

COMMISSIONERS' COURT DOCKET, MAY 10, 2004
REGULAR SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 10th day of May, 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 DAVID WALKER, COUNTY ATTORNEY

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1.COMMISSIONERS' COURT AGENDA APPROVED

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

ERIC YOLLIK, ATTORNEY, ADDRESSED THE COURT TO DISCUSS SOME OF THE ISSUES CONCERNING THE MONTGOMERY COUNTY HOSPITAL DISTRICT.

2.PROCLAMATION APPROVED - "FIBROMYALGIA ASSOCIATION"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to proclaim May 12, 2004, as Fibromyalgia Awareness Day in Montgomery County, and to urge all citizens to support the search for a cure for this illness, as per Proclamation on file. Motion carried.

3.PROCLAMATION APPROVED - "TRI-COUNTY MENTAL HEALTH MONTH"

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a Proclamation to recognize the month of May, 2004, as "Mental Health Month", in Montgomery County, as per Proclamation on file. Motion carried.

AGENDA ITEM 6C - RESOLUTION AND GRANT APPLICATION FOR DRUG COURT - DEFERRED

4.RESOLUTION APPROVED - "NATIONAL DRUG COURT MONTH"

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve a Resolution to proclaim the month of May, 2004 as "National Drug Court Month, as per Resolution on file. Motion carried.

EMPLOYEE OF THE MONTH - AGENDA ITEM 6E

KEITH CHILEK, CIS Employee, was nominated as "Employee of the Month". Keith's nominating letter was written by an employee of the Montgomery County Library, and was read by the Library Director. Keith was awarded with a plaque and a gift certificate from the Employees' Committee.

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

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Commissioners' Court Minutes for April 19, 2004, as presented by the County Clerk. Motion carried.

6. DEPUTATION APPROVED - DONNA WALTERS, DEPUTY COUNTY CLERK

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Deputation of Donna Walters, Deputy County Clerk, as per Deputation on file. Motion carried.

7. CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8K

Motion by Commissioner Chance, seconded by Commissioner Rinehart, 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 presented by the County Auditor:

1. 410th District Court - to adjust line items to cover release 276861
2. Airport Maintenance - to adjust line items
3. Building Custodial Services - to adjust line items
4. Capital Project-Road Bonds 02 - to transfer funds to cover increased right-of-way costs
5. CDBG (1 of 3) - to adjust line items to cover shortage in benefits
6. CDBG (2 of 3) - to adjust line items to cover shortage
7. CDBG (3 of 3) - to adjust line items
8. Commissioner, Pct. #2 - to recognize and to allocate reimbursement from Bluegreen
9. Commissioner, Pct. #3 (1 of 3) - to recognize and to allocate reimbursement from Joe Hofferek
 10. Commissioner, Pct. #3 (2 of 3) - to recognize and to allocate reimbursement from Ronald David
 11. Commissioner, Pct. #3 (3 of 3) - to recognize and to allocate reimbursement from Michelle Poe
12. Communication Information Services - to transfer funds for material to build furniture
13. Constable, Pct. #1 (1 of 2) - to transfer funds to build furniture
14. Constable, Pct. #1 (2 of 2) - to recognize and to allocate reimbursement for security at dam site
15. Constable, Pct. #4 - to transfer funds to cover release 276706
16. County Auditor - to adjust line items
17. Court Collections - to adjust line items
18. Justice of the Peace Pct. #1 - to transfer funds to build shelves
19. Justice of the Peace Pct. #4 - to adjust line items
20. Justice of Peace Pct. #4 (2 of 2) - to adjust line items to fund overtime
21. Juvenile Probation - to recognize and to allocate reimbursement from State for November 3rd
22. Risk Management (1 of 6) - to transfer funds to cover damage to fence
23. Risk Management (2 of 6) - to transfer funds to cover Shugart/Tidwell damage claim
24. Risk Management (3 of 6) - to transfer funds to cover 3/30/04 damage claim #SO40047
25. Risk Management (4 of 6) - to transfer funds to cover damage claim A040043
26. Risk Management (5 of 6) - to recognize and to allocate reimbursement for damage to Unit C-580

- 27.Risk Managemetn (6 of 6) - to transfer funds to cover Jesus Ponce damage claim
- 28.Sheriff/Auto Theft (1 of 2) - to adjust line items
- 29.Sheriff/Auto Theft (2 of 2) - to recognize and to allocate donation from Texas Rental Association
- 30.Sheriff (1 of 4) - to transfer funds to cover PO24504539
- 31.Sheriff (2 of 4) - to adjust line items
- 32.Sheriff (3 of 4) - to adjust line items
- 33.Sheriff (4 of 4) - to transfer funds to build a storage bin
- 34.Tax Assessor/Collector - to recognize and to allocate anticipated revenue from litigation
- 35. Various - to transfer funds to cover shortage in restricted line

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 8B

- a.WEEKLY INVESTMENT REPORT approved, for the week of April 19-23, 2004, as per Report on file.

AGENDA ITEM 8B2 - WEEKLY INVESTMENT REPORT FOR WEEK OF MAY 3-7-, 2004 - REMOVED FROM AGENDA

- b.FINANCIAL REPORT approved, for the month of February, 2004, as per Report on file.
- c.MONTHLY PLEDGED COLLATERAL REPORT approved, for the month of April, 2004, as per Report on file.
- d.QUARTERLY INVESTMENT REPORT approved, for period January, 2004, through March, 2004, as per Report on file.
- e.CERTIFICATE OF COMPLIANCE acknowledged, for Martha Gustavsen, County Treasurer, for successfully completed 42.24 hours of education, issued by the County Treasurers' Association of Texas, as per Certificate on file.
- f.CERTIFICATE OF COMPLIANCE acknowledged, for Martha Gustavsen, County Treasurer, for successfully completed 30 hours of education, issued by the County Treasurers' Association of Texas, as per Certificate on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a.REQUEST approved, to void a Tax "Re-sale" on property that was double assessed in error in 1970, and approve refunding the Purchaser, Tonya Hill, \$2,500.00, as per Request on file.
- b.BOND accepted, for John Wiesner, Tag Agent, Bond #18307504, in the amount of 100,000.00, as per Bond on file.
- c.BOND RIDER accepted, for John Wiesner, Tag Agent, Bond #18307504, to increase the penalty of bond from \$50,000.00 to \$100,000.00, as per Bond on file.
- d.BOND RIDER approved, #285017564, to change store location from 1100 W. Dallas to 6700 Woodlands Parkway, The Woodlands, Tx, as per Bond on file.

e. MONTHLY TAX COLLECTION REPORT approved, for the month ending April 30, 2004, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, AS FOLLOWS:

1. Construction of Libraries - Pct. #3 and #4
2. Locks/Locksmith Services - Various Departments
3. On-Line Auction - Pct. #3 and District Attorney

b. BIDS/PROPOSALS accepted, as follows:

1. Pharmaceutical - Sheriff's Department Jail Division - Project #2004-0053 (opened 4-27-04)
2. Automotive Filters - Various Departments - Project #2004-0058 (opened 4-28-04)

c. RENEWAL CONTRACTS approved, for the following:

1. Bexar Co/E-Purchasing System - PO#2003367 - for Interlocal Agreement with Bexar County for Electronic Purchasing Document Distribution System - Purchasing Dept.
2. Amtech Elevator Services - PO#2003367 - for elevator maintenance - Various Department
3. Hart Intercivic - PO#2002435 - for printing of ballots - Elections Central

as per Request on file.

d. REQUEST approved, to cancel PO#2003346, to Devon Gas Services LP for leasing space on the County Radio Tower, effective June 29, 2004, as per Request on file.

e. CHANGE ORDER #3 approved, PO#2003265, to Smith and Company for rehabilitation of roads with 2" hotmix provided by TxDot at 6.25 per square yard, as per Request on file.

f. CHANGE ORDER #1 approved, PO#2004315, to Bits Technical Corp., to add various items to the New Personal Computers and Accessories contract, as per Change Order on file.

g. CHANGE ORDER #1 approved, PO#2004085, to SBC Southwestern Bell for changes to the long distance telephone service contract, as per Change Order on file.

h. PAYMENT AND PERFORMANCE BONDS approved, for the design-build of Library, Precinct #1, for Fairweather Group LLC, in the amount of \$1,500,000.00 each, as per Bonds on file.

i. NAME CHANGE approved, to change Symphony Mobilex to Mobilexusa, as per Request on file.

j. NAME CHANGE approved, to change Raymond Jacob Martinez dba Circle M Lawn Service to Duane Leach dba Circle M Lawn Service, as per Request on file.

k. NAME CHANGE approved, to change TXU Communications Telephone to Consolidated Communications, Inc., as per Request on file.

l. SUBSTANTIAL COMPLETION accepted, for the completion of the new Annex/Administration Building, as presented by GTT,

Inc. Contractor.

- m. NAME CHANGE approved, and CHANGE ORDER #4 approved, to change Netview Technologies, Inc. to Elinear Solutions. Also, to approve Change Order #4, PO#2004-126 to reflect a price change noted in memo dated May 10, 2003 on file.
- n. CANCELLATION approved, for PO#2003280, to Compliance Drug & Paternity Testing, for drug testing for Juvenile Services, as per Notice on file.
- n. SALE approved, to sell shelving from the District Attorney's office, by on-line auction, as per Request on file.
- o. CHANGE ORDER #1 approved, PO#2004171, to Gowan Inc., to add the pay scale to the Labor to the Master Plumber Services Contract, as per Change Order on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

- a. REAPPOINTMENTS acknowledged, for the following to serve on the Board of Commissioners for the Montgomery County Emergency Services District #2 Board:

Noveda Metzger
Donald Timmerman
Henry Burton
Ted Granhold
David Francis

as per Request on file.

- b. ROAD accepted, in the Montgomery ISD New Elementary No. 1, consisting of 956.83 l.f., .18 miles, into the one year maintenance period, effective May 10, 2004, as per Request on file.
- c. PUBLIC HEARING DATE set, for June 7, 2004, to change the name of Forest Road 209 to Taliaferro Road, (from Bays Chapel Road, East to the existing Taliaferro Road), as per Notice on file.
- d. ORDER approved, for drainage work at the intersection of Wildcat Drive and Campbell Street, in accordance with an Interlocal Agreement dated October 24, 1994, between Montgomery County and the City of Willis, as per Order on file.
- e. ORDER approved, for drainage work at the intersection of Wildcat Drive and Campbell Street, in accordance with an Interlocal Agreement dated October 24, 1994, between Montgomery County and Willis Independent School District, as per Order on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. FINAL PLAT approved, for The Woodlands, College Park, Section 11, consisting of 12.818 acres, as per Plat on file.
- b. ROAD accepted, St. Lukes Way - into the one year maintenance period, effective May 10, 2004, consisting of .50 miles, 2655.13 l.f., as per Request on file.

- c. ORDER approved, to acknowledge receipt of Amendment No. 2, to Letter of Credit 1318, issued by Klein Bank for the account of Tejas Creek, Section 3, as per Order on file.
- d. DRAINAGE EASEMENT approved, along Hope Road from the Woodlands Land Development Company, L.P., and to authorize the County Judge to execute same, as per Easement on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a. REQUEST approved, to resume mosquito spraying in major drainage ditches with The Woodlands, in accordance with an Interlocal Agreement between Woodlands Joint Powers Agency and Montgomery County, dated July 14, 1999, as per Request on file.
- b. RESOLUTION approved, for mosquito control services from Montgomery County, in accordance with an Interlocal Agreement dated June 28, 1999, between Montgomery County and Montgomery County Drainage District No. 6, as per Resolution on file.
- c. FINAL PLAT approved, for CVS Spring Hills (replat), consisting of 2.6469 acres, as per Plat on file.
- d. ROADS accepted - Lake Woodlands Drive, (from Kuykendahl to Woodlands Parkway) - Woodlands Road Utility District No. 1, consisting of .92 miles, 4,873 L.F., into the one year maintenance period, effective May 10, 2004, as per Request on file.
- e. ORDER approved, for the placement of five (5) 12 x 18 signs that read "POLICE VEHICLES ONLY", in front of the police station, in accordance with an Interlocal Agreement between Montgomery County and the City of Oakridge North, as per Order on file.
- f. ORDER approved, to authorize the purchase of right-of-way for Parcel 1 from Alliance Development, Inc., in the amount of \$26,725.00, for the Hanna Road Widening Project, from Todd Drive to Woodson Road, as per Order on file.
- g. ORDER approved, to authorize the purchase and payment of Parcel No. 21, in the amount of \$2,948.00, to Shirley F. Harrell, et al, in connection with the Hanna Road Widening Project, (from Todd Drive to Woodson Road), as per Order on file.
- h. ORDER approved, to authorize the purchase of right-of-way for Parcel 3, from Arco Environmental Remediation, LLC, in the amount of \$52,557.00, for the Richards Road Widening Project, (from Rayford Road to Hanna Road), as per Order on file.
- i. PUBLIC HEARING DATE set, for June 21, 2004, to consider the discontinuance, closure, abandonment and vacation of approximately one (1) mile of Red Bay Court, aka Ken Lake Drive, and aka Red Bay Circle, as per Notice on file.
- j. ORDER approved, to accept a Warranty Deed for right-of-way from Juanita Locke, et al, for Parcels 9 and 15, for the expansion of Riley Fuzzel Road. Also, to authorize the County Judge to execute same, as per Deed on file.
- k. ORDER approved, to accept a Warranty Deed for right-of-way from

Christopher J. Beck and Theresa R. Beck, for Parcel 19, for the expansion of Hanna Road. Also, to authorize the County Judge to execute same, as per Deed on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a. CHECK accepted, in the amount of \$466.83 from the City of Roman Forest for the purchase of fuel for the month of March, 2004, in accordance with an Interlocal Agreement dated October 7, 2002. (Check forwarded to County Treasurer for further handling)
- b. FINAL PLAT approved, for Kings Manor, Section 14, consisting of 14.342 acres, 47 lots, as per Plat on file.
- c. FINAL PLAT approved, for Kings Manor Commercial Reserve, consisting of 5.042 acres, as per Plat on file
- d. FINAL PLAT approved, for Roda Drive Acres, consisting of 10 acres, 5 lots, as per Plat on file.
- e. FINAL PLAT approved, for The Woodlands, Harpers Landing at College Park, Section 16, consisting of 18.03 acres, 68 lots, as per Plat on file.
- f. PUBLIC HEARING DATE set, for May 24, 2004, to consider placement of "NO PARKING ON SHOULDER" along Gene Campbell Boulevard between F.M. 1314 and F.M. 1485, as per Notice on file.
- g. CHECK acknowledged, in the amount of \$10.00 from Terry Williams for lease of real property described as 7.84 acres of land. (check was not given to the Clerk for further processing)
- h. PUBLIC HEARING DATE set, for June 21, 2004, to consider the partial cancellation of Majestic Acres, Section 1, as per Application and Notice on file.

ALL PRECINCTS - AGENDA ITEMS 8E5

- a. OVERLOAD/OVERSIZE PERMIT approved, for Campbell Concrete & Materials, L. P., to move various loads over all county roads. Movement to begin not earlier than April 1, 2004, and to be completed by June 30, 2004, as per Permit on file.
- b. OVERLOAD/OVERSIZE PERMIT approved, for Fairway Construction, to move various loads over all county roads. Movement to begin not earlier than June 26, 2004, and to be completed by September 26, 2004, as per Permit on file.
- c. OVERLOAD/OVERSIZE PERMIT approved, for Hons Trucking, Inc., to move various loads 50 mile radius from FM242 and Needham Rd. Movement to begin not earlier than April 22, 2004, and to be completed by 90 days, as per Permit on file.
- d. OVERLOAD/OVERSIZE PERMIT approved, for K & K Construction, Inc., to move various loads over all county roads. Movement to begin not earlier than June 23, 2004 and to be completed by September 23, 2004, as per Permit on file.
- e. OVERLOAD/OVERSIZE PERMIT approved, for Park Construction Associates, LLP, to move various loads over all county roads, except the roads noted on said permit. Movement to begin not earlier than July 12, 2004, and to be

completed by October 10, 2004, as per Permit on file.

f.OVERLOAD/OVERSIZE PERMIT approved, from Plunkett Sand and Base to move various loads across various county roads. Movement to begin not earlier than April 22, 2004, and to be completed by July 22, 2004, as per Permit on file.

g.OVERLOAD/OVERSIZE PERMIT approved, from Southern Ready Mix to move various load over all county roads, except the roads noted on said permit. Movement to begin not earlier than June 18, 2004, and to be continued by September 18, 2004, as per Permit on file.

DISTRICT CLERK - AGENDA ITEM 8F

a.DEPUTATION approved, for Stella Luton, Deputy District Clerk, as per Deputation on file.

b.DEPUTATION approved, for Stephanie Pobitschka, Deputy District Clerk, as per Deputation on file.

PARKS DEPARTMENT - AGENDA ITEMS 8G

a.USE AGREEMENT approved, for Montgomery County Women's Center to use the Courthouse Plaza April 24, 2004, for a rally, as per Agreement on file.

b.USE AGREEMENT approved, for Conroe Downtown Area Association, Inc., to use the Courthouse Garage, County Grounds, Plaza and County Parking Lot for April 30th to May 2, 2004, for Kidz Fest, as per Agreement on file.

c.USE AGREEMENT approved, for Northridge Baptist Church, to use the Courthouse Plaza May 6, 2004, for National Day of Prayer, as per Agreement on file.

d.USE AGREEMENT approved, for Congressman Kevin Brady, to use the Courthouse Plaza, June 14, 2004, for Flag Day Ceremony with the Boy Scouts, as per Agreement on file.

BUDGET OFFICE - AGENDA ITEMS 8H

a.RECEIPT acknowledged, of the "Montgomery County Expenditure Status Summary" and the "Montgomery County Expenditure Status Summary - Sheriff", as of May 4, 2002, as per Report on file.

COUNTY ATTORNEY - AGENDA ITEM 8I

a.REQUEST approved, to clarify an Order of April 1, 2004, to pay Robert A. Rosenquist, as the new Jail Monitor person, as per Request on file.

RISK MANAGEMENT - AGENDA ITEM 8J

a.CLAIM SETTLEMENT acknowledged, to pay Jesus Quijano Ponce \$3,500.00, for personal injuries as a result of an auto accident on 8-18-03 - Sheriff's Department - Claim #B-40-0051, as per Request on file.

b.CLAIM SETTLEMENT acknowledged, to pay Enterprise Rent-A-Car in

the amount of \$427.98, for Claim of Edna Guzman, for rental of a vehicle - Sheriff's Department, Claim #A-04-0043, as per Request on file.

c.REQUEST approved, for the acceptance of fee increase requested by H.A.S. as outline in Memo dated May 10, 2004, from Risk Management Manager.

COMMUNICATION INFORMATION SERVICES - AGENDA 8K

a.REQUEST approved, to furnish Texas Department of Public Safety with a refurbished printer. (no paperwork)

Motion carried.

END OF CONSENT AGENDA

8.APPOINTMENTS APPROVED - ELECTIONS JUDGES - ELECTIONS CENTRAL

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the appointment of Election Judges, Appointment of Early Ballot Board Judges, and setting pay scale for May 15, 2004, Elections, as per Report on file. Motion carried.

AGENDA ITEM 9B - PAYROLL CHECKS FOR MAY 15, 2004, LOCAL OPTION ELECTION TO LEGALIZE LIQUOR SALE FOR RESTAURANTS IN JUSTICE OF THE PEACE, PRECINCT NO. 4 - REMOVED FROM AGENDA

9.REQUEST APPROVED - TEMPORARY POSITION - COUNTY COURT AT LAW #4

Motion by Judge Sadler, seconded by Commissioner Meador, to approve funds, and to authorize hiring a temporary employee for six weeks or less, while the Court Coordinator is out on Family Leave of Absence, as per Request on file. Motion carried.

AGENDA ITEM 10B - JUDGE TURNER, ADDRESSED THE COURT TO DISCUSS ADDITIONAL PARKING SPACES FOR HER STAFF IN THE GARAGE OF THE MAIN COURTHOUSE.

10.REQUEST APPROVED - TRANSFER OF SALARY FUNDS - DISTRICT CLERK

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the transfer of salary funds as outlined in memo dated May 3, and May 6, 2004, from the District Clerk. Motion carried.

11.VARIANCES APPROVED - ANIMAL CONTROL

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Variances, as requested by Animal Control:

a.Facility owned by Carol Morgan located at 5093 N. Pine Bark, Conroe, for a variance on the height requirement for perimeter fence around said facility, and

b.Facility owned by Carol Morgan located at 5093 N. Pine Bark, Conroe, for a variance on the distance requirement of 1000 ft. to the nearest resident of said facility

as per Request on file. Motion carried.

12.VARIANCE APPROVED - ANIMAL CONTROL

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Variances, as requested by Animal Control:

- a.Facility owned by Don and Jennifer Carter, located at 14477 Hasara Lane, Willis, for a variance on the height requirement for the perimeter fence around said facility, and
- b.Facility owned by Don and Jennifer Carter, located at 14477 Hasara Lane, Willis, for a variance on the distance requirement of 1000 ft. to the nearest resident of said facility,

as per Request on file. Motion carried.

13.VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a variance to install an aerobic septic system in the flood plain to replace a malfunctioning conventional system for Luther and Helen Bolenbarker, 17135 Oak Grove Lane, New Caney, Tx., as per Variance Request on file. Motion carried.

14.VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve a Variance to install an aerobic septic system in the flood plain at 26775 Lazy Lane for Kenneth Borgfeld, Magnolia, Texas, as per Variance Request on file. Motion carried.

15.VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve a Variance to install an aerobic septic system in the flood plain at 11120 SH242, Conroe, for Dana Mirbahacddin, as per Variance Request on file. Motion carried.

16.VARIANCES APPROVED - AEROBIC SEPTIC SYSTEMS - ENVIRONMENTAL HEALTH

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

- a.to install an aerobic septic system in the flood plain at 4102 Stratus Court, Spring, Texas, for Schanta Jones, Benders Landing
- b.to install an aerobic septic system in the flood plain at 3935 N. Rondelet, Spring, Texas, for Care Tex Custom Homes, Benders Landing
- c.to install an aerobic septic system in the flood plain at 4014 Hidden Winds Drive, Spring, Texas, for Kathy & Wayne

Smith, Benders Landing

as per Request of Variances on file. Motion carried.

AGENDA ITEM 14A - BUDGET OFFICE - REQUEST OF 9TH COURT OF APPEALS FOR COURT ROOM AND OFFICE SPACE FOR TWENTY-ONE (21) COURT PERSONNEL, WAS BRIEFLY DISCUSSED, AND THE COURT SUGGESTED THAT THIS MATTER BE HANDLED DURING THE 2004-05 BUDGET HEARINGS.

AGENDA ITEM 15A 1 & 2 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

17.RECOMMENDATIONS AND CONTRACTS APPROVED - AUTOMOTIVE FILTERS - VARIOUS DEPARTMENTS

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to award the bids, (opened April 28, 2004), to the following Vendors:

- a.Carquest/Staus-Frank Co. - Automotive Filters, and
- b.O'Reilly Auto Parts

as per Contracts on file. Motion carried.

18.RECOMMENDATION AND CONTRACT APPROVED - DRUG TESTING - JUVENILE SERVICES

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the bid, (opened March 11, 2004), for drug testing to Secon of New England, as per Contract on file. Motion carried.

19.CHANGE ORDER #1 APPROVED - TRAFFIC SIGNALIZATION - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #1, PO#2004146, to Statewide traffic Signal Co., for changes to the contract for traffic signalization and pavement modifications at Research Forest Dr. and Shadowbend Place, as per Change Order on file. Motion carried.

20.REQUEST APPROVED - MISCELLANEOUS FUNDING FOR NEW ANNEX BUILDING - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve funding in the amount of \$3,175.00 for handicap elevator phones, additional landscaping, and security fencing for the new county annex, as per Request on file. Motion carried. (fund from bond monies)

21.REQUEST APPROVED - ARCHITECTURAL SERVICES - SOUTH COUNTY LIBRARY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve funds in the amount of \$515.00, to RWS Architects for TAS Plan Review and TDLR Architectural Barriers Project Registration Texas Code Review for the new South County Library, as per Request on file. Motion carried. (fund from bond monies)

22.CHECK ACCEPTED - DEVON GAS SERVICES - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to accept a check in the amount of \$14,784.00 from Devon Gas Services LP for the leasing space on the county radio tower, as per Memo on file. Motion carried. (no check received by the County Clerk)

23.CHANGE ORDER #3 APPROVED - SMITH AND COMPANY - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #3, PO#2003267, for roadway improvements on Riley Fuzzel Rd. from Spring Creek to Old Rayford Rd., to Smith and Company, as per Change Order on file. Motion carried.

AGENDA ITEMS 15 G & H - OFFICE SPACE FOR LAW LIBRARY AND LEASING SPACE LOCATED AT THE EAST MONTGOMERY COUNTY COMMUNITY DEVELOPMENT CENTER - WAS DISCUSSED AND FURTHER DECISIONS TO BE MADE AT THE MAY 24, 2004, COURT SESSION.

24.RESOLUTION AND ORDER APPROVED - LAWSUIT STEPHENS VS. WILLIAMS - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Chance, to approve a Resolution and Order creating expense account in Cause No. H-03-5469, styled James Stephens vs. Guy Williams, Montgomery County Sheriff, in the United States District Court for the Southern District of Texas/Houston Division, as per Resolution and Order on file. Motion carried. (funding from Risk Management budget)

AGENDA ITEM 16B - FINANCIAL AGREEMENT FOR REPRESENTATION OF SAN JACINTO COUNTY IN CAUSE NO. 10,866, STYLED THE STATE OF TEXAS VS. MARK PRICE, FILED IN SAN JACINTO COUNTY, TEXAS, WAS DISCUSSED BY DAVID WALKER, COUNTY ATTORNEY.

AGENDA ITEMS 16C 1 & 2 - WARRANTY DEEDS FOR EXCHANGE OF PROPERTY NECESSARY FOR THE CONSTRUCTION AND OPERATION OF THE R. B. TULLIS BRANCH LIBRARY, PRECINCT #4 - DEFERRED.

25. PARTICIPATION AGREEMENT APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION AIRPORT PROJECT - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Amendment to the Airport Project Participation Agreement between Montgomery County, Texas Department of Transportation for designing and engineering work on Runway I-19 at the Lone Star Executive Airport, as per Amendment on file. Motion carried.

26. PARTICIPATION AGREEMENT APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION FOR PHASE II - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Airport Project Participation Agreement between Montgomery County and the Texas Department of Transportation, for Phase II of the Airport Drainage improvements to revise project cost estimate, as per Amendment on file. Motion carried.

27. TAX ABATEMENT AGREEMENT APPROVED - BRUKER OPTICS, INC. - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Tax Abatement Agreement between Montgomery County and Dr. Dirk D. Laukien and Bruker Optics, Inc., Tenant of Property, as per Agreement on file. Motion carried.

28. SERVICE AGREEMENT APPROVED - THE WORKSOURCE - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Service Agreement between Montgomery County and The Worksource for work assignments to be performed by Youth in Montgomery County. Also, to authorize the County Judge to execute same, as per Agreement on file. Motion carried.

29. PUBLIC HEARINGS APPROVED - PRECINCTS 1, 2 & 3

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

- a. Partial Replat of Lots 47-49, Block 74, Walden on Lake Conroe, Section 15, to be known as Walden on Lake Conroe, Section 15A - Precinct #1
- b. Request approved, for the permanent removal of the Stop Sign on Morris Lane at Old Hardin Store Road - Precinct #2
- c. Request approved, for no parking signs that state "No Parking 6:00 A.M. - 8:30 A.M., Mon-Fri, Tow Away Zone", for the following streets - Precinct #3:

Cats Cradle Dr. - E. Twinberry Pl. - W. Twinberry Pl. - E. Summer Storm Cir. - W. Summer Storm Cir. - E. Rurple Creek Pl. - W. Rurple Creek Pl. - E. Stony End Pl. - W. Stony End Pl. - and Stony End Ct.

as per Request on file. Motion carried.

30.ORDER APPROVED - HIDDEN HILL LANE - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an Order to accept Hidden Hill Lane located in Magnolia Hills Subdivision into the Montgomery County Road Maintenance System upon finding of prescriptive right based on public use, as per Order on file. Motion carried.

31.REQUEST APPROVED - REPRESENTATIVE TO CPS BOARD - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Donna Gutierrez as Montgomery County Pct. #3 Representative to the C.P.S. Board, as per Request on file. Motion carried.

32.APPOINTMENT APPROVED - MONTGOMERY COUNTY EMERGENCY SERVICE DISTRICT #12 BOARD - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the appointment of Marvin Musgrove to Montgomery County Emergency Service District #12 Board, who will serve the remainder of Lisa Walding's term, as per Request 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 James Stephens vs. Guy Williams, Montgomery County Sheriff (Section 551.071)
- 2.Consider and Discuss to obtain a salvage title in connection with the Claim of Montgomery County against Donald Earl Matthew, Claim No. U040017 (Section 551.071)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT

AGENDA ITEM 22 - CITIZENS - RAINAH HADLEY AND EVERETT BLACK, residents of Precinct #4 addressed the court concerning drainage problems in White Oak Valley Estates where they presently reside.

34.PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of 9th District Court Judge to place Jennifer Contella, Court coordinator, on payroll, (replacement for Angelica Valdez), effective May 1, 2004

request of 9th District Court Judge to accept the resignation of Angelia Valdez, Court Coordinator, effective April 15, 2004

request of Animal Control to place Cody Sherrouse, Animal Control Officer, (replacement for Melvin D. Vassar), on payroll, effective May 3, 2004

request of County Auditor to accept the resignation of Brandon LeBlanc, Part-time Clerk, effective April 26, 2004

request of County Court at Law #4 to place Alice Freeman, Court Coordinator/Temporary, (replacement for Therese Pringle), on payroll, effective April 26, 2004

request of Lone Star Convention Center Director to transfer Carol Daniel, Receptionist, (replacement for Rebecca M. Niebel), effective May 17, 2004

request of Lone Star Convention Center Director to accept the resignation of Rebecca Michelle Niebel, Receptionist, effective April 30, 2004

request of Lone Star Convention Center Director to accept the resignation of Joseph Zwall, Facility Worker, effective May 16, 2004, with 42.56 vacation pay due and 16 holiday hours due

request of Commissioner, Pct. #4 to place Dan G. Everitt, Mosquito Sprayer/Temporary, on payroll, effective April 26, 2004

request of Commissioner, Pct. #4 to discharge Linda McCollum, Sign Technician, effective April 22, 2004

request of Commissioner, Pct. #4 to place Kimberly Parker, Sign Technician, (replacement for Linda McCollum), on payroll, effective May 3, 2004

request of Constable, Pct. #3 to place Rhonda Teehee, Deputy, on payroll, effective April 26, 2004

request of County Clerk to transfer Gloria Beyan from Recording Scan Clerk to Research Clerk, (replacement for Stella Luton), effective May 3, 2004

request of County Clerk to place Virginia E. Collins, Recording Scan Clerk, (replacement for Gloria Beyan), effective May 3, 2004

request of District Clerk to increase the salary of Kathy Edwards, Court Clerk, (replacement for Denise Twitty), effective April 24, 2004

request of District Clerk to increase the salary of Janet Dawn Jones, Supervisor Imaging, effective April 24, 2004

request of District Clerk to increase the salary of Pamalan Payne, Manager, effective April 24, 2004

request of District Clerk to place Stephanie Pobitschka, Court Assistant, (replacement for Stacie Wheeler), effective May 3, 2004

request of District Clerk to increase the salary of Sara Celeste Rigsby, Court Clerk, effective April 24, 2004

request of District Clerk to increase the salary of Brenda Schank, Jury Pool Coordinator, effective April 24, 2004

request of District Clerk to transfer Denise Twitty from Court Clerk to Court Assistant, effective April 24, 2004

request of District Clerk to increase the salary of Stacie Wheeler, Court Clerk, effective April 24, 2004

- request of Drug Court to place Hather M. Niccum, Diversion Officer, (replacement for Amberly D. Chapin), effective May 3, 2004
- request of Elections Director to increase the salary of Debrah Helton, Temporary Voters Clerk, effective April 24, 2004
- request of Justice of the Peace, Pct. #3 to accept the retirement of Carol J. Creamer, Chief Cashier, effective May 17, 2004, with 172.511 vacation hours due and 117.77 comp hours due
- request of Justice of the Peace, Pct. #3 to place Emma L. Iracheta, Front Counter Clerk, (replacement for Criseldna Zajrzour), effective May 10, 2004
- request of Justice of Peace, Pct. #3 to transfer Amy Rushing, Chief Cashier, (replacement for Carol Creamer), effective May 17, 2004
- request of Justice of the Peace, Pct. #3 to transfer Criselda O. Zarzour from Front Counter Clerk, to Chief Cashier, (replacement for Carol Lynn Daniel), effective May 17, 2004
- request of Juvenile Probation Director to place Anna K. Curry-Willyard, JJAEP Full-time Temporary Drill Instructor, (replacement for Christopher Franklin), on payroll, effective April 26, 2004
- request of Juvenile Probation Director to accept the resignation of Christopher Franklin, JJAEP Drill Instructor, effective April 21, 2004, with 15.72 vacation hours due and 3.92 comp hours due
- request of Juvenile Probation Director to promote Jennifer Castino from South Regional Shelving Clerk to South Regional Library Assistant II, (replacement for Melissa Licon), effective May 17, 2004
- request of Library Director to place Donna Dunn, Shelving Clerk, (replacement for Lerna Hansel), on payroll, effective April 24, 2004
- request of Maintenance Director to promote Scott Shriver, Maintenance Technical I, effective May 8, 2004, with an increase in salary
- request of Sheriff's Department to promote Justin Bailey, Detention Deputy, (replacement for David Wallace), effective May 8, 2004
- request of Sheriff's Department to promote Jimmy Malmay from Detective I to Detective II, effective May 8, 2004, due to probation period completed
- request of Sheriff's Department to promote Doris R. Mills from Dispatcher I to Dispatcher II, effective May 22, 2004, due to probation period completed
- request of Sheriff's Department to promote Amy Oliver from Dispatcher I to Dispatcher II, effective May 22, 2004, due to one year probation completed
- request of Sheriff's Department to transfer Larry Oxner from

district III, Patrol Deputy to District I, Patrol Deputy,
(replacement for Philip Schumpe), effective May 8, 2004

request of Sheriff's Department to transfer David Wallace from
Detention Deputy to District III, Patrol Deputy,
(replacement for Larry Oxner), effective May 8, 2004

request of Sheriff's Department to transfer Keith Winford from
Detective I to Detective II, effective May 8, 2004, due to
one (1) year probation completed

request of Tax Assessor/Collector to accept the resignation of
Samuel Hill, Deputy Specialist I, effective May 14, 2004,
with 69 vacation hours due

request of Tax Assessor/Collector to place Juanita Helen Whitley,
Deputy Specialist I, on payroll, (replacement for Monica
Reamy), effective May 10, 2004

as per Payroll Change Requests on file. Motion carried.

35.ORGANIZATIONAL CHART APPROVED - CIS

Motion by Commissioner Chance, seconded by Commissioner Doyal, to
approve the Organizational Chart submitted by Communication
Information Services, as per Chart on file. Motion carried.

36.COURT ADJOURNS

Motion by Commissioner Rinehart, 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