

COMMISSIONERS' COURT DOCKET, SEPTEMBER 22, 2003
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the day of September 22, 2003, the Honorable Commissioners' Court of Montgomery County, Texas, was duly convened in a Special Session in the Commissioners' Courtroom of the Montgomery County Courthouse Annex, Conroe, Texas, with the following Members of the Court present:

County Judge, Alan "Barb" Sadler
Commissioner, Precinct 1, Mike Meador
Commissioner, Precinct 2, Craig Doyal
Commissioner, Precinct 3, Ed Chance
Commissioner, Precinct 4, Ed Rinehart
Also - Alice Drake, County Clerk's Office

INVOCATION GIVEN BY CONNIE REAVES, 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.

SYLVIA WIGGINS WITH THE CONROE BEAUTIFICATION COMMITTEE GAVE A PRESENTATION ON THEIR FUTURE PLANS TO RESTORE AND UPGRADE THE VETERANS MEMORIAL PARK LOCATED NEXT TO THE COUNTY TAX OFFICE.

2. PROCLAMATION APPROVED - "NATIONAL BREAST CANCER AWARENESS MONTH"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation for "National Breast Cancer Awareness Month, for October, 2003. Motion carried. (no Proclamation received for files)

3. PROCLAMATION APPROVED - "NATIONAL 4-H WEEK"

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve a Proclamation for "National 4-H Week, for October 5, through October 11, 2003, as per Proclamation on file. Motion carried.

AGENDA ITEM 6B2 - MICHELLE WARREN WITH THE EXTENSION OFFICE, GAVE A BRIEF SUMMARY ON VARIOUS ACTIVITIES THE EXTENSION OFFICE WERE INVOLVED.

4. RESOLUTION APPROVED - W.T. (TROY) AND MERLENE BYLER

Motion by Judge Sadler, seconded by Commissioner Meador, to approve a Resolution of appreciation for W. T. (Troy) and Merlene Byler, as per Resolution on file. Motion carried.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for September 8, 2003, and September 15, 2003, as presented by the County Clerk. Motion carried.

6. CONSENT AGENDA APPROVED - AGENDA ITEMS 8A

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. 221st. District Clerk - to adjust line items
2. 359th District Court - to transfer funds to cover PO#23508101
3. 359th District Court - to adjust line items
4. Adult Probation - to recognize and to allocate contract revenues
5. Airport Maintenance - to adjust line items
6. Animal Control - to adjust line items
7. Animal Control - to transfer funds to cover shortage in utility line
8. Animal Shelter - to adjust line items
9. C/P Airport Improvement - to recognize/allocate grant proceeds
10. CDBG - to adjust line items
11. CDBG - to transfer interest earned on escrow account to General Fund
12. CDBG - Year 3 - to adjust line items
13. Child Welfare - to recognize and to allocate revenue
14. Civic Center - to transfer surplus earnings to General Fund
15. Civic Center Complex - to adjust line items
16. Commissioner, Pct. #1 - to transfer funds for security at Lake Park for 8/2 - 9/1/03
17. Commissioner, Pct. #1 - to transfer funds to Emergency Management for special project
18. Commissioner, Pct. #3 - to recognize/allocate reimbursement from WJPA
19. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Faleiro
20. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Jorge Perez, Jr.
21. Commissioner, Pct. #3 - to recognize/allocate reimbursement from WJPA
22. Commissioner, Pct. #3 - to recognize/allocate reimbursement for Boies property damage
23. Commissioner, Pct. #3 - to recognize/allocate surplus revenue
24. Recycle Station, Pct. #3 - to adjust line items in order to allow reclass of PO23501638
25. Commissioner, Pct. #4 - to recognize/allocate reimbursement from City of Patton Village
26. Commissioner, Pct. #4 - to recognize/allocate reimbursement from City of Roman Forest
27. Commissioner, Pct. #4 - to adjust line items
28. Commissioner, Pct. #4 - to recognize portion of grant awarded and allocated for expenditure; to transfer grant match
29. Communications/Info Service - to adjust line items
30. Constable, Pct. #2 - to recognize/allocate surplus revenue
31. Constable, Pct. #2 - to transfer funds to cover PO#23507998
32. Constable, Pct. #2 - to adjust line items
33. Contingency - to transfer funds to cover shortage in Court Operations

34. Contingency - to transfer funds to cover self-insured benefit plan expenditures
35. County Attorney - to adjust line items
36. County Attorney - to adjust line items
37. County Auditor - to adjust line items
38. County Clerk - to transfer fund to build 14 desk
39. County Courts 1-4 - to adjust anticipated reimbursement to actual amount received
40. County Court at Law #4 - to adjust line items
41. County Engineer - to adjust line items
42. County Engineer - to adjust line items
43. County Engineer - to transfer funds to cover release #266803
44. County Engineer - to transfer funds to cover PO#23508285
45. County Judge - Local Enforcement Grant - to adjust grant budget to actual expenditures and close revenue line
46. County Treasurer - to adjust line items
47. Court Collections - to adjust line items
48. Court Operations - to fund shortage in Jury Fund
49. Crimestoppers - to cover 2-1/2% FY03 cut, approved by Motion #8, 8-25-03
50. Custodial Services - to adjust line items
51. District Attorney - to recognize/allocate juror donation
52. Drug Court - to adjust line items
53. Elections Administrator - to adjust line items
54. Extension Agents - to recognize/allocate donation from Montgomery County 4-H General Account
55. Extension Agents - to recognize/allocate donation from Montgomery County Horticultural
56. Jail - to adjust line items
57. Jail Commissary - to recognize and to allocate revenue
58. Justice of Peace, Pct. #3 - to adjust line items
59. Justice of Peace, Pct. #5 - to transfer funds to cover PO#23508163
60. Juvenile Probation - to set up grant Z from TJPC
61. Juvenile Probation - to set up grant W from TJPC
62. Juvenile Probation - to transfer funds to cover PO#23508208
63. Mental Health - to transfer funds to cover shortage
64. Purchasing Agent - to recognize/allocate revenue
65. Purchasing Agent - to transfer funds to cover release 265751
66. Risk Management - to transfer funds to cover Darryl Duve damage claim
67. Risk Management - to transfer funds to pay claim - Rainwater
68. Risk Management - to transfer funds to cover Arvin Alexander damage claim
69. Risk Management - to transfer funds to cover Kathy Peebles damage claim
70. Sheriff's Department - to adjust line items
71. Sheriff's Department - to adjust line items
72. Sheriff's Department - to transfer funds to cover release 265585
73. Various - to transfer funds to cover 2-1/2% cut for FY03
74. Various - to recognize and to allocate unanticipated revenues
75. Various - to recognize and to allocate proceeds of June auction

- c. REPORT approved, Officials' Fee Report for April, May and June, 2003, as per Report on file.

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 8B

- a. WEEKLY INVESTMENT REPORT approved, for September 15, 2003, through September 19, 2003, as per Report on file.
- b. PLEDGES AND/OR RELEASES OF COLLATERAL approved, as follows:
 - 1. Pledge of Security - Woodforest National - Cusip #9128277M8, par value \$5,000,000.00
 - 2. Release of Security - Woodforest National - Cusips #9128275MO, par value \$5,000,000.00
 - 3. Release of Security - Woodforest National - Cusips #9128275S7, par value \$3,000,000.00
 - 4. Pledge of Security - Woodforest National Bank - Cusip #912828AQ3, par value \$3,000,000.00
- c. REPORT approved, for pledged securities for the month of August, 2003, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEM 8C

- a. MONTHLY TAX COLLECTION REPORT approved, for the month ending August 31, 2003. (no paperwork)

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE, for the followings bids/proposals:
 - 1. Office, Computer, Paper, Supplies and Accessories with on-line ordering capabilities - Various Departments
 - 2. Labor for electrical services - Various Departments
 - 3. Video Conference Equipment - Various Departments
 - 4. Construction of traffic signalization on Gosling Rd. at Marisco Place - Pct. #2
 - 5. Travel Service - Various Departments
 - 6. Lamps, Bulbs and Ballast's - Various Departments
- b. BIDS/PROPOSALS acknowledged, as follows:
 - 1. Electrical Compact Storage System - Sheriff's Department - Project #2003-0093 - (opened 9-10-03)
 - 2. Miscellaneous repairs for dump trucks, haul trucks and miscellaneous heavy equipment - Pct. #4 - Project #2003-0090 (opened 9-17-03)
 - 3. One (1) or more new current production telescopic boom excavator 4X2 truck mounted with hydraulic remote control - Various Departments - Project #2003-0091 (opened 9-19-03)
 - 4. RFP Development of 4.257 acres of Airport property - Project #2003-0095 (opened 9-18-03)

- c. RENEWAL CONTRACTS approved, as follows:
1. BAKER & TAYLOR, INC. - PO#2001038 - for service for supplying books - Library
 2. Ingram Library Services, Inc. - PO#2001039 - for service for supplying books - Library
 3. Bound To Stay Bound Books - PO#2001040 and #2001040X - for service for supplying books - Library
 4. Econo-Clad Services/Division of Sagebrush - PO#2001041 - for service for supplying books - Library
 5. Forest Park The Woodlands - PO#2003030 - for transport of cadaver - Various Justice of the Peace
 6. Sherman First Call & Mortuary Service - PO#2003028 - for transport of cadaver - Various Justice of the Peace
- as per Request on file.
- d. CHANGE ORDER #2 approved, PO#2002464, to Dr. Ruben Odems, for Juvenile non-residential services, to change the not to exceed amount from \$7,000.00 to \$9,000.00, as per Change Order on file.
- e. CHANGE ORDER #1 approved, PO#2003398, to Cleveland Asphalt Products, Inc., and Change Order #1, PO#2003404, to Marlin Asphalt LTD, to add items to previous Contract for MC-30 (Prime) Asphaltic Oil, as per Request on file.
- f. PROPOSAL approved, from Dell Computer to allow county employees to purchase, at a discount, notebook computers and/or scanner/printer/fax machines, as per Proposal on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

- a. FINAL PLAT approved, for Grand Harbor, Section 7, consisting of 8.664 acres, as per Plat on file.
- b. ROADS accepted, BOND released - Bois D'arc Bend Road, Section 2, consisting of 5,431.35 l.f. - 1.03 miles, be accepted by Montgomery County. Also, to release the Bond, as per Request on file.
- c. PUBLIC HEARING DATE SET, for October 20, 2003, to consider the proposed plat of The Cliffs at South Shore, Section 2, being a Replat of Lot 1, Block 1, and a portion of Lot 2, Block 1, and Unrestricted Reserve B of The Cliffs at South Shore, as per Notice on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. ORDER approved, to acknowledge vacation of Subdivision Plats by City of Magnolia for Grand Oaks Section 1, Grand Oaks Section 2, and Grand Oaks Section 3, as per Order on file.
- b. FINAL PLAT approved, for Grand Oaks, Section 1, consisting of 55.70 acres, as per Plat on file.
- c. FINAL PLAT approved, for Grand Oaks, Section 2, consisting of 15.015 acres, as per Plat on file

- d. FINAL PLAT approved, for Grand Oaks, Section 3, consisting of 9.388 acres, as per Plat on file.
- e. FINAL PLAT approved, for Grand Oaks, Section 4, consisting of 35.54 acres, as per Plat on file.
- f. FINAL PLAT approved, for The Village of High Meadow, Section 1, consisting of 33.454 acres, 25 lots, as per Plat on file.
- g. FINAL PLAT approved, for College Park, Section 10, The Woodlands, consisting of 0.6713, as per Plat on file.
- h. ROADS accepted, BOND released - by Montgomery County located in Montgomery Trace, Section 4, consisting of 1.05 miles. Also, to release the Bond, as per Request on file.
- i. NOTICE approved, to authorize Lease of Real Property described as Lot 1, Block 1, Holly Springs, Section 5 and Tract 2, Block 1, of Holly Springs, Section 5, an unrecorded subdivision. Also, to appoint Robert W. Collins and Patricia A. McDaniel, as Special Commissioners to conduct lease auction on October 24, 2003, as per Notice on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a. FINAL PLAT approved, for Imperial Oaks Forest, Section 1, consisting of 33.98 acres, 95 lots, as per Plat on file.
- b. FINAL PLAT approved, for Legends Ranch Central Drainage facilities, consisting of 68.36 acres, as per Plat on file.
- c. FINAL PLAT approved, Lake Woodlands East Shore, Section 1, consisting of 61.75 acres, 62 lots, as per Plat on file.
- d. FINAL PLAT approved, Metro Center, Section 52, consisting of 4.2 acres, as per Plat on file.
- e. FINAL PLAT approved, Sterling Ridge, Section 26 (Amending Plat), consisting of 15.29 acres, 36 lots, as per Plat on file.
- f. FINAL PLAT approved, Village of Sterling Ridge, Section 30, consisting of 20.02 acres, 68 lots, as per Plat on file.
- g. ORDER approved, to authorize the purchase of Parcel 2, from Duval G. Breland and wife, Jean H. Breland, in the amount of \$2,205.00, in connection with the Hanna Road Widening Project, as per Order on file.
- h. ORDER approved, to authorize the purchase of Parcel 7, from Pat Morrison Stucco, in the amount of \$10,542.00, in connection with Hanna Road Widening Project, as per Order on file.
- i. ORDER approved, to authorize the purchase of Parcel 9, from Thomas R. Coale and wife, Carol B. Coale, in connection with the Hanna Road Widening Project, as per Order on file.

- j. PUBLIC HEARING DATE set, for October 20, 2003, to consider the abandonment of South Gary Glen Circle, North Gary Glen Circle, Club View Court and Player Pond Place, located in the Village of Sterling Ridge, Section 23, as per Notice on file.

AGENDA ITEM 8E3K - ORDER ALLOWING A PARTIAL LOT CONVEYANCE WITHOUT A REPLAT FOR LOT 11, BLOCK 3, THE WOODLANDS, VILLAGE OF INDIAN SPRINGS, SECTION 21 - REMOVED FROM AGENDA. (PAPERWORK ON FILE)

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a. CHECK accepted, from the City of Patton Village, in the amount of \$500.00, for the reimbursement of road materials used in the Peach Creek Colony Project. (check forwarded to County Treasurer for further processing)
- b. PUBLIC HEARING DATE set, for October 6, 2003, to place a stop sign on Rocky Road, (Northbound), at Si Terry, as per Study on file.
- c. ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. 449, formerly Letter of Credit No. 446, for the account of Timberland North, Section 2, issued by Woodforest National Bank, as per Order on file.
- d. LEASE AGREEMENT approved, with Kevin Johnson, for property described as part of Lot 6, and all of Lot 7 and 8, Caney Lake Park Extension 3, as per Lease Agreement on file.
- e. ORDER approved, to acknowledge receipt of a money order in the amount of \$1.00, from Kevin Johnson for property described as Part Lot 6, Lot 7, and Lot 8, Caney Lake Park Extension 3, as per Order on file.
- f. ORDER approved, to authorize payment of Title Insurance premium in the amount of \$314.00, payable to First Surety Title Company, for acquisition of Parcels 38 and 40, in connection with the FM1314 widening project, as per Order on file.

ALL PRECINCTS - AGENDA ITEMS 8E5

- a. OVERLOAD/OVERSIZE PERMITS approved, as follows:
 - 1. Campbell Concrete & Materials, L. P. - to move various loads over all county roads, except the Roads noted. Movement to begin not earlier than October 1, 2003, and to be completed by December 31, 2003
 - 2. Gulf Coast Stabilized Materials - to move various loads across over all county roads. Movement to begin not earlier than August 29, 2003, and to be completed by November 28, 2003
 - 3. K & K Construction, Inc., - to move various loads over all county roads. Movement to begin not earlier than September 20, 2003, and to be completed by December 20, 2003

- 4. Plunkett Sand & Base - to move various loads over all county roads. Movement to begin not earlier than September 16, 2003, and to be completed by December 16, 2003

as per Permits on file.

PARKS DEPARTMENT - AGENDA ITEMS 8F

- a. USE AGREEMENTS approved, for the following:
 - 1. Lay of Apostolate of St. Mary
 - 2. Conroe Symphony League

as per Use Agreements on file.

DISTRICT CLERK - AGENDA ITEMS 8G

- a. REQUEST approved, to add Birthright, Inc., to the Juror's Donation Authorization Form, as per Request on file.

DISTRICT ATTORNEY - AGENDA ITEM 8H

- a. RESOLUTION approved, regarding the Report on Proceeds of Criminal Asset Forfeitures requested by the office of the Governor-Criminal Justice Division to be forwarded to the Attorney General's office, as per Resolution on file.

Motion carried.

END OF CONSENT AGENDA

- 7. APPOINTMENTS APPROVED - REPRESENTATIVE TO HGAC - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to appoint Craig Doyal, Primary Member and Mike Meador, as Alternate Member to the HGAC General Assembly/Board of Directors, as per Request on file. Motion carried.

- 8. APPOINTMENTS APPROVED - ALTERNATE MEMBERS TO GENERAL ASSEMBLY - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to appoint Ed Rinehart and Judge Sadler, as Alternates to General Assembly of HGAC, as per Request on file. Motion carried.

- 9. REQUEST APPROVED - HIRING DONNA BEST - JUSTICE OF THE PEACE #1

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the Request from Justice of the Peace, Pct. #1, to hire Donna Best from Justice of the Peace, Pct. 3. Also, to authorize Judge Moriarty, Pct. #1, to adjust salaries as outlined in memo dated September 16, 2003, on file. Motion carried.

10. REQUEST APPROVED - HIRING FREEZE WAIVED - JUSTICE OF THE PEACE, PCT. #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve waiving the hiring freeze to allow the posting of a job opening and hiring of a new employee to fill a position that will be vacated, effective September 26, 2003, as per Request on file. Motion carried.

11. REQUEST APPROVED - VACANT POSITIONS - DISTRICT CLERK

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Request from the District Clerk to fill three (3) full time Court Assistant Positions, as per Request on file. Motion carried.

12. REQUEST APPROVED - FILLING OF POSITIONS - CONSTABLE, PCT. #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Request to fill a Deputy position and a Clerk position, approved by Commissioners' Court for the 2003-04 budget year. Also, one position, funded 100% by Willis Independent School District, effective October 1, 2003, as per Request on file. Motion carried.

13. REQUEST APPROVED - RIVERSHIRE ASSOCIATION - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Contract Agreement between Rivershire Subdivision and Montgomery County, for hiring of a part-time Deputy to work 25 hours per week, with all fees to be paid by Rivershire Association Maintenance Fund, as per Request on file. Motion carried. (no Agreement submitted)

14. REQUESTS APPROVED - 284TH JUDICIAL DISTRICT COURT

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

- a. Transfer of a Jury Shepherd Position from the Sheriff's Department Budget to the 284th District Court Budget
- b. Fund Jury Shepherd Position at current salary of \$14,328.42, plus medical benefits
- c. Approve hiring of a Jury Shepherd replacement on or after September 22, 2003

as per Requests on file. Motion carried.

15. REQUESTS APPROVED - WAIVING HIRING FREEZE - COUNTY CLERK

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

- a. Replacement of South County Annex Chief Clerk whose FMLA leave expires on September 26, 2003. Position requested is a full-time, regular employee from within the County Clerk's office.
- b. Replacement of a Recording/Scan Clerk
- c. Replacement of a Utility Clerk with a full-time, regular employee from within the County Clerk's office

- d. Replacement of a Receptionist/Cashier in the Court Division

as per Request on file. Motion carried.

16. INTERLOCAL AGREEMENT APPROVED - CITY OF CONROE - AUTO THEFT TASK FORCE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Amended Interlocal Agreement between Montgomery County and the City of Conroe, as Members of the Auto Task Force to fight auto theft problems, as per Interlocal Agreement on file. Motion carried.

17. REQUEST APPROVED - CARRYOVER OF FUNDS - COMMUNICATION INFORMATION SERVICES

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Carryover of \$100,000.00 from the 2002/03 budget, for the purchase of hardware to replace the Option 81, as per Request on file. Motion carried.

18. REQUEST APPROVED - CARRYOVER OF FUNDS - COMMUNICATION INFORMATION SERVICES

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Carryover of Special Account for Fleet Maintenance Software, approved by the Court September 8, 2003, to 2003/2004 budget, as per Request on file. Motion carried.

19. REQUEST APPROVED - COMPUTER REPLACEMENT - COUNTY COURT AT LAW NO. 2

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the use of \$3,414.00, from the Court Reporter's Service Fund, for computer replacement, as per Request on file. Motion carried.

20. ORDER APPROVED - CURRENT VARIABLE RATE PLAN AMENDED - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Order Amending a Current Variable Rate Plan, (TCDRS), effective January 1, 2004, as per Order on file. Motion carried.

21. RESOLUTION AND APPLICATION APPROVED - INDIGENT DEFENSE FORMULA GRANT PROGRAM - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve a Resolution and Application for FY04 Indigent Defense Formula Grant Program. Also, to authorize the County Judge to sign same, as per Resolution and Application on file. Motion carried.

AGENDA ITEMS 20A 1, 3, 5, 7 & 9 - RECOMMENDATIONS AND CONTRACTS - DEFERRED.

22. RECOMMENDATION AND CONTRACT APPROVED - CONCRETE ROAD REPAIR - VARIOUS PRECINCTS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bid, (opened August 26, 2003), for concrete rapid set road repair for spalls or partial depth failure, to Lone Star Services, Inc., as per Contract on file. Motion carried.

23. RECOMMENDATION AND CONTRACT APPROVED - IBM DISK SYSTEM - COUNTY CLERK

Motion by Commissioner Chance, seconded by Judge Sadler, to award the bid, (opened September 4, 2003), for IBM 7133-T40 Serial Disk System, to Abtech Systems, as per Contract on file. Motion carried.

24. RECOMMENDATION AND CONTRACT APPROVED - ELECTRICAL COMPACT STORAGE SYSTEM - SHERIFF'S DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to award the bid, (opened September 10, 2003), for electrical compact storage system, to Southwest Solutions, in the amount of \$33,414.56, as per Contract on file. Motion carried.

25. RECOMMENDATION AND CONTRACT APPROVED - TELESCOPIC BOOM EXCAVATOR - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to award the bid, (opened September 19, 2003), for one (1) or more new current production telescopic boom excavator 4X2 truck mounted with hydraulic remote control, to Hi-Way Equipment, in the amount of \$194,351.00, as per Contract on file. Motion carried.

26. FUNDING APPROVED - REPAIR OF PARKING LOT - JUVENILE PROBATION

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve funding in the amount of \$2,200.00, to Lone Star Services, Inc., for the repair of the parking lot at the Jail/Juvenile Addition, as per Request on file. Motion carried. (fund from bond monies)

27. PROPOSAL APPROVED - TRAFFIC SIGNAL WARRANT ANALYSIS - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Proposal from Traffic Engineers, Inc., for Traffic Signal Warrant Analysis at Woodlands Parkway at Branch Crossing, for a fee of \$3,500.00, (fund from Bond 2002), as per Proposal on file. Motion carried.

28. CHANGE ORDER #1 APPROVED - LAW ENFORCEMENT SOFTWARE - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Change Order #1, PO#2002395, to Software Group, Inc., to remove fleet maintenance and training from the Law Enforcement Software Contract, because Software Group is not able to provide the fleet maintenance software required, as per Change Order on file. Motion carried.

29. CHANGE ORDER #1 APPROVED - DISASTER RECOVERY SYSTEM - VARIOUS DEPARTMENT

Motion by Commissioner Rinehart, seconded by Judge Sadler, to approve Change Order #1, PO#2003375, to Evolving Solutions, to add additional quantity to the Disaster Recovery System Contract, as per Change Order on file. Motion carried.

30. ADVANCE TRANSPORTATION PROJECT - SURFACE TRANSPORTATION IMPROVEMENT PROGRAM - PCT. #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Local Transportation Project Advance Funding Agreement with TxDot for Surface Transportation Improvement Program, Category 11, as per Agreement on file. Motion carried. (Bond funds)

31. ORDER APPROVED - CREATION OF A COUNTY CIVIL SERVICE SYSTEM - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Meador, to approve and Order for the creation of a County Civil Service System for Montgomery County, as per Order on file. Motion carried.

AGENDA ITEM 21B - APPOINTMENT OF THREE (3) PERSONS TO SERVE AS CIVIL SERVICE COMMISSIONERS AND TO DESIGNATE A CHAIRMAN, WAS DISCUSSED BY THE COUNTY ATTORNEY AND THE MEMBERS OF THE COURT, AND IT WAS DECIDED SAID APPOINTMENTS WOULD TAKE PLACE OCTOBER 6, 2003, COURT SESSION.

32. INTERLOCAL AGREEMENT APPROVED - EAST MONTGOMERY COUNTY IMPROVEMENT DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve an Interlocal Agreement between East Montgomery County Improvement District and Montgomery County, for the construction and equipping of the R. B. Tullis Branch Library. Also, to authorize the County Judge to sign same, as per Agreement on file. Motion carried.

33. RESOLUTION AND ORDER APPROVED - SPECIAL WARRANTY DEED - EAST MONTGOMERY COUNTY IMPROVEMENT DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a Resolution and Order to accept a Special Warranty Deed, for the conveyance of land by East Montgomery County Improvement District for the R. B. Tullis Branch Library. Also, to authorize the County Judge to sign same, as per Deed, Resolution and Order on file. Motion carried.

34. RESOLUTION AND ORDER APPROVED - EASEMENT ACCESS - EAST MONTGOMERY COUNTY IMPROVEMENT DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a Resolution and Order to accept an Access Easement by East Montgomery County Improvement District for use of property conveyed to Montgomery County, for the R. B. Tullis Branch Library. Also, to authorize the County Judge to sign same, as per Resolution and Order on file. Motion carried.

35. INTERLOCAL AGREEMENT APPROVED - LITTER PICK-UP - EAST MONTGOMERY COUNTY IMPROVEMENT DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Interlocal Agreement between East Montgomery County Improvement District and Montgomery County, for the provision of litter pick-up and beautification services. Also, to authorize the County Attorney to sign same, as per Interlocal Agreement on file. Motion carried.

36. LEASE AGREEMENT APPROVED - CRIGHTON THEATRE - COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Lease Agreement between Montgomery County and Crighton Theatre Foundation for the use of Crighton Theatre, for jury assembly purposes, as per Lease Agreement on file. Motion carried.

37. RESOLUTION AND ORDER APPROVED - CLOSURE OF DORBANDT DRIVE - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution and Order, for the permanent closure of Dorbandt Drive, to facilitate taxiway development at the Montgomery County Airport, as per Resolution and Order on file. Motion carried.

38. AMENDMENT NO. 1 APPROVED - INTERLOCAL AGREEMENT - LOW INCOME VEHICLE REPAIR ASSISTANCE - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Amendment No. 1, Interlocal Agreement for administering a low income vehicle repair assistance, retrofit and vehicle replacement program, in accordance with the laws of the State of Texas and HGAC, as per Amendment on file. Motion carried.

39. ROADS ACCEPTED - BOND RELEASED - NORTHCREST RANCH, SECTION 3 - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to accept the Roads in Northcrest Ranch Subdivision, Section 3, by Montgomery County, consisting of 33,752.56 l.f., 6.39 miles, as per Request on file. Motion carried.

40. CHANGES APPROVED AND ADOPTED - SUBDIVISION RULES AND REGULATIONS - COUNTY ENGINEER

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Changes to the Subdivision Rules and Regulations, as submitted by the County Engineer, effective January 1, 2004, as per Changes on file. Motion carried.

EXECUTIVE SESSION

The Court recessed into Executive Session in the County Judge's Chambers to discuss matters Pursuant to one or more of the following Provisions of the Texas Government Code to-Wit: Chapter 551, Sub-Chapter D; Articles 551.071, 551.072, 551.073, 551.074, 551.075, 551.076, 551.084, and 551.087

1. Consider and Discuss Claims of David Parks - (Section 551.071)
2. Consider and Discuss Claims of Pam Hernandez and Phyllis Traylor - (Section 551.071)
3. Discuss the Claims of Debra Foster (Section 551.071)
4. Discuss McGinnis vs. Montgomery County, et al (Section 551.071)
5. Consider and Discuss and/or act upon appointment of Legal Assistant for the Ninth District Court of Appeals (Section 551.074)
6. Consider and Discuss Claim of Kenneth Schelsteder (Section 551.071)

7. Consider and Approve Revised Lease Agreement between Montgomery County and the Montgomery County Hospital District for occupancy of the East Montgomery County Development Center (Section 551.072)
8. Discuss Bax vs. Montgomery County, et al Final Judgment (Section 551.071)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

41. RESOLUTION AND ORDER APPROVED - RESCINDING OCCUPANCY AGREEMENT - CDBG PROJECT - PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Resolution and Order to rescind the Occupancy Agreement entered into between Montgomery County and the Montgomery County Hospital District for occupancy of the East Montgomery County Development Center, as per Resolution and Order on file. Motion carried.

42. ORDER APPROVED - FINAL PAYMENT OF JUDGMENT/BAX VS. MONTGOMERY COUNTY

Motion by Commissioner Meador, seconded by Commissioner Chance, to authorize the issuance of a check in the amount of \$25,000.00, (fund from ROW account), payable to Joe G. Bax and Patrice Michele Bax, to satisfy payment of the judgment in the lawsuit styled: Joe G. Bax and Patrice Michele Bax vs. Montgomery County, et al, as per Order on file. Motion carried.

43. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Commissioner, Pct. #2 to place Nancy Medlin, Recycle Center Manager, on payroll, effective September 13, 2003

request of Commissioner, Pct. #2 to change the status of Rowdy Scott from Part-time to Operator I, Truck Driver, Full-time, (replacement for Edward Albinus), effective September 15, 2003

request of Commissioner, Pct. #3 to increase the salary of James Johnson, Driver/Helper, effective September 27, 2003, due to probation period completed

request of Commissioner, Pct. #4 to accept the retirement of Thomas E. Perkins, Operator III, effective September 30, 2003, with 33.5118, and 4.75 comp hours due

request of Constable, Pct. #2 to promote Charles White from Deputy to Lieutenant, effective October 1, 2003. Also, to bridge Lieutenant White's time

request of Constable, Pct. #5 to transfer Janette Curtis from Deputy Clerk/Dispatcher, to School Deputy, effective September 27, 2003

request of Constable, Pct. #5 to transfer Andrea Hamm from School Deputy to Deputy Clerk/Dispatcher, effective September 27, 2003

request of Custodial Services to increase the salary of Billy Levi Breiten, Floor Technician, effective September 13, 2003, due to probation period completed

request of Environmental Health to place Paula Serrano, Secretary, on payroll, (replacement for Miriam Huerta), effective September 22, 2003

request of Justice of the Peace, Pct. #2 to accept the resignation of Angela L. Gordon-Mingo, Part-time Clerk, effective September 10, 2003

request of Juvenile Probation to place Barbara Humiston, Substitute Detention Officer, on payroll, effective September 15, 2003

request of Juvenile Probation to place TaMedria Taylor, Substitute Detention Officer, on payroll, effective September 15, 2003

request of Library Director to accept the resignation of Amy Arnold, Reference Librarian I, effective September 24, 2003, with 37.84 vacation hours due

request of Library Director to transfer Vicki Meredith from South Regional to Malcolm Purvis Library, Reference Librarian I, (replacement for Rose Botkin), effective September 13, 2003

request of 359th District Judge to transfer Elaine Briscoe from JP4 to 359th District Court, Court Coordinator, (replacement for Leona Devine), effective September 29, 2003
request of 359th District Judge to accept the resignation of Leona M. Devine, Court Coordinator, effective September 30, 2003, with 58.52 vacation hours due

request of 359th District Judge to increase the salary of Elsa Sanchez, Assistant Court Coordinator, effective September 29, 2003, due to merit increase

request of Collections Department to place Jodi Keefer, Collection Specialist, (replacement for Hortencia Schneider), effective September 22, 2003

request of Commissioner, Pct. #1, to accept the resignation of Cory Kruse, Park Attendant, effective September 18, 2003

request of County Judge to increase the salary of Flor (Liz) Rubio, Courtroom Clerk, effective September 13, 2003, due to probation period completed

request of Justice of the Peace, Pct. #1 to increase the salary of Margaret Alford, Intake/Cashier/Posting Clerk, effective September 29, 2003, due to reassignment of job duties

request of Justice of the Peace, Pct. #1 to transfer Donna Best from Team Leader-Data Management to Criminal Clerk, (replacement for Delonna Snow), effective September 29, 2003
request of Justice of the Peace, Pct. #1 to increase the salary of Sandra Graham, Civil Clerk, effective September 29, 2003, due to reassignment of job duties

request of Justice of the Peace, Pct. #1 to increase the salary of Brandie Lopez, Juvenile/Worthless Check Clerk, effective September 29, 2003, due to reassignment of job duties

request of Justice of the Peace, Pct. #1 to increase the salary of Terri Quertermous, Administrative Assistant, effective September 29, 2003, due to reassignment of job duties

request of Justice of the Peace, Pct. #4 to transfer Delonna Snow, Clerk II, (from Justice of the Peace, Pct. #1), (replacement for Elaine Briscoe), effective September 27, 2003

as per Payroll Change Requests on file. Motion carried.

DAVID WALKER, COUNTY ATTORNEY, DISCUSSED THE CIVIL SERVICE FOR MONTGOMERY COUNTY EMPLOYEES, WHICH WAS APPROVED, SEPTEMBER 13, 2003, ELECTION.

44. COURT ADJOURNS

Motion by Commissioner Meador, seconded by Commissioner Chance, to adjourn this Session of Commissioners' Court. Motion carried.

The above and foregoing Commissioners' Court Minutes were read and approved by the Court.

ATTEST:

Mark Turnbull, County Clerk
and Ex-Officio Clerk
Commissioners' Court
Montgomery County, Texas

BY: _____
County Clerk

_____ County Judge