

COMMISSIONERS' COURT DOCKET, JUNE 7, 2004
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 7th day of June, 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 - Absent
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 CRAIG DOYAL, COMMISSIONER, PCT. #2

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.

2.RESOLUTION DENIED - HEALTH AND HUMAN SERVICES HB2292

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to deny the Resolution submitted by Jenell Tharpe with the Department of Human Services, Conroe, concerning HB2292, which provided for the consolidation and closures of State Offices that presently provides health and human services to people of Montgomery County and the State of Texas, as per Resolution on file.

AGENDA ITEM 6B - EMPLOYEES' COMMITTEE - EMPLOYEE FOR MONTH OF JUNE, 2004

EDDIE BLUFORD, JUVENILE PROBATION DEPARTMENT, was selected as "Employee of the Month" for June 2004, by the Employees' Committee. Mr. Bluford was presented with a plaque and a gift certificate.

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

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve Commissioners' Court Minutes for May 24, 2004, as presented by the County Clerk. Motion carried.

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

Motion by Commissioner Doyal, 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.CDBG - to adjust line items
- 2.Collections/Alarm Division - to adjust line items

3.Commissioner, Pct. #3 (1 of 4): - to recognize and

- to allocate reimbursement from C. Ding
4. Commissioner, Pct. #3 (2 of 4): - to recognize and to allocate reimbursement from Vintage Log Homes
 5. Commissioner, Pct. #3 (3 of 4) - to recognize and to allocate reimbursement from Precast of Houston
 6. Commissioner, Pct. #3 (4 of 4) - to recognize and to allocate reimbursement from John Hendrix
 7. Commissioner, Pct. #4 - to recognize and to allocate rent from Terry Williams
 8. Constable, Pct. #1 - to recognize and to allocate reimbursement for dam security
 9. Constable, Pct. #4 - to adjust line items
 10. County Auditor - to transfer funds to purchase a computer
 11. County Park - to adjust line items
 12. Court Collections - to adjust line items
 13. Juvenile Probation - to recognize and to allocate reimbursement for TJPC Level 5 placements for March, 2004
 14. Risk Management (1 of 3) - to transfer funds for Claim WO40060
 15. Risk Management (2 of 3) - to transfer funds for damage claim G-04-0042
 16. Risk Management (3 of 3) - to transfer funds for damage claim B040050
 17. Sheriff (1 of 2) - to adjust line items
 18. Sheriff (2 of 2) - to adjust line items
 19. Tax Assessor/Collector - to transfer funds to cover release 277748

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 8B

- a. WEEKLY INVESTMENT REPORT approved, for the week of May 24, 2004, through May 28, 2004, as per Report on file.

AGENDA ITEM 8B2 - WEEKLY INVESTMENT FOR WEEK OF MAY 31, 2004, THROUGH JUNE 4, 2004 - NONE SUBMITTED.

- b. PLEDGES AND/OR RELEASES OF COLLATERAL approved, as submitted by the County Treasurer.
- c. MONTHLY FINANCIAL REPORT approved, for the month of April, 2004, as per Report on file.
- d. MONTHLY PLEDGE OF COLLATERAL REPORT approved, for the month of May, 2004, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a. REQUEST approved, from Bob Lupher, RPLS-J.F. Thompson, Inc., to enter upon county property for the purpose of obtaining ground elevations needed for surveying along FM2090, Pct. #4. Also, to authorize the County Judge to execute permission letter, as per Request on file.
- b. REQUEST approved, to authorize the Tax Assessor-Collector to hire a temporary part-time Assistant Litigation Deputy position, and to cancel the contract for Personal Services for an Assistant Litigation Deputy with Andrea M. Fahrenthold, effective June 21, 2004, as per Request on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D2

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

1. Bulk Road Material - Asphaltic Emulsions - Various Precincts

b. ALSO, to acknowledge receipt of the following Bids/Proposals, which were opened by the Purchasing

1. Two (2) portable hazardous materials and chemical buildings - Pct. #3 - Project #2004-0054 (opened 6-2-04)

2. Laser Printing of County Tax Statements and related reports - Tax Office - Project #2004-0064 (opened 6-23-04)

c. RENEWAL CONTRACTS approved, as follows:

1. Crown Paper & Chemical - PO#2000379 and PO#2000379X - for janitorial products and chemicals - Various Department

2. Lone Star Services, Inc. - PO#2003491 - for concrete rapid set road repair for spalls or partial depth failure - Various Precincts

3. Lone Star Services, Inc. - PO#2002370 - for crack seal service - Various Precincts

4. Lone Star Services, Inc. - PO#2003408 - for seal coating (ACP Rejuvenation) - Various Precincts

5. Signal Measurement Corporation - PO#2002445 - for universal docking station for in-vehicle applications - Sheriff's Department

6. R B Everett & Company - PO#2000385 - for heavy machinery rental - Various Departments

7. Mustang Rental Service, Inc. - PO#2000386 - for heavy machinery rental - Various Departments

8. Nations Rent - PO#2000387 - for heavy machinery rental - Various Department

9. Rental Service Corp/Prime Industrial - PO#2000388 - for heavy machinery rental - Various Departments

as per Renewal Requests on file.

b. CHANGE ORDER #1 approved, - PO#2004125X to Hughes Supply, Inc., for lamps, bulbs, and ballasts to Hugh Supply, Inc., to increase the not to exceed amount from \$10,000.00 to \$20,000.00, and to add miscellaneous electrical supplies not for special projects, as per Change Order on file.

c. CHANGE ORDER #5 approved, - PO#2003042 - to O'Reilly Auto Parts/Hilo-O'Reilly for brake parts, rotors and drum, to add rear brake shoe for Ford F150 pickup, 1996, to present contract, as per Change Order on file.

d. LIST approved, of seized, forfeited, abandoned and surplus items for the June 12, 2004, auction, as per List on file.

e. LETTER AGREEMENT approved, for participation in the Bombardier/Seadoo Watercraft Loaner Program for two (2) 2004 Bombardier/Seadoo Watercrafts to be used by the Sheriff's Department, as per Letter Agreement on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

a. RE-APPOINTMENT approved, for Linda Mock to serve on the Montgomery County Children's Protective Services Board, as per Request on file.

- b. PUBLIC HEARING DATE set, for July 12, 2004, to consider the closing, abandoning, discontinuing and vacating a portion of Parker Hill Road, as per Notice on file.
- c. ORDER approved, to authorize the purchase of 1.693 acres of land, together with any and all improvements, Tract 61, out of the George W. Lonis Survey, Abstract 313, from Edna M. Johnson, as per Order on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. FINAL PLAT approved, for Hunt Commercial Development Subdivision, consisting of 27.737 acres, as per Plat on file.
- b. ORDER approved, to authorize the County Judge to sign draws on maintenance Bond with Surety, for Southern Lifestyles XTX Limited Partnership, Developer of Hilltop Ranch, as per Order on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a. FINAL PLAT approved, for Imperial Oaks Park, Section 8, consisting of 83.95 acres, 155 lots, as per Plat on file.
- b. FINAL PLAT approved, for McDonald Estates, consisting of 10.3907 acres, 5 lots, as per Plat on file.
- c. FINAL PLAT approved, for The Woodlands, Village of Sterling Ridge, Section 32, consisting of 23.82 acres, 21 lots, as per Plat on file.
- d. SPECIAL WARRANTY DEED accepted, from CLT REO One, L.P., a Texas Limited Partnership of Reserve "D" of Timber Lakes, Section 2 and Reserve "C" of Timber Ridge, Section 3. Also, to authorize the County Judge to execute same, as per Deed on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a. CHECK accepted, from the City of Patton Village for the reimbursement of road material used for the Peach Creek Colony Project. (check forwarded to County Treasurer for deposit into Account 615.7907)
- b. PUBLIC HEARING DATE set, for June 21, 2004, to consider the placement of stop sign at the Five Guinea Lane and Lovelady Drive, as per Request on file.

ALL PRECINCTS - AGENDA ITEM 8E5

- a. PUBLIC HEARING DATE set, for July 12, 2004, to discuss alternative procedures for Plat Revision per Local Government Code 232.0095, as per Notice on file.

COUNTY JUDGE - AGENDA ITEM 8F

- a. REAPPOINTMENT approved, for Janet Rouse to serve on the Montgomery County Children's Protective Services Board, as per Request on file.

BUDGET DEPARTMENT - AGENDA ITEM 8G

- a. RECEIPT acknowledged, of the "Montgomery County Expenditure Status Summary" and the "Montgomery County Expenditure Status Summary - Sheriff", as of June 2, 2004, s per Report on file.

RISK MANAGEMENT - AGENDA ITEMS 8H

a. CLAIM SETTLEMENTS acknowledged, as presented by Risk Management:

- 1. Roger Wolsey - \$2,586.73, for reimbursement of property damages incurred 4-4-04 - Claim #A-04-0049
- 2. Roger Wolsey - \$300.56, for payment to Enterprise Rent-A-Car in reference to claim for Roger Wolsey, for rental of a vehicle. Claim #A-04-0049
- 3. SBC Communications - \$855.62, for reimbursement of property damages incurred 2-27-04 - Claim #B-04-0053
- 4. Abel Gutierrez - \$185.00, for reimbursement of property damages incurred 4-13-04. Claim #B-04-0050

as per Notice on file.

PARKS DEPARTMENT - AGENDA ITEM 8I

a. USE AGREEMENTS approved, for the following Vendors:

- 1. Raymond McNeel for use of the Veteran's Park, May 31, 2004
- 2. Montgomery Youth Sports for the use of the West Montgomery County Park, for dates shown on Agreement on file.

as per Use Agreements on file.

Motion carried.

END OF CONSENT AGENDA

5. RE-APPOINTMENT APPROVED - IRVING M. WATSON, JR., M.D. - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the re-appointment of Irving M. Watson, Jr., M.D., as Local Health Authority for Montgomery County for a term of June 2, 2004, through May 31, 2006, as per Certificate of Appointment on file. Motion carried.

6. VARIANCES APPROVED - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the following variances:

- a. Connie Reimer, Southern Pines Subdivision - to install an aerobic septic system in the flood plain, and
- b. John Masqueda, Deer Glen Estates, Conroe - to install an aerobic septic system in the flood plain,

as per Variance Requests on file. Motion carried.

7. GRANT CONTRACT RENEWAL APPROVED - FUNDING FOR LAW ENFORCEMENT TRAINING - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the annual renewal Contract with H-GAC which provides for regional law enforcement training, as per

Renewal Agreement on file. Motion carried.

8.AUCTION ITEMS APPROVED - I.D. DIVISION/SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the List of items to be sold at the June 12, 2004, County Auction, submitted by the Montgomery County Sheriff's Department I.D., Crime Lab Division, as per List on file. Motion carried. (funds to be placed in ID budget)

AGENDA ITEM 12A1,2,3,4,7 & 8 - PURCHASING DEPARTMENT -
RECOMMENDATIONS AND CONTRACTS - VARIOUS DEPARTMENTS - DEFERRED

9.RECOMMENDATION AND CONTRACT APPROVED - SURFACE TREATMENT -
VARIOUS PRECINCTS

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to award the bid, for surface treatment to Silva, Inc., as per Contract on file. Motion carried.

10.RECOMMENDATIONS AND CONTRACTS APPROVED - COMMERCIAL A/C
FILTERS - VARIOUS DEPARTMENTS

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to award the bid, (opened May 19, 2004), for commercial a/c filters to the following Vendors:

- a.Lifetime Filter Mfg. LLC
- b.H & B Air Filter Co.

as per Contract on file. Motion carried.

11.FUNDS APPROVED - MONTCO FENCE COMPANY - PURCHASING DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve funds in the amount of \$2,750.00 to Montco Fence Company for fencing for storage on the fourth (4th) floor of the New Annex, as per Request on file. Motion carried. (fund from Bond monies)

12.FUNDS APPROVED - MAGNETIC DIRECTORIES - PURCHASING DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve funds in the amount of \$487.85, to Baytec for magnetic directories for the New Annex, as per Request on file. Motion carried. (fund from Bond monies)

13.PROPOSAL APPROVED - ENGINEERING SERVICES - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the proposal from Carter & Burgess, Inc., for engineering services for FM1314 outfall channel plans, for a fee not to exceed \$114,971.00, (fund from bond monies (leverage) - per Contract on file. Motion carried.

14.PURCHASE APPROVED - GRADALL XL 3100 - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the purchase of one (1) 2004 Gradall XL 3100 excavator through H-GAC, in the amount of \$201,713.00, as per Request on file. Motion carried.

AGENDA ITEM 8F - PROPOSAL FROM HOPE & CAUSEY, P.C., FOR LEGAL SERVICES IN THE PARKS VS. MONTGOMERY COUNTY LAWSUIT - DEFERRED - SEE

MOTION #23 FOR
TODAY'S COURT ACTION

15.CERTIFICATE ACKNOWLEDGED - STATE OF TEXAS - PURCHASING
DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to accept the Certificate of Recognition for energy efficiency and improving air quality in the State of Texas from the Office of the Texas Comptroller. Motion carried. (no paperwork submitted)

AGENDA ITEM 13 - COUNTY ATTORNEY - AMENDMENT TO LEASE AGREEMENT BETWEEN MONTGOMERY COUNTY AND WING AVIATION, INC. - DEFERRED

16.AMENDMENT #1 APPROVED - STATE OF TEXAS CHILD SUPPORT DIVISION
- COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Amendment #1 to Cooperative Agreement between the Attorney General of Texas and Montgomery County, for continued participation by Montgomery County Child Support division in the Texas Child Support Disbursement. Also, to authorize the County Judge to execute same, as per Amendment #1 on file. Motion carried.

17.PERSONAL SERVICES AGREEMENTS APPROVED - SUMMER SCHOOL PROGRAM
- JUVENILE PROBATION

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following Personal Service Agreements for the retention of instructors and a counselor for the Juvenile Justice Alternative Education Program:

- a.Mathis W. Burt
- b.Danny Jo Golding
- c.Carolyn Willig

Also, to authorize the County Judge to execute same, as per Agreements on file. Motion carried.

18.ROAD NAME CHANGE APPROVED - PRECINCT #1

REQUEST APPROVED - PLACEMENT OF SIGNS - PRECINCT #1

REQUESTS APPROVED - PLACEMENT OF VARIOUS STOP SIGNS - PRECINCT #4

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

- a.change the road name of Forest Road 209 to Taliaferro Road. (limits are from Bays Chapel Rd., East to the existing Taliaferro Road) - Pct. #1
- b.placement of "No Parking" signs in the 1200 Block of Lake View Drive in Cape Conroe Subdivision - Pct. #1
- c.placement of stop sign on McAlister Road at Duffy Road. (originally the public hearing was scheduled for April 5, 2004, again for May 10, 2004, left off Agenda both dates. Re-scheduled for June 7, 2004, Court Session) - Pct. #4
- d.placement of stop sign on Emerald Forest Drive at Crystalwood Estates Drive in Crystalwood Estates -Pct. #4
- e.placement of stop sign on Crystalwood Court at Crystalwood

Estates Drive in Crystalwood Estates - Pct. #4

f.placement of a stop sign on Crystalwood Lane at Lowe Lane in Crystalwood Estates - Pct. #4

g.relocating a stop sign on Bending Oaks and placing a stop sign on Shady Oaks in Tall Timbers Subdivision. At this time Bending Oaks northbound stops at Shady Oaks, but southbound does not have a stop sign - Pct. #4

h.placement of a stop sign on Sloan Road with a dead end placed at McAlister Road - Pct. #4

as per Notice on file. Motion carried.

19.DONATION ACCEPTED - FRIENDSHIP CENTER - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to accept a donation in the amount of \$5,000.00 from Robert (Buddy) Chandler, to be used for the Friendship Center located in New Caney, as per Request on file. Motion carried. (check forwarded to County Treasurer for further processing)

20.OVERLOAD/OVERSIZE PERMIT APPROVED - WOODY'S CONSTRUCTION - ALL PRECINCTS

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Overload/Oversize Permit from Woody's Construction, LP, to move various loads across various county roads, as per Permit 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 Retention of Local Counsel in Park vs. Montgomery County, Texas (Section 551.071)
2. Consider and Discuss Claim of John A. Clark, EEOC Charge - No. 310-2004-02602 (Section 551.071)
- 3.Consider and Discuss Nikita Van Goffney vs. J. Saucedo, et al, Civil Action No. H-02-2638 (Section 551.071)
- 4.Discuss Schelsteder va. Montgomery County, et al (Section 551.071)

COURT RECONVENED, WITH ALL MEMBERS OF THE COURT PRESENT.

CITIZENS - AGENDA ITEM 19 - MATT NEELEY, a resident of East Montgomery County, addressed the court concerning the appraisal increase on his property this year.

The Court advised Mr. Neeley to go before the Appraisal Review Board and discuss his concerns with the Board.

21.RESOLUTION AND ORDER APPROVED - LEGAL COUNSEL - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Resolution and Order to authorize retaining the legal services of Hal Agron, from the law firm of Hope & Causey, P.C., to represent Constable Bishop and Chief Deputy Fuller, in connection with the Park vs. Montgomery County, as per Resolution and Order on file. Motion carried.

22. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Commissioner, Pct. #2 to accept the resignation of Trenton Lesikar, Laborer, effective June 1, 2004

request of Commissioner, Pct. #4 to discharge Larry Foster, Operator I, with 1.288 comp hours due, effective June 1, 2004

request of Commissioner, Pct. #4 to place Brandon Myrum, operator I, (replacement for Larry Foster), on payroll, effective June 1, 2004

request of Custodial Services to accept the resignation of Dora Pacheco, Custodian, effective June 4, 2004, with 30.80 vacation hours due and 6.50 comp hours due

request of District Clerk to place Ellen Blakeway, Court Assistant, replacement for Patricia Chamberlain, on payroll, effective June 7, 2004

request of Fire Marshal to promote George Scott Burlin from Arson Investigator to Sr. Investigator, effective May 1, 2004. Also, to increase auto allowance

request of Fire Marshal to increase the auto allowance for Darren Hess, Arson Investigator, effective May 1, 2004

request of Justice of the Peace, Pct. #1 to transfer Ofelia Juan, Criminal Clerk, (replacement for Brandie Lopez), effective June 15, 2004

request of Juvenile Probation to discharge Jane Ransom, Nurse, effective May 20, 2004

request of Juvenile Probation to accept the resignation of Loucinda Rubin, Detention Officer, effective May 26, 2004, with 13.20 vacation hours due and 1.14 comp hours due

request of Library Director to transfer Teresa Coskrey, Shelving Clerk, (replacement for Priscilla LeBlanc), effective June 1, 2004

request of Library Director to accept the resignation of Phyllis Essary, Library Assistant II, effective June 4, 2004

request of Library Director to accept the resignation of Priscilla LeBlanc, Shelving Clerk, effective May 28, 2004

request of Library Director to place Rebecca Roller, Shelving Clerk, on payroll, (replacement for Jennifer Castino), effective June 1, 2004

request of Library Director to place Juana Trevino, Catalog Technician, (replacement for Sarah Crone), on payroll, effective June 2, 2004

request of Library Director to accept the resignation of Wallis Yerigan, Library Assistant II, effective July, 2004

request of Sheriff's Department to accept the resignation of
Tosha Mills, Detention Officer II, effective May 19, 204,
with 168.1700 vacation hours due, 21.0100 comp hours due and
12.5000 holiday hours due

as per Payroll Change Requests on file. Motion carried.

23. PROPOSAL APPROVED - DISCRETIONARY EXEMPTION FOR LEGAL SERVICES
- COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Chance,
to approve the proposal form Hope & Causey, P.C., for legal
services for a fee of \$200.00 per hour plus expenses
incurred. Said item to be considered as a discretionary
exemption from the bidding process, in accordance with Texas
Local Government Code Annotated Section 262.024 (a)(2)(3)
(Vernon 2004), as per Proposal on file.

24. 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