

COMMISSIONERS' COURT DOCKET, JUNE 2, 2003
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 2nd day of June, 2003, 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 GENE DEFOREST, CONSTABLE, PRECINCT #2

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT.

1.COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 6A - EMPLOYEES' COMMITTEE

JO ANN ACREMAN with Juvenile Probation, was selected "Employee of the Month" for June, 2003. The nominating letter was written by Robert Long from CIS Department. Ms. Acreman was presented with a plaque and a gift certificate from the Employees' Committee.

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

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve Commissioners' Court Minutes for May 19, 2003, as presented by the County Clerk. Motion carried.

3.CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8I

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the following Items listed under Today's Court Agenda:

COUNTY AUDITOR - AGENDA ITEMS 8A THROUGH 8I

- 1.ACCOUNTS, approved, as submitted by the County Auditor.
- 2.BUDGET AMENDMENTS approved, as follows;

- a.Civic Center Complex - to transfer fund to cover cost of building cabinets
- b.Commissioner, Pct. #1 - to recognize/allocate
- c.Commissioner, Pct. #2 - to transfer funds for damage claim for Sergio F. Carmona
- d.Commissioner, Pct. #3 - to recognize/allocate reimbursement from J. Moore

- e.Commissioner, Pct. #3 - to recognize/allocate reimbursement from A. Waltman
- f.Commissioner, Pct. #3 - to adjust line items
- g.Commissioner, Pct. #3 - to recognize/allocate reimbursement from R. Ivy
- h.Commissioner, Pct. #3 - to transfer funds for Wendy Wells damage claim
- i.District Attorney - to recognize/allocate juror donations
- j.Elections Administrator - to adjust line items
- k.Extension Agents - to recognize/allocate donations from various committees
- l.Extension Agents - to adjust line items
- m.Justice of Peace, Pct. #1 - to transfer funds for remodel Judge's office
- n.Justice of Peace, Pct. #2 - to adjust line items
- o.Sheriff - to adjust line items
- p.Sheriff - to adjust lien items
- q.Tax Assessor/Collector - to transfer funds to cover release 260487
- r.Various - to transfer funds from restricted lines into department lines for FY03

as per Budget Amendments on file.

AGENDA ITEMS 8B1, 2 & 3 - ALL ITEMS FOR COUNTY TREASURER WERE DEFERRED.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a.INTERLOCAL AGREEMENT approved, for Tax Collection Services by and between Montgomery County, Montgomery County Tax Assessor/Collector and East Montgomery County Municipal Utility District No. 3, as per Agreement on file.
- b.AMENDMENT approved, to the Collections Contracts for Taxing Jurisdictions using the County to collect their taxes. Also, to authorize the County Judge to execute same, as per Amendment on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a.AUTHORIZATION TO ADVERTISE, for the following bids/proposals:
 - 1.Construction of left and right turn lanes on Hanna Rd. at Dolly Vogel School -Pct. #3
 - 2.Concrete (5 sack) delivered - Various Precincts
- b.BIDS/PROPOSALS approved, which were opened by the Purchasing Department, as follows:

- 1.RFP Leasing Space on the County Radio Tower - Project #2003-0066 - (bids opened 5-22-03)
- 2.Pre-Engineered Metal Building - Custodial Department - Project #2003-0062 - (bids opened 5-28-03)
- 3.RFP Design-Build of a Library - Pct. #3 - Project #2003-0067 - (bids opened 5-28-03)
- 4.Disaster Recovery System - (new, used or refurbished) - Various Departments - Project #2003-0064 (bids opened 5-29-03)

5.Construction of maintenance type work consisting of raising approaches and adding cross culverts on Honea-Egypt Rd. at Mound Creek - Pct. #2 - Project #2003-0068 - (bids opened 5-29-03)

c.ITEMS DECLARED SALVAGE approved, as per list presented by Building Maintenance on file.

d.PAYMENT BOND acknowledged, from G.T.T., Inc., for construction of a recycling facility, in the amount of \$43,798.00, as per Bond on file.

e.CORRECTION approved, to the contract for telephone/data cabling materials and installation, to reflect telephone/data cabling installation only, rather than telephone/data cabling materials and installation for CIS, as per Request on file.

f.CHANGE ORDER #3 approved, (PO#2002063) - to St. Judes Ranch for Children to add "Appendix B - Level 4", to previous contract, as per Change Order on file.

g.CHANGE ORDER #3 approved, (PO#2002469), to Walter Y. Quijano, PHD. PC, for non-residential services - Juvenile Services, as per Change Order on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

a.ORDER approved, to allow the partial lot conveyances without a replat of Lot 23, Western Hills Commercial Development, Section 2, as per Order on file.

b.ORDER approved, to authorize First Surety Title Company to prepare title reports to assist in determining ownership of 4 tracts of land outlined in Order on file.

c.ROADS accepted, BOND released, in Piney Shores Resort, Section 6, consisting of 621.82 l.f., .12 miles, as per Request on file. (roads are private and will not be maintained by Montgomery County)

d.PUBLIC HEARING DATE SET, for June 30, 2003, to consider setting a speed limit of 30 mph on North Clark Road, (East and South from Mt. Zion Road), as per Request on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

a.REQUEST approved, to clarify project name for Seitel Data, Ltd.'s Permit for conducting Geophysical Operations at Montgomery County Parks and in County Road rights-of-way, as per Request on file.

b.ROADS accepted, in the Village of Alden Bridge, Section 97, into the one year maintenance period, consisting of .33 miles, 1,722.32 l.f., effective June 2, 2003, as per Request on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

a.ORDER approved, to authorize the purchase of Real Property located in the Joseph Miller Survey. Also, to appoint Commissioner Chance as Special Commissioner for closing on behalf of Montgomery County, as per Order on file.

b.ORDER approved, for installation of street sign at 2436 Sawdust Road, requested by the San Jacinto River Authority, (SJRA), in accordance with an Interlocal Agreement dated August 20, 2001, as per Order on file.

c.FINAL PLAT approved, for Canyon Lakes at Legends Ranch, Section 1, consisting of 43.22 acres, 84 lots, as per Plat on file. (pending recordation of Amended Plat approved 5-19-03)

d.ROADS accepted, in Benders Landing, Section 1, consisting of 5.53 miles, 29,205.74 l.f., into the one year maintenance period, effective June 2, 2003, as per Request on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

a.ORDER approved, to acknowledge receipt of a check from Kathleen Tapal in the amount of \$50.00, for the lease of Lots 348, 349 & 350 in Tanglewood Manor, as per Order on file.

b.ORDER approved, to declare the existence of a public necessity requiring the acquisition in fee simple of right-of-way, (parcel 53), for the widening, construction and improvements to F.M. 1314. Also, to authorize the County Attorney to initiate condemnation proceedings, as per Order on file.

c.ORDER approved, to declare the existence of a public necessity requiring the acquisition in fee simple of right-of-way, (Parcel 8), for the widening, construction and improvements to F.M. 1314. Also, to authorize the

County Attorney to initiate condemnation proceedings,
as per Order on file.

d.ORDER approved, to declare the existence of a public necessity
requiring the acquisition in fee simple of right-of-
way, (parcel 24), for the widening, construction and
improvements to F.M. 1314. Also, to authorize the
County Attorney to initiate condemnation proceedings,
as per Order on file.

DISTRICT CLERK - AGENDA ITEMS 8F

a.DEPUTATION approved, for Earnestine McCauley, Deputy District
Clerk, as per Deputation on file.

SHERIFF'S DEPARTMENT - AGENDA ITEM 8G

a.REQUEST approved, to reimburse Sheriff's Forfeiture Account
#72066, in the amount of \$385.00. Purchase Order was
not made in time to obtain prepayment for Celestina
Rossi-Golsby to attend a DPS Seminar in Austin, as per
Request on file.

PARKS DEPARTMENT - AGENDA ITEM 8H

a.USE AGREEMENT approved, for West Montgomery County Park with
Joseph Linton for the Montgomery Homecoming Committee
and Prairie View Alumni, as per Agreement on file.

COUNTY ATTORNEY - AGENDA ITEM 8H

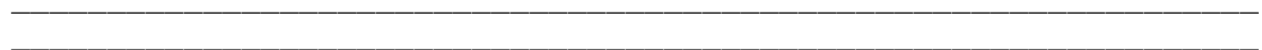
a.PUBLIC OFFICIAL BONDS approved, for five (5) Board of Directors
for Montgomery County Drainage District #10, as
follows:

- 1.Charles Beckham
- 2.Bill Himes
- 3. Kathy Rothman
- 4.Renee Knight
- 5.Arthur Donnelly

Also, to authorize the County Judge to execute said Bonds
submitted, as per Bonds on file.

Motion carried

END OF CONSENT AGENDA



4.REQUEST APPROVED - PURCHASE OF COURT PLAQUES - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve expenditure of \$538.00, (fund from contingency), for one (1) 24-inch 9th Court of Appeals plaque, and one (1) 24-inch Montgomery County Court plaque to be alternated and placed in the existing Courtroom, as per Request on file. Motion carried.

5.REQUEST DENIED - ADDITIONAL FUNDS - EXTENSION OFFICE

Motion by Judge Sadler, seconded by Commissioner Chance, to deny the request from Extension Services for an additional \$1,200.00, to assist with clientele needs for the completion for budget year 2002-03, as per Request on file. Motion carried.

AGENDA ITEM 11A - REQUEST FOR EXPENDITURE FOR MARKETING AND PROMOTIONAL MATERIALS FOR AIRPORT IN THE AMOUNT OF \$9,740.00 - DENIED UNTIL FURTHER RESEARCH BY THE AIRPORT DIRECTOR.

6.VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the variance to install an aerobic septic system in the flood plain for Kenneth Kearns, Splendora, Texas, as per Variance Request on file. Motion carried.

7.CERTIFICATE APPROVED - TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES - COUNTY AUDITOR

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve Certification regarding debarment, suspension, ineligibility and voluntary exclusion for covered contracts for year 2004, as per Certificate on file. Motion carried.

8.REPORT ACCEPTED - SHERIFF'S INMATE TRUST FUND - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept follow-up Report on the discrepancies discovered in the Sheriff's Inmate Trust Fund, submitted by the County Auditor, as per Report on file. Motion carried.

AGENDA ITEMS 14A 1,2,5, 6 & 7 - RECOMMENDATIONS AND CONTRACTS - DEFERRED.

9.RECOMMENDATION AND CONTRACT APPROVED - COMPUTER PAPER - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened May 14, 2003), for computer paper to the following Vendor:

a.Boise Office Solutions for items 1 thru 7, and 9 thru 11.
Items to be added to PO#2001160

as per Contract on file. Motion carried.

10.PROPOSAL AWARDED - LEASING SPACE ON MONTGOMERY COUNTY RADIO TOWER

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the proposal, (opened May 22, 2003), to Devon Gas Services, L.,P., for lease space on the Montgomery County Radio Tower, as per Proposal on file. Motion carried.

11.RECOMMENDATION AND CONTRACT APPROVED - MAINTENANCE WORK ROADS AND CULVERTS - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Doyal, to award the bid, (opened May 29, 2003), to Hubco, Inc., for the construction of maintenance type work consisting of raising approaches and adding cross culverts on Honea-Egypt Rd. at Mound Creek, in the amount of \$169,137.20, (fund from Bond funds 2003/discretionary funds), as per Contract on file. Motion carried.

12.CHECK ACCEPTED - J & L RECYCLING - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept a check in the amount of \$45.36 from J & L Recycling for miscellaneous scrap, as per Letter on file. Motion carried. (check forwarded to County Treasurer for further handling)

13.AMENDMENT TO AGREEMENT APPROVED - TAX INCREMENT REINVESTMENT ZONE NO. 3 - PURCHASING DEPARTMENT

Motion by Commissioner Doyal, seconded by Judge Sadler, to approve the Amendment to the Agreement with the City of Conroe for the funding of the Tax Increment Reinvestment Zone #3, as per Amendment on file. Motion carried.

14.REQUEST APPROVED - INSTALLATION OF GATES IN COURTROOM - PURCHASING DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Doyal, to authorize the installation and construction of 2 gates, (fund from contingency), to be installed in the Commissioners' Courtroom for the Court of Appeals. Motion carried. (no paperwork)

15.RECYCLING POLICY APPROVED - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve a Recycling Policy known as the Environmentally Preferable Procurement Policy, as per Policy on file. Motion carried.

AGENDA ITEM 15A - COUNTY ATTORNEY - APPROVE RESOLUTION AND ORDER TO AUTHORIZE RETENTION OF SERVICES OF BRACEWELL AND PATTERSON,

L.L.P., IN FOSTER VS. MONTGOMERY COUNTY, ET AL, EFFECTIVE APRIL 1, 2003 - DEFERRED. (SEE MOTION #20 FOR TODAY'S COURT ACTION)

16.AMENDMENT #2 ACCEPTED - AIRPORT PROJECT PARTICIPATION AGREEMENT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Judge Sadler, to accept Amendment #2 to existing Airport Project Participation Agreement between the Texas Department of Transportation and Montgomery County. Also, to authorize the County Judge to execute same, as per Amendment on file. Motion carried.

17.PUBLIC HEARINGS APPROVED - VARIOUS PRECINCTS

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the following Public Hearings: (Agenda Items 17A thru C)

- a.SPEED LIMIT approved, to set a speed limit of 30 mph for Thompson Road from F.M. 830 to F.M. 1097 - Pct. #1, as per Public Notice on file.
- b.STOP SIGNS approved, to be placed on Pearl River in Lake Conroe Forest on both sides of Cherokee Drive, as per Public Notice on file.
- c.PARTIAL REPLAT authorized, for Texaba, to be known as Deer Run, Section 2, as per Public Notice on file.
- d.PARTIAL REPLAT authorized, for Texaba, to be known as Deer Run, Section 3, as per Public Notice on file.
- e.PARTIAL REPLAT authorized, for Summerset Estates, Section 1, to be known as Summerset Estates, Section 2, as per Public Notice on file.

Motion carried.

18.FINAL PLAT APPROVED - DEER RUN, SECTION 2 - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the final plat of Deer Run Subdivision, Section 2, consisting of 38.392 acres, as per Plat on file. Motion carried.

19.WORKSHOP SCHEDULED - SUBDIVISION RULES AND REGULATIONS CHANGES - COUNTY ENGINEER

Motion by Commissioner Chance, seconded by Commissioner Doyal, to set a workshop for June 16, 2003, (immediately following Commissioners' Court), to discuss changes to the Subdivision Rules and Regulations Manual. Motion carried. (no paperwork)

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 Claims of David Parks
- 2.Consider and Discuss Claims of Pam Hernandez and Phyllis Traylor
- 3.Discuss Matters relating to Bax vs. Montgomery County, et al, including settlement offer
- 4.Discuss potential Real Property Litigation involving the Montgomery Trace Development

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

20.MOTION FAILS - INVOICE FROM BRACEWELL & PATTERSON, LLP - COUNTY ATTORNEY

Motion by Commissioner Doyal to approve payment of an Invoice from Bracewell & Patterson, L.L.P., in the amount of \$16,375.60, for legal services in the Foster vs. Montgomery County, et al lawsuit. Motion fails due to a lack of a second.

21.PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Control to accept the resignation of Miriam Alvarez, Clerk/Dispatcher, effective May 28, 2003, with 9.015 vacation hours due and 7.5 comp hours due

request of Collections to increase the salary of Ofelia Juan, Collection Specialist, effective May 29, 2003

request of Collections to place Sandy Relander, Part-time Clerk, (replacement for Laura Rowlett), on payroll, effective May 29, 2003

request of Collections to increase the salary of Laura Rowlett, Collection Specialist, effective May 29, 2003

request of Collections to increase the salary of Donna Walters, Court Coordinator, effective May 29, 2003

request of Commissioner, Pct. #2 to place Joseph Kutac, Laborer, on payroll, effective May 21, 2003

request of Commissioner, Pct. #2 to place Rowdy Scott, Laborer, on payroll, effective May 21, 2003

request of Commissioner, Pct. #2 to place Mona Sheridan, Part-time Secretary, on payroll, effective May 27, 2003

request of Commissioner, Pct. #2 to place Diana Trim, Part-time Secretary, on payroll, effective May 27, 2003

request of Commissioner, Pct. #3 to place Chad Ray Jamieson, Driver, (replacement for Michael Jaska), effective June 2, 2003

request of Commissioner, Pc.t #3 to discharge Michael Jaska, Asphalt Equipment Operator, effective May 19, 2003

request of District Attorney to place Joseph Delos Reyes, Part-time Clerk, (replacement for Brandy McKinley), effective May 27, 03

request of Environmental Health to place Daniel Kiblinger, Inspector, on payroll, effective May 16, 2003

request of Fire Marshal to place Richard Birdwell, Arson Investigator, on payroll, effective May 19, 2003

request of Fire Marshal to transfer Cathy Hollster from MCD CSC to Fire Marshal Department, (replacement for Patricia Nance), effective May 19, 2003

request of Fire Marshal to accept the resignation of Patricia Nance, Secretary-Assistant Inspector Trainee, effective May 30, 2003, with 125.195 vacation hours due and .25 comp hours due

request of Fire Marshal to accept the resignation of Gary Schroeder, Arson Investigator, effective May 14, 2003, with 3.12 vacation hours due and 11 holiday hours due

request of Juvenile Probation Director to place David L. Furr, Substitute Detention Officer, on payroll, effective May 24, 2003

request of Juvenile Probation Director to accept the resignation of Malcolm Purvis, Jr., effective May 30, 2003, with 76.52 vacation hours due and 20 holiday hours due

request of Juvenile Probation Director to accept the resignation of Morlin Wade, Juvenile Detention Officer, (replacement for Jerry Hoke), effective May 24, 2003

request of Juvenile Probation Director to bridge the time for Tanya Lane Young, Detention Officer, effective April 20, 2003

request of Library Director to place Deborah Dumond, Catalog Technician, on unpaid family leave of absence, effective May 23, 2003

request of Sheriff's Department to promote Dewey Bonner from Lake Patrol Deputy to Lake Patrol Specialist, effective May 24, 2003

request of Sheriff's Department to place Erin Fontenot, Temporary Data Clerk, on payroll, effective May 20, 2003

request of Sheriff's Department to discharge Brandie Morley, Dispatcher I, effective May 16, 2003, with 21.56 vacation hours due, 41.75 comp hours due and 16 holiday hours due

request of Sheriff's Department to bridge the time for Melissa Potts, Detention Officer II, effective May 19, 2003

request of Sheriff's Department to promote Jeremiah Richards from Detention Officer II to Detention Deputy, with an increase in salary, effective May 24, 2003, due to certification

request of Sheriff's Department to promote Barry Welch from Lake Patrol Deputy to Lake Patrol Specialist, effective May 24, 2003

request of Tax Assessor/Collector to place Linda Heuermann, Deputy Specialist II, on family leave of absence, effective May 23, 2003

request of County Auditor to place Phyllis Martin, General Ledger Assistant, on payroll, effective June 9, 2003

request of CIS Director to promote Rhonda Hovater from Administrative Assistant to Assistant CIS Director, effective May 29, 2003

request of CIS Director to promote Kathy Rifaat from Support Coordinator to Administrative Assistant, effective May 29, 2003

request of Commissioner, Pct. #2 to place Allen Fleming, Jr., Laborer, on payroll, effective May 27, 2003

request of Custodial Services to place Billy L. Breiten, Floor Technician, on payroll, effective June 2, 2003

request of Juvenile Probation Director to accept the resignation of Ronald Dee Burchfield, Jr., Detention Officer, effective May 24, 2003, with 28.60 vacation hours due, 9.78 comp hours due and 2 hours holiday pay

request of Juvenile Probation Director to place Kelli M. Foreman, Substitute Detention Officer, on payroll, effective May 31, 2003

request of Juvenile Probation Director to place Kimberly Lawrence, Detention Officer on indefinite suspension without pay, effective May 20, 2003

request of Juvenile Probation Director to place Preston McBride, Substitute Detention Officer, on payroll, effective May 31, 2003

request of Library Director to accept the resignation of Daphne Rigdon, Shelving Clerk, effective June 4, 2003

request of Maintenance Director to place Steven Lucas, Mechanic II, on payroll, (replacement for Gary Franks), effective June 9, 2003

request of Tax Assessor/Collector to increase the salary of
Shawnte'l Hilton, Deputy Specialist II, effective May 24,
2003, due to probation period complete

as per Payroll Change Requests on file. Motion carried.

22.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