

COMMISSIONERS' COURT DOCKET, SEPTEMBER 23, 2002
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 23th day of September, 2002, the Honorable Commissioners' Court of Montgomery County, Texas, was duly convened in a Special Session in the Commissioners' Courtroom of the Montgomery County Courthouse Annex, Conroe, Texas, with the following Members of the Court present:

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

INVOCATION GIVEN BY COMMISSIONER, DAVID WALKER, COUNTY ATTORNEY

PLEDGE OF ALLEGIANCE WAS RECITED BY EVERYONE PRESENT.

1. COMMISSIONERS' COURT AGENDA APPROVED

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

2. PROCLAMATION APPROVED - "TRI-COUNTY MHMR DESTINATION DIGNITY MONTH"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to recognize the month of September, as "Destination Dignity Month", as per Proclamation on file.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Proclamation to proclaim the week of October 6, 2002, through October 12, 2002, as "4-H Week in Montgomery County, as per Proclamation on file. Motion carried.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for September 9, 2002, as presented by the County Clerk. Motion carried.

5. DEPUTATION APPROVED - CONNIE KINNEY, DEPUTY COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Deputation of Connie Kinney, Deputy County Clerk, as per Deputation on file. Motion carried.

6. CONSENT AGENDA APPROVED - AGENDA ITEMS 7A THROUGH 7J

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

COUNTY AUDITOR - AGENDA ITEMS 7A

- a. ACCOUNTS approved, as presented by the County Clerk.
- b. BUDGET AMENDMENTS approved, as follows:

1. Animal Control - to adjust line items
2. Animal Control/Commissioner, Pct. #4 - to recognize/allocate reimbursement from Nationwide Insurance Companies
3. Animal Shelter - to adjust line items
4. Child Welfare - to adjust line items
5. Commissioner, Pct. #1 - to recognize/allocate add
6. Commissioner, Pct. #2 - to adjust line items
7. Commissioner, Pct. #2 - to recognize/allocate miscellaneous revenue
8. Commissioner, Pcts. #3 and #4
9. Commissioner, Pct. #4 - to recognize/allocate restitution from R. Gilcrease
10. Commissioner, Pct. #4 - to adjust line items
11. County Auditor - to adjust line items
12. County Clerk - to adjust line items
13. County Clerk - to adjust line items
14. County Court at Law #1 - to adjust line items
15. County Court at Law #2 - to adjust line items
16. County Court at Law #4 - to adjust line items
17. County Court at Law #4 - to adjust line items to cover release #246620
18. County Engineer - to adjust line items to cover release #248978
19. County Treasurer - to adjust line items
20. Custodial Services - to adjust line items
21. District Attorney - to recognize/allocate juror donation
22. Environmental Health - to adjust line items
23. Extension Agents - to adjust line items
24. Juvenile Probation - to recognize/allocate reimbursement from State
25. Non-Departmental - to allocate funds to cover shortage in restricted line
26. Non-Departmental - to allocate funds to cover shortage in restricted line
27. Non-Departmental - to allocate funds to cover shortage in restricted line
28. Purchasing Agent - to adjust line items
29. Sheriff's Department - to adjust line items
30. Sheriff's Department - to adjust line items
31. Sheriff's Department - to adjust line items

as per Budget Amendments on file.

- c. OFFICIALS' FEE REPORT approved, for the month of July, 2002, as per Report on file.
- d. ORDER approved, to appoint Linda Breazeale as County Auditor for a term of two (2) years, beginning October 1, 2002, or until further order from the Board of District Judges, as per Order on file.

COUNTY TREASURER - AGENDA ITEMS 7B

AGENDA ITEM 7B

AGENDA ITEM 7B1 - THERE WERE NO WEEKLY INVESTMENT REPORTS FOR THE WEEK OF SEPTEMBER 16, 2002, THROUGH SEPTEMBER 20, 2002.

AGENDA ITEM 7B2 - THERE WERE NO PLEDGES AND/OR RELEASE OF COLLATERAL THIS COURT SESSION FOR APPROVAL.

- a. BANK RESOLUTION approved, for Montgomery County Juvenile Probation Special Revenue Fund, Account #194381, as per Resolution on file.
- b. PLEDGED SECURITIES approved, for the month of August, 2002, as presented by the County Treasurer.

PURCHASING DEPARTMENT - AGENDA ITEMS 7C

- a. AUTHORIZATION TO ADVERTISE, for the following bids/proposals:
 1. Electronic Marquess - Lone Star Convention Center
 2. Waste Disposal Service - Various Departments
 3. Consultant for position classification and compensation plan - Human Resources

- b. ALSO, to acknowledge the following bids/proposals, opened by the Purchasing Department:
1. Radio Shelter Building - Sheriff's Department - Project #2002-0074 - (bids opened 9-10-02)
 2. Removal and installation of drainage/culvert pipe - Various Precincts - Project #2002-0113 - (bids opened 9-11-02)
 3. Audio Book Leasing Program - Library Department - Project #2002-0106 - (bids opened 9-13-02)
- c. RENEWAL CONTRACTS approved, as follows:
1. Baker & Taylor, Inc. - PO#2001038 - for service for supplying library books - Library Department
 2. Ingram Library Services, Inc. - PO#2001039 - for service for supplying library books - Library Department
 3. Bound to Stay Bound Books - PO#2001040 and #2001040X - for service for supplying library books - Library Department
 4. Econo-Clad Services - PO#2001041 - for service for supplying library books - Library Department
 5. The Groce Company, Inc. - PO#2002045 - for services for pumping out sewer and kitchen grease tanks - Sheriff's Department
 6. Mustang Rental Service - PO#2000386 - for heavy machinery rental - Various Departments
- d. CHANGE ORDER #8 approved, (PO#2001117) to Willis Pest Control to add he show barn concession area at the Lone Star Convention Center and inside spider control at the Juvenile Center, as per Change Order on file.
- e. REQUEST approved, to change the cut off date for purchasing goods and services from September 18, 2002, to September 23, 2002, except for emergency and/or operational needs. (no paperwork)
- f. CHANGE ORDER #2 approved, PO#2002305, to Cingular Wireless to add directory assistance to present contract for cellular services, as per Request on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 7D

- a. MONTHLY TAX COLLECTION REPORT approved, for tax collections for October 1, 2001, through August 31, 2002, as per Report on file.
- b. REPORT approved, for the 2002 Consolidated Taxroll for Montgomery County and the Taxing Jurisdictions collected by the County, and as Certified by the Tax Assessor/Collector, as per Report on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 7E1

- a. ANNUAL REPORT approved, from Montgomery County Emergency Services District No. 3 for FY2001, as per Report on file.
- b. AGREEMENT approved, with Natural Resources Conservation Service for the removal of the existing failed 7.5 foot diameter culvert and replacing it with a two 6-foot diameter culverts along County Line Road at Camp Creek. The estimated cost for improvements is \$80,000.00, as per Agreement on file.
- c. ROADS accepted, in Bentwater, Section 67, into the on year maintenance period, consisting of 0.12 miles, (625.55 l.f.), effective September 23, 2002, as per Request on file.
- d. ROADS accepted, in Bentwater, Section 84, into the one year maintenance period, consisting of (789.49 l.f.), 0.15 miles, effective September 23, 2002, as per Request on file.
- e. ROADS accepted, in Crescent Cove, Section 3, into the one year maintenance period, consisting of (679.12 l.f.), .12 miles, effective September 23, 2002, as per Request on file.
- f. ROADS accepted, in Hidden Springs Ranch, Section 1, into the one year maintenance period, consisting of (4101.98 l.f.) .77 miles, effective September 23,

2002, as per Request on file.

- g. ROADS completed, BOND released - Bentwater, Section 72 - roads have completed the one year maintenance period, consisting of .14 miles (761.95 l.f.). Roads are private and will not be maintained by Montgomery County. Also, to release the Bond, as per Request on file.
- h. ROADS completed, BOND released - Bentwater, Section 85 - roads have completed the one maintenance period, consisting of .10 miles, (555.05 l.f.). Roads are private and will not be maintained by Montgomery County. Also, to release the Bond, as per Request on file.
- i. ROAD LOG CHANGE approved, to reflect that Forest Road 224 is a county maintained roadway, Pct. #1. Total length of road is 9300 feet, as pe Request on file.

AGENDA ITEM 7E1J - ORDER TO AUTHORIZE PURCHASE OF PROPERTY FOR BUILDING MAINTENANCE BUILDING - DEFERRED - SEE MOTION #41 FOR TODAY'S COURT ACTION.

- j. PARTIAL RELEASE OF ASSESSMENT LIEN approved, for Bobby Joe and Judith Baker, owners of Lot 30, Kleimann Estates Subdivision, Section 2, as per Release of Assessment Lien on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 7E2

- a. CHECK accepted, from Glenmont Estates Home Owners Association for road repair and maintenance to certain streets in order to have said roads accepted into Montgomery County Maintenance System. Check in the amount of \$18,254.54, forwarded to County Treasurer for further handling.
- b. ROADS accepted, BOND released - High Meadow Ranch, Section 10, be accepted by Montgomery County, consisting of .74 miles, 3,923.86 l.f. Also, to release the Bond, as per Request on file.
- c. ROAD accepted - St. Luke's Way, located at College Park, Section 5, into the one year maintenance period, consisting of 1,360 l.f., .25 miles, effective September 23, 2002, as per Request on file.
- d. ROADS accepted, in Crighton Ridge Subdivision, Section 3, into the one year maintenance period, consisting of 2.44 miles, 12,915.16 l.f., effective September 23, 2002, as per Request on file. (Also, additional conditions apply to the road acceptance, as noted in a letter dated September 18, 2002 - Letter was not submitted to Clerk's office).
- e. ORDER approved, to acknowledge receipt of a check in the amount of \$10.00, from Linda Joyce for the lease of real property located in Glenmont Estates, Precinct #2, as per Order on file. (check forwarded to County Treasurer for further handling)
- f. ORDER approved, to acknowledge receipt of an Amendment to Letter of Credit No. 645, for the account of Decker Oaks Estates Subdivision, Section 2, as per Order on file.
- g. FINAL PLAT approved, for the Village of Decker Oaks, Section 1, consisting of 213 lots, 38.8335 acres, as per Plat on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 7E3

- a. FINAL PLAT approved, for Canyon Crossing, Section 1, consisting of 65.785 acres, as per Plat on file.

- b. FINAL PLAT approved, for Spring Trails Subdivision, Section 1, consisting of 27.6311 acres, 97 lots, as per Plat on file.
- c. FINAL PLAT approved, for Spring Trails Subdivision, Section 2, consisting of 21.8864 acres, 53 lots, as per Plat on file.
- d. FINAL PLAT approved, for Spring Trails Subdivision, Section 3, consisting of 22.6881 acres, 70 lots, as per Plat on file.
- e. FINAL PLAT approved, for Spring Trails Subdivision, Section 4, consisting of 27.2686 acres, 90 lots, as per Plat on file.
- f. FINAL PLAT approved, for Village of Alden Bridge, Section 92, The Woodlands, consisting of 11.56 acres, 76 lots, as per Plat on file.

- g. FINAL PLAT approved, for the Village of Sterling Ridge, Section 26, The Woodlands, consisting of 15.29 acres, 36 lots, as per Plat on file.
- h. ROADS accepted, BOND released - Kuykendahl Road, (southbound between Woodlands Parkway and Flintridge Drive), consisting of .29 miles, 1,540.04 l.f., by Montgomery County. Also, to release the bond, as per Request on file.
- i. ROADS accepted, BOND released - Village of Indian Springs, Section 22, The Woodlands, consisting of .68 miles, 3,629.47 l.f., by Montgomery County. Also, to release the bond, as per Request on file.
- j. ROADS accepted, BOND released - Village of Indian Springs, Section 27, The Woodlands, by Montgomery County, consisting of .80 miles, 4,248.55 l.f. Also, to release the bond, as per Request on file.
- k. ROADS accepted, BOND released - Village of Sterling Ridge, Section 9, Phase 1, by Montgomery County, consisting of .53 miles, 2,811.42 l.f. Also, to release the bond, as per Request on file. (Hollylock Lane and Maypole Lane are excluded from this acceptance - Roads are private)
- l. ORDER approved, for the street construction, repair and maintenance to Woodlands Parkway at Branch Crossing and Falconwing Drive, to install culverts, under an Interlocal Agreement dated May 10, 1993, between Woodlands Joint Powers Agency and Montgomery County, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 7E4

- a. ANNUAL REPORT approved, for Montgomery County Emergency Services District #7, for fiscal year 2001, as per Report on file.
- b. FINAL PLAT approved, for Albert Place, consisting of .92 acres, 4 lots, as per Plat on file.
- c. FINAL PLAT approved, for Forest Colony, Section 2, consisting of 17.029 acres, 71 lots, as per Plat on file.
- d. ORDERS approved, to Rescind Orders, approved on July 29, 2002, (Motion # 3 6E4E thru 6E4I), Court Session, for the purchase and payment of certain parcels in connection with the FM1314 right-of-way Project, as follows:
 - 1. Jeannie Holley - Parcel No. 45 - \$11,381.00 - (Motion #3 6E4E)
 - 2. James D. and Faye E. Chambliss - Parcel 52 - \$3,716.00 - (Motion #3 6E4F)
 - 3. Agnes and Januz Miziolek - Parcel 17 - \$16,149.00 - (Motion #3 (6E4G)
 - 4. Ruby J. Sallas - Parcel 51 - \$11,513.00 - (Motion #3 6E4H)
 - 5. Gene Hobbs - Parcel 21 - \$9,242.00 - (Motion #3 6E4I)

as per Orders on file.

- e. ORDERS approved, to authorize the purchase and payment of certain Parcels in connection with FM1314 right-of-way Project, as follows:
1. James D. and Faye E. Chambliss - Parcel 52 - \$4,070.00 total payment
 2. Gene Hobbs - Parcel 21 - \$9,596.00 total payment
 3. Ruby J. Sallas - Parcel 51 - \$11,914.00
 4. Samuel M. and Dorothy Lowdermilk - Parcel 3 - \$1,271.00 total payment
 5. Blossom A. Byington and Linda Nell Jones - Parcel 14 - \$16,375.00 total payment
 6. Gary Douglas and Jo Ann Carr - Parcel 32 - \$3,983.00 total payment
 7. Beverly Douthitt - Parcel 6 - \$5,527.00 total payment

as per Orders on file. (fund from Road Bond Series 2002)

ALL PRECINCTS - AGENDA ITEMS 7E5

- a. OVERLOAD/OVERSIZE PERMIT approved for Plunkett Sand and Base, Inc., to move various load over county roads, as per stipulations outlined on permit. Movement to begin not earlier than September 17, 2002, and to be completed October 17, 2002, as per Permit on file.

AGENDA ITEM 7F - CHANGES TO APPOINTMENTS OF ELECTION JUDGES AND ALTERNATE JUDGES FOR NOVEMBER 5, 2002, GENERAL ELECTION - REMOVED FROM AGENDA.

COMMUNICATION INFORMATION SERVICES - AGENDA ITEMS 7G

AGENDA ITEM 7G1 - APPROVE THE CARRYOVER MONIES FROM DEPARTMENT 503 2001-2002 FY BUDGET TO 2002-2003 BUDGET - SEE MOTION #7 FOR TODAY'S COURT ACTION.

- a. REQUEST approved, for John Burnett, Assistant Communication Manager, be placed on an auto allowance of \$6,000.00 annually, to be funded from FY2002-2003 budget 503-710 line item, as per Request on file.

AGENDA ITEM 7H - DISTRICT AND COUNTY COURTS - RESOLUTION AND APPLICATION FOR FY2003 INDIGENT DEFENSE FORMULA GRANT PROGRAM - SEE MOTION #8 FOR TODAY'S COURT ACTION.

RISK MANAGEMENT - AGENDA ITEM 7I

- a. OFFICIAL BONDS AND OATHS approved, as follows:
1. Kevin Bates, Fire Investigator, Renewal - Bond #15487168
 2. Richard Birdwell, Investigator - Renewal - Bond #13748909
 3. George Scott Burlin, Arson Investigator - Renewal - Bond #15486578
 4. Glenn Eugene Halfin, Arson Investigator - Renewal - Bond #13749840
 5. Darren Hess, Arson Investigator - Renewal - Bond #15487491
 6. Van Roller, Arson Investigator - Renewal - Bond #14382010
 7. Don Schifani, Arson Investigator - Renewal - Bond #15487492
 8. Elisa M. Herrin, Reserve Deputy Constable, Pct. #2 - 2 Bond #15486562
 9. Jeffrey T. Brown, Reserve Deputy Constable, Pct. #3 - New - Bond #69386262
 10. Charles E. Lowrie, Deputy Constable, Pct. #3 - Renewal - Bond #13744096
 11. Kenneth A. Porter, Reserve Deputy Constable, Pct. #3 - Renewal - Bond #15487495
 12. Thomas Russell Fox, Deputy Constable, Pct. #5 - New - Bond #14382969
 13. Andrea Hamm, Deputy Constable, Pct. #5 - Renewal - Bond #15486564
 14. Chris Jones, Deputy Constable, Pct. #5 - Renewal - Bond #15487494

15. Denny R. Simpson, Deputy Constable, Pct. #5 - New - Bond #15530362
16. Marshall Williams, Deputy Constable, Pct. #5 - New - Bond #15486565

as per Bonds on file.

ANIMAL CONTROL - AGENDA ITEMS 7J

- a. REQUEST approved, to transfer funds from Animal Control Line Item #633 to Animal Shelter Line Item 6331, as per Request on file.

Motion carried.

END OF CONSENT AGENDA

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the carryover of monies from Department 503/ FY2001-2002 budget to 2002-2003 budget, as per Request on file. Motion carried.

8. RESOLUTION AND APPLICATION APPROVED - FY-2003 INDIGENT DEFENSE FORMULA GRANT PROGRAM - DISTRICT AND COUNTY COURTS

Motion by Judge Sadler, seconded by Commissioner Rinehart, to approve the Resolution and Application for FY2003 Indigent Defense Formula Grant program. Also, to authorize the County Judge to execute application, as per Resolution and Application on file. Motion carried.

9. REQUEST APPROVED - USE OF COUNTY PARKING LOTS - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Request from the Friends of Conroe to use the county parking lots as designated in Letter dated September 4, 2002, from Festival Chairman, for their annual Catfish Festival Carnival, as per Request on file. Motion carried.

10. REQUEST APPROVED - MONTGOMERY COUNTY HOSPITAL DISTRICT - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Montgomery County Hospital District, (MCHD), to utilize funds of approximately \$42,000.00, from the Radio System Capital Repair and Replacement fund to purchase the necessary equipment to place the remaining NPSPAC Interoperability Channels on the air, as per Request on file. Motion carried.

11. MOTION FAILED - JUSTICE OF THE PEACES SALARY INCREASES - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to authorize the salary increases for the five (5) Justice of the Peaces who filed their salary grievance with the County Grievance Committee on September 19, 2002, for all their salaries by raised to \$70,000.00 annually. Motion failed. Judge Sadler, Commissioner Meador, and Commissioner Doyal "opposed".

12. DATES APPROVED - HOLIDAYS AND SCHEDULED COURT DATES FOR YEAR 2003 - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Holidays & Scheduled Court Dates for 2003, as outlined in memo dated September 23, 2002, on file. Motion carried.

13. PARTICIPATION AGREEMENT APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION - AIRPORT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Airport Project Participation Agreement between Montgomery County and the Texas Department of Transportation for the design services to improve drainage to the south side of the Airport, as per Agreement on file. Motion carried.

14. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the installation of an aerobic septic system in the flood plain for Bryant Pollard, Magnolia, Texas, as per Variance on file. Motion carried.

15. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the installation of an aerobic septic system in the flood plain for Scott Cruz, Spring, Texas, as per Variance on file. Motion carried.

16. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the installation of an aerobic septic system in the flood plain for John Martin, Splendora, Texas, as per variance on file. Motion carried.

17. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the installation of an aerobic septic system in the flood plain for Wanda Gayle Seton, Conroe, Texas, as per Variance on file. Motion carried.

18. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the installation of an aerobic septic system in the flood plain for Diane Anderson, Magnolia, Texas, as per Variance on file. Motion carried.

19. VARIANCE APPROVED - SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the installation of a septic system for Jean Coghlan beauty salon located at 19520 FM1488, Magnolia, Texas, as per request on file. Motion carried.

20. ORDER APPROVED - AMENDED AND RESTATED ORDER - BOND ELECTION - ELECTIONS CENTRAL

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Amended and Restated Order calling a bond election and the Certificate for Order in connection with the November 2002, Library Bond Election, as per Orders on file. Motion carried.

21. GRANT ACCEPTANCE APPROVED - LOCAL LAW ENFORCEMENT BLOCK GRANT - SHERIFF'S DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to accept the Local Law Enforcement Block Grant

#2002-LB-BX-1879, from the Department of Justice, Bureau of Justice Assistance. Grant monies to be used to purchase mobile in-car video equipment for some of the Uniform Patrol Division's vehicles, as per Request on file. Motion carried.

22. REQUEST APPROVED - JOB TITLE CHANGE - CONSTABLE, PRECINCT #5

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the request to change the job title of Jan Curtis from Clerk to Deputy/Clerk Dispatcher, as per Request on file. Motion carried.

23. POLICY CHANGE APPROVED - BOOK PURCHASES AND REVIEW - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Option 2 to the Policy for book purchases and review to add five (5) citizens to the current review panel, which presently consist of five (5) librarians. Motion carried. (no paperwork)

24. SALARY SCHEDULES APPROVED - FISCAL YEAR 2003 - COUNTY AUDITOR

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the Salary Schedule for FY2003, for all county employees, as submitted by the County Auditor. Motion carried.

AGENDA ITEMS 16A 1,2,7 & 8 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

25. PROPOSALS REJECTED - FB LOCAL LOOP STARTER LINES - MONTGOMERY COUNTY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to reject the RFP's received for FB Local Loop Starter Lines. Motion carried.

26. RECOMMENDATIONS AND CONTRACTS APPROVED - TIRES AND TUBES - VARIOUS DEPARTMENTS

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to award the bids, (opened August 22, 2002), for tires and tubes to Gray's Wholesale Tire and Strouhal Tire, as per Contracts on file. Motion carried.

27. RECOMMENDATION AND CONTRACT APPROVED - GPS MOBILE DATA AND GPS TRACKING ANTENNAS - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the bid, (opened September 5, 2002), for GPS for Mobile Data and GPS Tracking Antennas to Synergy Systems LLC, for Sections I, Items 1 and 2, as per Contract on file. Motion carried. (Section II, Items 1, 2 & 3 was no bid).

28. RECOMMENDATION AND CONTRACT APPROVED - NEW 12 YARD DUMP TRUCKS - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the bid, (opened September 6, 2002), for one or more new 12 yard 2003 Mack dump truck to Performance Trucks, in the amount of \$70,844.48, as per Contract on file. Motion carried.

29. RECOMMENDATION AND CONTRACT APPROVED - RADIO SHELTER BUILDING - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the bid, (opened September 10, 2002), for a radio shelter building to GFRC Shelters in the amount of \$42,995.00, as per Contract on file. Motion carried.

30. FUNDS APPROVED - STATE TRAVEL MANAGEMENT PROGRAM - PURCHASING DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve funds in the amount of \$2,794.00, (fund from contingency), to the Texas building and Procurement Commission for Montgomery County's participation in the State Travel Management Program for reduced airline fares, as per Request on file. Motion carried.

31. CHECK ACCEPTED - CITY OF CONROE - PURCHASING DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to accept a check in the amount of \$1,643.63, from the City of Conroe for the reimbursement of the rack for street light control at the Old Methodist Church. Motion carried. (place into Old Methodist Church account for reimbursement - Check forwarded to County Treasurer for further processing)

32. REPORT APPROVED - CERTIFICATE OF SUBSTANTIAL COMPLETION - PARKING GARAGE - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Certificate of Substantial Completion Report for the Employees' Parking Garage, as per Report on file. Motion carried.

33. REQUEST APPROVED - PARTICIPATION IN STATE MASTER LICENSE AGREEMENT WITH NOVELL - CIS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Software House International to participate in the State Master License Agreement with Novell, in the amount of \$38,982.20, for the maintenance of Novell Software, as per Request on file. Motion carried.

34. PROPOSAL APPROVED - CARTER'S LANDSCAPING - PURCHASING DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the proposal from Carter's Landscaping, submitted by David Kleimann, in the amount of \$23,917.50, for the landscaping of the parking garage, as per Proposal on file. Motion carried. (funding to be determined)

MARK BOSMA, PURCHASING AGENT, REMINDED EVERYONE IN COURT THAT SEPTEMBER 24, 2002, IS THE "LIGHT THE NIGHT WALK" FOR THE LEUKEMIA AND LYMPHOMA SOCIETY, TO BE HELD AT THE LONE STAR CONVENTION CENTER.

35. REQUEST APPROVED - INCREASE OF SERVICE PROCESS FEES - DISTRICT CLERK

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the District Clerk's Request for an increase of fees for serving process by certified or registered mail per the Constables adoption of new fees, approved on August 19, 2002, as per Request on file. Motion carried.

36. TAX ABATEMENT AGREEMENT APPROVED - FLYING J INC. - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Tax Abatement Agreement between Montgomery County and Flying J Inc., as per Agreement on file. Motion carried.

37. SPEED LIMIT SET - LAKE ROLLINGWOOD SUBDIVISION - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the speed limit in Lake Rollingwood Subdivision at 30 mph, as per Notice on file. Motion carried.

38. ROAD NAME CHANGE APPROVED - HIGH MEADOW RANCH SUBDIVISION - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve

changing the name of Champion Way to Eagle Cove, located in High Meadow Ranch Subdivision, as per Notice on file. Motion carried.

39. NO PARKING SIGNS APPROVED - HIDDEN TRAIL - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the placement of "No Parking" signs on Hidden Trail, between South Line and the Park and Ride road, as per Notice on file. Motion carried.

40. REQUEST APPROVED - RESIGNATION OF COMMISSIONER - APPOINTMENT OF COMMISSIONER - EMERGENCY SERVICE DISTRICT #14 - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the resignation of Richard L. Smith as Commissioner of ESD #4, effective immediately. Also, to appoint Jim Waters as his replacement, as per Request on file. Motion carried.

CITIZENS - AGENDA ITEM 22 - LIBRARY BOOK-BANNING ISSUE

Numerous citizens were present in Court this session to air their opinions and concerns, both pro and con, over the two books, "It's Perfectly Normal" and "It's So Amazing," which are in the county's public libraries. Some citizens claim that the books promote homosexuality and should be removed from the shelves immediately, and others totally disagree with the book-banning, and want the books to remain in the public libraries.

After several hours of citizens input concerning the book-banning, the Court agreed that each Commissioner and the County Judge, choose one representative to serve on the library's material review committee board, within the next two weeks.

41. ORDER APPROVED - AUTHORIZATION TO PURCHASE REAL PROPERTY -

Motion by Commissioner Meador, seconded by Commissioner Doyal, to authorize the County Attorney to negotiate the purchase of real property located on Thompson Street, as per Order on file. Also, to appoint Anthony K. Benardino or Robert W. Collins, Assistant County Attorneys, to act as Special Commissioner for closing on behalf of Montgomery County, and to deliver all documents and payment for said purchase, as per Order 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:

- a. Consider and Discuss Claim of Tina Wright
- b. Consider and Discuss Claim of Linda Fuller
- c. Consider and Discuss Claims of Quadrest, Inc. and Southwestern Bell
- d. Consider and Discuss Gawerc vs. Montgomery County
- e. Consider and Discuss Claim of David Park
- f. Consider and Discuss Sauls vs. Montgomery County

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

42. ORDER APPROVED - PAYMENT OF CLAIM - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an Order to pay the Claim of Tina Wright, \$5,075.00, (fund from Sheriff's Department), for damages to her vehicle, as per Order on file. Motion carried.

43. REQUEST APPROVED - LEGAL SERVICES RETAINED - OLSON & OLSON, ATTORNEYS AT LAW

Motion by Commissioner Meador, seconded by Commissioner Doyal, to retain the legal services of John J. Hightower & Brian Begle, with the lawfirm of Olson & Olson Attorneys, to represent Montgomery County in the David Park Claim. Also, to retain the services of said attorneys to review the lawsuit of Sauls vs. Montgomery County, and give their legal opinion whether or not the county should continue trying said case. Motion carried. (no paperwork)

44. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Control to transfer Miriam Alvarez from Animal Control Officer to Animal Control Dispatcher/Clerk, (replacement for Tracy Allen), effective September 14, 2002

request of Animal Control to promote Toni Morgan from Animal Shelter/Bite Case Officer to Animal Shelter/Administrative Assistant/Investigator, effective October 1, 2002

request of Animal Control to discharge Marie Rodriquez, Animal Care Specialist/Part-time, effective September 6, 2002

request of Convention Center Director to accept the resignation of Kenneth Lance, Facility Worker, effective September 12, 2002

request of Convention Center Director to place Ronnie Mason, Facility Worker, (replacement for Kenneth Lance), on payroll, effective September 18, 2002

request of Convention Center Director to place Rebecca Michelle Niebel, Receptionist, on payroll, effective October 1, 2002

request of Convention Center Director to place David Pullin, Facility Worker, (replacement for Joshua Copeland), effective September 16, 2002

request of Collections Director to place Qwen Armstrong, Mail Clerk/Part-time, on payroll, effective October 1, 2002

request of Collections Director to place Melissa Bridges, Collection Specialist, on payroll, effective September 16, 2002

request of Collections Director to accept the resignation of Adriana Gonzalez, Assistant Director, effective September 11, 2002, with 134.90 vacation hours due and 132.37 comp hours due

request of Collections Director to place Norma Mastache, Collection Specialist, (replacement for Kimberly Thompson), effective October 1, 2002

request of Constable, Pct. #2 to place Charles M. White, Deputy, effective October 1, 2002

request of Constable, Pct. #5 to transfer Janette Curtis from Lead Custodial to Deputy Clerk/Dispatcher, effective October 1, 2002

request of Constable, Pct. #5 to place Donald C. Smith, Jr. on payroll, effective October 1, 2002. Also, place on annual auto allowance

request of Custodial Services to promote Marianne Boyd from Floor Custodian to Lead Custodian, (replacement for Janette Curtis), effective October 1, 2002

request of Custodial Services to place Betty L. Claborn, Floor Custodian, (replacement for Marianne Boyd), on payroll, effective October 1, 2002

request of District Clerk to accept the resignation of Bobbie McBride, Deputy Clerk, Part-time, effective September 6, 2002

request of Elections Administrator to accept the resignation of Debra Arndt, Clerk/Technician, effective September 13, 2002, with 173.7669 vacation hours due and 9.38 comp hours due

request of Elections Administrator to layoff Ronald Arndt, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Louise Bailey, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff William Bootz, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Kathryn Carroll, temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Deena Crider, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Mary Martha Haines, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Mary Hake, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Raymond Hake, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Trisha Jackson, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Joanna Lindenwood, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Thomas Lockhart, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Geraldine Lucas, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Ettie Pate, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Richard Pate I, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to layoff Mary Reisner, Temporary Voter Clerk, effective September 16, 2002

request of Elections Administrator to place Donna D. Riddick, Temporary Voter Clerk, on payroll, effective October 1, 2002

request of Elections Administrator to layoff Linda Rogers, Temporary Voter Clerk, effective September 16, 2002

- request of Elections Administrator to layoff Judene Stowe, Temporary Voter Clerk, effective September 16, 2002
- request of Elections Administrator to layoff Lori Wilkinson, Temporary Voter Clerk, effective September 16, 2002
- request of Elections Administrator to place Marshall E. Wyrick, Technology System Coordinator, (replacement for Randy Porter), effective September 16, 2002
- request of Elections Administrator to place Joseph Zwall, Temporary Voter Clerk, on payroll, effective October 1, 2002
- request of County Engineer to transfer Rosa Alba Vera from Building Permit Clerk to Office Assistant, effective September 28, 2002
- request of Environmental Health to transfer Ana Arias, Building Permit Clerk, (replacement for Connie Kinney), effective September 30, 2002
- request of County Engineer to transfer Sandra K. Clawson, Building Permit Clerk, effective September 28, 2002
- request of County Engineer to transfer Jennifer Heimer, Building Permit Clerk, effective September 28, 2002
- request of County Engineer to transfer Phil David Jones from Assistant Flood Plain Administrator to Permit Flood Plain Coordinator, effective September 28, 2002
- request of County Engineer to transfer unfilled building Permit Clerk's Position (replacement for Connie Kinney), effective September 28, 2002
- request of Fire Marshal to increase the salary of Sandra Brautigam, Investigator, effective August 31, 2002
- request of Juvenile Probation Director to accept the resignation of Donald Fisher, Drill Instructor, effective September 13, 2002, with 53.48 vacation hours due and 1.31 comp hours due
- request of Juvenile Probation Director to accept the resignation of Ted Gipson, Detention Officer, effective September 7, 2002, with 47.10 vacation hours due, .13 comp hours due and 15.50 holiday hours due
- request of Juvenile Probation Director to place April Jackson, Detention Officer from part-time to full-time, (replacement for Felita Reed), effective September 14, 2002
- request of Library Director to place Elizabeth Romero, Shelving Clerk I, (replacement for A. Reinsvold), effective September 16, 2002
- request of District Judge to promote Carol D. Raica from 359th District Court to OCA Director, effective October 1, 2002
- request of Sheriff's Department to accept the retirement of Kenneth Best, Sergeant, effective September 30, 2002, with 34.0882 vacation hours due and 28.3000 comp hours due
- request of Sheriff's Department to accept the retirement of Edward Mitchell, Detective, effective September 27, 2002, with 72.7805 vacation hours due, 1.6200 comp hours due and 12.5000 holiday hours due
- request of Sheriff's Department to accept the retirement of Joshua Walker, District II, Patrol Deputy III, effective September 15, 2002, with 3.08 vacation hours due
- request of Sheriff's Department to correct payroll change for Daniel C. Wiesepape, District III, Patrol Deputy III, to reflect certificate pay, effective August 3, 2002
- request of Animal Control to place Roy Pechacek, Animal Control Officer, on unpaid

family leave of absence, effective September 18, 2002

request of Commissioner, Pct. #2 to increase the salary of Ivan Hansen, Truck Driver/Operator, effective September 14, 2002, due to probation period completed

request of Commissioner Precinct #2 to increase the salary of Gregory Petrich, Truck Driver, effective September 14, 2002, due to probation period completed

request of Collections Director to accept the resignation of Talethia Marks, Collection Specialist, effective September 20, 2002, with 85.16 vacation hours due and 2.78 comp hours due

request of Constable, Precinct #1 to transfer Timothy Cade from Willis Independent School District to Mental Health Deputy, effective October 1, 2002

request of Constable, Precinct #1 to place Larry Evans, Mental Health Deputy, on payroll, effective October 1, 2002

request of Constable, Precinct 31 to transfer Tracey Gordon, Deputy from MISD to Deputy Constable, effective October 2, 2002

request of Constable, Precinct #1 to place James Patrick, Deputy, (WISD 100% - replacement for Timothy Cade) on payroll, effective October 1, 2002

request of Constable, Precinct #3 to place George Biernesser, Deputy (Warrant), on payroll, effective October 1, 2002

request of Constable, Precinct #3 to place Jake-Paul Gonzales, Deputy, on payroll, effective October 1, 2002

request of Constable, Precinct #3 to place Scott Morgan, Deputy, on payroll, effective October 1, 2002

request of Elections Administrator to place Henry Burton, Temporary Voter Clerk, on payroll, effective September 23, 2002

request of Elections Administrator to place Melissa D. Teague, Clerk/Technician, (replacement for Debra Arndt), on payroll, effective September 20, 2002

request of Justice of the Peace, Pct. #1 to place Shelby Rushing, Clerk, on payroll, effective September 23, 2002, (returning from FMLA)

request of Juvenile Probation Director to decrease the salary of Violet Caesar, Detention Officer, effective September 28, 2002 - (4% increase denied)

request of Juvenile Probation Director to change the status of Laverda Caldwell from Substitute Detention Officer to Detention Officer, (replacement for Justin Chambers), effective September 28, 2002

request of Juvenile Probation Director to change the status of Vera Lee Hafford from Substitute Detention Officer to Detention Officer, (replacement for Christina Brown), effective September 28, 2002

request of Juvenile Probation Director to increase the salary of April Jackson, Detention Officer, effective September 28, 2002

request of Juvenile Probation Director to decrease the salary of Jackie Pinchback, Detention Officer, effective September 28, 2002 - (4% increase denied)

request of Juvenile Probation Director to decrease the salary of Loucinda Rubin, Detention Officer, effective September 28, 2002 -(4% increase denied)

request of Library Director to place Cheryl Adams, Catalog Technician, (replacement for Katherine Borchers), on payroll, effective September 23, 2002

