

COMMISSIONERS' COURT DOCKET, JUNE 21, 2004
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 21st 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
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 Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Agenda for discussion and necessary action. Motion carried.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for June 7, 2004, as presented by the County Clerk. Motion carried.

3.DEPUTATION APPROVED - DEPUTY COUNTY CLERK - COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the deputation for Lindsey Smith, Deputy County Clerk, as per Deputation on file. Motion carried.

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

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the Consent Agenda, as follows:

COUNTY AUDITOR - AGENDA ITEMS 7A

a.ACCOUNTS approved, as presented by the County Auditor.

b.BUDGET AMENDMENTS approved, as follows:

- 1.Building Maintenance - to adjust line items
- 2.Building Maintenance - to adjust line items
- 3.CDBG - to adjust line items
- 4.Capital Project - Certificate Obligation 2003
- 5.Capital Project - Library - to recognize and to allocate investment earnings to fund portion of PO#2004351
- 6.Commissioner, Pct. #1 - to adjust line items
- 7.Commissioner, Pct. #2 - to adjust line items
- 8.Commissioner, Pct. #3 - to recognize/allocate reimbursement from Patrick Vaughn
- 9.Commissioner, Pct. #3 - to recognize/and to allocate reimbursement from David Dillon
- 10.Commissioner, Pct. #3 - to recognize/and to allocate sale of assets

11. Commissioner, Pct. #4 - to adjust line items
12. Commissioner, Pct #4 - to recognize/allocate reimbursement for lease from K. Tapal
13. Constable, Pct. #2 - to adjust line items
14. County Clerk - to adjust line items
15. District Attorney - to recognize and to allocate reimbursement for prosecutors' longevity for quarters ended 2/28/04 and 5/31/04
16. District Attorney - to adjust line items
17. Environmental Health - to adjust line items
18. Justice of the Peace, Pct. #4 - to adjust lines
19. Juvenile Probation - to adjust line items
20. Juvenile Probation - to recognize/allocate reimbursement from State for February, 2004
21. Juvenile Probation - to recognize and to allocate Level 5 reimbursement for April 2004
22. Juvenile Probation - to recognize and to allocate March 2004 reimbursement
23. Non-Departmental - to transfer funds to cover shortage
24. Non-Departmental - to transfer funds to cover shortage
25. Risk Management - to transfer deductible amount for damage to Sheriff Vehicle C822 (Claim U-040058)
26. Risk Management - to transfer funds to cover Claim A040061; damage by Sheriff to third-party vehicle
27. Risk Management - to transfer funds for damage Claim BO40057
28. Risk Management - to transfer funds for damage Claim BO40062
29. Risk Management - to transfer funds for damage Claim BO40053
30. Tax Assessor/Collector - to transfer funds to cover release 278377
31. Various - to recognize/allocate surplus revenues

as per Budget Amendments on file.

c. OFFICIALS' FEE REPORT approved, for the month of February, 2004, as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 7B

COUNTY TREASURER - AGENDA ITEMS 7B 1 & 2 - WEEKLY INVESTMENT REPORT FOR WEEK OF JUNE 7-11, 2004, AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA THIS COURT SESSION.

a. REQUEST approved, for Southwest Bank of Texas to do business with Montgomery County Investments, as approved by the Investment Committee. (no paperwork)

b. REQUEST approved, to remove UBS Painwebber from approved Brokers' List for Montgomery County, as approved by Investment Committee. (no paperwork)

TAX ASSESSOR/COLLECTOR - AGENDA ITEM 7C

a. MONTHLY TAX COLLECTION REPORT approved, for the month ending May 31, 2004, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 7D

a. AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/PROPOSALS:

1. RFP for Engineering Services to develop plans for signal installation and synchronization for Lake Woodlands and Grogan's Mill/Sawdust Rd. - Pct. #3

b. ALSO, to acknowledge the opening of the following

bids and/or proposals:

1. Demolition of Townhomes in Mosswood
Subdivision - Environmental Health - Project #2004-0068 (opened
6-11-04)
 - c. RENEWAL CONTRACT approved, for Randall's Food & Pharmacy for
pharmaceutical, (PO#2000317), as per Request on file.
 - d. SOLE SOURCE PURCHASE approved, for Membership Agreement for the
library purchased from Amigos Library Services, Inc.,
in accordance with Tex. Loc. Govt. Code Ann. Sect.
262.024(a)(7), as per Request on file.
 - e. CHANGE ORDER #2 approved, P.O.#2003450, to Campbell Concrete &
Materials L.P., to add \$.50 EPA charge per load,
effective June 10, 2004, as per Change Order on file.
 - f. CHANGE ORDER #1 approved, PO#2004287, to Valleycrest Landscape
Maintenance, Inc., to add Green Road to the present
mowing right-of-ways contract, Pct. #1, as per Change
Order on file.
 - g. CHANGE ORDER #1 approved, PO#2004335, to Carquest/Staus-Frank
Co., to add alternate vendor for delivered a 50%
discount off delivered prices, for automotive filters,
as per Change Order on file.
 - h. CHANGE ORDER #1 approved, PO#2004364, to Lifetime Filter, Inc.,
to add pleated filters to contract for Commercial A/C
Filters, as per Change Order on file.
 - i. CHECK accepted, in the amount of \$8,004.00, from Rene' Bates
Auctioneers, Inc., for proceeds from the April 29, 2004
on-line auction. (check forwarded to County Treasurer)
 - j. PAYMENT AND PERFORMANCE BONDS approved, for bridge replacement
for Lake Creek Branch Bridge on Jackson, Road, Pct. #1,
from J-Mac. Inc., as per Bonds on file.
 - k. PAYMENT AND PERFORMANCE BONDS approved, for construction of a
new library, Pct. #3, from Turner Construction Company,
in the amount of \$2,717,000.00, as per Bonds on file.
 - l. REQUEST approved, for suite numbers on the first floor of the
Commissioners' Court Building, due to remodeling, as
per Request on file.
 - m. CANCELLATION approved, PO#2001311, to General Security Services
Corp., for electronic monitoring services, effective
immediately, as per Notice on file.
- COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 7E1
- a. ORDER approved, to authorize the County Judge to execute the
acceptance of a Warranty Deed from Edna M. Johnson for
1.693 acres of land in the George W. Lonis Survey, as
per Deed on file.
 - b. ORDER approved, to rescind Motion No.4 - 8E1b/June 7, 2004) -
should read to set a public hearing date of July 12,
2004), to consider closing, abandoning, vacating and
discontinuing the right-of-way of a portion of Lake
Conroe Bay Road, also known as Parker Road, as per
Order on file.
 - c. PUBLIC HEARING DATE SET, for July 12, 2004, to consider

closing, abandoning, vacating and discontinuing the right-of-way of a portion of Lake Conroe Bay Road, also known as Parker Road, as per Order on file.

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

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 7E2

- a. ROADS accepted, BOND released - High Meadow Ranch, Section 16, by Montgomery County, consisting of 9,874.81 l.f., 1.87 miles. Also, to release Bond, as per Request on file.
- b. PARTIAL RELEASE OF ASSESSMENT LIEN approved, Lot 67, Country Run Subdivision, Section 1, owned by Tom Morgan, as per Assessment Release on file.
- c. PARTIAL RELEASE OF ASSESSMENT LIEN approved, Lot 80, Country Run Subdivision, Section 1, owned by Henry and Kim Soon Tan, as per Assessment Release on file.
- d. ORDER approved, to acknowledge receipt of a check in the amount of \$20.00 from Mark Kee for lease of Lot 56, Pine Vista Mobile Home Village, as per Order on file. (check forwarded to County Treasurer for further processing)
- e. ORDER approved, to acknowledge receipt of a check in the amount of \$12.00, from Leon J. Fritsche for lease of real property in Spring Creek Forest Subdivision, Section 4, as per Order on file. (check forwarded to County Treasurer for further processing)
- f. DONATION DEED accepted, for right-of-way from DMA Magnolia Crossing, L.P., in connection with the widening of Egypt Lane, as per Order on file.
- g. ORDER approved, to authorize the partial lot conveyance without a replat for Lot 4, Block 1, Grand Lake Estates, Section 7, as per Order on file.
- h. FINAL PLAT approved, for DMA Magnolia Crossing, consisting of 7.685 acres, as per Plat on file.
- i. FINAL PLAT approved, for the Village at High Meadow, Section 2, consisting of 45.794 acres, 31 lots, as per Plat on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEM 7E3

- a. AUDIT REPORT approved, for Emergency Services District #14, for FY2002-03, as per Report on file.
- b. ROADS accepted, BOND released - Benders Landing, Section 1, by Montgomery County, consisting of 5.53 miles, 29,205.74 l.f. Also, to release the Bond, as per Request on file.
- c. ORDER approved, to authorize the purchase of right-of-way for Parcel 15 to First Surety Title Company for the benefit of Lone Star Services, Inc., in connection with the Hanna Road widening project, as per Order on file.
- d. ORDER approved, to accept a Warranty Deed for right-of-way (Parcel 1), for the expansion of Hanna Road, and to

authorize the County Judge to execute same, as per Deed on file.

- e. ORDER approved, to accept a Warranty Deed for right-of-way from Arco Environmental Remediation, L.L.C., (Parcel 3), for the expansion of Richards Road. Also, to authorize the County Judge to execute same, as per deed on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 7E4

- a. ORDER approved, to authorized the payment of Title Insurance Premium for acquisition of Parcel 54, (Norman Atkins tract), in the amount of \$314.00, payable to First Surety Title Company, for the FM1314 right-of-way project, as per Order on file.
- b. ADVANCE FUNDING AGREEMENT approved, between the State of Texas, acting through the Texas Department of Transportation, and Montgomery County, for the maintenance and operation of the southbound feeder ramp at the southwest corner of U.S. 59 and North Park Drive, as per Agreement on file.
- c. ORDER approved, to authorize payment of Title Insurance Premium in the amount of \$469.00, payable to First Surety Title Company of Conroe, for acquisition of Parcel 62, (Robert Guerra tract), for the FM1314 right-of-way project, as per Order on file.
- d. PUBLIC HEARING DATE set, for July 12, 2004, to consider the proposed replat of Lot 1A, Block 2, Lake Chateau Woods, Section 6, as per Notice on file.
- e. FINAL PLAT approved, for Bentwood Parkway Extension, Phase 1, consisting of 758.819, as per Plat on file.
- f. FINAL PLAT approved, for Kings Manor, Section 16, consisting of 12.080 acres, 63 lots, as per Plat on file.
- g. FINAL PLAT approved, for Rock Creek Drive Extension, Phase 2, consisting of 2.9586 acres, as per Plat on file.

LIBRARY DEPARTMENT - AGENDA ITEMS 7F

- a. CHECK accepted, in the amount of \$2,500.00, from Montgomery County Genealogical and Historical Society to be deposited into Library's Budget, Account #6511-7419, as per Request on file. (check forwarded to County Treasurer for further handling)

DISTRICT CLERK - AGENDA ITEM 7G

- b. DEPUTATION approved, for Ellen Blakeway, Deputy District Clerk, as per Deputation on file.

RISK MANAGEMENT - AGENDA ITEMS 7H

- a. CLAIM SETTLEMENT acknowledged, payable to Williams K. Phillips for the reimbursement of property damages incurred May 17, 2004, Claim #A-04-0061, in the amount of \$1,979.75. (no paperwork)
- b. OFFICIAL BONDS AND OATHS approved, for various county employees, as follows:

- 1. Mark Bosma - Purchasing Agent - Bond #13739992 - Renewal
- 2. George Scott Burlin - Arson Investigator - Bond #15486578 - Renewal

3. Joe Bradley Byrd - Deputy Constable, Pct. #3 - Bond #14581941 - New/Reserve
4. Don W. Fullen - Reserve Deputy Constable, Pct. #1 Bond #13741866 - Renewal
5. Thomas Gage, Deputy Constable, Pct. #3 - Bond #15414536 - Renewal
6. John Rivas, Tax Assessor/Collector Officer - Bond #14382024 - Renewal
7. James C. Alderson, Deputy Constable, Reserve, Pct. #2 - Bond #14593632 - New
8. Jan Avery, Assistant Payroll Clerk, Treasurer Dept. - Bond #14595247 - New
9. Carol Chedsey Gaultney, Elections Administrator, Bond #15487169 - Renewal
10. Carol Chedsey Gaultney, Elections Administrator - Bond #15487169/Rider - name change

as per Bonds on file.

Motion carried.

END OF CONSENT AGENDA

5. ORDER APPROVED - ISSUANCE OF CERTIFICATES OF OBLIGATION - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve an Order to authorize the publication of Notice of Intention to issue Certificates of Obligation 2004 Series, as per Order on file. Motion carried.

6. REQUEST APPROVED - HOMELAND SECURITY GRANTS - CIVIL DEFENSE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to acknowledge receipt of the paperwork to be executed by the County Judge, awarding two (2) Homeland Security Grants, as follows:

- a. \$618,070.00 for FY04 "Regular" allocation DHS Funds, and
- b. \$262,399.00 for new category "LETPP" DHS funds

Motion carried. (no paperwork)

7. REQUEST APPROVED - PROCESSING PASSPORTS - DISTRICT CLERK

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the processing of passports by the District Clerk, as per Request on file. Motion carried.

AGENDA ITEM 11A - SALARY ADJUSTMENT FOR JUSTICE OF THE PEACE, PCT. #3 - REMOVED FROM AGENDA

8. REQUEST APPROVED - TRANSFER OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the transfer of funds for the Sheriff's Department, as outlined in memo dated June 7, 2004, on file. Motion carried.

9. REQUEST APPROVED - CARRYOVER OF VACATION TIME - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the carryover of 68.50 hours of vacation time from year 2003, for Brady P. Fitzgerald, as per Request on file. Motion carried.

10.REQUEST APPROVED - PURCHASE OF STENOCAT 32 - COUNTY COURT AT LAW #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the request from CCL#1 to use \$4,802.00, from the Court Reporter Service Fund to purchase a StenoCat 32, as per Request on file. Motion carried.

11.CERTIFICATION APPROVED - UNCLAIMED MONIES - COUNTY AUDITOR

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Certification and Request for unclaimed monies as provided by Section 381.004 of the Texas Local Government Code, (funds collected by Electric Cooperatives), as per Request on file. Motion carried.

12.REQUEST APPROVED - SURPLUS MONEY - EXTENSION OFFICE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve surplus money in the amount of \$9,000.00, from Account #665-3965-5 ad #665-4207-4, to be used for a temporary part-time employee for the period of July 2004 through August 15, 2004, as per Request on file. Motion carried.

13.VARIANCES APPROVED - AEROBIC SEPTIC SYSTEMS - ENVIRONMENTAL HEALTH

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

- a.Robert Edmonston, Magnolia East, 40719 Sandy Hill Lane, Montgomery, Texas - to install an aerobic septic system in the flood plain.
- b.Pedro Anzalsue, Benders Landing, Spring, Texas - to install an aerobic septic system in the flood plain, and
- c.City of Stagecoach, Stagecoach Farms, Stagecoach, Texas - to install an aerobic septic system in the flood plain,

as per Requests on file. Motion carried.

14.CONTRACT AGREEMENT APPROVED - COMMUNITY DEVELOPMENT (CDBG)

Motion by Commissioner Doyal, seconded by Commissioner Chance, to continue with present lease between Community Development and Ingram Commercial Real Estate, which is occupied by CDBG personnel. Also, to authorize the County Judge to execute any necessary documents. Motion carried. (no paperwork)

15.REAPPOINTMENT APPROVED - COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE - CDBG

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the reappointment of Isidor Ybarra, Pct. #4

Representative, to the Montgomery County Community Development Citizens Advisory Committee. Motion carried. (no paperwork)

AGENDA ITEM 17A 1, 4,5 & 6 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

16.RECOMMENDATION AND CONTRACT APPROVED - PHARMACEUTICAL - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened April 27, 2004), for Pharmaceutical for the Jail Division, to Contract Pharmacy Services, Inc., as per Contract on file. Motion carried.

17.RECOMMENDATION AND CONTRACT APPROVED - ELECTRONIC MONITORING EQUIPMENT - JUVENILE DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened May 11, 2004), for Electronic Monitoring Equipment to General Security Services Corporation, as per Contract on file. Motion carried.

18.RECOMMENDATION AND CONTRACT APPROVED - DEMOLITION OF TOWNHOMES - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bid, (opened June 11, 2004), to Inland Environments, Ltd., for the demolition of townhomes in Mosswood Subdivision, for approximately \$16,880.00, (fund from Commissioner, Pct. #2 budget), as per Contract on file. Motion carried.

19.RECOMMENDATION AND CONTRACT APPROVED - 2003/04 NEW VEHICLES - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the bid, (opened January 6, 2004), to Buckalew Chevrolet for one (1) 2004 Chevrolet Truck in the amount of \$15,700.00, for Building Maintenance, as per Contract on file. Motion carried.

20.CHANGE ORDER #3 APPROVED - ARCHITECTURAL SERVICES - PURCHASING DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve Change Order #3, PO#2002293, to Di Stefano/Santopetro Architects, for architectural services for the new county annex, as per Change Order on file. Motion carried. (fund from Bonds)

21.CHANGE ORDER #1 APPROVED - ARCHITECTURAL SERVICES - PRECINCT #4 LIBRARY

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Change Order #1, PO#2003397, to Gingrich Associates Architects, for architectural services for new library, as per Change Order on file. Motion carried.

22.CHANGE ORDER #2 APPROVED - TESTING SERVICES - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #2, PO#2003286, to Atser LP, for job control testing services for the Riley Fuzzel Road Project, as per Change Order on file. Motion carried.

23.CHANGE ORDER #1 APPROVED - GEOTECHNICAL ENGINEERING SERVICES -
PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance,
to approve Change Order #1, PO#2004217, to HBC Terracon, for
geotechnical engineering services for the Tullis Library, as
per Change Order on file. Motion carried.

24.LEASE/PURCHASE AGREEMENT APPROVED - GRADALL LEASE - PRECINCT
#2

Motion by Commissioner Rinehart, seconded by Commissioner Chance,
to approve the Lease/Purchase Agreement with Wells Fargo
Brokerage Services, LLC, for the lease/purchase of one (1)
2004 XL 3100 Gradall, as per Agreement on file. Motion
carried.

25.SALARY ADMINISTRATION REPORT APPROVED - K. R. MORE &
ASSOCIATES - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance,
to accept the Montgomery County 2005 Salary Administration
Report and Recommendations, as submitted by K. R. Moore &
Associates. Also, to fund \$98,000.00 (from contingency), to
be used to bring up certain slotted positions, effective
July 1, 2004, as per Report on file. Motion carried.

26.RESOLUTION AND ORDER APPROVED - FUNDING FOR LEGAL EXPENSES FEE
- COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to
approve a Resolution and Order to authorize funding of legal
expenses incurred by the County Attorney in the lawsuit
styled James L. Sullivan vs. Montgomery County, from the
Risk Management budget, as per Resolution and Order on file.
Motion carried.

AGENDA ITEM 18B - AMENDMENT TO LEASE AGREEMENT BETWEEN
MONTGOMERY COUNTY AND WING AVIATION, L.L.C., FOR
PROPERTY AT THE LONE STAR EXECUTIVE AIRPORT TO
CLARIFY THE METES AND BOUNDS - DEFERRED.

27.RESOLUTION AND ORDER APPROVED - EXPENSE ACCOUNT FOR LAWSUIT -
COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by
Commissioner Doyal, to approve a Resolution and Order to
authorize the funding of legal expenses incurred by the
County Attorney in the lawsuit styled Beverly Schelsteder
and Kenneth Schelsteder vs. Montgomery County, et al, as per
Resolution and Order on file. Motion carried.

28.RESOLUTION AND ORDER APPROVED - LAKEWOOD FAMILY PRACTICE -
COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Chance,
to approve the Resolution and Order to accept the Occupancy
Agreement with Lakewood Family Practice/Dr. K. N. Karimjee,
with occupancy of the space in the East Montgomery County
Community Center, as per Resolution, Order and Agreement on
file. Motion carried.

29.AMENDMENT APPROVED - TEXAS COMMISSIONER FOR ENVIRONMENTAL
QUALITY (TCEQ) - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance,
to approve an Amendment to the Texas Commissioner for
Environmental Quality Grant Agreement relating to low income

repair assistance program, (LIRAP). Also, to authorize the County Judge to execute same, as per Amendment on file. Motion carried.

30.CONTRACT APPROVED - TEXAS STATE LIBRARY AND ARCHIVES
COMMISSIONER - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Texas State Library and Archives Commission, (TSLAC), Contract for services, whereby TSLAC could fund reimbursements for County Library System's Participation in an inter-library loan program. Also, to authorize the County Judge to execute same, as per Contract on file. Motion carried.

31.REQUEST APPROVED - DISCONTINUANCE OF ROAD - PRECINCT #3

ORDER APPROVED - DISCONTINUANCE OF RIGHT-OF-WAY - PRECINCT #3

CANCELLATION OF PARTIAL REPLAT APPROVED - MAJESTIC ACRES -
PRECINCT #4

REQUEST APPROVED - PLACEMENT OF STOP SIGN - PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following Public Notices for Various Precincts:

a.discontinuance, closure and abandonment of approximately one (1) mile of Red Bay Court, aka Ken Lake Drive, and aka Red Bay Circle - Precinct #3

b.order to authorize the discontinuance, closure and abandonment of a right-of-way, once the replacement road has been constructed, will be presented to the Court for approval at a later date. (no paperwork)

c.PARTIAL PLAT CANCELLATION approved, for Majestic Acres, Section 1, as per Notice on file - Precinct #4

d.PLACEMENT OF STOP approved, to be located at Five Guinea Lane and Lovelady Drive, as per Notice on file - Precinct #4

as per Notices 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 Claim of John A. Clark, EEOC - Charge No. 310-2004-02602

2.Discuss James L. Sullivan vs. Montgomery County

3.Consider and Discuss Claim of Louis Williams

4.Consider and Discuss retention of outside counsel to represent Montgomery County in Utah Probate action

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

32.PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

- request of District Judge to discharge Julie Schute, Court Reporter, effective June 4, 2004, with 21.56 vacation hours due
- request of Animal Control to increase the salary of Daniel Deleon, Animal Control Specialist, (replacement for Sheryl Little), effective June 7, 2004, due to probation period completed
- request of Animal Control to accept the resignation of Chris Bess, Animal Care Specialist, effective June 10, 2004
- request of Animal Control to transfer Misti Lingle from Animal Shelter/Animal Care Specialist Part-time, (replacement for Daniel Deleon), effective June 5, 2004
- request of County Auditor to place Chrysanthi Garner, Fixed Asset Auditor, (replacement for Roberta Adams), on payroll, effective June 21, 2004
- request of County Auditor to place Danielle Martin, Part time Clerk, on payroll, effective June 7, 2004
- request of County Auditor to transfer Diane J. Williams from Accounts Payable to General Ledger, (replacement for Stephanie Sprowl), effective June 14, 2004
- request of Director, Lone Star Convention Center, to place Monte Holley, Facility Worker/Grounds Maintenance, (replacement for Josepa Zwall), effective June 8, 2004
- request of Collections Department to promote Jerry Cooper to Data Entry Supervisor, (replacement for Lorena Gomez), effective June 28, 2004
- request of Collections Department to promote Maria Cubero, Collections Specialist, effective June 7, 2004, with an increase in salary
- request of Collections Department to promote Lorena Gomez from Data Entry Supervisor to Court Coordinator, (replacement for Jerry Cooper), effective June 28, 2004
- request of Collections Department to promote Laura Necessary, Collection Specialist, (replacement for Ofelia Juan), effective June 14, 2004
- request of Collections Department to place Belinda Pavlock, Collections Specialist, (replacement for Laura Necessary), on payroll, effective June 10, 2004
- request of Commissioner, Pct. #2 to place Michael Erik Crawford, Truck Driver, (replacement for Samuel Little), on payroll, effective June 8, 2004
- request of Commissioner, Pct. #2 to place Ralph Holmes, Truck Driver, on family leave of absence, effective June 18, 2004
- request of Commissioner, Pct. #2 to accept the resignation of Samuel Robinson, Laborer, effective June 4, 2004
- request of Commissioner, Pct. #2 to place Jeremy Sheffield, Laborer, (replacement for Van Hardy), on payroll, effective June 8, 2004

- request of Commissioner, Pct. #4 to place Kyle Bolyard, Operator I, Part-time, on payroll, effective June 9, 2004
- request of Commissioner, Pct. #4, to accept the resignation of Eugene Trammel, Operator I, effective June 4, 2004, with 3.50 comp hours due
- request of Custodial Services to increase the salary of Yolanda Bonilla, Part-time Custodian, effective June 5, 2004, due to probation period completed
- request of Custodial Services to increase the salary of Frank Kirkwood, Floor Technician, effective June 5, 2004, due to probation period completed
- request of Custodial Services to remove Osiel Reyna, Floor Custodian, (deceased), from payroll, with 8.22 vacation hours due and 1.50 comp hours due, effective June 4, 2004
- request of Custodial Services to promote Gloria M. Saldana from Part-time Custodian to Custodian, (replacement for Dora Pacheco), effective June 5, 2004
- request of County Clerk to transfer Gloria Beyan, Research Clerk, (replacement for Norma Gipson), effective June 5, 2004
- request of County Clerk to transfer Norma Gipson, Research Clerk, (replacement for Andrea K.Jones), effective June 5, 2004
- request of County Clerk to transfer Andrea Jones from Research Clerk to Courtroom Clerk, (replacement for Connie Kinney), effective June 5, 2004
- request of County Clerk to accept the retirement of Connie Kinney, Courtroom Clerk, effective June 4, 2004, with 39.29 vacation hours due and 3.0 comp hours due
- request of County Clerk to discharge Amy Jo Patane, Chief Recording Clerk, effective June 9, 2004
- request of County Clerk to promote Rhonda M. Robey from Recording/Scan Clerk to Chief Recording Clerk, (replacement for Amy Patane), effective June 19, 2004
- request of County Clerk to transfer Stephanie A. Sprowl from Auditor's Department to County Clerk's Department, (replacement for Gloria Beyan), effective June 14, 2004
- request of District Attorney to place Erica Stephenson, Part-time Clerk, (replacement for Joseph Delos Reyes), on payroll, effective June 14, 2004
- request of Extension Services to place Joshua Tierney, 4-H Program Assistant, (replacement for Tracey Dean), on payroll, effective June 14, 2004
- request of Indigent Defense to promote Berenice Juan, FDA Designee Assistant, effective June 5, 2004
- request of Justice of the Peace, Pct. #1, to promote Donna Best, Team Leader, (replacement for Brandie Lopez), effective June 5, 2004
- request of Justice of the Peace, Pct. #1, to correct the payroll request form approved June 7, 2004, for Ofelia Juan, Criminal Clerk, (replacement for Donna Best), effective June 15, 2004

- request of Justice of the Peace, Pct. #3, to increase the salary of Amy Rushing, Cashier, effective June 19, 2004
- request of Juvenile Probation Director to layoff Anna K. Curry-Willyard, JJAEP Full-time Temporary DI, effective June 18, 2004
- request of Juvenile Probation Director to accept the resignation of Alexandro Guajardo, Detention Officer, effective June 21, 2004, with 7.778 vacation hours due
- request of Juvenile Probation Director to discharge Barbara Humiston, Substitute Detention Officer, effective June 18, 2004
- request of Library Director to transfer Lisa Sherman from Full-time Temporary, Central, to Library Assistant II, Central, (replacement for Phyllis Essary), effective June 14, 2004
- request of Maintenance Department to place Gustavo Cubero, Mechanic II, on payroll, effective June 21, 2004
- request of Sheriff's Department to transfer Scott Altemus from Recruiting Corp. to District IV, Patrol Corp., effective June 5, 2004
- request of Sheriff's Department to accept the resignation of Jo Ann Aguirrea, Secretary II, on payroll, effective June 17, 2004, with 100.90 vacation hours due
- request of Sheriff's Department to transfer Brandy Bice from Crime Prevention Deputy to Town Central Patrol Deputy, (replacement for Jackie McDonald), effective June 5, 2004
- request of Sheriff's Department to promote Curtis Ray Brooks from Detention Officer I to Detention Deputy, (replacement for Jimmy Kellum), effective June 5, 2004
- request of Sheriff's Department to transfer Freddie Bundage from Woodlands Patrol Deputy to District IV, patrol Deputy, (replacement for Carl Norum), effective June 5, 2004
- request of Sheriff's Department to accept the resignation of Drew Burks, Temporary Data Clerk, effective June 5, 2004
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- request of Sheriff's Department to transfer Oliver Coward from Spec. Services Lt. to District II, Lt., (replacement for Wayne Rawley), effective June 5, 2004
- request of Sheriff's Department to transfer Herbert Dickson from District III, Patrol Sgt. to District IV, Patrol Sgt., effective June 5, 2004
- request of Sheriff's Department to transfer Andrew Eason from District II-Magnolia St. to Town Center Sgt., (replacement for Larry Melton), effective June 5, 2004
- request of Sheriff's Department to place Robert K. Funderburk from District II-Magnolia Patrol Deputy to District IV, Patrol Deputy, effective June 5, 2004

- request of Sheriff's Department to transfer Nikki Gowton from Detention Deputy to District II, Patrol Deputy, (replacement for Charles Thompson), effective June 5, 2004
- request of Sheriff's Department to place David Haines from District II-Magnolia Patrol Deputy to District IV, Patrol Deputy, effective June 5, 2004
- request of Sheriff's Department to place Larry Hall from District II, Magnolia Deputy to District IV, Patrol Deputy, on payroll, effective June 5, 2004
- request of Sheriff's Department to transfer Kenneth Henderson from District I, Patrol Sgt. to District IV, Patrol Sgt., effective June 5, 2004
- request of Sheriff's Department to promote Brian Johns from District III, Patrol Deputy to District IV, Patrol Corp., (replacement for Jimmy Armatys), effective June 5, 2004
- request of Sheriff's Department to transfer Ryan Johnston from District II, Patrol Deputy to District IV, Patrol Deputy, (replacement for Willie Kendrick, effective June 5, 2004
- request of Sheriff's Department to transfer Jimmy Kellum from Detention Deputy to District IV, Patrol Deputy, (replacement for Brandy Bice), effective June 5, 2004
- request of Sheriff's Department to place Willie Kendrick from District II, Magnolia Patrol Deputy to District II, Patrol Deputy, (replacement for Ryan Johnston), effective June 5, 2004
- request of Sheriff's Department to place Charles Kerr from District II, Magnolia Patrol Deputy to District IV, Patrol Deputy, effective June 5, 2004
- request of Sheriff's Department to transfer Brian Lennon from Detention Officer I to District I, Patrol Deputy, (replacement for Johnathan Edd West), effective June 5, 2004
- request of Sheriff's Department to transfer Larry Melton from Town Central Patrol Sgt. to District IV, Patrol Sgt., (replacement for Andrew Eason), effective June 5, 2004
- request of Sheriff's Department to transfer Tony Messina from District I, Patrol Deputy to District IV, Patrol Deputy, effective June 5, 2004
- request of Sheriff's Department to transfer Carl Norum from District II, Patrol Deputy to Woodlands Patrol Deputy, (replacement for Freddie Bundage), effective June 5, 2004
- request of Sheriff's Department to transfer Wayne Rawley from District II, Patrol Lt. to District IV, Patrol Lt., (replacement for Ollie Coward), effective June 5, 2004
- request of Sheriff's Department to transfer Wesley Rodriguez from Academy Specialist to District IV, Patrol Corp., effective June 5, 2004
- request of Sheriff's Department to place Thelbert Sheffield, Detention Officer, on Family Leave of Absence, effective June 7, 2004
- request of Sheriff's Department to place Allison Simmons from District II, Magnolia Patrol Deputy to District IV, Patrol Deputy, effective June 5, 2004

- request of Sheriff's Department to transfer Harvey Smitherman from District II, Patrol Deputy to District IV, Patrol Deputy, effective June 5, 2004
- request of Sheriff's Department to transfer Charles Thompson from District II Patrol Deputy to District III, Patrol Deputy, (replacement for Brian Johns), effective June 5, 2004
- request of Sheriff's Department to place Jason Urban from District II, Magnolia Patrol Deputy to District IV, Patrol Deputy, effective June 5, 2004
- request of Sheriff's Department to place Rodney Van Howten from District II, Magnolia Patrol Deputy to District IV, Patrol Deputy, effective June 5, 2004
- request of Sheriff's Department to transfer Barry Welch to Patrol Corporal, District III, effective June 5, 2004
- request of Sheriff's Department to transfer Johnathan West from District I, Patrol Deputy to Detention Deputy, (replacement for Nikki Gowton), effective June 5, 2004
- request of Sheriff's Department to place Cole Zenor, Temporary Data Clerk, effective June 7, 2004
- request of Tax Assessor/Collector to place Gwen Carlson, Temporary part-time Assistant Litigation Deputy, on payroll, effective June 21, 2004
- request of Tax Assessor/Collector to increase the salary of Laura Fike, Deputy Specialist II, effective June 19, 2004, due to probation period completed
- request of Tax Assessor/Collector to increase the salary of Brandi Goodnight, Deputy Specialist II, effective June 19, 2004, due to probation period completed
- request of Tax Assessor to promote Robin Ingle from Deputy Specialist II to Deputy Specialist III, effective June 5, 2004
- request of Tax Assessor/Collector to promote Florence Kowalski from Deputy Specialist II to Deputy Specialist III, effective June 5, 2004
- request of Tax Assessor/Collector to promote Carolyn Marchione from Deputy Specialist II, to Deputy Specialist III, effective June 5, 2004
- request of Tax Assessor/Collector to promote Lisa Smith from Deputy Specialist II to Deputy Specialist III, effective June 5, 2004
- request of Tax Assessor/Collector to promote Misty Stansel from Deputy Specialist II to Deputy Specialist III, effective June 5, 2004
- request of Tax Assessor/Collector to promote Karena Stroud from Deputy Specialist II to Deputy Specialist III, effective

June 5, 2004

request of Tax Assessor/Collector to promote Susan Whiddon from Deputy Specialist II, to Deputy Specialist III, effective June 5, 2004

request of County Treasurer to promote Janice L. Avery to Payroll Assistant, effective June 5, 2004

request of Animal Control to transfer Monte Holley from Lone Star Convention Center to Animal Shelter, replacement for Christopher Bess), effective June 28, 2004

request of Animal Control to place Guadalupe Salazar, Animal Care Specialist, Part-time, (replacement for Misti Lingle), effective June 22, 20204

request of Collections to accept the resignation of Belinda Pavlock, Collection Specialist, effective June 16, 2004

request of Commissioner, Pct. #2 to place Judy Everett, Secretary/Temporary, effective June 17, 2004

request of Custodial Services to place Sharon E. Rinehart, Part-time Custodian, (replacement for Gloria Saldana), effective June 21, 2004

request of Justice of the Peace, Pct. #1 to accept the resignation of Ofelia Juan, Juvenile Clerk, effective June 16, 2004, with 85.57 vacation hours due and .84 comp hours due

request of Justice of the Peace, Pct. #1 to transfer Criselda Zarzour from Cashier to Juvenile Clerk, (replacement for Ofelia Juan), effective June 5, 2004

as per Payroll Change Requests on file. Motion carried.

33.POLICY MANUAL APPROVED - MONTGOMERY COUNTY EMPLOYEES - HUMAN RESOURCES

FUNDING APPROVED - PRINTING AND BINDERS FOR POLICY MANUAL - HUMAN RESOURCES

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the following as requested by Human Resources Director:

a.Montgomery County Employee Policy Manual, and

b.to approve funding in the approximate amount of \$7,170.00, to cover printing of 1,700 Policy Manuals and 1,700 Covers. Also, to transfer funds to Human Resources' budget, which is to be taken from the \$10,000.00, previously set aside for the implementation of Civil Service.

as per Requests on file. Motion carried.

34.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