

COMMISSIONERS' COURT DOCKET, SEPTEMBER 13, 2004  
REGULAR SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

Be it remembered that on this the 13th day of September, 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 ED CHANCE, PRECINCT #3 COMMISSIONER

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1.COMMISSIONERS' COURT AGENDA APPROVED

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

2.PROCLAMATION APPROVED - MARGARET MONTGOMERY CHAPTER NSDAR

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to proclaim the Week of September 17th through September 23rd, as Margaret Montgomery Chapter NSDAR Week in observing the two hundred seventeenth anniversary of the signing of our great constitution, as per Proclamation on file. Motion carried.

3.PROCLAMATION APPROVED - MHMR "DESTINATION DIGNITY MONTH"

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the month of September, 2004, as "Destination Dignity Month", to recognize local community mental health and mental retardation (MHMR) centers, as per Proclamation on file. Motion carried.

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

EVELYN BUTLER, an employee for Precinct 5, Justice of the Peace, was named as "Employee of the Month" for September 2004. Ms. Butler was presented with a gift certificate and a plaque from the Employees' Committee.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for August 23, 2004, as presented by the County Clerk. Motion carried.

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

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 adjust line items
- 2.410th District Court - to transfer funds to cover PO#24507502
- 3.410th District Court - to transfer funds to cover PO#24507758
- 4.410th District Court - to adjust line items
- 5.Airport Maintenance - to adjust line items
- 6.Building Maintenance - to adjust line items
- 7.Building Maintenance - to transfer funds to cover release 282246
- 8.Cert Grant - to adjust line items
- 9.Commissioner, Pct. #1 - to transfer funds for additional payment to Social Service Agency
  - 10.Commissioner, Pct. #1 - to transfer funds for security at Lake Park for July 4 through August 15, 2004
  - 11.Commissioner, Pct. #1 - to recognize/allocate reimbursement from Montgomery County MUD#8
  - 12.Commissioner, Pct. #3 - to adjust line items on grant
  - 13.Commissioner, Pct. #3 - to recognize/allocate reimbursement from D. W. Denton
  - 14.Commissioner, Pct. #3 - to adjust line items
  - 15.Commissioner, Pct. #3 - to recognize/allocate reimbursement from Connie Owens
  - 16.Commissioner, Pct. #3 - to recognize/allocate reimbursement from Troy Gibson
  - 17.Commissioner, Pct. #3 - to recognize/allocate reimbursement from First Texas Homes
  - 18.Commissioner, Pct. #3 - to recognize/allocate reimbursement from First Texas Homes
  - 19.Commissioner, Pct. #3 - to recognize/allocate reimbursement from Arthur Smalley
  - 20.Commissioner, Pct. #4 - to adjust line items
  - 21.Commissioner, Pct. #4 - to recognize/allocate reimbursement from New Caney ISD
  - 22.Commissioner, Pct. #4 - to adjust line items
  - 23.Commissioner, Pct. #4 - to adjust line items
  - 24.Constable, Pct. #2 - to recognize/allocate surplus revenue
    - 25.Contingency - to transfer funds to cover shortage in court cost for mental health
    - 26.Contingency - to transfer funds to cover shortage in restricted lines
    - 27.Contingency - to recognize and to allocate revenue from security fees
    - 28.Contingency - to transfer funds to cover shortage in restricted line
    - 29.Contingency - to transfer funds to cover shortage in restricted line
  - 30.County Auditor - to adjust line items
  - 31.County Auditor - to adjust lines
  - 32.County Auditor - to adjust line items
  - 33.County Judge - to transfer funds for burial expense
  - 34.County Parks - to adjust line items
  - 35.Court Collections - to adjust line items
  - 36.Court Operations - to fund shortage in Court Operations

- 37.Custodial Services - to adjust line items
- 38.District Attorney - to adjust line items
- 39.District Clerk - to adjust line items
- 40.Drug Court - to adjust line items
- 41.Elections Administrator - to adjust line items
- 42.Elections Administrator - to adjust line items
- 43.Elections Administrator - to adjust line items
- 44.Emergency Management - to adjust line items
- 45.Extension Agents - to adjust line items
- 46.Fire Marshal - adjust lines to fund release 282388 for purchase of computer
- 47.Fire Marshal - to adjust lines to fund release 282389 for purchase of laptop
- 48.Justice of the Peace Pct. #4 - to transfer funds to cover PO#24507874
- 49.Justice of Peace, Pct. #4 - to adjust line items
- 50.Justice of Peace, Pct. #4 - to transfer funds to cover PO#24507690
- 51.Juvenile Probation - to adjust line items
- 52.Juvenile Probation - to adjust line items
- 53.Juvenile Probation - to set up FY2005 state and federal grants
- 54.Juvenile Probation - to set up FY05 local budget
- 55.Purchasing Agent - to transfer funds to cover PO#24507810
- 56.Purchasing Agent - to adjust line items
- 57.Risk Management - to recognize/allocate reimbursement for damage claim U040079
- 58.Risk Management - to transfer funds for damage Claim A040072
- 59.Risk Management - to transfer funds for damage claim GO40082
- 60.Risk Management - to transfer funds for damage claim U040080
- 61.Risk Management - to transfer funds for damage claim B040085
- 62.Road Bonds 2003/2004 - to recognize investment interest earned thru 6/30/04, and to allocate for right of way expenditures
- 63.Sheriff - Auto Theft Grant - to establish budget for grant awarded by TxDot for Auto Theft Division
- 64.Sheriff/Auto Theft - to adjust line items
- 65.Sheriff/Auto Theft - to adjust line items
- 66.Sheriff - to adjust line items
- 67.Sheriff - to recognize/allocate donation from Woodlands Community Association & Town Center Improvement District
- 68.Sheriff - to adjust line items
- 69.Tax Assessor/Collector - to transfer funds to cover release 282369

as per Budget Amendments on file.

c.OFFICIALS' FEE REPORT approved, for the month of June, 2004, as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 8B

a.WEEKLY INVESTMENT REPORT approved, for the week of August 23, 2004, through August 27, 2004, as per Report on file.

b.PLEDGES OF COLLATERAL approved, as follows:

1.PLEDGE - Woodforest National Bank - Cusip Number 3133X14N4 -

- par value \$5,000,000.00
2. PLEDGE - Woodforest National Bank - Cusip #3133X14N4 - par value \$5,000,000.00
  3. PLEDGE - Woodforest National Bank - Cusip #31359MNP4 - par value \$5,000,000.00
- c. MONTHLY FINANCIAL REPORT approved, for the month of July, 2004, as per Report on file.
- d. BANK RESOLUTION approved, to designate Woodforest National Bank as a depository for the following Accounts:
1. Montgomery County Capital Project - Certificates of Obligation 2004, and
  2. Montgomery County Capital Project - Road bonds 2004
- as per Resolutions on file.
- e. MONTHLY PLEDGED SECURITIES REPORT approved, for the month of August, 2004, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a. MONTHLY TAX COLLECTION REPORT approved, for the month ending August 31, 2004, as per Report on file.
- b. TAX ABATEMENT APPLICATION acknowledged, from McKesson Corporation, and to authorize the Abatement Committee to draft an Agreement in compliance with county policy, as per Application on file.

AGENDA ITEM 8C3 - 2004 CONSOLIDATED TAXROLL FOR MONTGOMERY COUNTY AND TAXING UNITS TO ASSESS AND COLLECT TAXES - DEFERRED - (SEE MOTION #46 FOR COURT ACTION)

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE FOR BIDS/PROPOSALS approved, as follows:
  1. RFP Architectural Services - Airport
  2. Build out of office space for the 3rd floor of the Administration Building
- b. ALSO, to acknowledge the following bids/proposals, opened by the Purchasing Department:
  1. Medical Supplies - Various Departments - Project #2004-0094 (opened 8-24-04)
  2. Pavement Striping and Road Marker Installation - Various Departments - Project #2004-0091 (opened 8-31-04)
  3. RFQ Professional Services Contract - Pct. #3 - Project #2004-0095 (opened 9-9-04)
- c. RENEWAL CONTRACTS approved, as follows:
  1. Hart Intercivic - PO#2003114 - for printing election and voter registration forms and related materials - Elections Central
  2. Brodart Co. dba McNaughton Book Service - PO#2002001 - for book leasing - Library
  3. Lab Corp - PO#2001432 and #2001432X - for lab testing and courier service - Law Enforcement Center/Jail - month to month basis

4. Moore Medical Corporation - PO#2002423 - for medical supplies - month to month basis
  5. Duane Leach dba Circle M Lawn Service - PO#2004338 - for lawn maintenance service - Txdot Park - Parks Department
  6. Bank of America - PO#2001123 - for procurement credit cards - Various Departments
  7. Polaris Business Products, Inc. - PO#2000045 - for printing of letterhead stationery, envelopes and business cards - Various Departments - month to month basis
- d. CHANGE ORDER #1 approved, PO#2004469 - to Wavemedia, Inc., to provide changes in the delivery of dark fiber optic network and hardware contract, to reflect installation of fiber optic for traffic signal control system on Gosling Road from Research Forest Dr. to Highway 242, as per Change Order on file.
- e. CHANGE ORDER #1 approved, PO#2004219 - to Stephen's Office Supply, Inc., for office supplies, computers, etc., for various departments, as per Change Order on file.
- f. CHANGE ORDER #3 approved, PO#2002295 - to Demco, Inc., to provide for changes to Item .006 to the contract for Library Specialty Supplies, as per Change Order on file.
- g. CHANGE ORDER #1 approved, PO#2004213 - Library Specialty Supplies, to provide for various changes to present contract, as per Change Order on file.
- h. CHANGE ORDER #1 approved, PO#2004434 - to St. Judes Ranch for Children, to provide changes to the residential placement contract for Juvenile Services, as per Change Order on file.
- i. CHANGE ORDER #1 approved, PO#2004431 - to Ever Change Youth & Family Services, Inc., to provide changes to the residential placement contract for Juvenile Services, as per Change Order on file.
- j. CHANGE ORDER #1 approved, PO#2004433 - to Pegasus Schools, Inc., to provide changes to the residential placement contract for Juvenile Services, as per Change Order on file.
- k. CHANGE ORDER #1 approved, PO#2004432 - to Azleway, Inc., to provide changes to the residential placement contract for Juvenile Services, as per Change Order on file.
- l. CHANGE ORDER #2 approved, PO#2004285 - to Mueller, Inc., to provide changes to the pre-engineered metal building (materials only) contract, as per Change Order on file.
- m. CONTRACT approved, with Rockdale Juvenile Justice Center, for residential placement for Juveniles, as per Contract on file.
- n. CONTRACT approved, with Ronald J. Massey PHD, for non-residential services for Juveniles, as per Contract on file.

- o. CONTRACT approved, with Victor Love, for non-residential placement services for Juveniles, as per Contract on file.
- p. NAME CHANGE approved, to acknowledge the name change of Houston Remediation to C. J. Resources, Inc., as per Request on file.
- q. NAME CHANGE approved, to acknowledge the name change of Lone Star Services, Inc., to Lone Star Pavement Services, Inc., as per Request on file.
- r. PAYMENT BOND approved, from W. T. Byler Co., L.P., to replace payment bond previously approved in Commissioners' Court on August 9, 2004, as per Bond on file.
- s. AUCTION ITEM acknowledged, which was sold at the June 12, 2004, auction that was not stated on the original list - (1984 GMC Truck/District Attorney), as per Request on file.
- t. REQUEST approved, to cancel PO#2004287, to Valleycrest Landscape Maintenance, Inc., for mowing right-of-ways, Pct. #1, as per Request on file.
- u. REQUEST approved, to cancel PO#2000317, to Randall's Food & Pharmacy for pharmaceutical prescriptions, effective September 30, 2004, as per Request on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

- a. APPOINTMENT approved, of Robert H. Peel to the Emergency Service District #2 Board, (replacement for Ms. Noveda Metzger), as per Appointment on file.
- b. FINAL PLAT approved, for China Grove Village Subdivision, consisting of 328.184 acres, 50 lots, as per Plat on file.
- c. FINAL PLAT approved, for Hunters Landing, Section 2, consisting of 1.60 acres, 4 lots, as per Plat on file.
- d. PUBLIC HEARING DATE set, for October 18, 2004, to consider the partial replat of Forest Creek to be known as Forest Creek, Section 2, as per Notice on file.
- e. LEASE AGREEMENT approved, between Montgomery County and Velna P. Brabham, Executrix of the Estate of Robert P. Brabham, for lease of 2.601 acre tract, as per Agreement on file.
- f. PARTIAL RELEASE OF ASSESSMENT LIEN approved, for Lots 21 and 22, Kleimann Estates Subdivision, Section 1, for owner Alan C. Wakefield, as per Assessment Lien on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. PUBLIC HEARING DATE set, for October 4, 2004, to consider changing the name of Lois Drive to Lois Lane Drive in Decker Oaks Estates. (no paperwork)
- b. ORDER approved, to acknowledge receipt of a check in the amount

of \$10.00 from Linda Joyce for lease of property located in Glenmont Estates, Precinct #2, as per Order on file.

- c. ORDER approved, to acknowledge receipt of Extension and Amendment to Letter of Credit 197, issued by First Bank & Trust East Texas, for the account of Crown Oaks Subdivision, Section 3, as per Order on file.
- d. ORDER approved, to authorize the purchase of Parcel 40 of the FM1488 Project from Royce F. Leavelle, Jr. and wife, Martha C. Leavelle. Also, to authorize payment in the amount of \$2,183.00, as per Order on file.
- e. ORDER approved, to authorize the purchase of Parcel 13 of the FM1488 Project from J. Mark Dooley and wife, Robin Dooley. Also, to authorize payment in the amount of \$24,432.00, as per Order on file.
- f. PUBLIC HEARING DATE set, for October 4, 2004, to consider the abandonment of a portion of Magnolia Industrial Boulevard, as per Notice on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a. ROADS accepted, in Benders Landing, Section 2, into the one year maintenance period, consisting of 10.53 miles, 55,585.29 l.f., effective September 13, 2004, as per Request on file.
- b. STREET AND BRIDGE accepted, in The Woodlands, Waterway Avenue, (including Bridge), into the one year maintenance period, consisting of .22 miles, 1,148 l.f., effective September 13, 2004, as per Request on file.
- c. UTILITY PERMIT approved, for Trunkline Gas Company, to place a 24" x .500" wall pipeline within the right-of-way of Rayford Rd., as per permit on file.
- d. ORDER approved, to authorize payment of Special Commissioners' Fees for Parcel 2, Richards Road Project, to the following:

- 1. Ed Triplett           \$400.00
- 2. Ray Steinmann       \$400.00
- 3. J. C. Edwards       \$400.00

as per Order on file.

- e. ORDER approved, to authorize the Rayford Road project, and decree of public necessity and convenience, and to authorize and direct acquisition and payment of compensation, as per Order on file.
- f. ORDER approved, to authorize title opinions for Rayford Road project, and to approve payment to First Surety Title Company, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a. CHECK accepted, from the City of Roman Forest in the amount of \$563.25, for the purchase of fuel for the month of July, 2004, in accordance with an Interlocal Agreement dated October 7, 2002, as per Request on file. (check forwarded to County Treasurer for further handling)

- b.CHECK accepted, from the City of Patton Village in the amount of \$2,699.99 for the reimbursement of road material used for the Peach Creek Colony Project, as per Request on file. (check forwarded to County Treasurer for further handling)
- c.FINAL PLAT approved, for Bentwood Extension and Section 1, Partial Replat No. 1, consisting of 758.819 acres, as per Plat on file.
- d.FINAL PLAT approved, for Crowley Estates, consisting of 25.661 acres, as per Plat on file.
- e.ROADS accepted, BOND released, in Kings Manor, Section 12, by Montgomery County, consisting of 2190.57 l.f., .41 miles. Also, to release the Bond, as per Request on file.
- f.ROADS accepted, in Rock Creek Extension, Phase 2, into the one year maintenance period, consisting of .40 miles, 2147.89 l.f., effective September 13, 2004, as per Request on file.
- g.PUBLIC HEARING DATE SET, for October 4, 2004, to consider establishing a speed limit of 30 mph for the entire length of Broadway Avenue, as per Notice on file.
- h.ORDER approved, to authorize payment of Special Commissioners' award and payment of Special Commissioners' Fees for Parcel 27, in Cause styled Montgomery County vs. Ollie Mae Butler, et al, in connection with the FM1314 right-of-way project, as per Order on file. (fund from Road Bond Series 2002)
- i.EASEMENT approved, with Southwestern Bell Telephone Company for telecommunication facilities at the East Montgomery County Community Center, as per Easement on file.
- j.PUBLIC HEARING DATE set, for October 18, 2004, to consider the partial replat of White Oak Plantation to be known as White Oak Place, as per Notice on file.

## ALL PRECINCTS - AGENDA ITEMS 8E5

- a.OVERLOAD/OVERSIZE PERMIT approved, for Deanco, Inc., to move various loads across various county roads. Movement to begin not earlier than August 18, 2004, and to be completed by November 18, 2004, as per Permit on file.
- b.OVERLOAD/OVERSIZE PERMIT approved, for K. J. Plunkett Sand & Base, to move various loads over all county roads. Movement to begin October 24, 2004, and to be completed by January 24, 2005, as per Permit on file.
- c.OVERLOAD/OVERSIZE PERMIT approved, for Woody's Construction, LP, to move various loads over all county roads. Movement to begin not earlier than October 10, 2004, and to be completed by January 10, 2005, as per Permit on file.

## CONSTABLE, PRECINCT #1 - AGENDA ITEM 8F

- a.CERTIFICATION acknowledged, for the installation and use of

video units by Montgomery County Constable, Precinct #1. Certification form to be returned to the Texas Department of Public Safety for proper recording, as per Certification on file.

BUDGET OFFICE - AGENDA ITEM 8G

a.RECEIPT acknowledged, of the "Montgomery County Expenditure Status Summary" and the "Montgomery County Expenditure Status Summary-Sheriff", as of September 8, 2004, as per Report on file.

PARKS DEPARTMENT - AGENDA ITEMS 8H

a.USE AGREEMENTS approved, for the following Vendors:

1.Lay Apostolate of St. Mary - Lobby Commissioners' Court Building - November 24, 2004

2.The Friends of Conroe County Property except Parking Garage - October 7th thru October 10, 2004

3.Sadler Clinic - Gene Campbell Sports Park Softball Fields - September 18, 2004

4.Splendor Youth Football Association - Tram Road Park - per schedule

as per Agreements on file.

Motion carried.

END OF CONSENT AGENDA

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6.REQUEST APPROVED - USE OF COUNTY PROPERTIES - CATFISH FESTIVAL

Motion by Commissioner Meador, seconded by Commissioner Doyal, to authorize the use of the parking lot behind Election Central and Atrium Parking Lot for vendor parking, Friday, October 8, at 12:00 o'clock noon, through Sunday, October 10th until midnight, by the Friends of Conroe for the Catfish Festival, as per Request on file. Motion carried.

7.REQUEST APPROVED - USE OF COUNTY FACILITIES - CATFISH FESTIVAL

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to authorize the use of the County Courthouse steps and Plaza Area - East & West sides of Courthouse - Thursday, October 7, at 5:00 p.m. through Sunday, October 10, midnight, as per Request on file. Motion carried.

8.REQUEST APPROVED - PARKING GARAGE ACCESS - CATFISH FESTIVAL

Motion by Commissioner Meador, seconded by Commissioner Doyal, to leave access to and from the parking garage, located behind Commissioners' Court building, open until 3:00 p.m. on Friday, October 8, 2004, as per Request on file. Motion carried.

9.REQUEST APPROVED - USE OF COUNTY FACILITIES - CATFISH FESTIVAL

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Request for permission to allow the Catfish Festival to produce the festival for three (3) year period, 2004, 2005 and 2006, providing the above items remain the same, as per Request on file. Motion carried.

10.REQUEST APPROVED - SCHEDULED COURT DATES AND HOLIDAYS/2005 - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the 2005 scheduled court dates and holidays. Also, note that December 23, 2005 and Monday, December 26, 2005, are scheduled Christmas holidays, as per Request on file. Motion carried.

11.REQUEST APPROVED - FILLING OPEN POSITION - JUSTICE OF THE PEACE, PCT. #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Request from JP#1 to fill an open position within the Court by September 20, 2004, due to an unexpected open position for Court Clerk II, as per Request on file. Motion carried.

12.RESOLUTION AND ORDER APPROVED - 2004 AD VALOREM TAX RATE - TAX ASSESSOR/COLLECTOR

Motion by Judge Sadler, seconded by Commissioner Chance, to approve a Resolution and Order to allocate and fix the 2004 Ad Valorem Adopted Tax Rate for Montgomery County and directing the assessment and collection, as per Resolution and Order on file. Motion carried.

13.REVISION APPROVED - USE OF AUTOMATION EQUIPMENT - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Revision to "Amendment and Exhibit A" to the Agreement between the State of Texas and Montgomery County for the remote printing system equipment lease with TxDot. Also, to authorize the County Judge to execute same, as per Revision on file. Motion carried.

14.VARIANCES APPROVED - ENVIRONMENTAL HEALTH

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

- a.Simeon Gounarides - Glenmont Estates - Magnolia - Pct. #2
- b.Rayford Crossing R.V. Resort/Craig William - Spring - Pct. #3
- c.Encarnacion Hernandez - Conroe - Pct. #4
- d.Judith & Neil Patterson - New Caney - Pct. #4

15.REQUEST APPROVED - AMENDMENT TO FY05 BUDGET - DEPARTMENT OF COMMUNITY SUPERVISION AND CORRECTIONS

Motion by Commissioner Meador, seconded by Judge Sadler, to authorize amending FY2005 County Budget for Adult Probation Department in the amount of \$10,000.00, (fund from Contingency), based upon state law requirements, as per Request on file. Motion carried.

16.REQUESTS APPROVED - SALARY INCREASE - COMMUNICATION INFORMATION SERVICES

REQUEST APPROVED - AUTO ALLOWANCE - COMMUNICATION INFORMATION

## SERVICES

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

a.\$4,964.00 to increase the salary of Harvey Salinas - (fund from Contingency), and

b.\$6,000.00 for auto allowance for John Burnett - (fund from Contingency)

as per Requests on file. Motion carried.

## 17.REQUEST APPROVED - STAFF DEVELOPMENT DAY - LIBRARY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve that November 19, 2004, be "Staff Development Day" for all library staff. All library facilities will be closed, in order to allow the Staff to participate in said event which will be held at the Lone Star Convention Center, as per Request on file. Motion carried.

## 18.REQUEST APPROVED - CARRYOVER OF FUNDS - LIBRARY DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve carryover of funds from Professional Services and Professional Development from FY2004 budget to cover expenses for "Staff Development Day" on November 19, 2004. Motion carried. (approximately \$5,000.00 approved for carryover)

## 19.REQUEST APPROVED - TRANSFER OF EMPLOYEE - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the transfer of an existing employee to a Library Assistant II position in Circulation at the Central Library, as per Request on file. Motion carried.

## 20.REQUEST APPROVED - TEMPORARY POSITION - LIBRARY DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Request to continue the position of a part-time reference librarian at an hourly wage of minimum level for Grade II, as per Request on file. Motion carried.

## 21.REQUESTS APPROVED - COURT REPORTER SERVICE FUND - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Requests for funds from the Court Reporter Service fund, as follows:

a.County Court at Law No. 4 - \$44.38 - reimbursement to Pamela May, CSR, for additional repairs and parts needed for Stentura 8000

b.9th District Court - \$548.46 - reimbursement of flight and hotel for up-coming court reporting seminar

c.CIS - \$4,476.81 - purchase of Snap Server 45000 to store audio files

as per Requests on file. Motion carried.

## 22.AGREEMENT APPROVED - HEREFORD, LYNCH, SELLARS, AND KIRKHAM PC - COUNTY AUDITOR

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve an Agreement with Hereford, Lynch, Sellars and Kirkham, PC, for performance of FY2004 Financial Audit, as per Agreement on file. Motion carried.

AGENDA ITEMS 17A1,3, & 5 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

23.RECOMMENDATION AND CONTRACT APPROVED - WATER SERVICE - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to award the bid, (opened August 10, 2004), for water service to Ozarka Spring Water, as per Contract on file. Motion carried.

24.RECOMMENDATION AND CONTRACT APPROVED - PAVEMENT STRIPING, ETC. - VARIOUS PRECINCTS

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to award the bid, (opened August 31, 2004), for pavement striping and road marker installation to Lone Star Pavement Services, Inc., as per Contract on file. Motion carried.

25.RECOMMENDATION AND CONTRACT APPROVED - MOWING RIGHT-OF-WAYS - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened March 9, 2004), for mowing right-of-ways to T. P. Tractor Service, Inc., as per Contract on file. Motion carried.

26.CHECK ACKNOWLEDGED - ON-LINE SURVEY - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to acknowledge receipt of a check in the amount of \$25.00, from IBRC, Inc., for on-line opinion survey, as per Request on file. Motion carried. (check forwarded to County Treasurer for further handling)

27.REQUEST APPROVED - CONSTRUCTION OF FACILITY - ELECTIONS CENTRAL

Motion by Commissioner Meador, seconded by Commissioner Chance, to authorize moving forward to concept for the construction of a new facility in lieu of remodeling the Elections Central present facility. Motion carried. (no paperwork)

28.PURCHASE APPROVED - A.E.D. MACHINE - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the purchase of an A.E.D. Machine with a carrying case, fast response kit and defibrillator cabinet for the Administration Building, in the amount of \$3,135.00, as per Request file. Motion carried. (fund from bond monies)

29.FUNDS APPROVED - ASBESTOS ABATEMENT - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve funds in the amount of \$4,475.00, to D & T Contracting, L.P., for asbestos abatement of the Old Youth Services Building, as per Request on file. Motion carried. (fund from Contingency)

30.INTERLOCAL AGREEMENT APPROVED - PURCHASE OF GOODS - PURCHASING

DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Interlocal Agreement with Walker County for the purchase of various commodities, as per Agreement on file. Motion carried.

31.REQUEST APPROVED - SIDEWALK AND AWNING CONSTRUCTION - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Judge Sadler, to approve funds in the amount of \$9,552.00, for sidewalk construction and alley awning between the Administration Building and the County Courts Building, as per Request on file. Motion carried. (fund from bond monies)

32.AGREEMENTS APPROVED - TXDOT FOR BRIDGE REPLACEMENT PROJECTS - PRECINCT #1 & #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the following Agreements with TxDot for bridge replacement projects:

- a.Old Highway 105 at Caney Creek - Pct. #1
- b.Mary Wagner Road at Hostetter Creek - Pct. #1
- c.Boars Head Road at Un-named Draw - Pct. #2

as per Agreements on file. Motion carried.

33.RESOLUTION APPROVED - BRIDGE REPLACEMENT PROJECTS - PRECINCTS #1 & #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Resolution to support the bridge replacement projects in Precincts #1 & #2. Also, to request that TxDot, (Texas Department of Transportation), move forward with said projects as listed on said Resolution, as per Resolution on file. Motion carried.

34.REQUEST APPROVED - PURCHASE OF TWO AIRLINE TICKETS - PURCHASING DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the purchase of two airline tickets and travel expenses for Mark Bosma and Tommy Gage to tour a jail facility. Funding to be taken from the inmate phone system account. Motion carried. (no paperwork)

AGENDA ITEM 18A - CLARIFICATION OF LEASE TERM TO RELEASE  
 AGREEMENT  
 BETWEEN  
 COUNTY AND  
 RIVERPOINT  
 LTD -  
 DEFERRED  
 (CDBG)

35.AGREEMENT APPROVED - TAX ABATEMENT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept refiling application and approve Tax Abatement Agreement between Montgomery County and Huntwood, (Tx) Limited Partnership, (Owner), and Huntsman LLC, (Tenant), as per Agreement on file. Motion carried.

36.SUPPLEMENTAL AGREEMENT APPROVED - FEDERAL AVIATION ADMINISTRATION (FAA) - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Supplemental Agreement No. 3 between Montgomery County and the Federal Aviation Administration, (FAA), for the extension of the lease term, (one year extension), for the FAA's Flight Service Station at the Lone Star Executive Airport. Also, to authorize the County Judge to execute same, as per Supplement Agreement on file. Motion carried.

37. AGREEMENT APPROVED - MONTGOMERY COUNTY DEPARTMENT OF COMMUNITY SUPERVISION AND CORRECTIONS (CSR) - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an Agreement between Montgomery County, (Sheriff's Department), and Montgomery County Department of Community Supervision and Corrections, for CSR participants to fulfill terms of court-ordered probation that require community service. as per Agreement on file. Motion carried.

38. RENEWAL LETTER APPROVED - MATERNITY AND CHILD HEALTH CARE SERVICES - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the Renewal Letter to extend the term of the existing Agreement between Montgomery County and University of Texas Medical Branch at Galveston, (UTMB), to provide Maternity and Child Health Care Services, as per Renewal Letter on file. Motion carried.

39. PARTICIPATION AGREEMENT APPROVED - CONTROL TOWER CONSTRUCTION - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Participation Agreement between Montgomery County and Texas Department of Transportation for construction of a Control Tower at the Lone Star Executive Airport. Also, to authorize the County Judge to execute same, as per Agreement on file. Motion carried.

AGENDA ITEM 19D - AGREEMENT FOR LAW ENFORCEMENT SERVICES ON BEHALF OF MAGNOLIA ISD BY DEPUTIES ASSIGNED BY CONSTABLE, PCT. #5 - DEFERRED

40. AMENDMENT APPROVED - NEW CANEY ISD INTERLOCAL AGREEMENT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Third Amendment to Interlocal Agreement between Montgomery County and New Caney Independent School District, for design and construction of road improvements around the Briar Berry Lane School Site, as per Amendment on file. Motion carried.

41. ROAD NAME CHANGE - CIRCLE OAKS SUBDIVISION - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to change the name of Stowe Road to Jim Stowe Road, located in Circle Oaks Subdivision, as per Request on file. Motion carried.

42. ORDERS APPROVED - ROADS ACCEPTED BY PRESCRIPTIVE RIGHTS - PRECINCT #2

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

- a. to accept Todd Road, approximately 3338 feet into Montgomery County Road Maintenance System by Prescriptive Right, and
- b. to accept Garland Road, approximately 1416 feet into the Montgomery County Road Maintenance system by Prescriptive Right

as per Orders 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

1. Consider and Discuss Claim of Allan Ray Meeks (Section 551.071)
2. Discuss Cause No. 04-06-04250-CV - Styled Jim Isaac Saddler Jr., vs. Guy Williams, et al (Section 551.071)
3. Discuss Cause No. 04-08-06961-CV - Styled Patricia M. Williams vs. Montgomery County and MBS-Equinox, Ltd., a Texas Limited Partnership in County Court at Law No. 2 - (Section 551.071)
4. Discuss Adversary No. 04-04205 - Styled Bruce B. Zaret, Plan Trustee for the Estate of JTCO, Inc., vs. County of Montgomery/J. R. Moore, Tax Assessor/Collector in the U.S. Bankruptcy Court - (Section 51.071)
5. Discuss Cause No. 04-09-07154-CV - Styled Guzman vs. Montgomery County in District Court - (Section 551.071)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT

AGENDA ITEM 22A - CLAIM OF ALLAN RAY MEEKS - DEFERRED PENDING COMPLETION OF RESOLUTION AND ORDER.

43. RESOLUTIONS AND ORDERS APPROVED - VARIOUS CLAIM EXPENSES - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the following Resolutions and Orders to authorize the County Attorney to defend Montgomery County in various lawsuits. Also, authorize the County Attorney to incur miscellaneous expenses as necessary for proper defense for the following lawsuits. Expenses incurred are to be paid from Risk Management budget:

a. lawsuit styled: Jim Isaac Saddler, Jr., vs. Guy Williams, et al  
b. lawsuit styled: Patricia M. Williams vs. Montgomery County and MBS-Equinox, Ltd., A Texas Limited Partnership, and

c. lawsuit styled: Bruce B. Zaret, Plan Trustee for the Estate of JTCO, Inc., vs. Montgomery County, J. R. Moore, Jr., Tax Assessor/Collector

as per Resolutions and Orders on file. Motion carried.

44. RESOLUTION AND ORDER APPROVED - CLAIM SETTLEMENT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Resolution and Order to authorize the County Attorney to incur expenses and arrive at a settlement fee in

the lawsuit styled: Guzman vs. Montgomery County (All Parties). Expenses not to exceed \$40,000.00, which is to be funded from Risk Management Budget, as per Resolution and Order on file. Motion carried.

AGENDA ITEM 24 - CITIZENS - KELSIE JONES, a resident of Precinct #4, addressed the Court concerning drainage problems he is having on his property in Tanglewood Manor. Mr. Jones would like for the County to come and look at his problem and perhaps take this area into the county maintenance program. Commissioner Rinehart agreed to take a look at the drainage problem and perhaps come up with a solution to take care of Mr. Jones' problem.

45. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of District Judge to increase the salary of Casanda Cranfill, Court Administrator, effective September 1, 2004

request of District Judge to increase the salary of Christina Crawford, Clerk IV, effective September 1, 2004

request of Animal Control to accept the resignation of Jeanette York, Clerk I, effective August 28, 2004, with 3.5408 vacation hours due and 7.0050 comp hours due

request of County Auditor to accept the resignation of Kaetheryne Kyriell, Accounting Assistant, effective September 2, 2004, with 37.72 vacation hours due

request of Constable, Pct. #1 to promote William Sanson from Deputy to Sergeant, effective October 7, 2003

request of County Attorney to transfer Claudette Denise Johnson from County Clerk to Legal Assistant II, County Attorney, effective October 4, 2004

request of County Attorney to bridge the time for Louis Williams, Investigator, to reflect new anniversary date of July 5, 1989, effective August 28, 2004

request of Elections Administrator to place JoAnn O'Donnell, Temporary Voters Clerk, on payroll, effective August 28, 2004

request of Elections Administrator to place Richard F. O'Donnell, Temporary Voters Clerk, on payroll, effective August 28, 2004

request of Justice of the Peace, Pct. #1 to discharge Margaret L. Alford, Court Clerk II, effective September 3, 2004, with 66.00 vacation hours due and 75.03 comp hours due

request of Justice of the Peace, Pct. #2 to accept the resignation of Heather Baker, Part-time Clerk, effective August 30, 2004

request of Juvenile Probation Director to bridge the time for Karen Combe, Juvenile Probation Officer, effective January 6, 2004

request of Building Maintenance to discharge Tommy Vanderharst, Mechanic II, effective August 23, 2004

request of Building Maintenance to rescind the discharge of Tommy Vanderharst, Mechanic II, effective September 7, 2004

request of Risk Management Director to place Rhonda Shropshire, Clerk III, on payroll, (replacement for Betty Dominguez), effective September 7, 2004

request of Sheriff's Department to discharge Jeremy Wooldridge, Detention Officer, effective August 19, 2004, with 9.62 vacation hours due

request of Tax Assessor/Collector to place Stephen Bowering, Computer Analyst III, on payroll, (replacement for Rickey Nusz), effective September 7, 2004

request of Tax Assessor/Collector to place Gwendolyn Carlson, Assistant Litigation Deputy, Part-time, on payroll, effective August 30, 2004

request of Tax Assessor/Collector to place Wendi Foster, Deputy Specialist I, (replacement for Ruby Smith), on payroll, effective August 30, 2004

request of Tax Assessor/Collector to place Debra Mayton, Deputy Specialist I, (replacement for Gwendolyn Carlson), on payroll, effective September 7, 2004

as per Payroll Change Requests on file. Motion carried.

46.REPORT APPROVED - CONSOLIDATED TAXROLL 2004 - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the 2004 Consolidated Taxroll for Montgomery County and Taxing Units, who contracts with the County to assess and collect their taxes, as per Report on file. Motion carried.

47.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