORDER approved, to acknowledge receipt of a check in the amount of \$12.00, from Larry Cochrell for lease of Lot 44, Woodhaven, Section 2, as per Order on file.
- d. AGREEMENT approved, to authorize the placement of improvements within the right-of-way of Hardin Store Road, by the Village of Decker Oaks Community Association, as per Agreement on file.
- e. ORDER approved, to authorize the County Judge to sign draws on Maintenance Bonds with Surety, against Triple L. Sales & Development, Inc. for Street Dedication Plats of Fish Creek Thoroughfare Phase 1, Phase II, and Elk Trace Golf Estates, Section 1, as per Order on file.

- f. CORRECTION approved, to the Montgomery County Road Log to reflect the liner footage of county maintenance of the following roads:

| ROAD NAME       | LINEAR FOOTAGE |
|-----------------|----------------|
| Red Oak Lane    | 1,190          |
| Red Oak Hollow  | 1,010          |
| Oak Hollow      | 500            |
| Red Oak Drive   | 1,555          |
| Tall Pines Road | 987            |
| Pines Trail     | 983            |
| Virginia Place  | 862            |
| Kingsley Court  | 850            |
| Angela Drive    | 927            |

- g. FINAL PLAT approved, for Forest West Subdivision, Section 2, consisting of 9.250 acres, 33 lots, as per Plat on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 7D3

- a. SANITARY CONTROL EASEMENT approved, to Montgomery County WC&ID No. 1, for property described as Lot 202 Timber Lakes, Section 3A, as per Easement on file.
- b. FINAL PLAT approved, for Metro Center, Section 50, consisting of 2.3601 acres, as per Plat on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 7D4

- a. ORDER approved, to authorize the purchase of right-of-way for the F.M. Highway 1314 Widening Project, from Mahdeen Thedford, Porter, Texas, in the amount of \$12,269.00, as per Order on file.
- b. ROADS accepted, BOND released, in Lone Star Ranch Subdivision, Section 3, into the County Road System, consisting of 10,044.30 l.f. and 1.9 miles. Also, to release the Bond, as per Request on file.

DISTRICT CLERK - AGENDA ITEMS 7E

- a. DEPUTATIONS approved, for Celeste Rigsby and Regina Land, Deputy District Clerks, as per Deputations on file.

SHERIFF'S DEPARTMENT - AGENDA ITEM 7F

- a. REPORT acknowledged - Racial Profile Annual Report for Year 2002, as submitted by the Sheriff's Department, as per Report on file.

CONSTABLE, PRECINCT #5 - AGENDA ITEM 7G

- a. REPORT acknowledged - Racial Profile Annual Report for Year 2002, as submitted by Constable, Precinct #5, as per Report on file.

CONSTABLE, PRECINCT #3 - AGENDA ITEM 7H

- a. REPORT acknowledged - Racial Profile Annual Report for Year 2002, as submitted by Constable, Precinct #3, as per Report on file.

Motion carried.

## END OF CONSENT AGENDA

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5. ORDER APPROVED - ISSUANCE OF CERTIFICATES OF OBLIGATIONS/SERIES 2003 - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to authorize the publication of Notice of Intention to Issue Certificates of Obligations, Series 2003, as per Order on file. Motion carried.

6. CARRYOVER OF FUNDS APPROVED - 2002 BUDGET FUNDS UNUSED - VARIOUS DEPARTMENTS

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the Carryover of unused FY2002 Budget Funds for Various Departments, as follows:

|    |                           |              |
|----|---------------------------|--------------|
| a. | County Court at Law No. 4 | \$ 438.00    |
| b. | District Attorney         | \$ 8,426.00  |
| c. | District Clerk            | \$40,238.00  |
| d. | Drug Court                | \$31,334.00  |
| e. | Parks                     | \$25,000.00  |
| f. | Civic Center              | \$30,085.00  |
| g. | Juvenile Probation        | \$103,767.00 |
| h. | County Engineer           | \$ 17,000.00 |
| i. | Library                   | \$128,748.00 |

|                               |              |
|-------------------------------|--------------|
| Originally Requested Amounts: | \$553,544.00 |
| Reduced Requested Amounts:    | \$385,036.00 |
| Amount put in General Fund:   | \$168,508.00 |

as per Requests and List on file. Motion carried.

AGENDA ITEM 9 - JUSTICE OF THE PEACE, PCT. #1 - TRANSFER FUNDS TO JP'S BUDGET TO BUILD A STORAGE AREA - REMOVED FROM AGENDA

7. REQUEST DENIED - COMPENSATION PAY - JUSTICE OF THE PEACE - PRECINCT #4

Motion by Commissioner Meador, seconded by Commissioner Chance, to deny the Request of Justice of the Peace, Pct. #4, for compensation pay to Brian Stanley, in the amount of \$900.00, as per Request on file. Motion carried.

8. CARRYOVER OF FUNDS - FISCAL YEAR 2003 BUDGET - ANIMAL CONTROL

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Carryover of \$2,400.00, from FY2002 Animal Control Budget to their FY2003 Budget, as per Request on file. Motion carried.

9. REQUEST APPROVED - CREDIT CARD PAYMENT - CONVENTION CENTER

Motion by Judge Sadler, seconded by Commissioner Chance, to authorize the Lone Star Convention & Expo Center and the Montgomery County Park, to accept payment of fees by credit card without requiring collection of a fee, as per Request on file. Motion carried.

10. VARIANCE APPROVED - REPLACEMENT OF SEPTIC SYSTEM - PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve a variance to replace a malfunctioning septic system with an aerobic septic system in the flood plain 18086 Split Oak Circle, New Caney, for Stephanie Bishop, as per Request on file. Motion carried.

11. VARIANCE APPROVED - REPLACEMENT OF SEPTIC SYSTEM - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a variance to replace a malfunctioning septic system with an aerobic septic system in the flood plain at 2061 Pine Acres Rd., Conroe, as per Request on file. Motion carried.

12. VARIANCE APPROVED - REPLACEMENT OF SEPTIC SYSTEM - PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a variance to replace a malfunctioning septic system with an aerobic septic system in the flood plain at 10670 Copperhead, Conroe, as per Request on file. Motion carried.

13. VARIANCE APPROVED - REPLACEMENT OF SEPTIC SYSTEM - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a variance to replace a malfunctioning septic system with an aerobic septic system in the flood plain at 26535 FM2978, Magnolia, as per Request on file. Motion carried.

14. PAYMENT APPROVED - INTERNET FILTERING SERVICE - LIBRARY DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve funding for a 3-year extension of it iPrisim Solution Subscription for internet filtering, at a cost of \$4,676.00, (to be funded from Library Budget), as per Request on file. Motion carried.

15. APPOINTMENT APPROVED - POOL COORDINATOR - RISK MANAGEMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following Requests from Risk Management Director:

- a. to appoint Dennis McMahon, Risk Management Director, as the day to day contact and the pool coordinator for the Texas Association of Counties, as per Request on file, and;
- b. to add a full time position of Receptionist/File Clerk to Risk Management Department, at a salary of \$23,000.00 annually

as per Requests on file. Motion carried.

AGENDA ITEMS 16A3,4,5, & 6 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

16. RECOMMENDATION AND CONTRACT APPROVED - VEHICLE BATTERIES - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Chance, to award the bid, (opened January 30, 2003), for vehicle batteries, to O'Reilly Auto Parts, as per Contract on file. Motion carried.

17. RECOMMENDATION AND CONTRACT APPROVED - PORTLAND CEMENT CONCRETE - PRECINCT #4

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened February 14, 2003), to Portland Cement Concrete Class "A" (5-sack), to Campbell Concrete & Materials, L.P., as per Contract on file. Motion carried.

18. RECOMMENDATION AND CONTRACT APPROVED - NEW 2002/2003 VEHICLES - PRECINCT #4

Motion by Commissioner Doyal, seconded by Commissioner Chance, to award the bid, (opened October 30, 2002), to Lawrence Marshall for two (2) 2003 Chevrolet trucks, in the amount of \$15,496.00 for a total of \$30,992.00, as per Contract on file. Motion carried.

19. PROPOSAL APPROVED - JGD ENGINEERING AND SURVEYING, INC. - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Proposal from JGD Engineering and Surveying, Inc., for preliminary surveying for the proposed realignment of Coleman Rd. at FM1774 for a fee of \$1,200.00, as per Proposal on file. Motion carried.

20. CHANGE ORDER #3 APPROVED - SMITH AND COMPANY - PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Change Order #3, PO#2002379, to Smith and Company for changes and a price increase on the Mett Road Project, as per Change Order on file. Motion carried.

21. PROPOSAL APPROVED - GEOTECHNICAL SERVICES - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Proposal from Geotech Engineering and Testing for geotechnical services for the replacement of Jackson Rd. bridge for a fee of \$4,984.50, (fund from Bond monies), as per Proposal on file. Motion carried.

22. REQUEST APPROVED - HIRING CONSULTING SERVICE - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the hiring of Bob Lindburg with Central Consulting Service, to go forward with the first phase of a comprehensive space management plan of county facilities, at a cost of \$160,000.00. Motion carried. Judge Sadler "opposed" to the space and facility plan - (Contract to follow at a later date)

23. REQUEST APPROVED - REIMBURSEMENT OF FUNDS - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the reimbursement of County Attorney's Administration fund account for seminar registration, as per Request on file. Motion carried.

## 24. REQUEST APPROVED - TRANSFER OF FUNDS - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the transfer of funds for the reimbursement of litigation expenses in the Foster vs. Montgomery County lawsuit, as per Request on file. Motion carried.

## 25. RESOLUTION AND ORDER APPROVED - SUPPORT OF NINTH CIRCUIT COURT OF APPEALS - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to authorize a Resolution and Order in support of the Ninth Court of Appeals creating a satellite office in Montgomery County, as per Resolution and Order on file. Motion carried.

## 26. TAX ABATEMENT AGREEMENT APPROVED - HALLIBURTON COMPANY AND SCP 2002F L.P. - PRECINCT #4

Motion by Judge Sadler, seconded by Commissioner Meador, to approve a Resolution and Order to authorize the execution of a Tax Abatement Agreement between Montgomery County and Halliburton Company and SCP 2002F L.P., a Texas Limited Partnership, as per Agreement on file. Motion carried.

## 27. INTERLOCAL AGREEMENT APPROVED - TEXAS ENGINEERING EXTENSION SERVICE - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an Interlocal Agreement between Montgomery County and the Texas Engineering Extension Service, for the purchase of used tires from fleet operations at the Montgomery County Sheriff's Department, as per Agreement on file. Motion carried.

## 28. ORDERS APPROVED - ROADS ACCEPTED BY PRESCRIPTIVE RIGHTS - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Orders to accept Roads located in Walden Subdivision by Prescriptive Rights:

- a. Section 10, Recorded in Cabinet B, Sheet 9, Map Records of Montgomery County
- b. Section 11, Recorded in Cabinet B, Sheet 185, Map Records of Montgomery County
- c. Section 14, Recorded in Cabinet C, Sheet 4, Map Records of Montgomery County

as per Orders on file. Motion carried.

## 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:

1. Consider and Discuss Claim of David Park
2. Consider and Discuss Claims of Pam Hernandez and Phyllis Traylor
3. Consider and Discuss Claims of Michael Roger Smith and Earl Van Jones

COURT RECONVENED WITH ALL MEMBERS OF THE COURT WERE PRESENT, EXCEPT COMMISSIONER RINEHART.

29. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of County Court at Law #3 to place Valerie J. Walters, Probate Assistant, (replacement for Bonnie Tidwell), on payroll, part-time, effective March 4, 2003

request of Collections to increase the salary of Melissa Bridges, Collection Specialist, due to increase in responsibilities, effective March 3, 2003

request of Constable, Pct. #1 to increase the salary of Timothy Cade, Deputy, effective March 1, 2003, due to merit increase

request of Constable, Pct. #1 to change position of Paul Hubbard, Deputy, (replacement for Johnny Walker), effective March 1, 2003

request of Constable, Pct. #1 to place James R. Loggins, Deputy, (replacement for Paul Hubbard), on payroll, effective March 8, 2003

request of Constable, Pct. #1 to promote Johnny Walker from Deputy to Sergeant, (replacement for Boyd Crabtree), effective March 1, 2003

request of County Attorney to accept the resignation of Katie Wiggins, Part-time Clerk, effective March 7, 2003

request of Justice of the Peace, Pct. #4 to place Jane Landers, Clerk I, on payroll, (replacement for Robin Prestridge), effective March 17, 2003

request of Justice of the Peace, Pct. #4 to place Jackie Sherrouse, Clerk I, on payroll (replacement for Saadia Burke, effective March 6, 2003

request of Library Director to accept the resignation of Margaret Jacobson, Library Assistant II, effective March 3, 2003

request of Library Director to place Jessica Siegrist, Reference Librarian I, on payroll, (replacement for Daniel Schwartz), effective March 10, 2003

request of Sheriff's Department to bridge the time of Deandra Burnaman, Administrative Secretary, effective February 18, 2003

request of Sheriff's Department to place Rebecca Duvall, Temporary Data Clerk, on payroll, effective March 5, 2003

request of Sheriff's Department to promote Walter Dziekonski from Detention Officer I to Detention Officer II, effective March 15, 2003, due to one year probation period completed

request of Sheriff's Department to promote Judy Gonzales from Detention Officer I to Detention Officer II, effective March 1, 2003, due to one year probation period completed

request of Sheriff's Department to promote Takeya Johnson from CJR Specialist I to CJR Specialist II, effective March 15, 2003, due to one year probation period completed

request of Sheriff's Department to promote Roslyn McLemore from Detention Officer I to Detention Officer II, effective March 1, 2003, due to one year probation period completed

request of Sheriff's Department to promote Jessie Todd from CJR Specialist I to CJR Specialist II, effective March 15, 2003

request of Sheriff's Department to promote Derek Trott from Detention Office I to Detention Officer II, due to one year probation period completed

request of Tax Assessor/Collector to place Larry Petro, Data Processing Manager, (replacement for John Satterfield), on payroll, effective March 1, 2003

as per Payroll Change Requests on file. Motion carried.

30. 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