

COMMISSIONERS' COURT DOCKET, AUGUST 9, 2004
REGULAR SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 9th day of August, 2004, the Honorable Commissioners' Court of Montgomery County, Texas, was duly convened in a Regular 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 DAVID WALKER, COUNTY ATTORNEY

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1.COMMISSIONERS' COURT AGENDA APPROVED

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

2.PROCLAMATION APPROVED - "AUNTIE LITTER PROGRAM"

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Proclamation to support the Auntie Litter Program efforts in work with the City of Conroe and the City of Montgomery in soliciting support for the State Adopt-A-Highway Program, and to acknowledge that SH104 West is officially Lake Conroe Parkway, and to encourage TxDot to promote this effort, as per Resolution on file. Motion carried.

3.RESOLUTION APPROVED - U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT/AMO

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution to support the relocation of the United States Immigration and Customs Enforcement/AMO to the Lone Star Executive Airport, as per Resolution on file. Motion carried.

4.RESOLUTION APPROVED - ARNOLD-SIMONTON HOUSE/HISTORICAL SOCIETY

Motion by Judge Sadler, seconded by Commissioner Meador, to approve a Resolution to support the efforts to establish a research center of the highest quality in the Arnold-Simonton House in Historic Montgomery, Texas, as per Resolution on file. Motion carried.

AGENDA ITEM 6D - EMPLOYEE OF THE MONTH - EMPLOYEES' COMMITTEE

BECKY COOPER AND PATRICIA McWILLIAMS employees in the Risk Management Department, were selected as Employees of the Month for August, 2004. Dennis McMahan, Director of Risk Management, wrote and read the nominating letter. They were both presented with a plaque and a gift certificate from the Employees' Committee.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for July 26, 2004, as presented by the County Clerk. Motion carried.

6. DEPUTATION APPROVED - STEPHANIE SPROWL - COUNTY CLERK

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Deputation for Stephanie A. Sprowl, Deputy County Clerk, as per Deputation on file. Motion carried.

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

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

COUNTY AUDITOR - AGENDA ITEMS 8A

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

b. BUDGET AMENDMENTS approved, as follows:

1. 284th District Court - to adjust line items
2. Adult Probation - to transfer funds to cover shortage in restricted line
3. Animal Shelter - to recognize and to allocate October 3, through June 4 rescue fees
4. Bail Bond Board - to reallocate remainder of budget as approved by Commissioners' Court, 7-12-04, Motion 10
5. Building Maintenance - to adjust line items
6. CDBG - to adjust line items
7. CERT Grant - to transfer funds to cover PO#24507166
8. Civic Center - to adjust line items
9. Commissioner, Pct. #1 and Pct. #3 - to recognize/allocate proceeds from 6-12-04 auction
 10. Commissioner, Pct. #2 - to recognize/allocate lease proceeds from Solveig Matek
 11. Commissioner, Pct. #2 - to adjust line items
 12. Commissioner, Pct. #2 - to transfer funds for reimbursement street light repairs at Creighton Rd. and Kidd Rd.
 13. Commissioner, Pct. #3 - to adjust line items
 14. Commissioner, Pct. #3 - to recognize and to allocate reimbursement from Ronald Merrill
 15. Commissioner, Pct. #3 - to recognize and to allocate reimbursement from Scot Pollok for Ms. Stains
 16. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Egly, Holcombe and Pebbles for Richard Egly
 17. Commissioner, Pct. #3 - to recognize and to allocate reimbursement from Gilbane Building Co.
 18. Commissioner, Pct. #3 - to recognize and to allocate proceeds from 4-21-04 on-line auction
 19. Commissioner, Pct. #3 - to recognize and to allocate proceeds from 6-7-04 on-line auction
 20. Commissioner, Pct. #3 - to recognize and to allocate reimbursement from Schany Homes & Remodeling
 21. Commissioner, Pct. #3 - to recognize and to allocate vending machine commission 7-14-04
22. Commissioner, Pct. #3 - to recognize and to allocate miscellaneous revenue
23. Commissioner, Pct. #4 - to transfer funds to cover shortage in restricted line
24. Commissioner, Pct. #4 - to adjust line items

25. Commissioner, Pct. #4 - to adjust line items
26. Communications/Info Service - to adjust line items
27. Constable, Pct. #1 - to recognize and to allocate reimbursement from SJRA for dam security
28. Constable, Pct. #2 - to transfer funds for glass top
29. Constable, Pct. #3 - to recognize and to allocate surplus revenue
30. Constable, Pct. #4 - to adjust line items
31. Contingency - to recognize and to allocate tax overpayments
32. Contingency - to transfer funds to cover shortage in Court Operations
33. County Auditor - to transfer funds to purchase a computer and monitor
34. County Court at Law #1 - to transfer funds for Randi Easterling to attend a probate seminar
35. Custodial Services - to adjust line items
36. District Attorney - to recognize/allocate juror donation
37. Emergency Management - to adjust line items
38. Jail - to adjust revenue for anticipated shortage
39. Memorial Library - to recognize and to allocate donation from Wal-Mart Foundation
40. Memorial Library - to recognize and to allocate donation from People & Stories
41. Memorial Library - to recognize and to allocate donation from National Video Resources
42. Non-departmental - to transfer funds to cover shortage in restricted line
 43. Risk Management - to recognize and to allocate issuance proceeds for Claim U-040063
 44. Risk Management - to recognize and to allocate insurance proceeds for Claim U-040066
45. Risk Management - to transfer funds to cover damage Claim A-040072
 46. Sheriff/Auto Theft - to recognize and to allocate proceeds from 6-12-04 auction
47. Sheriff - to adjust line items
48. Sheriff - to adjust line items
49. Sheriff - to recognize and to allocate proceeds from 6-12-04 auction
50. Sheriff - to recognize and to allocate proceeds from 6-12-04
51. Sheriff - to adjust lien items
52. Tax Assessor/Collector - to transfer funds to cover release 280402
53. Urban Security Grant - to adjust line items
54. Urban Security Grant - to adjust line items

as per Budget Amendments on file.

c. OFFICIALS' FEE REPORT approved, as audited for the month of May, 2004.

COUNTY TREASURER - AGENDA ITEMS 8B

a. WEEKLY INVESTMENT REPORT approved, for the week of July 19, 2004, through July 23, 2004, as per Report on file.

AGENDA ITEMS 8B2 & 3 - WEEKLY INVESTMENT FOR WEEK OF AUGUST 2-6, 2004 AND PLEDGES AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA

b. QUARTERLY INVESTMENT REPORT approved, for quarter ending June, 2004, as per Report on file.

AGENDA ITEM 8B5 - MONTHLY FINANCIAL REPORT FOR MONTH OF JUNE,

2004 - NONE WAS RECEIVED BY COUNTY CLERK

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C1

- a. MONTHLY TAX COLLECTION REPORT approved, for the month ending July 31, 2004. (no paperwork received)

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE FOR BIDS/PROPOSALS, as follows:

- 1. Pavement striping and road marker installation - Various Departments
- 2. Concrete road and curb repair - Various Precincts
- 3. Customer credit card payment service - Various Departments
- 4. RFQ Engineering Services for Grogans Mill/Sawdust Rd. from IH45 to Research Forest Dr. and Lake Woodlands Dr. from the Easternmost entrance mall entrance (near IH45) to Kuykendahl Rd. - Pct. #3
- 5. Chain link fencing & materials - Various Departments

- b. ALSO, TO ACKNOWLEDGE THE OPENING OF THE FOLLOWING BIDS/PROPOSALS:

- 1. Land clearing for future development - Airport - Project #2004-0079 (opened 7-29-04)
- 2. All purpose locks/miscellaneous supplies - Building Maintenance - Project #2004-0063 (opened 7-29-04)
- 3. Additional alternates for morgue transport services - Various Justice of the Peace - Project #2004-0083 (opened 7-29-04)
- 4. Lawn maintenance services - Pct. #4 - Project #2004-0077 (opened 7-30-04)
- 5. Lease of office space - Library - Project #2004-0082 (opened 7-30-04)
- 6. Concrete (5 sack) delivered - Various Departments - Project #2004-0085 (opened 7-30-04)
- 7. RFP/Q Operation/Management Services for the new wing at the Montgomery County Jail - Project #2004-0076 (opened 8-3-04)
- 8. One (1) or more new 2004/05 vehicles - Various Departments - Project #2004-0069 (opened 8-6-04)

- c. RENEWAL CONTRACTS approved, as follows:

- 1. Harts Auto Supply - PO#20030341 - for brake parts/pads - Various Departments

AGENDA ITEM 8D3 - PO#2003042 - O'REILLY AUTO PARTS HILO - O'REILLY - FOR BRAKE PARTS, ROTORS AND DRUM VARIOUS DEPARTMENTS - REMOVED FROM AGENDA

- 2. W T Cox Subscriptions, Inc. - PO#2001021 - for service for supplying periodicals - Library

- 3. Deterrent to Detainment Services, Inc. - PO#2004048 - for intensive community surveillance program - Juvenile Services
- 4. Ever Change Youth and Family Services, Inc. - PO#2003423 - for residential placement - Juvenile Services
- 5. Azleway, Inc. - PO#2003424 - for residential placement - Juvenile Services
- 6. Pegasus Schools, Inc. - PO#2003426 - for residential placement - Juvenile Services

7. St. Judes Ranch for Children - PO#2003427 - for residential placement - Juvenile Services
8. Incentive Boys Ranch - PO#2003428 - for residential placement - Juvenile Services
 9. Gulf Coast Trade Center - PO#2003429 - for residential placement - Juvenile Services
 10. Colorado County Boot Camp Health Services - PO#2003430 - for residential placement - Juvenile Services
 11. Hays County Juvenile Center - PO#2003438 - for residential placement - Juvenile Services
 12. A World for Children - PO#2003443 - for residential placement - Juvenile Services
 13. Have Haven, Inc. - PO#2004052 - for residential placement - Juvenile Services
 14. Choices Adolescent Treatment Center - PO#2004345 - for residential placement - Juvenile Services
 15. Therapeutic Family Life - PO#2003422 - for residential placement - Juvenile Services
 16. Dr. Walter Quijano - PO#2003432 - for non-residential providers - Juvenile Services
 17. Dr. Ronald Massey - PO#2003434 - for non-residential providers - Juvenile Services
 18. Dr. Victor Love - PO#2003435 - for non-residential providers - Juvenile Services
 19. Psychological Services Center - PO#2003439 - for non-residential providers - Juvenile Services
 20. Buckalew Chevrolet, Inc. - PO#2003445 - for vehicle loaner/motorist assistance program - Various Departments
 21. Anderson Ford (Cleveland) - PO#2003444 - for vehicle loaner/motorist assistance program - Various Departments
 22. MA-Com - PO#2000248 and #2000248X - for radio equipment - Various Departments
 23. Marlin Asphalt LTD - PO#2003404/Pct. #1 - PO#2003402/Pct. #2 - PO#2003403/Pct. #2 - PO#2003405 - Pct. #4
 24. Aramark Correctional Services - PO#2003037 - for manual food service - Law Enforcement Center and Juvenile Services
 25. Conroe Family Medicine PA - PO#2004012 - for physician services - Juvenile Services
- d. CHANGE ORDER #1 approved, PO#2004394 - to Crown Paper & Chemical for Janitorial Products and Chemicals, as per Change Order on file.
- e. CHANGE ORDER #3 approved, PO#2003450 - to Campbell Concrete and Materials LP for Portland Cement Concrete Class "A" 5 sack - Various Precincts - as per Change Order on file.
- f. CHANGE ORDER #3 approved - PO#2004364 - to Lifetime Filter, Inc., for commercial a/c filters - Various Departments - as per Change Order on file.
- g. CHANGE ORDER #6 approved - PO#2001484 - to Southern Crushed Concrete for crushed concrete flexible base material - delivered - Pct. #4 - as per Change Order on file.
- h. CHANGE ORDER #1 approved - PO#2004143 - to Southern Crushed Concrete, Inc., for bulk road materials, Pct. #4, as per Change Order on file.
- i. CHANGE ORDER #3 approved - PO#2004022 - to Smith and Company for hot mix asphaltic concrete, etc., for various precincts, to increase the price from \$38.22 per ton to \$42.65 per ton, as per Change Order on file.
- j. CONTRACT approved, from South County Friends of the Library for lease of office space previously awarded in Commissioners' Court on July 12, 2004, as per Lease

Contract on file.

k. PAYMENT AND PERFORMANCE BONDS approved, from W. T. Byler Co., Inc. for the reconstruction of Hanna Rd. from 300' South of Todd Dr. to Woodson Rd., Pct. #3, in the amount of \$1,469,730.19 each, as per Bonds on file.

l. PAYMENT AND PERFORMANCE BONDS approved, from W. T. Byler Co., Inc., for the reconstruction of Richards Rd. from Rayford Rd. to Hanna Rd., Pct. #3, in the amount of \$1,153,575.20, as per Bonds on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

a. FINAL PLAT approved, for Mustang Ranch, consisting of 63.250 acres, as per Plat on file.

b. ROADS completed, BOND released - Bentwater, Section 48, consisting of 1,225.77 l.f., .23 miles. Roads have completed the one year maintenance period, which are private and will not be maintained by Montgomery County. Also, to Release the Bond, as per Request on file.

c. ROADS completed, BOND released - Bentwater, Section 49, consisting of 1,343.10 l.f., .25 miles. Roads have completed the one year maintenance period, which are private and will not be maintained by Montgomery County. Also, to Release the Bond, as per Request on file.

d. OVERLOAD/OVERSIZE PERMIT approved, for Due Logging to move various loads over Taliaferro Road. Movement to begin not earlier than August 15, 2004, and to be completed by November 15, 2004, as per Permit on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

a. FINAL PLAT approved, for Woodforest Plaza, consisting of 3.223 acres, as per Plat on file.

b. ROADS accepted, in the Village of Alden Bridge, Section 99, into the one year maintenance period, effective August 9, 2004, as per Request on file.

c. UTILITY PERMIT approved, from San Bernard Electric Cooperative, to place a 14.4 KV three phase line within the right-of-way of Nichols Sawmill Road, as per Permit on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

a. FINAL PLAT approved, for Imperial Oaks Park, Section 9, consisting of 21.56 acres, 104 lots, as per Plat on file.

b. FINAL PLAT approved, for Sam's Plaza, consisting of 0.576 acres, as per Plat on file.

c. FINAL PLAT approved, for Lake Woodlands East Shore, Section 1, The Woodlands, consisting of 62.61 acres, as per Plat on file.

d. FINAL PLAT approved, Village of Sterling Ridge, Section 39, The Woodlands, consisting of 15.82 acres, 46 lots, as per

Plat on file.

- e.FINAL PLAT approved, Village of Sterling Ridge, Section 40, The Woodlands, consisting of 17.792 acres, 46 lots, as per Plat on file.
- f.FINAL PLAT approved, Village of Sterling Ridge, Section 50, The Woodlands, consisting of 11.43 acres, 1 lot, as per Plat on file.
- g.PUBLIC HEARING DATE set, for August 23, 2004, to place a stop sign on Fox Sparrow at Kittiwake, Village of Grogan's Mill, Section 23, in the Woodlands, as per Notice on file.
- h.ORDER acknowledged, for receipt of a check in the amount of \$20.00, from Walter E. Vars, for lease of real property in Skylight Timbers, Precinct #3, as per Order on file. (check forwarded to County Treasurer for further handling)
- i.ORDER acknowledged, for receipt of a check in the amount of \$20.00, from Walter E. Vars, for lease of Lots 33, 34 and 35, Skylight Timbers, Pct. #3, as per Order on file. (check forwarded to County Treasurer for further handling)

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a.CHECK accepted, from City of Patton Village in the amount of \$250.00, for the reimbursement of road material used for the Peach Creek Colony project. (check forwarded to County Treasurer for further handling)
- b.FINAL PLAT approved, for Josey Subdivision, consisting of 1.98 acres, 4 lots, as per Plat on file.
- c.ROADS accepted, in Harpers Landing, Section 16, The Woodlands, into the one year maintenance period, effective August 9, 2004, as per Request on file.
- d.PUBLIC HEARING DATE set, for August 23, 2004, to consider increasing the speed limit to 40 mph from Tram Road from F.M. 2090 to Roman Forest Boulevard, except in the vicinity of the Little League Ball Field which will be set at 30 mph, as per Notice on file.
- e.AGREEMENT approved, with the Texas Department of Transportation for county participation in acquiring right-of-way for U.S. 59 widening. County's participation is 10% of right-of-way cost. Also, to authorize a draft in the amount of \$50,000.00, to satisfy estimated County's portion, as per Agreement on file.

ALL PRECINCTS - AGENDA ITEMS 8E5

- a.OVERLOAD/OVERSIZE PERMITS approved, as follows:
 - 1.Gulf Coast Stabilized Materials/a Division of Campbell Concrete & Materials, L.P. - to move various loads across various county roads. Movement to begin not earlier than September 1, 2004, and to be completed by November 30, 2004
 - 2.Southern Ready Mix, The Woodlands - to move various loads over all county roads. Movement to begin not earlier than September 19, 2004, and to be completed by December 19, 2004

3.Steely Lumber Co., Inc., - to move various loads over all county roads. Movement to begin not earlier than August 9, 2004, and to be completed by November 9, 2004

as per Permits on file.

EXTENSION OFFICE - AGENDA ITEMS 8F

a.ACTIVITY REPORT accepted, from the Extension Office for January, 2004, as per Report on file.

CONSTABLE, PRECINCT #1 - AGENDA ITEMS 8G

a.PERSONAL SERVICES AGREEMENT and RELEASE OF LIABILITY FOR RESERVE DEPUTY approved, for John K. Wolff, for Law Enforcement Services, as per Agreement on file.

b.PERSONAL SERVICES AGREEMENT and RELEASE OF LIABILITY FOR RESERVE DEPUTY approved, for Kevin B. Sapp, for Law Enforcement Services, as per Agreement on file.

BUDGET OFFICE - AGENDA ITEM 8H

a.REPORT acknowledged, of the "Montgomery County Expenditure Status Summary" and the "Montgomery County Expenditure Status Summary-Sheriff", as of August 3, 2004, as per Report on file.

RISK MANAGEMENT - AGENDA ITEMS 8I

a.PAYMENT acknowledged, to River Oaks Chrysler-Jeep in the amount of \$5,499.60, for Evelyn Johnson Claim, for repair of a vehicle due to an incident on July 2, 2004, Claim #A-04-0072, as per Memo on file.

b.PAYMENT acknowledged, to Sharon Tullis in the amount of \$95.00, for personal property damage due from an incident on June 19, 2004, as per Memo on file.

Motion carried.

END OF CONSENT AGENDA

8.HOLIDAY APPROVED - YEAR 2004 HOLIDAY - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Friday, December 31, 2004, as a County Holiday, as per Request on file. Motion carried.

9.RESOLUTION APPROVED - (9-1-1) - EMERGENCY COMMUNICATION DISTRICT OPERATING BUDGET - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the 2004/05 Montgomery County Emergency Communication District Operating Budget, as per Budget on file. Motion carried.

10.REAPPOINTMENT APPROVED - J. C. EDWARDS - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the re-appointment of J. C. Edwards to the Montgomery County Emergency Communication District, whose term expires December 30, 2004. Motion carried.

11.INTERLOCAL AGREEMENT APPROVED - LONE STAR GROUNDWATER
CONSERVATION DISTRICT LEASE - COUNTY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve an Interlocal Agreement between Montgomery County and the Lone Star Groundwater Conservation District to lease office space in the County Courts Building. Office Space shall be approximately 2500 ft., for a 4-year lease, at \$1,175.00 per month with two (2) six month option renewal cancelable with 6 month written notice by either party. Motion carried. (no paperwork submitted)

AGENDA ITEM 10A - CIVIL DEFENSE - MORE SECURE INGRESS AND EGRESS FOR COUNTY ADMINISTRATION BUILDING - MATTER WAS DISCUSSED BUT WAS AGREED NOT TO PLACE A KEY CARD SYSTEM AT THE BACK DOOR OF SAID BUILDING AT THIS TIME.

12.REQUEST APPROVED - OFFICE SPACE - CIVIL DEFENSE

Motion by Commissioner Doyal, seconded by Judge Sadler, to authorize Civil Defense to move forward with space in the new Shenandoah Building as a backup EOC/Terrorism Training Facility. Motion carried. (no paperwork submitted)

13.REQUEST APPROVED - COUNTY MOTOR POOL - CIVIL DEFENSE

Motion by Commissioner Chance, seconded by Judge Sadler, to do away with the present pool cars and begin paying employees to use their personal vehicle and be reimbursed for car milage. Motion carried. (no paperwork submitted)

14.TRANSFER OF FUNDS APPROVED - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the funds to be used for the probationary increases from DIU Detective to DIU Sergeant for Kenneth Culbreath and Melvin Franklin, as per Request on file. Motion carried.

15.DONATION ACCEPTED - TOWN CENTER IMPROVEMENT DISTRICT -
SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept a donation of six (6) patrol bicycles donated by the Woodlands Community Association and Town Center Improvement District, for an approximate value of \$400.00 each, as per Memo on file. Motion carried.

16.PUBIC HEARING - ACCEPTANCE OF LOCAL LAW ENFORCEMENT BLOCK
GRANT AWARD - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept the Local Law Enforcement Block Grant Award #2004-LB-BX-0597. Motion carried. (no paperwork)

AGENDA ITEM 12A - PERSONNEL CHANGE REQUEST - 359TH DISTRICT COURT

Judge Hamilton addressed the Court to request that she be authorized to eliminate Elsa Sanchez, Assistant Court Coordinator position and replace said position with an Attorney I, Part-time position. The Court authorized the Judge's Request, and suggested that she submit a payroll change request form next court session.

17.REQUEST APPROVED - SALARY SHORTFALL - CONSTABLE, PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve payment to Willis ISD in the amount of \$3,910.00, to cover a shortfall in an officer's salary for year 2003-04, as per Request on file. Motion carried.

18.REQUEST APPROVED - LONGEVITY PAY/DEPUTY MARSHALL WILLIAMS - CONSTABLE, PCT. #5

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the longevity pay for Deputy Marshall Williams for ten years of service, as per Request on file. Motion carried.

19.VARIANCES APPROVED - SEPTIC SYSTEMS - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following variances for the installation of an aerobic septic systems - Precinct #3:

- a.Chuck Wehring - 3931 Rondelet, Benders Landing, Spring, Texas
- b.Hendrik Vanzyl, 3910 Green Jade Dr., Benders Landing, Spring, Texas

as per Variance Requests on file. Motion carried.

20.VARIANCE APPROVED - SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the variance for the installation of an aerobic septic system for Andres Ugalde, 19627 FM1314, Porter, Texas - Precinct #4, as per Variance Request on file. Motion carried.

21.VARIANCE APPROVED - SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the installation of an aerobic septic system in the flood plain for Jeff Pike, 14125 Horseshoe Bend, Big Tree Estates, Pct. #2, as per Variance Request on file. Motion carried.

22.ANNUAL REPORT APPROVED - COMMUNITY DEVELOPMENT AND HOUSING CONSOLIDATED ACTION PLAN - CDBG

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the 2004 Annual Community Development and Housing Consolidated Action Plan, and to authorize the County Judge to execute same, as per Plan on file. Motion carried.

23.REPORT APPROVED - YEAR END FINANCIAL AUDIT/2003 - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept the Auditor's Communication with Audit (Supervisory) Committee for year end financial audit 2003, as per Report on file. Motion carried.

AGENDA ITEMS 18A1, 2, 7, 10, & 11 - RECOMMENDATIONS AND CONTRACTS - DEFERRED.

24.RECOMMENDATIONS AND CONTRACTS APPROVED - DELIVERY OF FIBER OPTIC NETWORK AND HARDWARE - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bids, (opened July 15, 2004), to the following Vendors:

- a.Wave Media, Inc. - Dark fiber and transport \$294,569.00 - Civil

Defense, and

b.Dark Fiber System - The Woodlands - for traffic signal system as per Contracts on file. Motion carried.

25.RECOMMENDATION AND CONTRACT APPROVED - LAND CLEARING - AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Chance, to award the bid, (opened July 30, 2004), to D. L. Meacham LP., for land clearing for future development, in the amount of \$32,475.00, as per Contract on file. Motion carried.

26.RECOMMENDATIONS AND CONTRACTS APPROVED - MISCELLANEOUS SUPPLIES - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to award the bids, (opened July 29, 2004), for all purpose locks/miscellaneous supplies to the following:

a.Bartley Texas Builders Hardware, and

b.Clark Security Products

as per Contracts on file. Motion carried.

27.RECOMMENDATION AND CONTRACT APPROVED - MORGUE TRANSPORT SERVICES - JUSTICE OF THE PEACE

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened July 29, 2004), to Rosewood Funeral Home for morgue transport services, as per Contract on file. Motion carried.

28.RECOMMENDATIONS AND CONTRACTS APPROVED - LEASE OF OFFICE SPACE - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bids, (opened July 30, 2004), for lease of office space at the Library, to the following:

a.West Branch to Friends of the West Branch Library

b.Malcolm Purvis Branch to Magnolia Library Friends

c.Meador Branch to Friends of the Willis Library

as per Contracts on file. Motion carried.

29.RECOMMENDATIONS AND CONTRACTS APPROVED - CONCRETE DELIVERED - VARIOUS DEPARTMENTS

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to award the bids, (opened July 30, 2004), to the following Vendors:

a.Campbell Concrete & Materials, L.P., as primary vendor, and

b.Custom Crete, as secondary vendor

as per Contracts on file. Motion carried.

30.CHANGE ORDER #1 APPROVED - APPRAISAL SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Change Order #1, PO#2004071, to Whitney & Associates for appraisal services on the FM1488 widening project, as per Change Order on file. Motion carried.

31.PROPOSAL APPROVED - SURVEYING SERVICES - PRECINCT #4

Motion by Commissioner rinehart, seconded by Commissioner chance, to approve the proposal from Cotton Surveying Company to update right-of-way map for Wilshire Road at U.S. 59, in the amount of \$872.50, as per Proposal on file. Motion carried.

32.ORDER APPROVED - PAYMENT TO JAIL MONITOR - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Order to pay Robert Rosenquist Three Hundred Fifty Four and 86/100, (\$354.86), for jail monitor services for August 1, through August 22, 2004, as per Order on file. Motion carried.

33.ORDER APPROVED - ASSIGNMENT OF LEASE - AIRPORT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an assignment of lease for property at the Lone Star Executive Airport, under the same terms and conditions of the existing lease from Carlon Dowell to STec Enterprises, L.L.C., as per Order on file. Motion carried.

34.AGREEMENT APPROVED - DEPOSITORY PLEDGE AGREEMENT - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Substitution of Custodian for Depository Pledge Agreement between Montgomery County, JP Morgan Chase Bank, and Bank One, N.A. Also, to authorize the County Judge to execute same, as per Agreement on file. Motion carried

35.RESOLUTION AND ORDER APPROVED - 9-1-1/PILOT PROGRAM - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Resolution and Order for pilot program in cooperative effort between Montgomery County and Montgomery County Emergency Communications District on 9-1-1 call-taking, as per Resolution and Order on file. Motion carried.

36.FUNDING APPROVED - FAMILY OUTREACH - PRECINCT #1

Motion by Commissioner Meador, seconded by Judge Sadler, to approve the one-time request for Family Outreach of Montgomery County funding in the amount of \$15,000.00, (fund from 2004' contingency), for a part-time counselor. Motion carried.

37.RESOLUTIONS APPROVED - FOREST SERVICE SAFETY NET PROGRAM - COMMISSIONER, PRECINCT #1

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

a.Resolution designating 15% to 20% of funds received from Forest

Reserve Funds in accordance with HR2389, for local projects, and

- b. Resolution designating amount of funding to be assigned to Title II and Title III Projects in accordance with HR2389

as per Resolutions on file. Motion carried.

38. ORDER APPROVED - MAGNOLIA TRAIN DEPOT - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an Order to consent to the relocation of the Magnolia Train Depot Museum and Caboose at the Magnolia Community Center property, as per Order on file. Motion carried.

39. RESOLUTION APPROVED - PROJECTS PARTICIPATION/HGAC - ALL PRECINCTS

PUBLIC HEARING DATE SET - INFRASTRUCTURE STANDARDS - ALL PRECINCTS

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

- a. Resolution - for County support and financial participation for three projects to be submitted for federal funding in the next transportation improvement plan at HGAC, as per Resolution on file.
- b. PUBLIC HEARING DATE set, for August 23, 2004, to consider approving establishing minimum infrastructure standards for manufactured home rental communities, as per Notice on file.

as per Resolution and Notice 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. Discuss Park vs. Montgomery County, (Section 551.071)
2. Consider and Discuss Claim of Edna Guzman, et al (Section 551.071) Claim No. A-40043
3. Consider and Discuss Utah Probate action involving Montgomery County, Texas (Section 551.071)

AGENDA ITEM 24 - CITIZENS - BRUCE DAILEY ADDRESSED THE COURT IN AN EFFORT TO STOP MONTGOMERY COUNTY ANIMAL CONTROL FROM DESTROYING HOMELESS DOGS AND CATS THAT ARE IN THEIR FACILITY.

40. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of District Judge, 221st District, to increase the salary

- of Sidney Scott, Court Administrator, effective August 14, 2004, due to merit increase
- request of 9th District Judge to increase the salary of Jennifer L. Contella, Court Coordinator II, effective July 3, 2004, due to salary grade minimum increase
- request of Animal Control to accept the resignation of Jarrett Smilie, Animal Control Officer, effective July, 26, 2004, effective, with 8.25 comp hours due
- request of Animal Control to place Jennifer McKean, Clerk I, on unpaid leave of absence from July 28, 2004 through September 8, 2004
- request of Animal Control to place Brenda Philpot, Part-time Kennel Help, (replacement for Lupe Salazar), effective August 2, 2004
- request of Animal Control to place Patricia Porter, Kennel Help, (replacement for Monte Holley), on payroll, effective August 2, 2004
- request of County Auditor to place Heather Green, Accounts Payable Clerk, on payroll, (replacement for Diane Williams), effective August 9, 2004
- request of County Auditor to increase the salary of Megan Rushing, Part-time Clerk, effective August 18, 2004, due to change in duties
- request of Commissioner Chance to transfer Robert Collins from County Attorney's office to Commissioner, Pct. #3 office, effective August 28, 2004, with an increase in salary and an annual auto allowance
- request of Commissioner, Pct. #3 to reassign Dewey Lawhorn, Recycle Technical duties, effective July 26, 2004, as per comments on payroll change request form
- request of Commissioner, Pct. #4 to place Raul Guerra, Operator I, on payroll, (replacement for Kyle Bolyard), effective July 27, 2004
- request of Custodial Services to discharge Berenice Souto, Part-time Custodian, effective July 28, 2004
- request of District Attorney to place Brandy Shepherd, Legal Assistant, on unpaid family leave of absence, effective August 2, 2004
- request of Department of Public Safety to increase the salary of Gloria Eason, Clerk III, effective August 14, 2004
- request of Elections Administrator to place Dianne Hollier, Temporary Voters Clerk, on payroll, effective July 31, 2004
- request of Elections Administrator to place Michele S. Russell, Temporary Voters Clerk, on payroll, effective July 31, 2004
- request of Elections Administrator to place Nancy Suehs, Temporary Voters Clerk, on payroll, effective July 31, 2004
- request of Fire Marshal to accept the resignation of Richard Birdwell, Investigator, effective July 26, 2004
- request of Juvenile Probation Director to place James Colby Anderson, Substitute Detention Officer, on payroll,

effective July 31, 2004

request of Juvenile Probation Director to place Arthur R. Harris, III, Substitute Detention Officer, on payroll, effective July 31, 2004

request of Juvenile Probation Director to place Justin Meeks, Officer, Juvenile Detention, (replacement for Alexandro Guajardo), on payroll, effective August 7, 2004

request of Juvenile Probation Director to place Nathanael Petty, Substitute Detention Officer, on payroll, effective July 31, 2004

request of Library Director to place Lisa Taylor, Reference Librarian I/Temporary, (replacement for Doris Thomson), on payroll, effective August 4, 2004

request of Library Director to promote Mary Thompson from Shelving Clerk to Library Assistant II, (replacement for LaKeisha Charles), effective August 7, 2004

request of Risk Management Director to accept the resignation of Betty Annisa Dominguez, Clerk III, effective August 5, 2004, with 64.06 vacation hours due and 7.63 comp hours due

request of Sheriff's Department to accept the resignation of Ignatius Cegielski, Investigator/Crime Scene, effective September 3, 2004, with 197.445 vacation hours due, 250.3000 comp hours due and 7.0000 holiday hours

request of Sheriff's Department to promote Kenneth Culbreath from DIU Detective to DIU Sergeant, effective July 31, 2004

request of Sheriff's Department to place Destiny M. Denis, Temporary Data Clerk, on payroll, effective August 2, 2004

request of Sheriff's Department to correct the resignation date for Monica Flammer, Officer-Civilian Detention, to reflect July 30, 2004

request of Sheriff's Department to promote Melvin Franklin from DIU Detective to DIU Sergeant, effective July 31, 2004

request of Sheriff's Department to promote Robert Layman from Officer-Civilian Detention to Deputy-Detention, (replacement for Curtis Brooks), effective July 31, 2004, due to law enforcement certification

request of Sheriff's Department to correct the resignation date for Andrea Sue Nordberg, Clerk II, to reflect July 30, 2004

request of Sheriff's Department to accept the resignation of Sarah Yancey, Dispatcher, effective August 3, 2004, with 27.72 vacation hours due and 54.00 comp hour sue and 16.0000 holiday hours

request of Sheriff's Department to accept the resignation of Cole Zenor, Temporary Data clerk, effective July 31, 2004

request of Tax Assessor/Collector to place Gwendolyn Carlson, Deputy Specialist I, (replacement for Rena D. Simmons), on payroll, effective August 2, 2004

request of Tax Assessor/Collector to accept the resignation of Rickey D. Nusz, Computer Analyst III, effective August 12,

2004, with 90.16 vacation hours due and 4.0 comp hours due

request of Tax Assessor/Collector to increase the salary of Helen Juanita Whitley, Deputy Specialist I, effective August 14, 2004, due to probation period completed

request of Tax Assessor/Collector to accept the resignation of Jenny Worchesik, Deputy Specialist II, effective August 13, 2004, with 66.09 vacation hours due

request of Commissioner, Pct. #4 to promote Randy J. Dickerson from Operator II, to Operator III, (replacement for Erman Ward), effective August 8, 2004

request of Commissioner, Pct. #4 to discharge Erman Ward, Operator III, effective August 7, 2004

request of Constable, Pct. #1 to promote Bryan Dubose from Deputy Constable, to Sergeant Constable, (replacement for Wesley Mack), effective August 14, 2004

request of Constable, Pct. #1 to transfer Larry L. Evans, Jr., Deputy Constable, (replacement for Jarrett Rhodes), effective August 14, 2004

request of Constable, Pct. #1 to transfer Jerry Lafferty, Deputy Constable, (replacement for Larry Evans), effective August 14, 2004

request of Constable, Pct. #1 to demote Wesley A. Mack from Sgt. Constable, to Deputy Constable, (replacement for Jerry D. Lafferty), effective August 14, 2004. Also, to eliminate annual auto allowance

request of Constable, Pct. #1 to increase the salary of Jarrett L. Rhodes, Deputy Constable, effective August 14, 2004, due to merit increase

request of Library Director to place Geri Rawlinson, Shelving Clerk, (replacement for Mary Thompson), on payroll, effective August 16, 2004

as per Payroll Change Requests on file. Motion carried.

AGENDA ITEM 25B - EMPLOYEES WORKING UNDER CONTRACTS BETWEEN OTHER POLITICAL SUBDIVISION AND MONTGOMERY ARE TO BE INCLUDED UNDER THE SALARY ADMINISTRATION GUIDELINES, (K.R. MOORE REPORT) AS APPROVED ON JUNE 21, 2004.

41.REQUEST APPROVED - VACANT POSITION FUNDING - HUMAN RESOURCES

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve that vacant positions as of July 29, 2004, are not to be eligible for the 3% increase, as per Request on file. Motion carried.

42.REQUEST APPROVED - RESTRICTIONS TO PAYROLL CHANGES - HUMAN RESOURCES

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the restriction of payroll changes with effective dates of August 28, 2004, through October 8, 2004, to only those involving new hires/rehires, and terminations/discharges/retirements, as per Request on file. Motion carried.

43.REQUEST APPROVED - DEPARTMENTAL FUNDING POSITIONS - HUMAN RESOURCES

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the establishment of a "funding position", referred to in the Salary Administration Guidelines as "unallocated salary reserves," in each department's budget in which salary increase dollars may be placed for distribution later than the beginning of the fiscal year, as per Request on file. Motion carried.

44. REQUEST DENIED - RESTRICTION OF PAYROLL CHANGE REQUEST FORMS - HUMAN RESOURCES

Motion by Commissioner Meador, seconded by Commissioner Doyal, to deny the Request for the restriction of payroll change request forms that must be approved by Commissioners' Court. The County Auditor advised the Court that this was the Auditor's decision and she would get with Human Resources Director to discuss this matter further. Motion carried.

45. COURT ADJOURNS

Motion by Commissioner Chance, 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