

COMMISSIONERS' COURT DOCKET, SEPTEMBER 9, 2002
REGULAR SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 9th day of September, 2002, 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

DAVIS WALKER, COUNTY ATTORNEY, ASKED EVERYONE PRESENT TO JOIN HIM IN SAYING THE "LORD'S PRAYER".

PLEDGE OF ALLEGIANCE WAS 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. RESOLUTION APPROVED - "PATRIOT DAY"

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve a Resolution to support the President of the United States, to defend against additional attacks which took place September 11, 2001. Also, to recommend to citizens to support relief efforts by giving blood at their nearest blood donation center, as per Resolution on file. Motion carried.

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

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for August 19, 2002 and August 26, 2002, as presented by the County Clerk. Motion carried.

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

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

COUNTY AUDITOR - AGENDA ITEMS 7A

a. ACCOUNTS - as presented by the County Auditor.

b. BUDGET AMENDMENTS approved, as follows:

1. Animal Control - to adjust line items
2. Capital Project - Road Bonds - to allocate proceeds of Road Bonds, Series 2002A
3. Commissioner, Pct. #1 - Constable Pct. #1 - to transfer funds to cover security at the Lake Park for June 16 and August 4 through September 2, 2002

4. Commissioner, Pct. #2 - to adjust lien items and to recognize/allocate reimbursement
5. Commissioner, Pct. #3 - to recognize/allocate reimbursement from E. P. Brady, Inc.
6. Commissioner, Pct. #3 - to adjust line items
7. Commissioner, Pct. #4/Building Maintenance/Construction - to allocate funds for remodeling East County Courthouse Annex
8. Commissioner, Pct. 4/Building Maintenance/Construction - to allocate funds for remodeling East County Courthouse Annex
9. Commissioner, pct. #4/Building Maintenance/Construction - to allocate funds to cover remodeling East County Courthouse Annex
10. Communication - Information Services - to recognize grant proceeds and allocate to projects, approved by Commissioners' Court
11. Commissioner Information Services - to adjust line items
12. Constable, Pct. #2 - to recognize/allocate surplus revenue
13. Constable, Pct. #3 - to recognize/allocate surplus fees
14. Constable, Pct. #4 - to adjust line items
15. Constable, Pct. #4 - to adjust line items
16. Contingency - to allocate funds to cover shortage in Court Operations
17. Contingency - to allocate funds for annual rent payment for Woodlands Annex parking lot
18. Contingency - to fund shortage in Court Operations
19. County Clerk/Building Maintenance/Construction - to allocate funds to cover building a workstation
20. County Clerk - to adjust line items
21. County Clerk - to adjust line items
22. County Court at Law #1 - to adjust line items
23. County Court at Law #4 - to fund liability premium for Judge
24. County Engineer - to transfer funds from Road Bonds for asst. drainage engineer costs
25. County Engineer - to allocate funds to cover release 246410
26. Court Collections - to adjust line items
27. Court Operations - to recognize and to allocate proceeds from Indigent Defense grant awarded 8-5-02
28. District Attorney - to adjust line items
29. Elections Administrator - to recognize/allocate reimbursement from State
30. Emergency Management - to adjust line items
31. Jail - to adjust line items and to recognize/allocate revenue
32. Justice of Peace, Pct. #5 - to adjust line items
33. Juvenile Probation - to set up budget for state/federal funded programs that begin 9-1-02
34. Non-Departmental - to allocate funds to cover shortage in restricted line
35. Non-Departmental - to allocate funds to cover shortage in restricted line
36. Non-Departmental - to adjust line items
37. Sheriff/Building Maintenance/Construction - to allocate funds to cover painting lockers
38. Sheriff - to recognize/allocate revenue
39. Sheriff - to recognize/allocate reimbursement for damage to V#671
40. Sheriff - to adjust line items

- 41. Sheriff/Sex Offender - Yr. 2 - to adjust line items

as per Budget Amendments on file.

- c. OFFICIALS' FEES REPORT approved, for the month of June, 2002, as per Report on file.

AGENDA ITEMS 7B1 & 2 - (a) WEEKLY INVESTMENT REPORT FOR SEPTEMBER 2 THROUGH SEPTEMBER 6, 2002 - (b) PLEDGES AND/OR RELEASE OF COLLATERAL - REMOVED FROM AGENDA

COUNTY TREASURER - AGENDA ITEMS 7B

- a. REPORT approved - Monthly Financial Report for July 1, 2002, to July 31, 2002, as submitted.
- b. REQUEST approved, to attach Montgomery County Investments by Maturity Date Report to Quarterly Investment Report for period ended June 30, 2002, approved on August 5, 2002, Motion 4, 7B4, Court Session, as per Request on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 7C

- a. AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/PROPOSALS:
 - 1. Printers for E-Tickets - Various Departments
 - 2. Removal and Installation of Drainage/Culvert Pipe - Various Departments
 - 3. New or Used 3.0 Yard Bucket front end loader - Various Departments
 - 4. Installation of steel sheet piling on mink branch at Nichols Sawmill Rd. - Pct. #2
 - 5. Traffic Signal Parts - Various Departments
 - 6. Request for qualifications for design/build, Building Projects - Pct. #3
- b. ALSO, to acknowledge the opening of the following bids/proposals, which are on file in the Purchasing Department, until such time Contracts are awarded:
 - 1. RFP GPS for Mobile Data and GPS Tracking Antennas - Various Departments - Project #2002-0109 (bids opened 9-5-02)
 - 2. One or More new 12 yard dump trucks - Various Precincts - Project #2002-0111 (9-6-02)
- c. RENEWAL CONTRACTS approved, as follows:
 - 1. PO#2000096 and #2000096X - Eagle Truck Parts for sales and service for miscellaneous repairs for vehicles, dump trucks, heavy equipment, etc. - Pct. #4
 - 2. PO#2001052 - Pavers Supply Company for cement stabilized base
 - 3. PO#2002003 - Smith and Company for hot mix asphaltic concrete - complete in place - Various Precincts
 - 4. PO#20020251 - Aramark Correctional Services for manual food service - Jail

- d. RENEWAL OF SOLE SOURCE ITEM, as follows:
 - 1. PO#2002032 to Texas Department of Health for e. electronic birth certificates - County Clerk
- e. CHANGE ORDER #1 approved, PO#2002476 - U.S. Chemco Supply and Service to add additional items to the Mosquito Adulticide Spray Contract, as per Change Order on file.
- f. CHANGE ORDER #2, PO#2002471 - Ronald J. Massey, PHD for Non-Residential Services for Juvenile Services, to reflect not to exceed amount from \$1,500.00 to \$10,000.00, as per Change Order on file.
- g. CHANGE ORDER #2, PO#2002318 - Vulcan, Inc., to add items to traffic signs, posts and related supplies, as per Change Order on file.
- h. PERFORMANCE BOND AND PAYMENT BOND approved, for the construction of traffic signalization on Lake Woodlands Dr. at Gosling Rd., from Statewide Traffic Signal Company, in the amount of \$143,826.00 each, as per Bonds on file.
- i. CERTIFICATE OF SUBSTANTIAL COMPLETION approved, for the Community Building on County Line Rd., Pct. #1, from Fairweather Group LLC, as per Certificate on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEM 7D1

- a. BOND RIDER approved, for Randall's Food Markets, Bond #4123312, as per Bond on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 7E1

- a. AUDIT REPORT approved, for Montgomery County Emergency Service District No. 2, as per Report on file.
- b. FINAL PLAT approved, for The French Quarter on Lake Conroe, Section 2, consisting of 15.053 acres, as per Plat on file.
- c. ROADS accepted, BOND released, in Grand Harbor Subdivision, Section 3, by Montgomery County, (private streets) consisting of 1.71 miles, 9,022.18 l.f. Also, to release the bond, as per Request on file.
- d. ROADS accepted, BOND released, in Harbor Side Subdivision, Section 1, by Montgomery County, (private streets) consisting of .80 miles, 4,200.06 l.f. Also, to release the bond, as per Request on file.
- e. ROADS accepted, in Bentwater Subdivision, Section 70, consisting of .28 miles, 1,516.40 l.f., into the one year maintenance period, effective September 9, 2002, as per Request on file.
- f. ROADS accepted, in Bois D'Arc Bend Estates, Section 2, consisting of 1.03 miles, 5,431.35 l.f., into the one year maintenance period, effective September 9, 2002, as per Request on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 7E2

- a. ANNUAL AUDIT REPORT approved, for Montgomery County Emergency Service District No. 5 for FY-2001, as per Report on file.
- b. ANNUAL AUDIT REPORT approved, for Montgomery County Emergency Service District No. 10, for FY-2001, as per Report on file.
- c. DONATION DEED accepted, from Steven J. and Mary D. Sinclair, for Lot 118, Section 4, River Plantation Subdivision, for the Gwen Hruska Memorial Park, as per Deed on file.
- d. ORDER approved, to acknowledge receipt of Replacement Letter of Credit No. 284, for Forest West Subdivision, Section 1, issued by First Bank of Conroe, for Sig-Steck, Inc., as per Order on file.
- e. ORDER approved, to acknowledge receipt of a check in the amount of \$12.00, from Leon J. Fritsche for lease of real property in Spring Creek Forest Subdivision, as per Order on file.
- f. FINAL PLAT approved, for Grand Lake Estates, Section 9, consisting of 150.193 acres, 106 lots, as per Plat on file.
- g. FINAL PLAT approved, for College Park, Section 5, consisting of 19.95 acres, as per Plat on file.
- h. FINAL PLAT approved, for College Park, Section 6, consisting of 6.30 acres, as per Plat on file.
- i. ROADS accepted, BOND released, for Estates of Clear Creek, Section 2, by Montgomery County, consisting of 2.98 miles, 15,709.84 l.f. Also, to release the Bond, as per Request on file.
- j. ROADS accepted, BOND released, for Lynwood Subdivision, by Montgomery County, consisting of 2,020.48 l.f. , .38 miles. Also, to release the Bond, as per Request on file.
- k. ROADS accepted, BOND released, for Windsor Hills Subdivision, Section 5, by Montgomery County, consisting of .51 miles, 2,700.15 l.f. Also, to release the Bond, as per Request on file.
- l. ROADS accepted, for Grand Lake Estates, Section 3, (private streets), into the one year maintenance period, consisting of 10,190.80 l.f., 1.93 miles, effective September 9, 2002, as per Request on file.
- m. ROADS accepted, for Grand Lake Estates, Section 4, (private streets), into the one year maintenance period, consisting of 2,888.22 l.f., .54 miles, effective September 9, 2002, as per Request on file.
- n. ROADS accepted, for Grand Lake Estates, Section 6, (private streets), into the one year maintenance period, consisting of 5,490.39 l.f., 1.04 miles, effective September 9, 2002, as per Request on file.

- o. PUBLIC HEARING DATE SET, for October 7, 2002, to consider changing the name of Sierra Woods Dr., (off F.M. 1488), to Corporate Woods Drive, as per Request on file.
- p. ORDER approved, to accept a check in the amount of \$22,960.00, from the City of Stagecoach for certain street construction and maintenance, in accordance with an Interlocal Agreement dated May 7, 1990, with Montgomery County, as per Order on file. (Check forwarded to County Treasurer for further handling)

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 7E3

- a. ANNUAL AUDIT REPORT approved, for Montgomery County Emergency Service District No. 14, as per Report on file.
- b. FINAL PLAT approved, for Fox Run Subdivision, Section 10, consisting of 21.7211 acres, as per Plat on file.
- c. FINAL PLAT approved, for Palmer Course Clubhouse, consisting of 15.425 acres, as per Plat on file.
- d. FINAL PLAT approved, for Village of Sterling Ridge, Section 24, consisting of 24.23 acres, 75 lots, as per Plat on file.
- e. FINAL PLAT approved, for Village of Sterling Ridge, Section 28, consisting of 5.1298 acres, as per Plat on file.
- f. UTILITY PERMIT approved, for Shell Pipeline Company LP, to place a 16" products pipeline line within the right of way of Research Forest Drive, as per Permit on file.
- g. UTILITY PERMIT approved, for Spring Creek Utility District, to place a sanitary sewer & water line within the right-of-way of Buckminster Dr. and Waltham St., as per Permit on file.
- h. PUBLIC HEARING DATE SET, for October 7, 2002, to discuss placement of a 4-way stop sign on Woodson Road, Oakridge School Road, Hanna Road and Chateau Woods Boulevard, as per Request on file.
- i. ROADS accepted, in Rayford Business Park, Section 3, (Spring Hill Drive East of Pitkin Road), consisting of 1,250 l.f., .24 miles, into the one year maintenance period, effective September 9, 2002, as per Request on file.
- j. ROADS accepted, in Village of Sterling Ridge, Section 27, into the on year maintenance period, consisting of 2,213.66 l.f., .42 miles, effective September 9, 2002, as per Request on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 7E4

- a. ANNUAL AUDIT REPORT approved, for Montgomery County Emergency Service District No. 6, for fiscal year ending September 30, 2001, as per Report on file.

- b. ORDER approved, to acknowledge receipt of Replacement Letter of Credit No. 351, issued by Woodforest National Bank, for Duane T. Corley, Trustee, Developer of Keystone Trails, Section 1, as per Order on file.
- c. ROADS accepted, BOND released, for Kings Manor Subdivision, Section 4, by Montgomery County, consisting of 1,857.65 l.f., .35 miles. Also, to release the Bond, as per Request on file.
- d. ROADS accepted, BOND released, for Kings Manor Subdivision, Section 5, by Montgomery County, consisting of 1,448.14 l.f., .27 miles. Also, to release the Bond, as per Request on file.
- e. ROADS accepted, BOND released, for Kings Manor Subdivision, Section 6, by Montgomery County, consisting of 348.05 l.f., .07 miles. Also, to release the Bond, as per Request on file.
- f. ROADS accepted, in Southern Crossing Subdivision, Phase 1, into the one year maintenance period, effective September 9, 2002, consisting of 2,357.65 l.f., .45 miles, as per Request on file.
- g. UTILITY PERMIT approved, for Exxon Mobil Corporation to place a 10" pipeline across the right-of-way of Johnson Road, approximately .4 miles east of Bert Brown Road, as per Permit on file.
- h. UTILITY PERMIT approved, for Exxon Mobil Corporation to place a 10" pipeline across the right of way of Johnson Road, .4 miles east and then .3 miles north of Bert Brown Road, as per Permit on file.
- i. UTILITY PERMIT approved, for Exxon Mobil Corporation to place a 10" pipeline across the right-of-way of Exxon Road, .2 miles east of F.M. 1314 as per Permit on file.

ALL PRECINCTS - AGENDA ITEMS 7E5

- a. OVERLOAD/OVERSIZE PERMIT approved, from Park Construction Association, LLP, to haul various loads over all county road, except roads noted on said permit. Movement to begin not earlier than October 31, 2002, and to be completed by January 29, 2003, as per Permit on file.
- b. OVERLOAD/OVERSIZE PERMIT approved, from Shirley & Sons Construction, Cleveland, Texas, to move various loads over all county roads. Movement to begin not earlier than August 20, 2002, and to be completed by December, 2002, as per Permit on file.

COUNTY JUDGE - AGENDA ITEMS 7F

- a. REQUEST approved, to authorize the carryover of \$5,030.00 in VIT monies to FY 2002-03 budget, as per Request on file.
- b. REQUEST approved, for the Woodlands Fire Department plans to finance a new fire station in The Woodlands through a tax-exempt debt instrument. Montgomery County will have no involvement or liability for said indebtedness, as per Request on file.

SHERIFF'S DEPARTMENT - AGENDA ITEM 7G

- a. PAYROLL VARIANCE approved, for the Sheriff's Department, as follows:

Alan Hunter
 Billy Duncan
 Russell Waters
 Aaron Lozano
 Tara Fay
 Allison Allen
 Jermain Jenkins
 Kathy Majors
 Terrance Greenwood
 Terri Lu Bennette
 Heath Romeril

as per Variance Request on file.

DISTRICT ATTORNEY - AGENDA ITEMS 7H

- a. REIMBURSEMENT approved, for the following employees for purchases made relating to the capital murder trial styled: State vs. Jonathan M. Green:

- 1. Gail McConnell \$66.94
- 2. John Stephenson \$77.83

as per Request on file.

- b. PAYROLL VARIANCE approved, as requested by the District Attorney:

- 1. Brenda Martin
- 2. Donna Miller
- 3. Vanessa Atkinson
- 4. Barbara Morgan
- 5. Tina Goodney
- 6. Susan Bingham
- 7. Chris Smith
- 8. Greg Gaines
- 9. Trisha Willett

as per Variance Request on file.

DISTRICT CLERK - AGENDA ITEMS 7I

- a. DEPUTATION approved, for Kaye Pyland, Deputy District Clerk, as per Deputation on file.
- b. DEPUTATION approved, for Janet Fearrington, Deputy District Clerk, as per Deputation on file.

RISK MANAGEMENT - AGENDA ITEM 7J

- a. RELEASE OF CLAIM approved, to pay \$800.00 to Sherry Bettis, for damage to her 1985 Toyota Tercel which incurred on July 27, 2002, as per Release of Claim on file.

AIRPORT - AGENDA ITEM 7K

- a. AMENDMENT NO. 2 approved, to the Airport Project Participation Agreement between Montgomery County and the Texas Department of Transportation, as per Amendment on file.

Motion carried.

END OF CONSENT AGENDA

CITIZENS - AGENDA ITEM 19 - DISAPPROVAL OF SEX EDUCATION BOOKS IN COUNTY LIBRARIES

Several Citizens were present in Court today to aire their opinion on various juvenile sex education books on the shelves in our public library facilities.

The Citizens are outraged over these books which are available to the very young and youths in our area, and has requested that they be removed immediately. The Court responded to the Citizens requests, and stated that they would have these books reviewed by a library review board and a decision would be made within the next 30 days or less.

5. ORDER APPROVED - GENERAL ELECTION FOR NOVEMBER, 2002 - ELECTIONS CENTRAL

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve an Order, for the November 5, 2002, General Election for the purpose of electing County and Precinct Officers as required by Article XVI, Section 65 of the Texas Constitution, as per Order on file. Motion carried.

HENRY BURTON, PRECINCT 1 RESIDENT, ADDRESSED THE COURT CONCERNING AN EARLY VOTING LOCATION BE APPROVED FOR THE RESIDENTS IN AND AROUND LAKE CONROE AREA. HE SUGGESTED THAT THE CAPE CONROE FIRE DEPARTMENT BUILDING BE APPROVED AS AN EARLY VOTING LOCATION FOR THE NOVEMBER 5, 2002, GENERAL ELECTION.

6. REQUEST APPROVED - CAPE CONROE FIRE DEPARTMENT - EARLY VOTING - ELECTIONS CENTRAL

Motion by Judge Sadler, seconded by Commissioner Meador, to approve Cape Conroe Fire Department location as an early voting location for the November 5, 2002, General Election, subject to the Elections Administrator finding a secure place in said building to leave voting ballots after voting hours. Also, to fund additional early voting site from 2002-03 contingency fund. Motion carried.

AGENDA ITEM 10A - PAYMENT TO HAS/PREMIER, INC. FOR INVOICE IN THE AMOUNT OF \$1,538.00 FOR 2002 PPO DIRECTORIES - REMOVED FROM AGENDA.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Resolution and Order allocating and fixing the 2002 Ad Valorem adopted Tax Rate for Montgomery County at .4710 cents per one hundred dollars, as per Resolution and Order on file. Motion carried.

8. MOTION FAILED FOR LACK OF SECOND - ARTICLES OF INCORPORATION - DEPUTY SHERIFFS' ASSOCIATION - SHERIFFS' DEPARTMENT

Motion by Commissioner Doyal, to approve the Articles of Incorporation for the Deputy Sheriffs' Association and recognition of such Association as an Official Organization of the County, failed due to a lack of a second. Motion carried.

AGENDA ITEM 12B - REQUEST TO USE OF PAYROLL DEDUCTION FOR COLLECTION OF DUES FOR THE DEPUTY SHERIFFS' ASSOCIATION - NO ACTION NECESSARY DUE TO MOTION #8 FAILED.

9. REQUEST APPROVED - TRANSFER OF FUNDS - CONVENTION AND EXPO CENTER

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the transfer of \$15,000.00, from the Hotel Occupancy Tax fund to Line Item 7598 for the purchase of electrical equipment and fencing, as per Request on file. Motion carried.

AGENDA ITEMS 14A 1,2,9 & 10 - RECOMMENDATIONS AND CONTRACTS - DEFERRED.

10. BIDS REJECTED - AUTHORIZATION TO READVERTISE - RFP TAX OFFICE AUTOMATION SYSTEM - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Doyal, to reject the bids received for Tax Office Automation System, and to authorize the Purchasing Department to re-advertise. Motion carried.

11. RECOMMENDATION AND CONTRACTS APPROVED - BRAKE PARTS - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bids, (opened July 2, 2002), for brake parts to (a) Harts Auto Supply for brake pads, and (b) O'Reilly Auto Parts for brake rotors/drum, as per Contract on file. Motion carried.

12. RECOMMENDATION AND CONTRACTS APPROVED - MOTOROLA MODEMS HARDWARE & SOFTWARE - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bids, (opened August 20, 2002), for Motorola VRM Modems Hardware & Software to (a) Motorola, Inc., for Items 1,2 and 3, and (b) Antenex for item 4 options a through f, as per Contracts on file. Motion carried.

AGENDA ITEM 14A6 - RECOMMENDATION AND CONTRACT FOR TIRES AND TUBES - VARIOUS DEPARTMENTS - PROJECT #2002-0102 - DEFERRED - PENDING REVIEW OF BID AND CONTRACT.

13. RECOMMENDATION AND CONTRACT APPROVED - LASER PRINTING OF TAX STATEMENTS - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the bid, (opened August 22, 2002), for laser printing of county tax statements and related reports to PC Mailing Services, Inc., in the amount of \$44,803.81, as per Contract on file. Motion carried.

14. RECOMMENDATION AND CONTRACT APPROVED - VIDEO CONFERENCING - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened August 22, 2002), for Video Conferencing to Wire One Technologies, Inc., in the amount of \$91,210.69, as per Contract on file. Motion carried.

15. REQUEST APPROVED - DISCRETIONARY EXEMPTION - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Discretionary Exemption for the removal for drainage/culvert pipe on Rogers Road by Smith and Company in the amount of \$36,169.49, as per Request on file. Motion carried.

16. REQUEST APPROVED - DISCRETIONARY EXEMPTION - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Discretionary Exemption for CAD, AVL and Mobile Messaging Software/Sole Source from Custom Logic Design, Inc., as per Request on file. Motion carried.

17. PURCHASE APPROVED - GENERATOR - COMMUNICATION INFORMATION SERVICES (CIS)

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the purchase of a generator in the amount of \$43,411.63, through the Houston Galveston Area Council, as per Request on file. Motion carried.

18. CHANGE ORDER #5 APPROVED - MONTGOMERY COUNTY PARK PHASE ii - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Change Order #5, PO#2002149, to Diamond Commercial Construction, Inc., to provide for a price increase to the previous Contract for the Montgomery County Park Phase II project, as per Change Order on file. Motion carried.

19. PROPOSAL APPROVED - FEASIBILITY STUDY - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the proposal from Carter and Burgess for a feasibility study on FM-1484 from Loop 336 to FM-2432, for a fee of \$8,272.97, as per Proposal on file. Motion carried.

20. PROPOSAL APPROVED - RIGHT-OF-WAY PROJECT - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve a Proposal from J. F. Thompson, Inc., for services in conjunction with the preparation of a right-of-way alignment map and acquisition documents of Hanna Road from Todd Road to Woodsen Road, for a fee of \$82,593.00, as per Proposal on file. Motion carried.

21. PROPOSAL APPROVED - MATERIAL TESTING SERVICES - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Proposal from Atser, LP for asphalt, geotech and material testing for a fee not to exceed \$10,000.00, as per Proposal on file. Motion carried.

22. NOTICE OF ASSIGNMENT APPROVED - CDBG - COMMUNITY BUILDING - PRECINCT #4 - COUNTY AUDITOR

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to acknowledge receipt of "Notice of Assignment" for Lease Purchase Agreement by Wells Fargo Brokerage Services, for the construction of the Community Building at Precinct #4, to be funded by Bonds monies, as per Notice on file. Motion carried.

- 23. ASSIGNMENT OF LEASE PURCHASE AGREEMENT APPROVED - HERBST FAMILY PARTNERSHIP, LLC - PRECINCT #2

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Assignment of Lease-Purchase Agreement from Government Capital Corporation to Herbst Family Partnership LLC, for the truck and dura patcher machine. Also, to authorize the County Judge to execute same, as per Agreement on file. Motion carried.

- 24. REQUEST APPROVED - UNITED WAY 2002 CAMPAIGN MANAGER - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept he Montgomery County United Way to be approved as the 2002 Campaign Manager for the Montgomery County Employees Charitable Giving Campaign, as per Request on file. Motion carried.

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.

- 25. ORDERS APPROVED - EXPERT WITNESS SERVICES - BAX VS. ROBINSON, ET AL LAWSUIT

Motion by Commissioner Chance, seconded by Commissioner Meador, to authorize the following to serve as expert witnesses in the Lawsuit styled Bax vs. Robinson, et al

- a. Michael C. Beller - \$150.00 hour
- b. Steve Crews - \$100.00 hour

as per Orders on file. Motion carried. (Commissioner, Precinct #1 to pay for said services from his 2002/03 budget)

- 26. REQUEST APPROVED - OUTSIDE COUNSEL - JONES VS. GUY WILLIAMS, ET AL

Motion by Judge Sadler, seconded by Commissioner Meador, to authorize the County Attorney to retain the services of William S. Helfand, Attorney at Law, to represent Sheriff Williams in the following lawsuits:

- a. Cause No. H-99-CV-972 - Earl Van Jones vs. Guy Williams, Individually and as Sheriff of Montgomery County
- b. Cause No. H-99-CV-2590 - Michael Roger Smith vs. Guy Williams, Individually and as Sheriff of Montgomery County,

as per Letter on file. Motion carried. (contract is forthcoming)

- 27. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of District Judge to accept the resignation of

Monika Barahona, Briefing Attorney, effective August 30, 2002, with 22.92 vacation hours due

request of Animal Control to correct the resignation date of Tracy Allen, Dispatcher, to reflect August 13, 2002

request of County Auditor to place Kevin Krastin, Fiduciary Compliance Clerk, (replacement for Kimberly Dove, effective September 3, 2002

request of Commissioner, Pct. #3 to place David Scardino, Driver/Helper, on payroll, effective August 26, 2002

request of Constable, Pct. #1 to promote Robert Knight from Deputy to Corporal, effective August 27, 2002

request of Constable, Pct. #4 to place Raymond Moore, Lieutenant, on unpaid family leave of absence, effective August 14, 2002

request of County Clerk to transfer Connie Kinney from Building Permit Clerk to Courtroom Clerk, effective September 2, 2002

request of District Attorney to increase the following salaries due to reorganization:

- a. Vanessa Atkinson
- b. Susan Bingham
- c. Joseph Delos Reyes
- d. Gregory Gaines
- e. Tina Goodney
- f. Brenda Martin
- g. Donna Miller
- h. Barbara Morgan
- i. Christopher Smith
- j. Monica Strickland
- k. Trisha Willett
- l. Cara Wood

request of District Clerk to place Janet Fearrington, Deputy Clerk, (replacement for Linda Stanley), effective September 3, 2002

request of Elections Administrator to place Sarah L. Sisson, Voter Registration Temporary Clerk, on payroll, effective September 3, 2002

request of Justice of the Peace, Pct. #3 to place Melissa Bradberry, Front Counter Clerk, on payroll, effective August 21, 2002 - returning from family leave of absence

request of Juvenile Probation Director to discharge Christina Brown, Detention Office, effective August 18, 2002, with 4.49 vacation hour due

request of Juvenile Probation Director to accept the resignation of Justin Chambers, effective September 9, 2002, with 61.60 vacation hours due and 21.64 comp hours due

request of Juvenile Probation Director to promote Joanna Comer from Juvenile Probation Officer Assistant to JJAEP Aftercare Officer, effective September 1, 2002

request of Juvenile Probation Director to discharge William John Garling, Substitute Detention Officer, effective August 30, 2002

request of Library Director to correct the hourly rate as noted on payroll change, effective September 3, 2002

request of Library Director to correct the effective date for Mary DeSantis, Reference Librarian I, effective September 9, 2002

request of Sheriff's Department to promote Allison Allen from Investigator I to Investigator II, effective September 14, 2002

request of Sheriff's Department to transfer Teri Lu Bennette to Sex Offender Clerk, effective September 1, 2002

request of Sheriff's Department to transfer Dewey Bonner from District IV, Patrol Deputy to Lake Patrol Deputy, effective August 31, 2002

request of Sheriff's Department to accept the resignation of Tirza Corbitt, Detention Officer II, effective September 7, 2002, with 37.12 vacation hours due and 24 holiday hours due

request of Sheriff's Department to promote Billy Duncan from Detention Officer I to Detention Officer II, effective August 31, 2002

request of Sheriff's Department to promote Tara Fay from Detention Officer I to Detention Officer II, effective September 14, 2002

request of Sheriff's Department to promote Terrance Greenwood from Detective I to Detective II, effective September 14, 2002

request of Sheriff's Department to transfer Jack Hunter from Lake Patrol Deputy to District II, Patrol Deputy, (replacement for Stephen Johnson), effective August 31, 2002

request of Sheriff's Department to promote Jermaine Jenkins from District II, Patrol Deputy III, to District II, Patrol Deputy IV, effective September 14, 2002

request of Sheriff's Department to correct the payroll change request of Stephen Johnson to reflect District IV Patrol, rather than District II Patrol, effective August 26, 2002

request of Sheriff's Department to accept the resignation of Rebecca Krug, CJR Specialist II, effective August 15, 2002, with 12.76 vacation hours due

request of Sheriff's Department to promote Aaron Lozano from Detention Officer I to Detention Officer II, effective August 31, 2002

request of Sheriff's Department to transfer Catherine Majors to Central Jail Records Specialist, effective August 31, 2002

request of Sheriff's Department to transfer Heath Romeril to Firearms Investigator, on payroll, effective September 1, 2002

request of Sheriff's Department to promote Judd Russell from District IV, Patrol Deputy III to District IV, Patrol Deputy IV, effective September 14, 2002

request of Sheriff's Department to promote Russell Waters from Detention Officer I to Detention Officer II, effective August 31, 2002

request of Tax Assessor/Collector to place Shawnte'l Hilton, Deputy Specialist I, (replacement for Melissa Fletcher), effective September 9, 2002

request of Animal Control to accept the resignation of Wendy Alvarez, Call taker/Dispatcher, effective September 6, 2002, with 6.14 vacation hours due

request of Commissioner, Pct. #1 to accept the resignation of Zachary W. Cox, Park Attendant, effective August 31, 2002

request of Commissioner, Pct. #1 to transfer Cory Kruse from department 612 to department 6121, effective August 31, 2002

request of Commissioner, Pct. #1 to accept the resignation of Gregory Rice, III, Park Attendant, effective August 31, 2002

request of Commissioner, Pct. #1 to transfer William A. Shelly, Park Attendant from department 612 to department 6121, effective August 31, 2002

as per Payroll Change Requests on file. Motion carried.

28. COURT ADJOURNS

Motion by Commissioner Rinehart, 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