

08-26-2002

COMMISSIONERS' COURT DOCKET, AUGUST 26, 2002
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 26th day of August, 2002, 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 DAVID WALKER, COUNTY ATTORNEY.

PLEDGE OF ALLEGIANCE WAS RECITED BY EVERYONE PRESENT.

1. COMMISSIONERS' COURT AGENDA APPROVED

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

2. DEPUTATION APPROVED - DEPUTY COUNTY CLERK

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

3. CONSENT AGENDA APPROVED - AGENDA ITEMS 6A THROUGH 6G

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

COUNTY AUDITOR - AGENDA ITEMS 6A2

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

b. BUDGET AMENDMENTS approved, as follows:

1. Animal Shelter - to adjust line items
2. Collections/Alarm Division - to adjust line items
3. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Mark Byrne
4. Commissioner, Pct. #4 - to adjust line items
5. Constable, Pct. #5 - to adjust line items
6. Contingency - to allocate funds to cover shortage in non-departmental line
7. County Clerk/Building Maintenance/Construction - to transfer funds to build workstations
8. County Clerk/Building Maintenance/Construction - to transfer funds to build desks
9. County Clerk/Building Maintenance/Construction - to transfer funds to build desks and bookshelf
10. County Court at Law #4 - to adjust line items
11. County Treasurer - to adjust line items
12. Elections Administrator - to recognize/allocate reimbursement from State
13. Non-Departmental - to allocate funds to cover

08-26-2002

- shortage in restricted line
- 14. Risk Management - to adjust line items
- 15. Sheriff/Auto Theft/Yr. 8 - to adjust line items
- 16. Sheriff - to adjust line items

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 6B

- a. WEEKLY INVESTMENT REPORT approved, for the week of August 19, 2002, through August 23, 2002, as per Report on file.

AGENDA ITEM 6B2 - THERE WERE NO PLEDGES AND/OR RELEASE OF COLLATERAL SUBMITTED THIS COURT SESSION.

PURCHASING DEPARTMENT - AGENDA ITEMS 6C

- a. AUTHORIZATION TO ADVERTISE approved, for the following item:
 - 1. Audio Book Leasing Program - Library Department
- b. BIDS/PROPOSALS acknowledged, as opened by the Purchasing Department:
 - 1. Motorola VRM Modems Hardware & Software - Law Enforcement - Project #200-0103 - (opened 8-20-02)
 - 2. Tires and Tubes - Various Departments - Project #2002-0102 - (opened 8-22-02)
 - 3. Laser Printing of County Tax Statements - Tax Office - Project #2002-0104 - (opened 8-22-02)
 - 4. Video Conferencing - Communication Information Services - Project #2002-0107 - (opened 8-22-02)
 - 5. Construction of Traffic Signalization at Lake Woodlands Dr. and Gosling Rd. - Pct. #3 - Project #2002-0108 - (opened 8-22-02)
- c. Also, approve the following Renewal Contract with changes noted:
 - 1. P.O.#2000473 - to Universal Computer Technology for personal computers and local area networks - Various Departments
- d. CHANGE ORDER #7 approved - PO#2001117 - to Willis Pest Control to add the following buildings to present contract: (1) Expo Center, and (2) Exhibits 1 & 2

as per Change Order on file.

- e. CHANGE ORDER #1 approved - PO#2002209 - to Ronald J. Massey, Phd., for non-residential services, Juvenile Services not to exceed \$4,000.00, as per Change Order on file.
- f. CHANGE ORDER #1 approved - PO#2002445 - to SMC/Advanced Products for Universal Docking Station for in-vehicle applications, to provide for \$65.00 per hour, as per Change Order on file.
- d. REQUEST approved, for September 18, 2002, to be the cut off date for purchasing goods and services except for emergency and/or operational needs that are absolutely necessary. (no paperwork)

COMMISSIONER - PRECINCT #2 - AGENDA ITEMS 6D1

- a. WARRANTY DEED accepted, from Bennett Ebner and wife, Kay Ebner, for a 300 foot wide easement for roadway

08-26-2002

purposes for Fish Creek Throughfare, between existing South End and Montgomery Trace, Section 3, as per Deed on file.

COMMISSIONER - PRECINCT #3 - AGENDA ITEM 6D2

- a. TEMPORARY LEASE AGREEMENT approved, between The Woodlands Land Development Company, L.P., and Montgomery County, to lease premises for purposes of a parking lot and entry thereto to serve the Montgomery County Annex located at 9909 Grogan's Mill Rd., The Woodlands, as per Lease Agreement on file.

COUNTY JUDGE - AGENDA ITEMS 6E

- a. BINGO LICENSE RENEWAL approved, for American Legion Hall, New Caney, Texas, to conduct bingo at their leased location, as per Renewal Application on file.
- b. BINGO LICENSE RENEWAL approved, for American Legion Hall, New Caney, Texas, to conduct bingo at their owned location, as per Renewal Application on file.

SHERIFF'S DEPARTMENT - AGENDA ITEMS 6F

- a. DONATION accepted, from Dell and Barbara Gurley of one (1) Alpine Life Sports Step Machine to be used in the Sheriff's Department work-out room. Approximate value is \$800.00, as per Letter on file.
- b. GRANT approved - (LLEB) - Sheriff's Department - Local Law Enforcement Block Grant in the amount of \$206,425.00, as per Request on file.
- c. CONTRACT CANCELLATION approved, of the Contract for services between Montgomery County Sheriff's Department and the East County Improvement District, as per Request on file.

AUTO THEFT TASK FORCE - SHERIFF'S DEPARTMENT - AGENDA ITEM 6G

- a. APPLICATION FOR GRANT approved, for motor vehicle - theft, salvage and vehicle arson reduction program, for the Montgomery County Auto Theft Task Force Department, as per Application on file.

Motion carried.

END OF CONSENT AGENDA

AGENDA ITEM 17 - CITIZENS - LIBRARY ISSUE

Several citizens were present in today's court session to discuss an issue concerning books promoting homosexuality and pornography located in our public libraries. Monte Lane and wife Susan Lane, addressed the Court concerning a certain book on the shelf in the Montgomery County Central Library, titled "IT'S PERFECTLY NORMAL", which promotes homosexuality and pornography.

After much discussion by the concerned citizens and the Court, the Court agreed to pull this book from the shelves and would take a close look at national review boards used by the county library to recommend books for purchase, and will consider withdrawing from the American Library Association.

4. BUDGET APPROVED - FISCAL YEAR 2002-03 - COUNTY JUDGE

08-26-2002

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the County Budget for FY2002-03, along with the following information for public record:

- a. Total expenditures approved: \$102,592,749.00
- b. Total revenues approved: \$102,592,749.00
- c. Three adjustments to detail (no effect on total):
 1. Child Welfare (department 640) - approve additional \$30,320.00 for security and bookkeeping services; to be funded with carryover of unused state revenue from FY2001
 2. Department of Public Safety (department 573) - approve carryover of unused salary/benefits from FY2002 to offset effect of 2-1/2% cut in FY2003 budget
 3. Constable, Pct. #1 (department 5511) - approve correction to salaries for three new positions; increases each position by \$1,000.00. Will be funded within total county budget

as per Revised Budget on file. Motion carried.

5. ORDER APPROVED - BOND ELECTION - NEW LIBRARIES

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve an Order to call a Bond Election for Libraries, for November 5, 2002, not to exceed \$10 million dollars, as per Order on file. Motion carried.

6. RESOLUTION AND ORDER APPROVED - 2002 AD VALOREM TAX RATE - MAINTENANCE AND OPERATION - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution and Order fixing and levying 2002 Ad Valorem Taxes for Montgomery county at .4093 cents be used for maintenance and operation, as per Resolution and Order on file.

7. RESOLUTION AND ORDER APPROVED - 2002 AD VALOREM TAX RATE - DEBT SERVICE - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve a Resolution and Order to set the 2002 Ad Valorem Tax Rate for Debt Service (interest and sinking fund), for Montgomery County at .0617 cents, as per Resolution and Order on file. Motion carried.

AGENDA ITEMS 10 A1 THROUGH 8 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

8. RECOMMENDATION AND CONTRACT APPROVED - TRAFFIC SIGNALIZATION ON LAKE WOODLANDS DR. - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened August 22, 2002), to Statewide Traffic Signal Co., for the construction of traffic signalization on Lake Woodlands Dr. at Gosling Road, in the amount of \$143,826.00, as per Contract on file. Motion carried.

9. RESOLUTION APPROVED - REHABILITATION PROGRAM WITH TXDOT -

08-26-2002

PRECINCT #4

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve a Resolution to replace rehabilitate deficient functionally and obsolete bridges for Equivalent-Match Program with TxDot, as per Resolution on file. Motion carried.

10. ANNUAL MAINTENANCE AGREEMENT APPROVED - STRATEGY 7 CORPORATION - COUNTY CLERK

Motion by Commissioner Chance, seconded by Judge Sadler, to approve the renewal of the annual maintenance agreement with Strategy 7 Corporation for a total fee of \$25,533.50, for Montgomery County Court and Finance System and the County Clerk System, as per Request on file. Motion carried.

AGENDA ITEM 11A - COUNTY TREASURER - REQUEST OF EXCESS FUNDS IN 2002 BUDGET BE APPLIED TO OFFSET 2-1/2% CUT FOR FY2003, WAS DISCUSSED, AND THE COURT ADVISED THE TREASURER TO COME BACK AND ADDRESS THIS ISSUE IN JUNE OR JULY, 2003, IF THE PROBLEM STILL EXIST.

11. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the installation of an aerobic septic system in the flood plain for Kinder/Morgan Company, New Caney, Tx., as per Request on file. Motion carried.

12. AMENDMENT APPROVED - HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT - RISK MANAGEMENT

Motion by Judge Sadler, seconded by Commissioner Chance, to approve an Amendment to the Boon-Chapman administration contract for the Health Insurance Portability & Accountability Act, (Privacy Act), Compliance, as submitted. Motion carried. (fund from employees' Benefits)

EXECUTIVE SESSION

The Court recessed into Executive session in the County Judge's Chambers to discuss matters authorized under Article 551.071 thru 551.076, Texas Government Code, as follows:

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

13. RESOLUTION AND ORDER APPROVED - PAYMENT OF CLAIM - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Resolution and Order to authorize payment to Memorial Hermann Hospital System in the settlement of lawsuit styled Memorial Hermann Hospital System vs. Montgomery County. Also, to issue a check in the amount of \$11,471.60, payable to Memorial Hermann Hospital, as per Order and Payment of Claim on file. Motion carried.

14. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Commissioner, Pct. #3 to place Gregory Nicewonger, Driver/Helper, on payroll, (replacement for John Williamson), effective August 19, 2002

08-26-2002

request of Custodial Services to increase the salary of Debra Garza, Secretary, effective August 17, 2002, due to probation period completed

request of County Attorney to place William Ray Zavadil, Warrant Officer, on payroll, (replacement for John Nye), effective August 26, 2002

request of County Clerk to place Letha Moore, Chief, Microfilm Clerk, on payroll, effective August 19, 2002, after returning from family leave of absence

request of County Clerk to increase the salary of Patricia O'Hagan, Vital Statistics, Clerk, effective August 31, 2002, due to probation period completed

request of District Clerk to place Kaye Pyland, Deputy Clerk, (replacement for Jo Ann Pottorff), on payroll, effective August 26, 2002

request of Juvenile Probation Director to correct discharge date to July 30, 2002

request of Juvenile Probation Director to rescind payroll change to hire Mitchell Dean Hobbs, Substitute Detention Officer, effective August 20, 2002

request of Library Director to place Daphne Rigdon, Shelving Clerk I, (replacement for Lerna Hansel), on payroll, effective August 20, 2002

request of Sheriff's Department to place Elizabeth Dunlap, Temporary Data Clerk, (replacement for Grace Terry), effective August 26, 2002

request of Sheriff's Department to place Stephen Johnson, District II, Patrol Deputy, (replacement for Willlliam Steward), on payroll, effective August 26, 2002

request of Sheriff's Department to accept the resignation of Grace Terry, Temporary Data Clerk, effective August 13, 2002

request of Tax Assessor/Collector to accept the resignation of Melissa Fletcher, Deputy Specialist I, effective August 19, 2002

request of Tax Assessor/Collector to place Angela LeMaire, Deputy Specialist I, on payroll, (replacement for Lisa Smith), effective September 9, 2002

request of Commissioner, Pct. #3 to increase the salary of James E. Allen, Recycling Engineer, effective August 17, 2002, due to probation period completed

request of Library Director to place Mary DeSantis, Reference Librarian I, (replacement for Karen Kuti), on payroll, effective September 3, 2002

as per Payroll Change Requests on file. Motion carried.

AGENDA ITEM 14B - SETTLEMENT AND PAYMENT IN REFERENCE TO CAUSE NO. 01-01-00645-CV. MONTGOMERY COUNTY VS. JAMES STANLEY TITLOW, ET UX - APPROVED ORDER AUTHORIZING PAYMENT OF \$6,500.00, INTO THE REGISTRY OF THE COURT IN WHICH SUCH PROCEEDING WAS HEARD. SUCH PAYMENT TO BE MADE FOR THE BENEFIT AND USE OF THE PROPERTY OWNERS NAMED IN SUCH EMINENT DOMAIN PROCEEDINGS. (FUND FROM LINE ITEM #6252.7487)

15. COURT ADJOURNS

08-26-2002

Motion by Commissioner Meador, seconded by Commissioner Chance, 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