

COMMISSIONERS' COURT DOCKET, MAY 24, 2004  
SPECIAL SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

Be it remembered that on this the 24th day of May, 2004, the Honorable Commissioners' Court of Montgomery County, Texas, was duly convened in a Special Session in the Commissioners' Courtroom of the Montgomery County Courthouse Annex, Conroe, Texas, with the following Members of the Court present:

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

INVOCATION GIVEN BY CONNIE REAVES, SHERIFF'S DEPARTMENT

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1.COMMISSIONERS' COURT AGENDA APPROVED

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

JUDGE SADLER RECOGNIZED BARBARA JOHNSON TUCKER FROM MONTGOMERY, AND ASKED THAT SHE SING THE "NATIONAL ANTHEM" TODAY FOR THE CITIZENS PRESENT IN COURT.

2.PROCLAMATION APPROVED - "NATIONAL SAFE BOATING WEEK"

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a Proclamation to designate the week of May 22, through May 28, 2004, as "National Safe Boating Week" in Montgomery County and to urge all citizens who boat to "BOAT SMART. BOAT SAFE. WEAR IT"., as per Proclamation on file. Motion carried.

AGENDA ITEM 6B - SYLVIA WIGGINS, with the organization "Keep montgomery County Beautiful, Inc.", addressed the Court concerning their project they would like to pursue at the "Veterans War Memorial Park" in Conroe. Ms. Wiggins was asking the Court today for their permission to move forward with said project.

After the Court discussed this matter with Ms. Wiggins, and they advised her to contact Carl Bryant, Veterans Administrator, and work with him on this project and have Mr. Bryant to come back to the Court during budget hearings for 2004-05, and present a formal proposal to the Court.

3.PROCLAMATION APPROVED - "MONTGOMERY HOMECOMING DAY"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to recognize May 29, 2004, as the 50th Annual Montgomery Homecoming, and to urge all residents of Montgomery County to participate in the various events, as per Proclamation on file. Motion carried.

4.RESOLUTION APPROVED - "HONORING MEMORIAL DAY"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to declare Saturday, May 29,2004, as "Citizens of Montgomery Unity Day", in support of our service men and women around the world, as per Resolution on file. Motion carried.

## 5.RESOLUTION AND GRANT APPLICATION APPROVED - DRUG COURT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Resolution and Grant Application, for the Drug Court for Montgomery County's Court Assisted Rehabilitation Experience (CARE) Program, as per Resolution and Grant Application on file. Motion carried.

## 6.MINUTES APPROVED - COMMISSIONERS' COURT MINUTES - COUNTY CLERK

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for May 10, 2004, as presented by the County Clerk. Motion carried.

## 7.CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8I

Motion by Judge 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 Auditor.

b.BUDGET AMENDMENTS approved, as follows:

- 1.359th District Court - to adjust line items
- 2.410th District court - to adjust line items
- 3.Capital Project - Road Bonds 02A (1 of 2): to recognize interest earned on bond proceeds through 3/31/04, and to allocate to right of way acquisition cost
- 4.Capital Project - Road bonds 02A (2 of 2) - to allocate additional funds to PO2002177
- 5.Commissioner, Pct. #3 (1 of 15) - to recognize and to allocate reimbursement from Ken Dinino
- 6.Commissioner, Pct. #3 (2 of 15) - to recognize and to allocate reimbursement from David Hill
- 7.Commissioner, Pct. #3 (3 of 15) - to recognize and to allocate reimbursement from RTI Computer
- 8.Commissioner, Pct. #3 (4 of 15) - to recognize and to allocate reimbursement from Thomas Flink
- 9.Commissioner, Pct. #3 (5 of 15) - to recognize and to allocate reimbursement from David Silva
- 10.Commissioner, Pct. #3 (6 of 15) - to recognize and to allocate reimbursement from Unitrin County Mutual Insurance
- 11.Commissioner, Pct. #3 (7 of 15) - to recognize and to allocate reimbursement from Andrianna Edwards
- 12.Commissioner, Pct. #3 (8 of 15) - to recognize and to allocate reimbursement from J. D. Cook
- 13.Commissioner, Pct. #3 (9 of 15) - to recognize and to allocate reimbursement from J. C. Stevens
- 14.Commissioner, Pct. #3 (10 of 15) - to recognize and to allocate reimbursement from Shelby Buck
- 15.Commissioner, Pct. #3 (11 of 15) - to recognize and to allocate reimbursement from James Sligar
- 16.Commissioner, Pct. #3 (12 of 15) - to recognize and to allocate reimbursement from Eduardo Elizalde
- 17.Commissioner, Pct. #3 (13 of 15) - to recognize and to allocate reimbursement from Cardinal Builders
- 18.Commissioner, Pct. #3 (14 of 15) - to recognize and to allocate reimbursement from Jean Breland Construction for Carl Walk
- 19.Commissioner, Pct. #3 (15 of 15) - to recognize and to allocate reimbursement from Kimberly Nelson
- 20.Communication Information Svc. - to adjust line items
- 21.Constable, Pct. #3 - to recognize and to allocate surplus revenue
- 22.Constable, Pct. #4 - to adjust line items

- 23. District Attorney (1 of 2) - to adjust line items
- 24. District Attorney (2 of 2) - to recognize and to allocate juror donations
- 25. Juvenile Probation - to transfer funds to cover PO#24505098
- 26. Risk Management (1 of 3) - to transfer funds to cover gate damage at Sallas Park
- 27. Risk Management (2 of 3) - to transfer funds to cover Roger Wolsey damage claim #A040049
- 28. Risk Management (3 of 3) - to transfer funds to cover Roger Wolsey damage claim #A040049
- 29. Sheriff (1 of 3) - to adjust line items
- 30. Sheriff (2 of 3) - to transfer funds to cover PO24505170
- 31. Sheriff (3 of 3) - to adjust line items

COUNTY TREASURER - AGENDA ITEM 8B

AGENDA ITEMS 8B1 & 2 - WEEKLY INVESTMENT REPORT FOR WEEK OF MAY 17, 2004, AND PLEDGES AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA

- a. MONTHLY FINANCIAL REPORT approved, for Month of March, 2004, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a. RECEIPT acknowledged, of a Tax Abatement Application from Huntsman LLC and Woodlands VTO 2000 Commercial, L.P./Woodlands Land Development Co., L.P., and to authorize drafting an Agreement in compliance with County Policy, as per Request on file.
- b. SUPPLEMENTAL CHANGES acknowledged, for May 2004 supplemental changes to 2003 consolidated taxroll, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, as follows:
  - 1. Laptop PC/Toughhood and Accessories - Various Departments
  - 2. Lease of Airport Property - Airport
  - 3. RFP Delivery of Dark Fiber Optic Network and Hardware - Various Departments
- b. BID/PROPOSALS acknowledged - opened by the Purchasing Department, as follows:
  - 1. Electronic Monitoring Equipment and Services - Juvenile Services - Project #2004-0050 (opened 5-11-04)
  - 2. Removal/Haul-off of the Security Community Building - Pct. #4 - Project #2004-0060 (opened 5-12-04)
  - 3. Lease of Office Space - Library - Project #2004-0057 (opened 5-12-04)
  - 4. Construction of New Library - Pct. #3 - Project #2004-0061 - (opened 5-14-04)
  - 5. Bridge replacement for Lake Creek Branch Bridge on Jackson Road - Project #2004-0065 - Pct. #1 - (opened 5-18-04)
  - 6. Surface Treatment - Various Precincts - Project #2004-0066 (opened 5-18-04)
  - 7. Commercial A/C Filters - Various Departments - Project #2004-0056

## c. RENEWAL CONTRACTS approved, as follows:

1. Hardwood Lumber Co., Inc. - PO#2002425 - for lumber, supplies and miscellaneous items - Various Departments - Item #.011 will be deleted from contract
2. Conroe Door and Hardware - (PO#2002424) - for hardwood lumber, supplies and miscellaneous items - Various Departments
3. Baker & Taylor, Inc. - (PO#2000350) - for service to supply audio/visual materials - Library Department
4. Recorded Books LLC - (PO#2000349) - for service to supply audio/visual materials - Library
5. Ingram Library Services, Inc. - (PO#2000351) - for service to supply audio/visual materials - Library Department
6. Educational Record Center, Inc. - (PO#2000350) - for service to supply audio/visual materials - Library Department
7. Random House dba Books on Tape, M Wey and Listening Library, Inc. (PO#2001222)
8. Critics Choice Video & Collectors - (PO#2000355) - for service to supply audio/visual materials - Library Department
9. Rainbow Educational Media, Inc. - (PO#2000356) - for service to supply audio/visual materials - Library Department
10. Platinum Grass Services, LLC - (PO#2003264) - for St. Augustine grass - picked up - Pct. #3
11. Turfgrass America - (PO#2002407) - for St. Augustine grass - picked up - Precinct #3
12. General Security Services Corp. (PO#2001311) - for electronic monitoring services - Juvenile Services as per Request on file.

d. Change Order #3 approved, PO#2002153, to Fire Protection Etcetera to add inspection and certification of fire alarm system at the new jail addition, for a fee of \$1,120.00 per quarter, as per Change Order on file.

e. Change Order #1 approved, PO#2004220, to Boise Cascade, for office, computer, paper supplies and accessories with on-line ordering capabilities, as per Change Order on file.

f. Change Order #3 approved, PO#2002305, to Cingular Wireless to add Blackberry and Blackberry service to present Contract, as per Change Order on file.

g. CHANGE ORDER #2 approved, PO#2003224, to Color Interiors/Factory Carpet Outlet, for installation of carpet and rubber base cove, as per Change Order on file.

h. CANCELLATION approved, PO#2004074, to Power by Electric-All, Inc., for labor for electrical services, Also, Alpha Diamond Electric, Inc. will become prime vendor, as per Notice on file.

i. ITEMS DECLARED SALVAGE approved, from the Sheriff's Department and Building Maintenance, as per List of items on file.

j. CONTRACT approved, with Choices Adolescent Treatment Center for juvenile residential placement, as per Contract on file.

k. CONTRACT approved, for processing of digital images from CD to

Microfilm, with the Texas State Library and Archives Commission for County Clerk's office, as per Contract on file.

- m.CHECK accepted, from Rene' Bates Auctioneers, Inc., in the amount of \$285.20, for proceeds received from the April 21, 2004 on-line auction. (no check received by County Clerk)

COMMISSIONER, PRECINCT #1

- a.FINAL PLAT approved, for Stewart Creek Farms, consisting of 33.0134 acres, as per Plat on file.
- b.FINAL PLAT approved, for Walden on Lake Conroe, Section 15A, consisting of 0.454 acres, as per Plat on file.
- c.ROADS accepted, in Grand Harbor, Section 4, into the one year maintenance period, consisting of 3,918.73 l.f., .74 miles, as per Request on file.
- d.ROADS accepted, in Harbor Side, Section 2, (private streets), into the one year maintenance period, consisting of  
2,891.46 l.f.,  
.55 miles,  
effective May  
24, 2004, as  
per Request on  
file.
- e.UTILITY PERMIT approved, from Montgomery County MUD No. 4 to place a 6" force main line within the right-of-way of Marina Drive, as per Notice on file.
- f.PUBLIC HEARING DATE SET, for June 7, 2004, to consider the placement of "No Parking" signs in the 1200 block of Lake View Drive in Cape Conroe Subdivision, as per Request on file.
- g.ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. 552, for the account of Montgomery I.S.D. New Elementary No. 1, issued by Woodforest National Bank for Stewart Creek Farms, Ltd., as per Order on file.
- h.RESOLUTION APPROVED - CHECK ACCEPTED, for certain road repairs for the City of Stagecoach, in accordance with an Interlocal Agreement dated May 7, 1990. Also, to accept a check in the amount of \$70,282.48, for said repairs, as per Resolution on file. (check forwarded to County Treasurer for further handling)
- i.FINAL PLAT approved, for College Park, Section 12, consisting of 4.59 acres, as per Plat on file.
- j.PARTIAL RELEASE OF ASSESSMENT LIEN approved, Lake Conroe 133 LTD, Owner of Section 1, Lots 25, 28, 50, 51, 52, 53, 54, 55, 56, 68, 84 and 85, Country Run Subdivision, as per Assessment Release on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a.REQUEST approved, for Drainage District #6 to resume mosquito spraying by Montgomery County, in accordance

- to an interlocal agreement dated June 28, 1999, as per Request on file.
- b. ROW EASEMENT approved, for proposed Schumann Oaks Drive, located at Legend Ranch Subdivision, Section 2. Also, to authorize the County Judge to execute same, as per Easement on file.
- c. FINAL PLAT approved, for Canyon Gate at Legends Ranch, Section 4, consisting of 20.863 acres, 60 lots, as per Plat on file.
- d. FINAL PLAT approved, for Spring Trails, Section 6, (SF-9), consisting of 14.6857 acres, 43 lots, as per Plat on file.
- e. ORDER approved, to accept a Warranty Deed for right of way, (Parcel 6), for the expansion of Hanna Road, from John W. Post and wife, Barbara Post, as per Order and Deed on file.
- f. ORDER approved, to accept a Warranty Deed for right-of-way, (Parcel 17), for the expansion of Hanna Road. Also, to authorize the County Judge to execute same, as per Order and Deed on file.
- g. ORDER approved, to accept a Warranty Deed for right-of-way (Parcel 4), for the expansion of Richards Road. Also, to authorize the County Judge to execute same, as per Order and Deed on file.
- h. ORDER approved, to consent to the street construction, repair and maintenance, (installation of culverts at 222 Starlight Place), by Montgomery County in accordance to a certain Interlocal Agreement dated May 10, 1993, with Woodlands Joint Powers Agency, as per Order on file.
- i. ORDER approved, to authorize acquisition of public probate records in connection with the purchase of Parcel 21 of the Hanna Road Expansion Project, and to authorize payment to Harris County Clerk in the approximate amount of \$33.00, for said Records, as per Order on file.
- j. AGREEMENT approved, to authorize the placement of improvements within right-of-way of North Crescent Ridge Drive, for Bruker Optics, as per Agreement on file.
- k. ORDER approved, to allow the partial lot conveyances without a replat for the Village of Carlton Woods, Section 11, Lots 25 and 26, Block 1, The Woodlands, as per Order on file.
- l. ORDER approved, to acknowledge the plat vacation and cancellation of The Woodlands, Village of Grogan's Mill, Lake Woodlands East Shore, Section 1, as per Order on file.
- m. ORDER approved, to declare the existence of a public necessity, and to authorize the County Attorney to institute condemnation proceedings for acquisition of Parcel 11, of the Riley Fuzzel Expansion Project, as per Order on file.

## COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a.CHECK accepted, from the City of Roman Forest in the amount of \$472.20, for purchase of fuel for the month of April, 2004, in accordance with an Interlocal Agreement dated October 7, 2002. (check forwarded to County Treasurer for further handling)
- b.FINANCIAL STATEMENT approved, FY2003, for Montgomery County Emergency Services District #7, as per Report on file.
- c.PUBLIC HEARING DATE set, for June 7, 2004, to consider placement of a stop sign on McAlister Road at Duffy Road, as per Notice on file. (left off agenda April 5, 2004 and May 10, 2004)
- d.PUBLIC HEARING DATE set, for June 7, 2004, to consider a stop sign on Emerald Forest Drive at Crystalwood Estates Drive, located in Crystalwood Estates Subdivision, as per Notice on file.
- e.PUBLIC HEARING DATE set, for June 7, 2004, to consider placement of stop sign on Crystalwood Court at Crystal Court Estates Drive, located in Crystalwood Estates Subdivision, as per Notice on file.
- f.PUBLIC HEARING DATE set, for June 7, 2004, to consider the placement of stop sign on Crystalwood Lane a Lowe Lane, located in Crystalwood Estates Subdivision, as per Notice on file.
- g.PUBLIC HEARING DATE set, for June 7, 2004, to consider relocating a stop sign on Bending Oaks and place on Shady Oaks, located in Tall Timbers Subdivision, as per Notice on file.
- h.PUBLIC HEARING DATE set, for June 7, 2004, to consider the placement of stop sign on Sloan Road with a dead end Placard at McAlister Road, as per Notice on file.
- i.ORDER approved, to acknowledge receipt of \$50.00, from Kathleen Tapal, for the lease of real property described as Lots 348, 349 & 350, Tanglewood Manor, as per Order on file. (Money Order forwarded to County Treasurer for further handling)
- j.ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. 428, issued by Woodforest National Bank for the account of Timberland Estates, Ltd, developer of Timberland North, Section 1, as per Order on file.

## ALL PRECINCTS - AGENDA ITEMS 8E5

- a.OVERLOAD/OVERSIZE PERMIT approved, from Gulf Coast Stabilized Materials, to move various loads across various county roads, with movement to begin not earlier than July 1, 2004, and to be completed by August 31, 2004, as per permit on file.

## DISTRICT CLERK - AGENDA ITEM 8F

- a.REQUEST approved, to add Crighton Theater Foundation to the Juror's Donation Authorization Form, as per Request on file.

## BUDGET OFFICE - AGENDA ITEM 8G

- a.RECEIPT acknowledged, of the Montgomery County

Expenditure Status Summary and the Montgomery County Expenditure  
Status Summary - Sheriff, as of May 19, 2004. (report  
on file)

RISK MANAGEMENT - AGENDA ITEM 8H

a.OFFICIAL BOND AND OATH, CHANGES, ADDITIONS AND RELEASES  
acknowledged, as submitted:

- 1.Katie Allison, Deputy Constable, Pct. #3 - Bond #14570247 - New
- 2.Ozgun Bayazitoglu, Deputy Constable, Pct. #2 - Bond #14575832 -  
New
- 3.Jeff Brown, Deputy Constable, Pct. #3 - Bond #14570244 - New
- 4.Kent Burton, Deputy Constable, Pct. #3 - Bond #14570255 - New
- 5.Johnny Carroll, Deputy Constable, Pct. #5 - Bond #14382020 -  
Renewal
- 6.Richard Currie, Deputy Constable, Pct. #3 - Bond #15414535 -  
Renewal
- 7.Peggy Fitzpatrick, (name change from Peggy Sondeen), District  
Attorney, Clerk - Bond #14487576
- 8.Kimberly Franklin, Deputy Constable, Pct. #3 - Bond #15414534 -  
Renewal
- 9.Carl Gamble, Deputy Constable, Pct. #4 - Bond #13750627 -  
Renewal
- 10.Jerry Lee Guion, Deputy Constable, Pct. #5 - Bond  
#69632178 - New
- 11.Josh Hansen, Deputy Constable, Pct. #3 - Bond #14570264 -  
New
- 12.Charles Hayden, Deputy Constable, Pct. #5 - Bond #14383158  
- Renewal
- 13.Scott Hazlewood, Deputy Constable, Pct. #5 - Bond  
#14382019 - Renewal
- 14.Tim Holifield, Constable, Pct. #3 - Renewal
- 15.Jerome A. Jandl, Reserve Deputy Constable, Pct. #3 -  
Renewal
- 16.Jerry Jordan, Deputy Constable, Pct. #5 - Bond #14382026  
- Renewal
- 17.John A. Krpec, Deputy Constable, Pct. #3 - Bond #14570252  
- New
- 18.Paul Lothman, Library Administrative Receptionist Bond  
#15487163 - Renewal
- 19.Billy Masden, Deputy Constable, Pct. #5 - Bond #14382015 -  
Renewal
- 20.Matthew Wayne Masden, Deputy Constable, Pct. #5 - Bond  
#12745642 - Renewal
- 21.Barbara Morgan, District Attorney, Administrative  
Assistant - Bond #14487531 - Renewal
- 22.Tommie Morris, Deputy Constable, Pct. #3 - Bond #14570268  
- New
- 23.Brent Nickerson, Deputy Constable, Pct. #3 - Bond  
#14570249 - New
- 24.Duane Osterhause, Jr., Deputy Constable, Pct. #5 - Bond  
#69677506 - New
- 25.Kevin Sapp, Deputy Constable, Pct. #1 - Bond #14573687 -  
New
- 26.Peggy Sondeen, District Attorney, Systems  
Coordinator - Bond #14487576 - New
- 27.David Wood, Deputy Constable, Pct. #5 - Bond #14587189 -  
New
- 28.Deborah Young, Deputy Constable, Pct. #2 - Bond #13750629  
- Renewal

as per Bonds on file.

PARKS DEPARTMENT - AGENDA ITEM 8I

- a.USE AGREEMENT approved, for Montgomery Homecoming Committee for  
the West Park, May 29, 2004, as per Agreement on file.

Motion carried.

END OF CONSENT AGENDA

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8.REQUEST APPROVED - PURCHASE OF 35MM CAMERAS - DEPARTMENT OF PUBLIC SAFETY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the purchase and funding of approximately 33 Cameras 35 mm, for the State Troopers in Montgomery County. Funding to be from the District Attorney's Forfeiture Fund, as per Request on file. Motion carried.

9.SCHEDULE OF EVENTS APPROVED - SALE OF BONDS AND CO'S - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Schedule of Events in connection with Montgomery County Bond & Certificate of Obligation Sale, as per Schedule on file. Motion carried.

10.ORDER APPROVED - CANVASSING RETURNS - SALE OF ALCOHOLIC BEVERAGES - ELECTIONS CENTRAL

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve an Order to canvass the elections returns for the City of Conroe Local Option to legalize the sale of all alcoholic beverages including mixed beverages, as per Order on file. Motion carried.

11.ORDER APPROVED - CANVASSING RETURNS - ELECTIONS CENTRAL

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to canvass the elections returns for Precinct 4, Justice of the Peace, as follows:

- a.Local Option to legalize the Sale of Beer and Wine
- b.Local Option to legalize the Sale of Mixed Beverages in Restaurants by food and beverage certificate holders only

as per Order on file. Motion carried.

AGENDA ITEM 10D - APPOINTMENT OF MONTGOMERY COUNTY TASK FORCE TO MAKE RECOMMENDATIONS FOR NEW ELECTION EQUIPMENT, ETC., AS STATE ELECTION LAW MANDATES - THE COURT BRIEFLY DISCUSSED THIS MATTER AND REQUESTED THAT THE ELECTIONS ADMINISTRATOR COME BACK TO COURT AND PRESENT A LIST OF PROSPECTS TO SERVE ON SAID COMMITTEE.

12.REAPPOINTMENTS APPROVED - AIRPORT ADVISORY BOARD MEMBERS - AIRPORT

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to accept the Reappointments of the following to serve on the Montgomery County Airport Advisory Board Members:

R. A. (Mickey) Dieson  
Terry Doak  
Wendell Maxedon  
Jay Bailey

Pete McAlpinPerry Holder  
Howard Kravetz

as per request on file. Motion carried.

13.RESOLUTION AND ORDER APPROVED - AIR TRAFFIC CONTROL TOWER -  
AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution and Order to support the Air Traffic Control Tower Airport Improvement Project, as per Resolution and Order on file. Motion carried.

14.REQUEST APPROVED - PURCHASE OF EQUIPMENT - JUSTICE OF THE  
PEACE, PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the purchase of Microsoft Office XP Pro Software in the approximate amount of \$2,655.00, as per Request on file. Motion carried.

15.REQUEST APPROVED - PAYMENT OF ACCRUED BENEFITS - JUSTICE OF  
THE PEACE, PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve payment of accrued benefits in the amount of \$3,982.00 for Brandie Lopez, to be funded from Contingency, as per Request on file. Motion carried.

16.REQUEST APPROVED - TEMPORARY PART-TIME POSITION - JUSTICE OF  
THE PEACE, PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the creation of a temporary part-time position, beginning June 1, 2004, and ending approximately 6 weeks later), in the amount of \$1,600.00, to be funded from Contingency, as per Request on file. Motion carried.

17.VARIANCE APPROVED - MONKEY FACILITY - ANIMAL CONTROL

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a variance of the distance requirement of 1000 ft. to the nearest resident of the facility owned by Rachel Bratcher located at 7279 Crockett Martin, Conroe, as per Request on file. Motion carried.

AGENDA ITEM 14A - PRESENTATION OF MONTGOMERY COUNTY PRIORITY  
PRESS BY THE COUNTY EXTENSION OFFICE.

18.REQUEST APPROVED - MASTER GARDNER ASSOCIATION /CONSTRUCTION OF  
BUILDING - EXTENSION OFFICE

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to allow the Montgomery County Master Gardner

Association to construct a building on county property at the Texas Cooperative Extension Location, as per Plans on file. Motion carried.

19.REQUEST APPROVED - YOUTH GRANT CONTRACT - JUVENILE PROBATION  
Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve entering into a Grant Contract with HGAC to provide training to local professionals working with Youths, as per application on file. Motion carried.

20.REQUEST APPROVED - PROPERTY TAX FREEZE - TAX

## ASSESSOR/COLLECTOR

Motion by Judge Sadler, seconded by Commissioner Chance, to freeze property taxes for residents over 65 and the disabled. Also, to increase the tax exemption from \$25,000.00 to \$35,000.00 for residents over 65, as per Request on file. Motion carried.

## 21.REQUEST APPROVED - TRANSFER OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the transfer of \$160.00 from a Temporary Data Clerk to Detention Officer position, as per Request on file. Motion carried.

## 22.REPORT ACCEPTED - COMPREHENSIVE ANNUAL FINANCIAL REPORT - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept the Comprehensive Annual Financial Report for the year ended 9/30/03, along with the Auditor's Opinion, as per Report on file. Motion carried.

## 23.REQUEST APPROVED - COMPUTER EQUIPMENT PURCHASE - COUNTY AUDITOR

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the Request of 284th District Court to use \$3,093.21 from the Court Reporter Service Fund to purchase a laptop computer and accessories, as per Request on file. Motion carried.

## AGENDA ITEMS 19A 1,2,3,5,8, &amp; 9 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

## 24.RECOMMENDATION AND CONTRACT APPROVED - REMOVAL/HAUL-OFF OF SECURITY BUILDING - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to award the bid, (opened May 12, 2004), for the removal/haul-off of the Security Community Building to Inland Environments, Ltd. for \$3,240.00, as per Contract on file. Motion carried.

## 25.RECOMMENDATION AND CONTRACT APPROVED - CONSTRUCTION OF NEW LIBRARY - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the bid, (opened May 14, 2004), for the construction of a new Library to Turner Construction Company, as per Contract on file. Motion carried.

## 26.RECOMMENDATION AND CONTRACT APPROVED - BRIDGE REPLACEMENT - PRECINCT #1

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bid, (opened May 18, 2004), to J-Mac, Inc., for the bridge replacement for Lake Creek Branch Bridge on Jackson Road, in the amount of \$176,451.50, as per Contract on file. Motion carried.

## 27.FUNDS APPROVED - ADA INSPECTION - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to

approve funds in the amount of \$605.00 to Accessibility Check for the ADA inspection of the new county annex, as per Request on file. Motion carried. (fund from bond monies)

28.FUNDS APPROVED - SECURITY SYSTEM REPAIRS - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve funds in the amount of \$1,500.00 for miscellaneous repairs for the courthouse and annex security system, as per Request on file. Motion carried.

29.REQUEST APPROVED - RFP FOR MANAGEMENT SERVICES - JAIL FACILITY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to proceed with the RFP for Management Services of the new jail facility. Motion carried. (no paperwork)

30.APPOINTMENT APPROVED - BAIL BOND BOARD MEMBER - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to designate Judge Mary Ann Turner, County Court at Law Judge, to serve on the Bail Bond Board, pursuant to Section 1704.053 of the Occupations Code, as per Request on file. Motion carried.

31.RESOLUTION AND ORDER APPROVED - SPECIAL WARRANTY DEED - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a Resolution and Order to convey 0.2525 acres of land known as exchange Tract No. 1 by East Montgomery County Improvement District to Montgomery County, as per Resolution and Order and Warranty Deed on file. Motion carried. (for R. B. Tullis Branch Library)

32.RESOLUTION AND ORDER APPROVED - SPECIAL WARRANTY DEED - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a Resolution and Order to convey 0.2525 acres of land known as Exchange Tract No. 2 by Montgomery County to East Montgomery County Improvement District, as per Resolution and Order and Warranty Deed on file. Motion carried. (for R. B. Tullis Branch Library)

33.INTERLOCAL AGREEMENT APPROVED - CONROE INDEPENDENT SCHOOL DISTRICT (CISD) - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve an Interlocal Agreement between Montgomery County and the Conroe Independent School District, (CISD),

for the use of CISD's automobile refueling station for the Precinct #3 Constable's Patrol Vehicles, as per Agreement on file. Motion carried.

34.PUBLIC HEARINGS ACKNOWLEDGED - PRECINCTS #3 AND #4

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following public hearing notices:

a.to discontinue, abandon and vacate Arnica Court in the Woodlands Village of Panther Creek, Section 5, and to reduce the right-of-way width at the

intersection of West Wavy Oak Circle and South Wavy Oak Circle, in the Woodlands Village of Panther Creek, Section 7. (Order to follow at a later date - property to be used for park facility) - Precinct #3

- b. placement of "No Parking on Shoulder" signs on Gene Campbell Boulevard between FM1314 and FM1485, as per Request on file - Precinct #4

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 Nikita Van Goffney vs. J. Saucedo, et al
2. Consider and Discuss Socrates G. Lopez vs. Guy Williams, et al
3. Consider and Discuss Claim of Montgomery County against Norma Lowe Smith
4. Consider and Discuss Park vs. Montgomery County lawsuit
5. Consider and Discuss, authorizing the County to retain Gilbert Garcia as Counsel for Judge Alan B. Sadler, Ed Rinehart, Travis Bishop and R. C. Fuller in connection with the Park vs. Montgomery County

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

35. RELEASE OF CLAIM APPROVED - NORMA LOWE SMITH - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the Release of all Claims and Rights, executed by Montgomery County, and to release and discharge Norma Lowe Smith, the Insurer, from the property damage arising from an accident that occurred on December 8, 2003, at the Tax Office, as per Release on file. Motion carried.

36. RESOLUTION AND ORDER APPROVED - LEGAL COUNSEL RETAINED - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Resolution and Order to retain the legal services of Gilbert Garcia to represent Judge Sadler and Ed Rinehart in connection with the Park vs. Montgomery County, as per Resolution and Order on file. Motion carried.

37. REQUEST APPROVED - LEGAL COUNSEL AUTHORIZED - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Meador, to authorize the County Attorney to retain legal counsel to represent Travis Bishop and R. C. Fuller in connection with the Park vs. Montgomery County lawsuit. Motion carried. (no paperwork)

38. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Control to layoff Sheryl Little, Animal Control Specialist, effective May 11, 2004, with 15.85 vacation hours due and 75.385 comp hours due - (job was abandoned)

request of County Auditor to place Megan Rushing, Part-time Clerk, on payroll, effective June 1, 2004

request of County Court at Law #4 to layoff Alice Freeman, Court Coordinator, effective May 21, 2004

request of Commissioner, Pct. #1 to promote Richard Moren from Gradall Foreman to Drainage Inspection Foreman, effective May 8, 2004

request of Commissioner, Pct. #1 to promote Archie Williamson from Assistant Foreman Gradall to Gradall Crew Foreman, effective May 8, 2004

request of Commissioner, Pct. #2 to place Brady Copeland, Truck Driver, on payroll, (replacement for Gregory Petrich), effective May 25, 2004

request of Commissioner, Pct. #2 to bridge the time for Ricky Getzie, Sign Department, effective May 11, 2004

request of Commissioner, Pct. #2 to bridge the time for Christopher Lanning, Truck Driver, effective May 11, 2004

request of Commissioner, Pct. #2 to place Trenton Lesikar, Laborer, on payroll, effective May 11, 2004 (summer job)

request of Commissioner, Pct. #2 to place Samuel W. Robinson, Laborer, on payroll, effective May 18, 2004 (summer job)

request of Commissioner, Pct. #3 to change the status for Dewey Lawhorn, Recycle Technician, effective May 8, 2004 (change from bi-weekly status to hourly status)

request of Commissioner, Pct. #4 to place Arvin Carnine, Mosquito Sprayer, on payroll, effective May 17, 2004

request of Commissioner, Pct. #4 to accept the resignation of Leo J. Hetherington, Operator I, effective May 7, 2004

request of Commissioner, Pct. #4 to place Johnathan Stilley, Temporary Seasonal Worker, on payroll, effective April 26, 2004

request of Commissioner, Pct. #4 to accept the resignation of Johnathan Stilley, Temporary Seasonal Worker, effective May 11, 2004

request of Constable, Pct. #3 to transfer George Biernesser from Warrant Investigator to Deputy, effective May 22, 2004

request of Constable, Pct. #3 to transfer Paul Cooke from R.R.MUD to Deputy, (replacement for George Biernesser), effective May 22, 2004

request of Custodial Services to place Silvia Leticia Castillo, Part-time Custodian, (replacement for Raul Lacayo), effective May 24, 2004

request of District Attorney to increase the salary of Joel Daniels, Assistant District Attorney, (replacement for Christopher Allen), effective May 8, 2004, due to

## reorganization

- request of District Attorney to transfer Ryan Deck from Misdemeanor Attorney to JP Intake Attorney, (replacement for Megan Kehoe), effective May 8, 2004
- request of District Attorney to increase the salary of Nancy Hebert, Assistant District Attorney, effective May 8, 2004, due to probation period completed
- request of District Attorney to increase the salary of Jeffrey A. Helms, Assistant District Attorney, effective May 8, 2004, due to probation period completed
- request of District Attorney to increase the salary of Susan C. Huddson, Assistant County Attorney, effective May 8, 2004, due to probation period completed
- request of District Attorney to transfer Megan Kehoe from Intake JP Attorney to Misdemeanor Attorney, (replacement for Ryan Deck), effective May 8, 2004, due to probation period completed
- request of District Attorney to transfer Brett Peabody from Misdemeanor to Misdemeanor Attorney/Lead, (replacement for Stelia Stevens), effective May 8, 2004, due to reorganization
- request of District Attorney to transfer Cynthia Pulcher from Misdemeanor Attorney to Misdemeanor Attorney, (replacement for Joel Daniels), effective May 8, 2004
- request of District Attorney to transfer Erin Barry Rienstra from Civil Attorney to Misdemeanor Attorney, (replacement for Brett Peabody), effective May 8, 2004
- request of District Attorney to place Katherine Shipman, Assistant District Attorney, (replacement for Erin Rienstra), on payroll, effective May 24, 2004
- request of District Attorney to transfer Stella Stevens from Misdemeanor Attorney to Misdemeanor Attorney, Lead, effective May 8, 2004, due to reorganization
- request of District Attorney to increase the salary of Michael C. Young, Assistant District Attorney, effective May 8, 2004, due to probation period completed
- request of District Clerk to increase the salary of Leah Cantu, Court Assistant, effective May 8, 2004, due to probation period completed
- request of District Clerk to increase the salary of Bobbye Gregory, Court Assistant, effective May 8, 2004, due to probation period completed
- request of District Clerk to increase the salary of Valerie Shriver, Court Assistant, effective May 8, 2004, due to probation period completed
- request of Justice of the Peace, Pct. #1 to accept the resignation of Brandie Lopez, Criminal Clerk/Team Leader, effective May 19, 2004, with 112.52 vacation hours due and 170.13 comp hours due

- request of Justice of the Peace, Pct. #1 to place Brandie Lopez, Clerk, Part-time Temporary, on payroll, effective June 1, 2004
- request of Justice of the Peace, Pct. #3 to place Carol C. Doolittle, Data Management Specialist, (replacement for Amy Rushing), on payroll, effective May 24, 2004
- request of Juvenile Probation Director to place Jane Ransom, Nurse, on payroll, (replacement for Linda McLeod), effective May 17, 2004
- request of Library Director to place Lisa Sherman, Library Assistant II, Part-time, (replacement for Steven Warren, Jr.), on payroll, effective May 17, 2004
- request of Sheriff's Department to transfer Dana Aills, District III, Patrol Deputy, (replacement for Jeremy Wooldridge), effective May 8, 2004
- request of Sheriff's Department to accept the resignation of Janean Arisola, Dispatcher II, effective May 28, 2004, with 44.56 vacation hours due, 100.38 comp hours due, and 12 hours holiday hours due
- request of Sheriff's Department to remove Kimberly Erhardt, Dispatcher II, from payroll, effective May 18, 2004, with 92.34 vacation hours due, 240.00 comp hours due and 47.25 holiday hours due
- request of Sheriff's Department to increase the salary of Amber Gilliland, Dispatcher, effective April 24, 2004, due to probation period completed
- request of Sheriff's Department to place Stephen R. Johnson, Detention Deputy, on Military Leave, effective May 15, 2004
- request of Sheriff's Department to place Robert Layman, Detention Officer I, on payroll, (replacement for Justin Bailey), effective May 15, 2004
- request of Sheriff's Department to place Jacqueline Lunsfords, Warrants Clerk I, on payroll, (replacement for Sondra Davis), effective May 15, 2004
- request of Sheriff's Department to accept the resignation of Jackie McDonald, Town Center Patrol Deputy, effective May 8, 2004
- request of Sheriff's Department to increase the salary of Paula P. Pugh, Accountant, effective June 5, 2004, due to probation period completed
- request of Sheriff's Department to place Kerri Sample, Detention Corp., on payroll, who was on family leave of absence, effective May 18, 2004
- request of Sheriff's Department to transfer Stephanie Spiller from Detention Deputy to Town Center Patrol Deputy, (replacement for Dana Aills), effective May 8, 2004
- request of Sheriff's Department to promote Aaron Sumrall from Detention Officer II to Detention Deputy, (replacement for Stephanie Spiller), effective May 8, 2004, due to certification

request of Sheriff's Department to demote Jeremy Wooldridge from District III Patrol Deputy to Detention Officer II, (replacement for Derek McGhee), effective May 8, 2004

request of Tax Assessor/Collector to place Rena D. Simmons, Deputy Specialist I, (replacement for Samuel Hill), on payroll, effective May 17, 2004

request of County Treasurer to place Janice L. Avery, Payroll Assistant, (replacement for Debbie Reeder), on payroll, effective May 24, 2004

request of County Treasurer to accept the resignation of Debbie Louise Reeder, Payroll Assistant, effective June 4, 2004, with 20.10 vacation hours due and 6.76 comp hours due

request of Emergency Management to accept the resignation of Teresa McCray, Terrorism Planner, effective May 28, 2004

as per Payroll Change Requests on file. Motion carried.

39.COURT ADJOURNS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, 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