

COMMISSIONERS' COURT DOCKET, SEPTEMBER 8, 2003  
REGULAR SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

Be it remembered that on this the 8th day of September, 2003, 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 - Judy Bohuslav, County Clerk's Office

INVOCATION GIVEN BY DAVID PARK, MONTGOMERY COUNTY SHERIFF'S DEPARTMENT

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 - "DESTINATION DIGNITY MONTH" TRI-COUNTY MHMR

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to proclaim the month of September, 2003, as "Destination Dignity Month" in Montgomery County, as per Proclamation on file. Motion carried.

3. REQUEST APPROVED - UNITED WAY PARTICIPATION

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve Montgomery County United Way be approved as the 2003 Campaign Manager for the Montgomery County employees charitable Giving Campaign, as per Request on file. Motion carried.

AGENDA ITEM 6C - CONROE BEAUTIFICATION COMMITTEE - DEFERRED

AGENDA ITEM 6D - EMPLOYEES' COMMITTEE

Deputy Ray Fitzgerald, Sheriff's Department, was selected by the Employees' Committee as "Employee of the Month" for September, 2003. Lt. David Park read the nominating letter, and Mr. Fitzgerald was presented with a plaque and a gift certificate from the Employees Committee.

4. MINUTES APPROVED - COUNTY CLERK

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for August 25, 2003, as presented by the County Clerk. Motion carried.

5. CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8G

Motion by Commissioner Meador, seconded by Commissioner Chance, 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. 9th District Court - to transfer funds to cover release 265981
2. Airport Maintenance - to absorb a portion of the 2-1/2% cut for FY2003
3. Bail Bond Board - to recognize/allocate revenue to cover shortage
4. Building Maintenance/Construction - to adjust line items
5. CCDBG/Year 02 - to adjust line items
6. Commissioner, Pct. #1 - to adjust line items
7. Commissioner, Pct. #2 - to adjust line items
8. Commissioner, Pct. #2 - to absorb 2-1/2% cut for FY03
9. Commissioner, Pct. #2 - to adjust line items
10. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Cindy Chance
11. Commissioner, Pct. #3 - to recognize/allocate reimbursement from D & T Contracting
12. Commissioner, Pct. #3 - to adjust line items
13. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Richard Berns
14. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Rutledge
15. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Robin Wakefield
16. Commissioner, Pct. #4 - to absorb a portion of the 2-1/2% cut for FY03
17. Commissioner, Pct. #4 - to correct a portion of amendment approved 4-28-03
18. Commissioner, Pct. #4 - to absorb the 2-1/2% cut for FY03
19. Constable, Pct. #5 - to absorb a portion of the 2-1/2% cut for FY03
20. Constable, Pct. #5 - to transfer funds to cover the 2-1/2% cut for FY03
21. Contingency - to transfer funds to cove shortage in Court Operations
22. Contingency - to transfer funds to cover shortage in non-departmental
23. Contingency - to transfer funds to cover shortage in Court Operations
24. County Attorney - to absorb a portion of the 2-1/2% cut for FY03
25. County Attorney - to absorb 2-1/2% cut to FY03 budget
26. County Auditor - to adjust line items
27. County Court at Law #1 - to absorb a portion of the 2-1/2% cut for FY03
28. County Court at Law #2 - to absorb a portion of the 2-1/2% cut for FY03
29. County Court at Law #4 - to absorb a portion of the 2-1/2% cut for FY03
30. County Court at Law #4 - to transfer funds to cover shortage in restricted line
31. County Treasurer - absorb a portion of the 2-1/2% cut for FY03
32. Court Collections - to adjust line items
33. District Attorney - to adjust line items
34. Emergency Management - to absorb 2-1/2% cut for FY03
35. Environmental Health - to transfer funds to cover benefits for four positions previously transferred

- into department
36. Extension Agents - to transfer funds to cover PO#23507904
  37. Jail - to transfer funds to cover PO#23507924
  38. Justice of the Peace, Pct. #4 - to transfer funds to cover shortage in restricted line
  39. Juvenile Probation - to net reimbursement budget to correct expenditure line
  40. Juvenile Probation - to allocate grant proceeds from Title IV-E contract with TJPC
  41. Juvenile Probation - to allocate proceeds of grant accepted 7-28-03, Motion #19
  42. Juvenile Probation - to set up FY2004 Grant A
  43. Juvenile Probation - to set up grant budget for FY04 JJAEP - Contract P
  44. Juvenile Probation - to adjust line items
  45. Juvenile Probation - to set up FY04 grant for Contract "Y"
  46. Juvenile Probation - to set up grant Contract "O"
  47. Juvenile Probation - to set up grant Contract "G"
  48. Memorial Library - to adjust line items
  49. Purchasing Agent - to adjust line items
  50. Risk Management - to transfer funds to cover deductible for Unit 811
  51. Risk Management - to transfer funds to cover damage to Unit 624
  52. Risk Management - to recognize/allocate insurance reimbursement for Unit 811
  53. Sheriff's Department - to recognize/allocate reimbursement from B. N. Stevens
  54. Sheriff's Department - to adjust line items
  55. Sheriff/Auto Theft - to adjust line items
  56. Sheriff/Auto Theft - to carryover encumbrances from FY02
  57. Sheriff/Auto Theft - to adjust line items
  58. Sheriff/Auto Theft Grant - to establish grant budget awarded by TxDot for Auto Theft Division
  59. Various - to transfer funds to cover shortage in restricted line

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 8B

AGENDA ITEM 8B1 - WEEKLY INVESTMENT REPORT FOR WEEK OF SEPTEMBER 1 - 5, 2003 - REMOVED FROM AGENDA.

a. RELEASE/PLEDGE OF COLLATERAL approved, as follows:

1. Release - Woodforest National Bank, Cusip #9128275MO - par value \$5,000,000.00
2. Pledge - Woodforest National Bank, Cusip #9128277M8 - par value \$5,000,000.00

as per Report on file.

b. FINANCIAL REPORT approved, for July 1, 2003, through July 31, 2003, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEM

- a. REQUEST approved, to void a tax re-sale on property that was sold with an error in the legal description which included a mobile home which does not exist, pursuant to the Appraisal District's report. Also, to approve refunding Azucena R. Perla, Purchaser, a total of \$6,050.00, as per Request on file.

- b. REQUEST approved, from PBS&J to enter property held in Tax Trust to perform a Route Survey and Right-of-Way determination for the improvement of Robinson Road. Also, to authorize Judge Sadler, to execute the enclosed form, as per Request on file. Motion carried.

## PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE approved, for the following Bids:
  - 1. Inmate Dental Service - Sheriff's Department
- b. BIDS/PROPOSALS acknowledged, which were opened by the Purchasing Department:
  - 1. Concrete rapid set road repair for spalls or partial depth failure - Various Precincts - Project #2003-0087 - (opened 8-26-03)
  - 2. One (1) or more new 12 yard dump truck(s) - Various Departments - Project #2003-0092 - (8-28-03)
  - 3. RFP IBM 7133-T40 Serial Disk System - Various Departments - Project #2003-0089 (opened 9-4-03)
  - 4. RFP/Q Intense Community Surveillance Program (ICSP) - Juvenile Probation Department - Project #2003-0088 (opened 9-5-03)
- c. RENEWAL CONTRACT approved, as follows:
  - 1. Collins & Johnson Funeral Home - PO#2003012 - for transport of cadaver - Various Justice of the Peace
- d. REQUEST approved, to rescind the award to Dr. Gayle Fletcher, DDS PA for Inmate Dental Service at the Sheriff's Department, which was approved in Commissioners' Court on June 30, 2003, as per Request on file.
- e. CHANGE ORDER #1 approved, PO#2003016, to Metcalf Funeral Directors, for transport of cadaver for various Justice of the Peace, not to exceed \$14,999.99 to \$20,000.00, as per Change Order on file.
- f. CHANGE ORDER #7 approved, PO#2001188, to T. P. Tractor Service to add additional acreage to Contract for mowing of right-of-ways, Pct. #1, as per Change Order on file.
- g. CHANGE ORDER #1 approved, PO#2003265, to Smith and Company for changes to the Rehabilitation of Roads Contract, as per Change Order on file.
- h. CHANGE ORDERS approved, for Non-Residential Services for Juvenile Services, as follows:
  - 1. #2003431 - Ruben Odems - not to exceed \$8,500.00
  - 2. #2003432 - Walter Y. Quijano, PHD PC - not to exceed \$30,000.00
  - 3. #2003433 - Peggy Heath dba Mental Health - not to exceed \$15,000.00
  - 4. #2003434 - Ronald J. Massey PHD - not to exceed \$10,000.00
  - 5. #2003435 - Victor Love - not to exceed \$30,000.00
  - 6. #2003439 - Psychological Services Center - not to exceed \$5,000.00

as per Request on file.

- i. CHANGE ORDER #1 approved, PO#2004012, to Conroe Family Medicine PA, to delete the not to exceed amount of \$21,000.00, as per Change Order on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEM 8E1

- a. PUBLIC HEARING DATE set, for October 6, 2003, to consider the replat of replat of Timber Line Estates, Section 1, to be known as Timber Line Estates, Section 1, Replat No. 2, as per Notice on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. ORDER approved, to acknowledge receipt of a check in the amount of \$10.00 from Linda Joyce for the lease of real property located in Glenmont Estates, as per Order on file. (check forwarded to County Treasurer for further handling)
- b. ORDER approved, to acknowledge receipt of Replacement Maintenance Bond with Surety for Grand Lake Estates, Section 9. Also, to release original maintenance bond without surety and correspond Letter of Credit, issued by Eagle Mortgage Company, Inc., as per Order on file.
- c. ORDER approved, for Partial Lot Conveyance without a Replat in Lake Windcrest Subdivision, Section 5, owned by Dennis Cote & Cynthia Cote, as per Order on file.
- d. ORDER approved, for Partial Lot Conveyance without a Replat in High Meadow Ranch Subdivision, Section 12, owned by Crossway Farms, Inc., as per Order on file.
- e. UTILITY PERMIT approved, for MSEC Services, Inc., to place security lights and electric line within the right-of-way of Ridgelake Shores, Section 1 & 2, as per Permit on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a. LEASE AGREEMENT approved, with Walter E. Vars for property described as Lots 33, 34 and 35, Skylight Timbers Subdivision, as per Lease Agreement on file.
- b. ORDER approved, to acknowledge receipt of a check in the amount of \$20.00, from Walter E. Vars, for lease of real property described as Lots 33, 34 and 35, Skylight Timbers Subdivision, as per Order on file. (check forwarded to County Treasurer for further handling.)
- c. ORDER approved, to authorize title opinions for Hanna Road right-of-way project, and to approve payment to First Surety Title Company, at a rate of \$125.00 per acreage tract. Payment to be from Precinct #3 Right-of-way funds, as per Order on file.
- d. ORDER approved, to authorize the Purchase of Parcel 3 Right-of-Way, from Gerald A. and Barbara Boyer, in the amount of \$6,963.00, for the Hanna Road Widening Project, as per Order on file.
- e. ORDER approved, to authorize the Purchase of Parcel 4 Right-of-Way, from Robert V. Whitis, in the amount of \$923.00, for Hanna Road Widening Project, as per Order on file.
- f. FINAL PLAT approved, for the Village of Sterling Ridge,

Section 37, consisting of 13.16 acres, 34 lots, as per Plat on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a. CHECK accepted, in the amount of \$493.33, from the City of Roman Forest, for the purchase of fuel for the month of July, 2003, in accordance with an Interlocal Agreement dated 10/07/02, as per Request on file. (check forwarded to County Treasurer for further processing.)
- b. ORDER approved, to authorize payment of Title Insurance Premium for acquisition of Parcel 18, in the amount of \$254.00, payable to First Surety Title Company, in connection with the FM1314 Right-of-Way Project, as per Order on file.
- c. ORDER approved, to authorize the purchase of Parcel 8 in the amount of \$12,667.20, owned by Evergreen Baptist Church, Porter, Texas for the F.M. Hwy. 1314 widening project, as per Order on file.
- d. ORDER approved, to acknowledge receipt of Replacement Letter of Credit No. 781413-04, for the account of Forest Colony, Section 2, as per Order on file.
- e. FINAL PLAT approved, for Park at Kings Manor, Section 1, consisting of 14.473 acres, 36 lots, as per Plat on file.
- f. FINAL PLAT approved, for Vickery Estates, consisting of 1.7225 acres, 4 lots, as per Plat on file.
- g. ROADS accepted, in Timberland Ranchettes into the one year maintenance period, consisting of 1,100.13 l.f., .21 miles, effective September 8, 2003, as per Letter on file.
- h. ROADS accepted, BOND released, in Green Oak Subdivision, consisting of 5,137.46 l.f., 0.97 miles, by Montgomery County. Also, to release the Bond, as per Request on file.
- i. ROADS accepted, BOND released, in Timberland Estates, Section 2, consisting of 4,290.04 l.f., .81 miles by Montgomery County. Also, to release the Bond.
- j. ROADS accepted, BOND released, in Timberland Estates, Section 3, consisting of 3,027.82 l.f., .57 miles, by Montgomery County. Also, to release the Bond.
- k. PUBLIC HEARING DATE set, for October 6, 2003, to consider the Replat of Unrestricted Reserve "D" of Kellyn Oaks, Section 1, to be known as Highline Acres, Section 1, as per Notice on file.
- l. ANNUAL AUDIT REPORT approved, for Emergency Service District No. 6, for FY2002, as per Report on file.

ALL PRECINCTS - AGENDA ITEMS 8E5

- a. OVERLOAD/OVERSIZE PERMIT approved, for the following Vendors:
  1. Langston Timber Company - to move various loads over all county roads, beginning not earlier than September 4, 2003, and to be completed by December

4, 2003, as per Permit on file.

- 2. Tejas Trucking Company - to move various loads over all county roads, beginning not earlier than August 20, 2003, and to be completed by November 20, 2003, as per Permit on file.

PARKS DEPARTMENT - AGENDA ITEM 8F

- a. USE AGREEMENT approved, for the Friends of Conroe to use County facilities during their annual festival from October 10, 2003, through October 12, 2003, as per Agreement on file.

AIRPORT - AGENDA ITEM 8G

- a. REQUEST approved, for the approval and signage of the Right-of-Entry for Military Operations at the Montgomery County Airport, as per Agreement on file.

Motion carried.

END OF CONSENT AGENDA

6. NOMINATION APPROVED - CANDIDATES FOR APPRAISAL DISTRICT BOARD - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the nomination of Alan B. Sadler and Ed Chance, for the election of the Montgomery Central Appraisal District Board of Directors, for 2004/2005 Term, as per Request on file. Motion carried.

7. RE-APPOINTMENT APPROVED - EMERGENCY COMMUNICATION DISTRICT (911) BOARD OF MANAGERS - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the re-appointment of Mary Giovannelli to serve on the Montgomery County Emergency Communication District (911) Board of Managers, as per Request on file Motion carried.

8. HOLIDAYS AND COURT DATES APPROVED - FY2004 - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the County Holidays and Scheduled Court Dates for 2004, as outlined in memo on file. Motion carried.

AGENDA ITEM 9D - JOINING GULF COAST REGIONAL MOBILITY PARTNERS, WHICH IS THE REGIONAL PLANNING GROUP FOR GREATER HOUSTON PARTNERSHIP - DEFERRED

9. PLAN APPROVED - STORM WATER POLLUTION PREVENTION - AIRPORT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept the Storm Water Pollution Prevention Plan for Montgomery County Airport, prepared by Paradigm Engineering, as per Plan on file. Motion carried.

10. REQUEST APPROVED - VICTIM COORDINATOR LIAISON GRANT EMPLOYEE - DISTRICT ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve funding for Victim Coordinator Liaison Grant Employee, Irma Pina, in the approximate amount of \$43,000.00, (fund from Contingency), as per Request on file.

Motion carried.

11. REQUEST APPROVED - APPELLATE ATTORNEY REPLACEMENT - DISTRICT ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the replacement of an Appellate Attorney newly hired Nelda Williams, who resigned on Friday, August 29, 2003, as per Request on file. Motion carried.

12. REQUEST APPROVED - VACANT POSITION - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve fill five (5) vacant positions as requested by the Sheriff, as follows:

- 1 Detention Officer
- 2 Detention Deputies
- 2 Dispatchers

as per Request on file. Motion carried.

AGENDA ITEM 12B - COMPLETE BUILD-OUT OF THE EAST COUNTY COURTHOUSE FOR USE BY THE SHERIFF'S DEPARTMENT PERSONNEL - DEFERRED

13. REQUEST APPROVED - RECEPTIONIST POSITION - ENVIRONMENTAL HEALTH

Motion by Commissioner Meador, seconded by Commissioner Doyal, to lift the hiring freeze for an existing position, (receptionist). Motion carried. (no paperwork)

14. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the variance request to replace a malfunctioning septic system with an Aerobic Septic System in the flood plain for Richard Isaacs, Magnolia, Texas, as per Request on file. Motion carried.

15. REQUEST APPROVED - SECURITY RELATED PERSONNEL - JUVENILE PROBATION DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the exemption from the hiring freeze for two (2) positions, (detention officer and security personnel), if funding exists for salary and benefits, as per Request on file. Motion carried.

16. REQUEST APPROVED - OUTREACH COORDINATOR POSITION - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to authorize the hiring of Barbara Miller for the position of Outreach Coordinator, effective September 8, 2003, subject to completion of the application process, as per Request on file. Motion carried.

17. CARRYOVER OF FUNDS APPROVED - CIVIL DEFENSE

Motion by Commissioner Doyal, seconded by Judge Sadler, to approve the Request to carryover any unspent FY03 funds to FY04 budget. Motion carried. (no paperwork)

18. REQUEST APPROVED - CARRYOVER OF FUNDS - COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Doyal, to authorize a budget amendment to carryover \$11,000.00, from the excess salary and benefit sweep done by the Auditor, as per Request on file. Motion carried.

19. REQUEST APPROVED - CREATION OF SPECIAL ACCOUNT - COMMUNICATION INFORMATION SERVICES

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Request to create a Special Account in the 503 Budget for the purchase of fleet maintenance software for all county vehicles, and the transfer of funds from the following Accounts into the Special Account:

Account #503-7418	\$10,800.00
Account #560171-7354	\$58,500.00

as per Request on file. Motion carried.

20. CARRYOVER OF FUNDS APPROVED - 2003 BUDGET - RISK MANAGEMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the following Carryover of unused funds from 2003 Risk Management Budget:

1. Unused 2003 Funds from Risk Management #4021 - Workers Compensation Budget - carryover to 2004 Budget, #4021
2. Unused 2003 Funds from Risk Management #4022 - Property/Casualty/Liability Budget - carryover to 2004 Budget, #4022
3. \$17,105.00, from 2003 Risk Management #402 budget, Line Item #73961 - Blood Borne Pathogens, be carried over to 2004 Budget, #402. Blood Borne Pathogens for implementation of Defensive Driving Program and annual County Employee Driving Record Check, as per Request on file.

as per Request on file. Motion carried.

21. PURCHASE APPROVED - COMPUTERS - JUSTICE OF THE PEACE, PCT. #5

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Purchases of eight (8) computers in the amount of \$11,000.00, for upgrading present computer system. Funding to be from JCTF Fund, as per Request on file. Motion carried.

22. RESOLUTION AND ORDER APPROVED - 2003 AD VALOREM RATE - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Resolution and Order allocating and fixing the 2003 Ad Valorem Tax Rate for Montgomery County, as follows:

- a. Tax Rate Adopted - .4828 cents per one hundred dollars
- b. General Fund - .3627 cents on each one hundred dollars
- c. Road Maintenance Fund - .0523 cents on each one hundred dollars
- d. Interest and Sinking Fund - .0678 cents on each one hundred dollars

as per Resolution and Order on file. Motion carried.

AGENDA ITEMS 22A 3,4,5,6 & 7 - RECOMMENDATIONS AND CONTRACTS  
- DEFERRED

23. RFQ APPROVED - DESIGN-BUILD OF LIBRARY - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the RFQ Design-Build of a Library, Project #2003-0085, to Fairweather Construction. Motion carried. (no paperwork - Contract to follow)

24. RECOMMENDATION AND CONTRACT APPROVED - DRAINAGE/CULVERT PIPE PROJECT - VARIOUS PRECINCTS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened July 20, 2003), for labor and removal of old drainage/culvert pipe & the installation of new drainage/culvert pipe, to Smith and Company, as per Contract on file. Motion carried.

25. FUNDING APPROVED - DISTEFANO/SANTOPETRO ARCHITECTS, INC. - ELECTIONS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve funding in the amount of \$3,410.100, (fund from Contingency), to Di Stefano/Santopetro Architects, Inc., for building assessment on Elections building, as per Request on file. Motion carried.

26. PURCHASE APPROVED - BACKHOE LOADER - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the purchase of a backhoe loader, (Cat Model 420D IT), in the amount of \$77,551.00, through the BuyBoard from Mustang Equipment, as per Request on file. Motion carried.

27. CHANGE ORDER #2 APPROVED - ENGINEERING SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Change Order #2, PO#2002365, to M & E Consultants, for changes, (price increase of \$1,682.00), to Contract for Engineering Services for Erosion Remediation Projects, as per Change Order on file. Motion carried.

28. PROPOSAL APPROVED - TRAFFIC SIGNAL WARRANTY STUDY - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the proposal from Traffic Engineers, Inc., for traffic signal warrant study for Gosling Rd. at Alden Woods, for a fee of \$3,000.00, as per Request on file. Motion carried.

29. REQUEST APPROVED - INTERVIEW PROCESS - PURCHASING AGENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to authorize the Purchasing Agent to begin the application/interview process for the new position previously approved during the budget process for the next fiscal year, and to waive the hiring freeze on said position. Motion carried. (no paperwork)

AGENDA ITEMS 23 - CONTRACTS FOR VARIOUS IMPROVEMENTS THROUGH  
EAST MONTGOMERY COUNTY IMPROVEMENT DISTRICT - DEFERRED

30. RESOLUTIONS APPROVED - FOREST SERVICE SAFETY PROGRAM - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Resolutions pertaining to the Forest Service Safety New Program #HR2389, as per Resolution on file. Motion carried.

- 31. REQUEST APPROVED - CREATION OF MUD #98 - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Request from Schwartz, Page & Harding, LLP, for the creation of Montgomery County Municipal Utility District No. 98, as per Request on file. Motion carried.

- 32. ROAD NAME CHANGE APPROVED - SALLAS RANCH ROAD - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve changing the name of Gay Ranch Road to Sallas Ranch Road, as per Request on file. Motion carried.

- 33. REQUEST APPROVED - PLACEMENT OF STOP SIGNS - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner doyal, to approve the placement of Stop Signs at all "T" Intersections in the Woodlands, Village of Panther Creek, Section 10, as per Study 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

- a. Consider and Discuss Claims of David Park
- b. Consider and Discuss Claims of Pam Hernandez and Phyllis Traylor
- c. Consider and Discuss Foster vs. Montgomery County, et al
- d. Consider and Discuss Hiring of Jail Monitor in connection with Foster vs. Montgomery County, Texas, et al

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

- 34. RESOLUTION AND ORDER APPROVED - JAIL MONITOR POSITION - SHERIFF'S DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a Resolution and Order to hire a Jail Monitor in connection with Foster vs. Montgomery County, et al, as per Resolution and Order on file. Motion carried. (fund from Sheriff's budget)

- 35. LITIGATION COSTS AND RELEASE APPROVED - CONROE CREOSOTE LITIGATION - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Reimbursement of Litigation Costs and Full Release in the lawsuit styled: Conroe Creosote vs. Montgomery County, et al, as per Paperwork on file. Motion carried.

- 36. 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 to place Casanda Cranfill, Administrative Assistant, on payroll, effective September 1, 2003

request of Commissioner, Pct. #4, to accept the resignation of Joseph C. Young, Operator II, effective August 29, 2003

request of District Attorney to accept the resignation of Nelda Williams, Assistant District Attorney, effective August 29, 2003

request of District Clerk, to accept the resignation of Holly Underwood, effective August 29, 2003

request of Elections Administrator to rescind payroll change approved by Court on 8-25-03, for Debora Everhart, Temporary Voters Registration Clerk, effective September 10, 2003

request of Elections Administrator to layoff Melissa Teague, Temporary Voters Registration Clerk, effective August 30, 2003

request of Elections Administrator to place Doris Thomas, Temporary Voters Registration Clerk, effective September 13, 2003

request of Juvenile Probation to promote Dewitt Basden, Jr., Probation Officer/Detention Shift Supervisor, (replacement for Nakia Richardson), effective September 13, 2003

request of Juvenile Probation to accept the resignation of William David Butler, Detention Officer, effective August 17, 2003

request of Juvenile Probation to discharge Qiana Alcenia Hamilton, Substitute Detention Officer, effective August 14, 2003

request of Juvenile Probation to place Tammy Jolley, Juvenile Probation Officer, on Family Leave of Absence, effective September 2, 2003

request of Library Director to place Barbara Miller, Outreach Coordinator, on payroll, effective September 8, 2003

request of Library Director to accept the resignation of Sharon Rogers, Reference Librarian, effective September 4, 2003

request of Library Director to accept the resignation of Mary Welsch, Shelving Clerk, effective September 5, 2003

request of Building Maintenance Director to reduce the hours of William Wells to 64 hours per pay period, effective August 16, 2003

request of Sheriff's Department to increase the salary of Dana Aills, Detention Deputy, effective August 30, 2003, due to law enforcement certification

request of Sheriff's Department to continue the employment of Darrell Conn, Auto Theft Sergeant, effective August 16, 2003, due to 10th year of Auto Theft Grant

request of Sheriff's Department to increase the salary of Tara Fay, Detention Deputy, effective August 30, 2003, due to law enforcement certification

request of Sheriff's Department to accept the resignation of Matthew Harrison, Detention Deputy, effective August 12, 2003, with 39.93 vacation hours due, 1.50 comp hours due

request of Sheriff's Department to continue the employment of Thomas Keith Jones, Auto Theft Detective, effective August 16, 2003, due to 10th year of Auto Theft Grant

request of Sheriff's Department to accept the resignation of Paula McCall, Temporary Data Clerk, effective September 10, 2003

request of Sheriff's Department to continue employment of Patricia McCulloch, Auto Theft Administrative Secretary, effective August 16, 2003, due to 10th year of Auto Theft Grant

request of Sheriff's Department to continue employment of David T. Moore, Auto Theft Lieutenant, effective August 16, 2003, due to 10th year of Auto Theft Grant

request of Sheriff's Department to transfer Judd Russell, Detention Deputy, (replacement for Donald Rooney), effective September 6, 2003

request of Sheriff's Department to continue employment of Jimmy Louis Simmons, Auto Theft Detective, effective August 16, 2003, due to 10th year Auto Theft Grant

request of Sheriff's Department to continue employment of Kelley Ray Smith, Auto Theft Detective, effective August 16, 2003, due to 10th year of Auto Theft Grant

request of Sheriff's Department to transfer Jared Urban, District IV, Patrol Deputy, (replacement for Judd Russell), effective September 6, 2003

request of Tax Assessor/Collector to increase the salary of Brandi Goodnight, Deputy Specialist I, effective September 9, 2003, due to probation period completed

request of Tax Assessor/Collector to increase the salary of Samuel Hill, Deputy Specialist I, effective September 9, 2003, due to probation period completed

request of Tax Assessor/Collector to accept the resignation of Elaine Nevarez, Deputy Specialist I, effective September 5, 2003, with 61.60 vacation hours due and 4.25 comp hours due

request of Commissioner, Pct. #3 to increase the salary of Chad Jamieson, Driver/Helper, effective September 2, 2003, due to probation period completed

request of Commissioner, Pct. #3 to bridge the time of Monty Morgan, Driver, effective August 30, 2003

request of Library Director to accept the resignation of Theresa DeHoyos, Copy Cataloger, effective September 19, 2003, with 27.07 vacation hours due

as per Payroll Change Requests on file. Motion carried.

37. REQUEST APPROVED - REPLACEMENT FOR CLERICAL POSITION -  
CONSTABLE, PCT. #2

Motion by Commissioner Meador, seconded by Commissioner  
Chance, to authorize the replacement of a Clerical Position  
that has become vacant in Constable's office, as per Request  
on file. Motion carried.

38. COURT ADJOURNS

Motion by Commissioner Rinehart, 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