

COMMISSIONERS' COURT DOCKET, JULY 28, 2003  
SPECIAL SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

Be it remembered that on this the 28th day of July, 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 MARTHA GUSTAVSEN, COUNTY TREASURER

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. PROCLAMATION APPROVED - LEUKEMIA & LYMPHOMA SOCIETY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Proclamation to designate the month of September, 2003, as Leukemia & Lymphoma Awareness month, as per Proclamation on file. Motion carried.

CITIZENS - AGENDA ITEM 25 - LIBRARY ISSUE

Several concerned citizens addressed Commissioners' Court to discuss whether or not to leave the current library policy in place, which affects the criteria used to determine what materials should be purchased by the library.

After hearing the comments from people who were in favor of changing the policy as well as citizens against any policy changes, the Court made the following motion to continue with the current library policy in place.

3. MOTION FAILED - CURRENT LIBRARY POLICY CHANGES - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Judge Sadler, to review the current library policy and try to find common ground that makes this library usable for all concerns. Motion fails. Commissioner Meador, Commissioner Chance and Commissioner Rinehart "opposed" to any changes in the current library policy.

4. PROCLAMATION APPROVED - AIR SUPPORT AND PATROL FOUNDATION

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Proclamation to support and endorse Montgomery County Air Support and Patrol Foundation, and to encourage the citizens of Montgomery County to support said Foundation, as per Proclamation on file. Motion carried.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for July 14, 2003, and July 21, 2003, as per Minutes on file. Motion carried.

6. CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8E5

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

COUNTY AUDITOR - AGENDA ITEMS 8A

- a. ACCOUNTS approved, as presented by the County Auditor.
- b. BUDGET AMENDMENTS approved, as follows:
  1. 284th District Court - to absorb 2-1/2% budget cut for FY203
  2. 359th District Court - to adjust line items
  3. 410th District Court - to transfer funds to cover shortage in restricted line
  4. Auto Theft - to adjust line items
  5. Commissioner, Pct. #1 - to transfer funds for security at Lake Park for 6-1 thru 6-29, 2003
  6. Commissioner, Pct. #2 - to transfer funds for mosquito spraying
  7. Commissioner, Pct. #3 - to recognize/allocate reimbursement from WJPA
  8. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Ann Hawk
  9. Commissioner, Pct. #3 - to recognize/allocate reimbursement from City of Shenandoah
  10. Commissioner, Pct. #3 - to recognize/allocate vending machine commission
  11. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Montgomery County Drainage District #6
  12. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Kenneth Swann
  13. Commissioner, Pct. #4 - to transfer funds for remodeling East County Annex
  14. Commissioner, Pct. #4 - to recognize/allocate restitution from R. Gilcrease
  15. Constable, Pct. #1 - to transfer funds to build a wall in office
  16. Constable, Pct. #1 - to adjust line items
  17. Constable, Pct. #3 - to recognize/allocate surplus revenue
  18. County Attorney - to recognize/allocate reimbursement for Q/E 2-28-03
  19. County Clerk - to recognize/allocate fees
  20. County Court at Law #3 - to transfer funds for remodeling
  21. Court Operations - to fund shortages in Court Operations for FY2003
  22. Court Operations - to transfer funds to cover shortages in Court Operations for FY2003
  23. Court Operations - to transfer funds to cover shortages in Court Operations for FY2003
  24. District Attorney - to recognize/allocate juror donation
  25. Drug Court - to adjust line items
  26. Drug Court - to adjust line items

27. Extension Agents - to recognize/allocate donations from various committees
28. Extension Agents - to adjust line items
29. Fire Marshal - to adjust line items
30. Jail - to adjust line items
31. Justice of Peace, Pct. #3 - to adjust line items
32. Juvenile Probation - to recognize and to allocate reimbursement for January through March 2003
33. Juvenile Probation - to recognize and to allocate proceeds from second quarter Title IV-E Claim
34. Juvenile Probation - to recognize/allocate March, 2003 Foster Care
35. LIRAP Grant - to recognize and to allocate budget for grant
36. Non-Departmental - to recognize/allocate unclaimed funds from electric cooperative
37. Risk Management - to transfer funds to cover damage claim for Allison Herke
38. Risk Management - to transfer funds to cover damage claim for Rena Borel
39. Risk Management - to transfer funds to cover car rental on damage claim for Rena Borel
40. Sheriff - to recognize/allocate reimbursement from State Comptroller
41. Sheriff's Department - to adjust line items
42. Sheriff's Department - to adjust line items
43. Sheriff's Department - to adjust line items
44. Sheriff's Department - to recognize/allocate reimbursement form State
45. Sheriff's Department - to adjust line items
46. Tax Assessor/Collector - to transfer funds to cover release #263018 and #262651
47. Various - to absorb 2-1/2% cut for FY2003
48. Various - to absorb 2-1/2% cut for FY2003
49. Various - to adjust line items to cover shortages in restricted line
50. Various - to recognize/allocate non-distributed overages reached 3-year statute of limitations

as per Budget Amendments on file.

- c. OFFICIALS' FEES REPORT approved, for March, 2003, as presented by the County Auditor

COUNTY TREASURER - AGENDA ITEMS 8B

- a. WEEKLY INVESTMENT REPORT approved, for the week of July 21, through July 25, 2003, as per Report on file.

AGENDA ITEMS 8B2 - PLEDGES AND/OR RELEASES OF COLLATERAL - NONE SUBMITTED THIS COURT SESSION.

- b. FINANCIAL REPORT approved, for the month of May, 2003, as presented by the County Auditor.
- c. CORRECTION REPORT approved, on Quarterly Investment Report for quarter ending March 31, 2003, as per Corrected Sheet on file.
- d. INVESTMENT REPORT approved, for quarter ending June 30, 2003, as per Report on file.

## TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a. REQUEST approved, from Sigma-Aldrich to withdraw the Tax Abatement Agreement for Sigma-Genosys. Also, to authorize changes to the 2002 consolidated taxroll to recapture the total abated taxes in the amount of \$7,607.49, as per Request on file.
- b. BOND approved, for John Wiesner, Bond #18307504, for motor vehicle registration. Montgomery County has no responsibility for payment of said Bond, as per Bond on file.
- c. INTERLOCAL AGREEMENT approved, for tax assessing and collecting services by and between the County and Montgomery County Drainage District No. 10, as per Agreement on file.

## PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE approved, for the following bids/proposals:
  1. Concrete rapid set repair service - Various Departments
  2. Removal and installation of drainage/culvert pipe - Various Departments
  3. Intense community surveillance program- Juvenile Services
  4. Serial Disk System - County Clerk
- b. BIDS/PROPOSALS acknowledged, opened by the Purchasing Department, as follows:
  1. Traffic signal installation and paving improvements Gosling Rd. at Shadow Bend Place - Pct. #3 - Project #2003-0079 (bids opened 7-22, 2003)
  2. Traffic signal installation and improvements Research Forest Dr. at Six Pines Dr., Holly Hill Dr., and Pinecroft Dr. - Pct. #3 - Project #2003-0080 (bids opened 7-22-03)
  3. One (1) or more new 2003/2004 pickup truck(s) - Various Departments - Project #2003-0078 (bids opened 7-25-03)
  4. Vehicle loaner/motorist assistance program - Various Departments - Project #2003-0083 (bids opened 7-25-03)
- c. RENEWAL CONTRACTS approved, as follows:
  1. U. S. Chemco Supply & Service - PO#2002476 - for mosquito adulticide spray - Various Precincts. Price changes are also noted.
  2. Univar USA - PO#2002440 - for mosquito adulticide spray - Various Precincts
  3. Harts Auto Supply - PO#2003041 - for brake parts/pads - Various Departments
  4. O'Reilly Auto Parts/Hilo-O'Reilly - PO#2003042 - for brake parts, rotors and drum - Various Departments
  5. Campbell Concrete & Materials L.P. - PO#2003220 - for portland cement concrete Class "A" (5-sack) - Precinct #4. (6-month renewal)

6. Portable Computer Systems, Inc. - PO#2003060 - for laptop pc/toughbooks and accessories - Various Departments
  7. Metcalf Funeral Directors -PO#2003016 - for transport of cadaver - Various Justice of the Peace
  8. Therapeutic Family Life - PO#2002054 - for residential placement - Juvenile Services
  9. Ever Change Youth & Family Service, Inc. - PO#2002055 - for residential placement - Juvenile Services
  10. Azleway, Inc. - PO#2002060 - for residential placement - Juvenile Services
  11. Kerr County Juvenile Facility - PO#2002061 - for residential placement - Juvenile Services
  12. Pegasus Schools, Inc. - PO#2002062 - for residential placement - Juvenile Services
  13. St. Judes Ranch for Children - PO#2002063 - for residential placement - Juvenile Services
  14. Incentive Boys Ranch - PO#2002065 - for residential placement - Juvenile Services
  15. Gulf Coast Trades Center - PO#2002066 - for residential placement - Juvenile Services
  16. Colorado County Boot Camp Health Service - PO#2002069 - for residential placement - Juvenile Services
  17. Dr. Ruben S. Odems -PO#2002464 - for non-residential services - Juvenile Services (not to exceed from \$7,000.00 to \$8,500.00)
  18. Walter Y. Quijano, PHD, PC - PO#2002469 - for non-residential services - Juvenile Services
  19. Peggy Heath DBA Mental Health - PO#2002470 - for non-residential services - Juvenile Services
  20. Ronald J. Massey, PHD - PO#2002471 - for non-residential services - Juvenile Services
  21. Victor Love - PO#2002472 - for non-residential services - Juvenile Services
  22. Nexus Recovery Center, Inc. - PO#2003088 - for residential services - Juvenile Services
  23. Brookhaven Youth Ranch - PO#2003321 - for residential placement - Juvenile Services
  24. Hays County Juvenile Center - PO#2003297 - for residential placement - Juvenile Services
  25. Psychological Services Center - PO#2003136 - for non-residential services - Juvenile Services
  26. Green Lawn Memorial Funeral Home - PO#2003029 - for transport of cadaver - Various Justice of the Peace
  27. Lone Star Services, Inc. - PO#2002370 - for crack seal service - Various Precincts
  28. Depelchin's Children's Center - PO#2002463 - for residential placement - Juvenile Services
- d. CANCELLATION OF RENEWAL approved - PO#2002491 - to Universal Computer Technologies to cancel renewal of contract for personal computers, as per Request on file.
  - e. CHANGE ORDER #1 approved - PO#2003390 - to Gray's Wholesale for changes to the tires and tubes contract, as per Change Order on file.
  - f. CHANGE ORDER #1 approved - PO#2003166 - to Brodart Co. to provide changes to the Library Specialty Supplies contract, as per Change Order on file.

- g. CHANGE ORDER #6 approved - PO#2001188 - to T. P. Tractor Service to add Roads to the contract for mowing right-of-ways, Pct. #1, as per Change Order on file.
- h. CHANGE ORDER #1 approved - PO#2003170 - to K. R. Moore and Associates for second phase as previously approved July 14, 2003, for Market Survey Analysis, not to exceed \$80,000.00, and to extend the operation date of April 1, 2004, as per Change Order on file.
- i. CANCELLATION approved - PO#2003279 - for lawn maintenance services, Pct. #4, to Montgomery County Environmental Services, effective, August 9, 2003, and to award contract to Circle M Lawn Service, effective August 10, 2003, as per Notice on file.
- j. CANCELLATION approved - PO#2002391 - to Costello, Inc., for Engineering Services for improvements to Nursery Rd. - Pct. #3
- k. AMENDMENT TO CONTRACT approved, with Aramark Correctional Services for manual food services for Sheriff's Department/Jail, approved on June 30, 2003, as per Amendment on file.
- l. ITEMS DECLARED SALVAGE approved, for various items at the Sheriff's Department, as outlined in memo dated July 3, 2003, on file.
- m. REQUEST approved, to adopt a procedure for sale of lease of real property through the sealed-bid procedure as stated in Vernon's Texas Codes annotated, Section 263.007 (a), as per Request on file.
- n. PAYMENT AND PERFORMANCE BONDS approved, #447002558, to Hubco, Inc., for construction of maintenance type work consisting of raising approaches and adding cross culverts, Pct. #2, as per Bonds on file.

COMMISSIONERS, PRECINCT #1 - AGENDA ITEMS 8E1

- a. FINAL PLAT approved, for Timber Line Estates, Section 2, consisting of 300.234 acres, 66 lots, as per Plat on file.
- b. STREETS accepted, in Bentwater, Section 48, (private streets), consisting of 1,225.77 l.f., .23 miles, into the one year maintenance period, effective July 28, 2003, as per Request on file.
- c. STREETS accepted, in Bentwater, Section 49, (private Streets), consisting of 1,343.10 l.f., .25 miles, into the one year maintenance period, effective July 28, 2003, as per Request on file.
- d. CORRECTION approved, to the Montgomery County Road Log to include Pearson Lane, (642'), as being maintained by Montgomery County, as per Correction diagram on file.
- e. PUBLIC HEARING DATE SET, for August 11, 2003, to place "no parking" signs on Cedar Hill Road at FM1097 intersection, as per Notice on file.

## COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. FINAL PLAT approved, for Crighton Ridge, Section 4, consisting of 556.5 acres, 95 lots, as per Plat on file.
- b. STREETS approved, BOND released - in Crown Oaks, Section 2, (private streets - not maintained by Montgomery County), which have completed the one year maintenance period, consisting of 3.2 miles, 16,870.72 l.f. Also, to release the bond, as per Letter on file.
- c. UTILITY PERMIT approved, for Woodland Oaks Utility Co., Inc., to place a 6-inch sewage force mainline within the right of way of Honea-Egypt Road, as per Permit on file.
- d. PUBLIC HEARING DATE SET, for August 11, 2003, to place "stop" signs and advanced warning signs on Coe Road at Wright Road, making this intersection a four-way stop - Pct. #2, as per Request on file.
- e. PUBIC HEARING DATE SET, for August 25, 2003, to consider the partial replat of Westwood Section 1, Block 1, Lots 39-45, to be known as Woodforest Plaza, as per Notice on file.
- f. PUBLIC HEARING DATE SET, for August 25, 2003, to consider the Partial Replat of Greenfield Forest Estates, to be known as Greenfield Forest Estates Partial Replat No. 1, as per Notice on file.

## COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a. FINAL PLAT approved, for Legends Ranch Lift Station, consisting of 0.235 acres, as per Plat on file.
- b. FINAL PLAT approved, for Legends Ranch Wastewater Treatment Plant, consisting of 7.745 acres, as per Plat on file.
- c. FINAL PLAT approved, for TMG, Inc., consisting of 2.1677 acres, as per Plat on file.
- d. FINAL PLAT approved, for Warren Dale, consisting of 2 acres, as per Plat on file.
- e. FINAL PLAT approved, for Metro Center, Section 46, consisting of 34.51 acres, as per Plat on file.
- f. FINAL PLAT approved, or The Woodlands School, Section 3, consisting of 7.907 acres, as per Plat on file.
- g. ORDER approved, to authorize the purchase of approximately 4.820 acres, Tract 37. Also, to appoint Ed Chance, as Special Commissioner, on behalf of Montgomery County, as per Order on file.
- h. ORDER approved, to authorize lease of real property described as Lots 33, 34 & 35, Skylight Timbers Subdivision. Also, to appoint Robert W. Collins as Special Commissioner to conduct lease auction on August 26, 2003, as per Order on file.

- i. ORDER approved, for the installation of culverts at 6363 Research Forest, The Woodlands, in accordance with an Interlocal Agreement dated May 10, 1993, with Woodlands Joint Powers Agency, as per Order on file.
- j. ORDER approved, to acknowledge receipt of a check in the amount of \$20.00, from Walter E. Vars, for the lease of 1.330 acres known as Lot 7, Skylight Timbers, as per Plat on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4A

- a. FINAL PLAT approved, for Harpers Landing at College Park, Section 15, consisting of 8.7539 acres, 19 lots, as per Plat on file.
- b. PUBLIC HEARING DATE SET, for August 11, 2003, to consider placement of stop signs on Guion at First Street, as per Notice on file.
- c. ORDER approved, to authorize payment of Title Insurance Premium for acquisition of Parcel 33, FM1314 right-of-way project. Also, to authorize payment to First Surety Title Company for \$254.00, for title insurance premium, as per Order on file. (fund from road bond Series 2002)
- d. ORDER approved, to authorize payment of title insurance premium for acquisition of Parcel 50, FM1314 right-of-way project. Also, to authorize payment to First Surety Title Company for \$254.00, for title insurance premium, as per Order on file. (fund from road bond Series 2002)
- e. ORDER approved, to authorize the purchase and payment of \$43,822.00, for Parcel No. 10, to Joe L. Newsome aka Joey Newsome, in connection with the FM1314 right-of-way project, as per Order on file. (fund from Road bond Series 2002)
- f. ORDER approved, to authorize payment of Special Commissioners' Award in the amount of \$4,750.00, into the Registry of the Court, Cause No. 03-02-00975-CV, Montgomery County vs. Byung D. Kwon and Helen H. Kwon. Also, to pay the following as Special Commissioners' appointed in said Cause: Weaver Wiggins, \$350.00, Webb K. Melder, \$350.00, and Marshall Anderson, \$350.00, as per Order on file. (fund from road bond Series 2002)

ALL PRECINCTS - AGENDA ITEMS 8E5

- a. OVERLOAD/OVERSIZE PERMIT approved, from McDonald Logging to move various loads over all county roads, in accordance with special instructions on said permit. Movement to begin not earlier than July 14, 2003, and to be completed by October 14, 2003, as per Permit on file.

Motion carried.

END OF CONSENT AGENDA

AGENDA ITEM 9 - LIBRARY POLICY ISSUE - SEE MOTION #3 FOR TODAY'S COURT ACTION.

7. REQUEST APPROVED - GRANT AWARD - CIVIL DEFENSE

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept the NOI Local Match ODP First Responder Grant Award. Motion carried. (no paperwork)

8. PROPOSAL APPROVED - PARKING LOT STRIPE - DISTRICT CLERK

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the proposal from Lone Star Services to stripe the jurors public parking lot for approximately \$3,860.00, as per Proposal on file. Motion carried. (fund from Commissioner, Pct. #1 Budget)

9. REQUEST APPROVED - APPLICATION FOR GRANT - CONSTABLE, PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Application for a Grant through the East Montgomery County Improvement District to assist the Constable's Office in acquiring equipment to benefit East Montgomery County, as per Request on file. Motion carried.

10. VIDEO CAMERAS ACCEPTED - TEXAS DEPARTMENT OF PUBLIC SAFETY GRANT - CONSTABLE, PRECINCT #5

Motion by Commissioner Doyal, seconded by Commissioner Meador, to accept 16-mobile video cameras received from the Texas Department of Public Safety Grant for Constable, Pct. #5, as per Report on file. Motion carried.

11. ADDENDUM APPROVED - MAGNOLIA INDEPENDENT SCHOOL DISTRICT - CONSTABLE, PRECINCT #5

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Addendum C-5 and C-6 to serve as an Interlocal Agreement between Magnolia Independent School District and Montgomery County for school year 2003/04, as per Addendum on file. Motion carried.

12. RESOLUTION ACCEPTED - GRANT FOR VICTIM ASSISTANCE COORDINATOR - DISTRICT ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept the Resolution for the Attorney General's Office Grant Renewal #02-G00748, for Victim Assistance Coordinator/Misdemeanor Division, as per Resolution on file. Motion carried.

13. GRANT ACCEPTED - AUTO THEFT TASK FORCE - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Rinehart, to accept Grant #SA-T01-10059-04 for Motor Vehicle-Theft Salvage and Arson Reduction Program, as per Grantee's Acceptance Notice on file. Motion carried.

14. VARIANCE APPROVED - SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the replacement of a malfunctioning septic system with an Aerobic Septic System in the flood plain for Willard & Margaret Vest, Splendora, as per Request on file. Motion carried.

15. VARIANCES APPROVED - SEPTIC SYSTEMS - ENVIRONMENTAL HEALTH

Motion by Judge Sadler, seconded by Commissioner Rinehart, to approve the following Variances for the installation of an Aerobic Septic System in the flood plain:

- a. Michael Martz, Conroe, Tx.
- b. Marvin & Linda Rodgers, Conroe, Tx.
- c. Michael Hardin, Spring, Tx.

as per Variances on file. Motion carried.

16. VARIANCE APPROVED - SEPTIC SYSTEMS - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the replacement of a malfunctioning septic system with an Aerobic Septic System in the flood plain for Michael Hardin, Spring, Texas, as per Request on file. Motion carried.

17. VARIANCE APPROVED - SEPTIC SYSTEMS - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the installation of an Aerobic Septic System in the flood plain for Hung Tran, Montgomery, Texas, as per Request on file. Motion carried.

18. PRESENTATION STUDY APPROVED - AIRPORT MASTER PLAN - AIRPORT DIRECTOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept Coffman Associates of final draft of the Master Plan Study Update for Montgomery County Airport. Motion carried.

19. GRANT ACCEPTED - TRUANCY AND SEX OFFENDER PROGRAM GRANT - JUVENILE PROBATION

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept the Truancy and Sex Offender Program Grant for Juvenile Probation. Said Grant will allow for the employment of two juvenile probation officers to handle a specialized caseload, as per Grant Acceptance Notice on file. Motion carried.

AGENDA ITEM 19A8 - VEHICLE LOANER/MOTORIST ASSISTANCE PROGRAM - VARIOUS DEPARTMENTS - PROJECT #2003-0083

20. RECOMMENDATIONS AND CONTRACTS APPROVED - VARIOUS PRECINCTS

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the following Bids/Proposals:

- a. Evolving Solutions - (bids opened May 29, 2003), for Disaster Recovery System (new, used or refurbished) - Various Departments
- b. Benco Systems, Inc. - (bids opened June 3, 2003), for equipment and installation of Surveillance Security System for Library Central and South Branches
- c. MC-30 (prime) asphaltic oil to the following Vendors:

PRIME VENDORS

- 1. Pct. #1 and #4 - Cleveland Asphalt Products, Inc.
- 2. Pct. #2 and #3 - Marlin Asphalt Ltd

## ALTERNATE VENDORS

1. Pct. #1 and #4 - Marlin Asphalt Ltd.
  2. Pct. #2 and #3 - Gulf States Asphalt Co.,  
L.P.
- d. Lone Star Services, Inc. - for seal coating (ACP rejuvenation) - Various Precincts
  - e. Statewide Traffic Signal Co. - for traffic signal installation & paving improvements Gosling Rd. at Shadow Bend Place - Pct. #3
  - f. Statewide Traffic Signal Co. - for traffic signal installation and improvements Research Forest Dr. at Six Pines Dr., Holly Hill Dr. and Pinecroft Dr. - Pct. #3
  - g. Anderson Ford - for one (1) or more new 2003/2004 pickup trucks - Sheriff Auto Theft Division

as per Contracts on file. Motion carried.

21. CHANGE ORDER #2 APPROVED - ENGINEERING SERVICES - PRECINCT #4 - CDBG PROJECT

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve Change Order #2, PO#2001485, to Bleyl & Associates for changes to Engineering Services to the design of East Montgomery County Community Development Center's waste system, as per Change Order on file. Motion carried.

22. PROPOSAL ACCEPTED - ENGINEERING SERVICES - ALL PRECINCTS

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to accept the Proposal from Pate Engineers for engineering services to assist in developing a road bond program for a fee of \$80,000.00, to be split equally by all Precincts. Motion carried. (Contract to follow)

23. PROPOSALS ACCEPTED - SURVEYING SERVICES AND ENGINEERING SERVICES - PRECINCTS #1 & #3

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

- a. Carter & Burgess, Inc. - for surveying services in developing a right-of-way map for the proposed Lone Star Loop for a fee of \$44,172.00. (fund from leverage bond funds) - Pct. #1
- b. PBS & J - for surveying services to develop right-of-way map for Robinson Rd. from Hanna Rd. to 1,400 feet east of Ashton Village Dr., for a fee of \$124,463.00 - Pct. #3
- c. PBS & J - for Engineering Services to develop construction plans for Robinson Rd., from Hanna Rd. to 1,400 feet east of Ashton Village Dr., for a fee of \$58,050.00 - Pct. #3

as per Proposals on file. Motion carried.

24. REQUEST APPROVED - ADDITIONAL SPACE - COLLECTIONS DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an additional 900 sq. ft. for Collections Department in the new county annex. Motion carried. (no paperwork)

## 25. CONTRACTS APPROVED - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the following Contract, as approved by the County Attorney:

- a. Personal Services Agreement - between Montgomery County and Sandi Murray, to assist in the Law Library
- b. Occupancy Agreement - between Montgomery County and Montgomery County Hospital District to provide wide range of services such as health, welfare, recreational, cultural and other similar community services, at the Community Center in Precinct #4.
- c. Occupancy Agreement - between Montgomery County and The Women's Center, to provide a wide range of services such as health, welfare, recreational, cultural, and other services, at the Community Center in Precinct #4.
- d. CPS Services Contract - between Montgomery County and The Texas Department of Protective and Regulatory Services, for purchase of services and certificate regarding debarment.
- e. PERSONAL SERVICES AGREEMENT - between Montgomery County and Kevin Wayne Johnson, to render services to Montgomery County Drug Court as an investigator.

as per Contracts on file. Motion carried.

## 26. REQUEST APPROVED - "NO PARKING SIGNS" - PRECINCT #4

ROAD ABANDONMENT APPROVED - FRANK PLUNK ROAD - PRECINCT #4

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

- a. Placement of "no parking signs" on East Heritage Oaks and West Heritage Oaks, off of Oak Lane, located in Heritage Oaks Subdivision, as per Notice on file.
- b. Abandonment approved, to close abandon and vacate right-of-way described as old Frank Plunk Road, located in Pct #4, as per Order on file.

Motion carried.

## 27. ORDER APPROVED - ACCEPTANCE OF DONATION DEED - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the following Donation Deed and Road Acceptance by Prescriptive Right:

- a. Order to accept Donation Deed from C. H. Coleman or Barbara Brown Coleman, for the realignment of Coleman Road in Precinct #2, as per Order on file, and
- b. Petition to accept Coleman Road, from FM1774 to 1400 ft. North, into the County Road Maintenance System by Prescriptive Right, as per Petition on file.

Motion carried.

28. MASTER FUNDING AGREEMENT APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION - ALL PRECINCTS

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Master Funding Agreement with the Texas Department of Transportation to provide basis for future federal and state funding of County Transportation Projects, as per Agreement 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 Claims of David Parks
2. Consider and Discuss Claims of Pam Hernandez and Phyllis Traylor
3. Consider and, if appropriate, approve Claims of Les French and Georgette Lucado
4. Consider and Discuss Claim of Ronnie Tullos
5. Discuss Smith and Jones vs. Montgomery County
6. Consider and Discuss Pamela Morgan and Thomas Morgan vs. Montgomery County, Texas, et al
7. Consider and Discuss Christina Smith vs. Montgomery County, Texas and Scott Gordon Hazelwood

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

29. PAYROLL CHANGE REQUEST APPROVED - MATTHEW THOMAS - JUSTICE OF THE PEACE, PCT. #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Payroll Change for Matthew Thomas, Administrator, Bail Bond Board, effective July 30, 2003 (new position)

30. RESOLUTION AND ORDER APPROVED - CHRISTINA SMITH LAWSUIT

Motion by Commissioner Meador, seconded by Commissioner rinehart, to approve a Resolution and Order to acknowledge the need of the County Attorney to defend Montgomery County in the lawsuit styled: Christina Smith vs. Montgomery County, Texas and Scott Gordon Hazelwood, as per Resolution and Order on file. Motion carried.

31. RESOLUTION AND ORDER APPROVED - PAMELA MORGAN AND THOMAS MORGAN LAWSUIT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Resolution and Order to acknowledge the need of the County Attorney to defend Montgomery County in the lawsuit styled: Pamela Morgan and Thomas Morgan vs. Montgomery County, et al, as per Resolution and Order on file. Motion carried.

32. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Control to place Christopher Campell, Animal Care Technician, Part-time, on payroll, (replacement for Candice Retherford), effective July 15, 2003

request of Collections Department to place Sandy Relander, Collection Specialist on payroll at 20 hours per week rather than 29 hours per week, effective July 5, 2003

request of Commissioner, Pct. #3 to accept the resignation of George Lotts, Driver, Drainage Operator, effective July 14, 2003, with 39.52 vacation hours due

request of Commissioner, Pct. #4 to accept the resignation of Melba Pearson, Operator I, effective August 1, 2003, effective 55.24 vacation hours due and 9.50 comp hours due

request of Constable, Pct. #4 to add longevity to Meredith D. Miller, Deputy Constable, salary, effective July 19, 2003

request of Constable, Pct. #5 to place Glen Arnold, School Deputy, on payroll, effective August 1, 2003

request of Constable, Pct. #5 to increase the salary of Robert Buchanan, School Deputy, effective August 1, 2003

request of Constable, Pct. #5 to remove John David Garcia, Deputy, from payroll, effective July 17, 2003, with 34.46 vacation hours due - (deceased)

request of Constable, Pct. #5 to increase the salary of Andrea Hamm, School Deputy, effective August 1, 2003

request of Constable, Pct. #5 to increase the salary of Charlotte Hamm, School Deputy, effective August 1, 2003

request of Constable, Pct. #5 to increase the salary of Charles Kennedy, School Deputy, effective August 1, 2003

request of Constable, Pct. #5 to increase the salary of Ronald Willcox, School Deputy, effective August 1, 2003

request of Constable Pct. #5 to increase the salary of Marshall Williams, School Officer, effective August 1, 2003

request of County Clerk to place Flor (Liz) Rubio, Courtroom Clerk, (replacement for Lisa Afill), on payroll, effective July 17, 2003

request of District Clerk to place Janet Dawn Jones, Deputy Clerk, on payroll, effective July 8, 2003 (returning from FMLA)

request of Fire Marshal to transfer George Scott Brulin, Investigator, (replacement for Donald Schifani), effective July 19, 2003

request of Justice of the Peace, Pct. #4 to place Holly Arbuckle, Clerk I, on payroll, effective July 23, 2003

request of Library Director to accept the resignation of Jonathan Romero, Shelving Clerk, effective July 26, 2003

request of Sheriff's Department to place Juan Chapa, Dispatcher I, (replacement for Michael Anderson), on payroll, effective July 19, 2003

request of Sheriff's Department to change the status of Erin Fontenot from Temporary Data Clerk to Dispatcher I, (replacement of Barbara Gordy), effective August 2, 2003

request of Sheriff's Department to change the status of Heather Lawson from Temporary Data Clerk to Clerk I, (replacement for Tonya Anderson), effective July 26, 2003

request of Sheriff's Department to place Troy Winslett, Detention Officer I, (replacement for Eddy Tessier), effective July 26, 2003

request of Tax Assessor/Collector to discharge Kimberly J. Bates, Deputy Specialist I, effective July 11, 2003

request of Tax Assessor/Collector to place Linda Heuermann, Deputy Specialist II, on payroll, effective July 14, 2003 (returning from FMLA)

request of Tax Assessor/Collector to place Floy Ligon, Accounting Deputy, on payroll, effective July 14, 2003 (returning from FMLA)

request of Tax Assessor/Collector to increase the salary of Larry Petro, Data Processing Manager, effective August 2, 2003

request of Justice of the Peace, Pct. #3 to place Matthew Thomas, Administrator, Bail Bond Board, on payroll, effective July 30, 2003 (duplicate of Motion #29)

request of Constable, Pct. #5 to change the status of Robert Buchanan from School Deputy to Deputy, (replacement for John David Garcia), effective August 1, 2003

request of Constable, Pct. #5 to place Larry Medearis, School Deputy (MISD), (replacement for Robert Buchanan), on payroll, effective August 1, 2003

request of District Attorney to place Nelda Williams, Assistant District Attorney, (replacement for Andrea Thompson), effective August 4, 2003

request of Fire Marshal to increase the salary of Joseph Manz, Jr., Investigator, effective August 2, 2003, due to Fire Commission Certification received

request of Fire Marshal to place Donald Schifani, Arson Investigator, on payroll, effective July 26, 2003

request of Juvenile Probation Director to transfer Jayce Joseph Politoski from Prevention/Diversion JPO to Sex Offender JPO, effective August 2, 2003

as per Payroll Change Requests on file. Motion carried.

33. REQUEST APPROVED - TRANSFER OF DEPUTY CONSTABLE'S LONGEVITY - CONSTABLE, PCT. #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the transfer of Deputy longevity pay, (\$60.00 for each year of service), when deputies transfer between Law Enforcement Agencies within Montgomery County Government, (i.e. the Sheriff's Department and the office of one of the five Constables), with no break in service. Motion carried. (no paperwork)

34. COURT ADJOURNS

Motion by Judge Sadler, seconded by Commissioner Meador, 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