

COMMISSIONERS' COURT DOCKET, SEPTEMBER 27, 2004
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 27th day of September, 2004, 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 MARY HAMMER-MENZEL

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.RESOLUTION APPROVED - "OFFICIAL HOME CARE AND HOSPICE MONTH"

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve a Resolution to Proclaim November, 2004, as "Official Home Care and Hospic Month", and to recognize the countless volunteers and professionals who supports patients and their families, as per Resolution on file. Motion carried.

3.RESOLUTION APPROVED - "CZECH HERITAGE MONTH"

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the month of October, 2004, as "Czech Heritage Month", as per Resolution on file. Motion carried.

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

Motion by Commissioner Doyal, seconded by Commissioner Chance, to proclaim October 3, through October 9, 2004, as "National 4-H Week" in Montgomery County, as per Proclamation on file. Motion carried.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for September 13, 2004, as presented by the County Clerk. Motion carried.

6.LEASE AGREEMENT APPROVED - LONE STAR GROUNDWATER CONSERVATION DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Lease Agreement between Montgomery County and Lone Star Groundwater Conservation District to use and occupy space on the third floor of the Administration Building, located at 207 W. Phillips St., Conroe, as per Lease Agreement on file. Motion carried.

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

Motion by Commissioner , seconded by Commissioner , 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 to cover release
283653
- 2.284th District Court (1 of 3): - to adjust line items
- 3.284th District Court (2 of 3): - to adjust line items
- 4.284th District Court (3 of 3) - to adjust line items
- 5.Airport Maintenance - to adjust line items
- 6.Building Maintenance - to adjust line items
- 7.Capital Project-Certificates of Obligation 2004 - to recognize
and to allocate proceeds from issuance of
Certificates of Obligation, Series 2004
- 8.Capital Project-Road Bonds, Series 2004 - to recognize and to
allocate proceeds of Road bonds Series 2004
- 9.CDBG - to adjust line items
 - 10.Civic Center - to adjust line items
 - 11.Commissioner, Pct. #1 - to adjust line items
 - 12.Commissioner, Pct. #2 - to transfer funds to fund salary
and benefits for one employee
 - 13.Commissioner, Pct. #3 (1 of 8) - to adjust line items
 - 14.Commissioner, Pct. #3 (2 of 8) - to recognize and to
allocate reimbursement from W. Johnson
 - 15.Commissioner, Pct. #3 (3 of 8) - to recognize and to
allocate reimbursement from G. Cooper
 - 16.Commissioner, Pct. #3 (4 of 8) - to recognize and to
allocate reimbursement from M. Poe
 - 17.Commissioner, Pct. #3 (of 8) - to recognize and to
allocate reimbursement from First Texas Homes
 - 18.Commissioner, Pct. #3 (6 of 8) - to recognize and to
allocate reimbursement from J. Wood
 - 19.Commissioner, Pct. #3 (7 of 8) - to recognize and to
allocate reimbursement from City of Shenandoah
 - 20.Commissioner, Pct. #3 (8 of 8) - to recognize and to
allocate reimbursement from Gilbane Building Co.
 - 21.Commissioner, Pct. #4 (1 of 3) - to transfer funds to
cover shortage in restricted line
 - 22.Commissioner, Pct. #4 (2 of 3) - to adjust line items
 - 23.Commissioner, Pct. #4 (3 of 3) - to recognize and to
allocate lease proceeds from R. Saylor
 - 24.Communications/Info Service - to adjust line items
 - 25.Constable, Pct. #1 - to recognize and to allocate
reimbursement for dam security
 - 26.Constable, Pct. #3 - to adjust line items
 - 27.Constable, Pct. #4 - to adjust line items
 - 28.Contingency (1 of 3) - to recognize and to allocate
surplus revenue
 - 29.Contingency (2 of 3) - to transfer funds to cover shortage
 - 30.Contingency (3 of 3) - to transfer funds to cover shortage
in non-departmental
 - 31.County Attorney - to adjust line items
 - 32.County Auditor - to adjust line items
 - 33.County Clerk - to transfer funds to build furniture
 - 34.County Court at Law No. 1 (1 of 2) - to adjust line items
 - 35.County Court at Law No. 1 (2 of 2) - to adjust line items
 - 36.County Engineer - to transfer funds to cover PO#24507843
 - 37.Court Collections - to adjust line items
 - 38.Custodial Services - to adjust line items
 - 39.District Attorney - to adjust line items
 - 40.Drug Court (1 of 2) - to adjust line items

- 41. Drug Court (2 of 2) - to adjust line items
- 42. Elections Administrator - to adjust line items
- 43. Extension Agents - to adjust line items
- 44. General & Jury Funds - to cover shortages in various lines
- 45. Human Resources - to transfer funds to cover release
281852
- 46. Jail - to transfer funds to cover PO#24508182
- 47. Juvenile Probation (1 of 10) - to adjust line items
- 48. Juvenile Probation (2 of 10) - to recognize and to
allocate grant from HGAC for training program
- 49. Juvenile Probation (3 of 10) - to adjust line items
- 50. Juvenile Probation (4 of 10) - to adjust line items
- 51. Juvenile Probation (5 of 10) - to adjust line items
- 52. Juvenile Probation (6 of 10) - to recognize and to
allocate revenue thru 9-30-04
- 53. Juvenile Probation (7 of 10) - to recognize and to
allocate reimbursements for July and August for
Title IV-E Grant
- 54. Juvenile Probation (8 of 10) - to adjust line
items
- 55. Juvenile Probation (9 of 10) - to adjust line items
- 56. Juvenile Probation (10 of 10) - to recognize and to
allocate reimbursement for April/May, 2004
- 57. Purchasing Agent - to reverse budget amendment to transfer
funds to cover PO#24500992
- 58. Risk Management - to transfer funds for damage claim
G040078
- 59. Sheriff (1 of 2) - to adjust line items
- 60. Sheriff (2 of 2) - to adjust line items
- 61. Various (1 of 4) - to transfer funds to cover shortages in
restricted lines
- 62. Various (2 of 4) - to cover shortages in FY04 payroll
- 63. Various (3 of 4) - to cover shortages in FY04 payroll
- 64. Various (4 of 4) - to transfer funds to cover shortages

as per Budget Amendments on file.

c. ORDER approved, to amend the current plan in the retirement system to reflect

COUNTY TREASURER - AGENDA ITEMS 8B

a. WEEKLY INVESTMENT REPORT approved, for September 20, through September 24, 2004, as per Report on file.

AGENDA ITEM 8B2 - PLEDGES AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

a. SECOND AMENDMENT AND EXHIBIT "A" revised, to an Agreement with the State of Texas for the use of their automation equipment. Also, to authorized the County Judge to execute same, as per Amendment on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, as follows:

- 1. Programming Services - CIS
- 2. Drinking Water Purification Systems - Various Departments

b. BIDS/PROPOSALS accepted, as follows:

- 1.laboratory testing & courier service specimen pick-up & delivery - Law Enforcement Center - Project #2004-0099 (opened 9-14-04)
- 2.the purchase of tactical pants and shorts - Sheriff's Department - Project #2004-0087 (opened 9-16-04)
- 3.RFP/Q custom credit card payment and driver's license swipe service - Various Departments - Project #2004-0093 (opened 9-16-04)
- 4.the conversion of fixed shelving units to mechanical assist mobile filing system - District Clerk - Project #2004-0097 (opened 9-16-04) -
- 5.RFP internal network - Various Departments - Project #2004-0098 (opened 9-21-04)

c.RENEWAL CONTRACTS approved, as follows:

- 1.Omega Travel & Tours for travel service - PO#2004082 Various Departments
- 2.Paradigm Traffic Systems, Inc., for video processor systems - PO#2003104 - Various Departments
- 3.Omni Base Services, Inc., for interlocal agreement for partnership to assist with the implementation of the FTA Program - PO#2004167 - Various Departments
- 4.Texas Department of Public Safety FTA Program Interlocal Agreement, for partnership to assist with the implementation of the FTA Program - PO#2004167 - Various Departments
- 5.Chemco Analysis, Inc., to maintain breath alcohol testing program - PO#2004034 - Various Departments
- 6.Baker & Taylor, Inc., for service for supplying library books - PO#2001038 - Library
- 7.Ingram Library Service, Inc., for service for supplying library books - PO#2001039 - Library
- 8.Bound to Stay Bound Books, for service for supplying library books - PO#2001040 and #2001040X - Library
- 9.Econo-Clad Services, for services for supplying library books - PO#2001041 - Library
- 10.Coin Copiers, Inc., for coin operated copy machines and computer printer services - PO#2002126 - Various Departments
- 11.Conroe Courier, for legal advertisement - PO#2003017 - Various Departments
- 12.Dr. Gayle Fletcher PA, for inmate dental service - PO#2004063 - Jail
- 13.Traffic Parts, Inc., for traffic signal parts - PO#2003134 - Pct. #3
- 14.Naztec, Inc., for traffic signal parts - picked-up and delivered - PO#2003135 - Pct. #3
- 15.Consolidated Traffic Controls, Inc., for traffic signal parts - picked-up and delivered - PO#2003142 - Pct. #3

d.CHANGE ORDER #2 approved, PO#2003320, to Miller Uniforms & Emblems, Inc., to reflect changes to present contract for new uniforms, Sheriff's Department, as per Change Order on file.

e.CHANGE ORDER #1 approved, PO#2004443, to Dr. Walter Y. Quijano, PHD PC, to provide changes to present contract for Non-Residential Services/Juvenile, as per Change Order on file.

f.CANCELLATION approved, PO#2003139, to Trooper Supply, Inc., for the purchase of new uniforms for the Sheriff's

Department, as per Notice on file.

- g.CANCELLATION approved, PO#2004070, to Trooper Supply, Inc., for the purchase of new uniforms for the Sheriff's Department, as per Notice on file.
- h.CANCELLATION approved, PO#2004083, to Trooper Supply, Inc., for the purchase of new uniforms for Sheriff's Department, as per Notice on file.
- i.CANCELLATION approved, PO#2002423, to Moore Medical Corporation, for medical supplies for Jail, effective September 27, 2004, as per Notice on file.
- j.NAME CHANGE approved, to change Rockdale Regional Juvenile Justice Center to 4H Youth Services dba Rockdale Juvenile Justice Center, as per Request on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

- a.ROADS acknowledged, BOND released, in Crescent Cove Subdivision, (private streets), which have completed the one year maintenance period, consisting of 679.12 l.f., .12 miles. Also, to release the Bond, as per Request on file. (streets are private and will not be maintained by Montgomery County)
- b.PUBLIC HEARING DATE set, for October 18, 2004, to consider the placement of "No Parking" signs on Bunker Hill Drive located in Lake Conroe Hills Subdivision, as per Notice on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a.PAYMENT accepted, from the City of Magnolia, for used gradall and dump truck in the amount of \$8,0000.00. (to be deposit in account 613-7357, Equipment Operations)
- b.FINAL PLAT approved, for the Village of Alden Bridge, Section 104, The Woodlands, consisting of 4.29 acres, 20 lots, as per Plat on file.

AGENDA ITEM 8E2C - ACCEPTANCE OF ROADS IN DEERWOOD, SECTION 2 - SHOULD BE PCT. #4 NOT PCT #2 (SEE MOTION #8E4G)

- c.ROADS accepted, into the one year maintenance period located in Grand Oaks, Section 1, consisting of 8300.20 l.f., 1.58 miles, effective September 27, 2004, as per Request on file.
- d.ROADS accepted, into the one year maintenance period, located in Grand Oaks, Section 2, consisting of 2287.36 l.f., .43 miles, effective September 27, 2004, as per Request on file.
- e.ROADS accepted, into the one year maintenance period, located in Grand Oaks, Section 3, consisting of 892.38 l.f., .17 miles, effective September 27, 2004, as per Request on file.
- f.UTILITY PERMIT approved, for Aqua Texas, Inc., to place a sanitary sewer line within the right-of-way of Westwood Square East Road, as per Permit on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a.FINAL PLAT approved, for Village of Sterling Ridge, Section 42,

The Woodlands, consisting of 51.46 acres, 143 lots, as per Plat on file.

- b.ROADS accepted, in Flintridge Drive Extension, (from Rush Haven to Falconwing), into the one year maintenance period, consisting of 3214.25 l.f., .61 miles, effective September 27, 2004, as per Request on file.
- c.STREET DEDICATION accepted, into the one year maintenance period - Lexington Boulevard Street Dedication, consisting of 3428.45 l.f., .65 miles, effective September 27, 2004, as per Request on file.
- d.ORDER approved, to authorize title opinions for Sawdust Road Expansion Project, and to approve payment to First Surety Title Company, as per Order on file.
- e.ORDER approve, to acknowledge receipt of replacement Maintenance Bond for Houston Lipar Ltd, for the account of Lexington Boulevard Street Dedication. Also, to authorize the release of the original Maintenance Bond for Lexington Boulevard Street Dedication, as per Order on file.
- f.ORDER approved, to acknowledge receipt of replacement Maintenance Bond for Houston Lipar Ltd., for the account of Benders Landing, Section 2. Also, to authorize the release of the original Maintenance Bond for Benders Landing, Section 2, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a.ROADS accepted, in Gleneagles Subdivision, in the one year maintenance period, consisting of 5150.65 l.f., .98 miles, effective September 27, 2004, as per Request on file.
- b.PUBLIC HEARING DATE set, for October 18, 2004, to consider placement of stop signs on all "T" intersections in Wood Hollow, Sections 1 & 2, except Wickway Drive at Sandlewood Drive, as per Request on file. (public hearing was originally set for September 13, 2004, but was not place on the Agenda for Court approval)
- c.ORDER approved, to authorize payment of Title Insurance Premium for acquisition of Parcel 61B, FM1314 Project, and to authorize payment to First Surety Title Company, as per Order on file.
- d.PUBLIC HEARING DATE set, for November 1, 2004, in order to consider the partial replat of Parkway Subdivision, to be known as Bucky's Deal 2 at FM1485, as per Notice on file.
- e.ORDER approved, to authorize payment of Special Commissioners' award, for Parcel 23A, Montgomery County vs. Oland M. Tyer. Also, to direct the County Treasurer and County Auditor to pay into the registry of the Court \$117,638.75, for said proceedings, to be made for the benefit and use of property owners named in said proceeding in eminent domain, as per Order on file.
- f.ORDER approved, to authorize acquisition of land for relocation of lift station of New Caney Municipal Utility District, located on FM1314. Also, to authorize the County Attorney and County Engineer to proceed with the steps necessary to acquire, by purchase or donation of land, as described in memo on file.

g.ROADS accepted, in Deerwood, Section 2, into the one year maintenance period, consisting of 4906.52 l.f., .93 miles, effective September 27, 2004, as per Request on file.

ALL PRECINCTS - AGENDA ITEMS 8E5

a.OVERLOAD/OVERSIZE PERMITS approved, as follows:

- 1.Campbell Concrete and Materials, LP - to move various loads over all county roads, except the roads noted on said permit. Movement to begin not earlier than October 1, 2004, and to be completed by December 31, 2004
- 2.K & K Construction, Inc. - to move various loads over all county roads. Movement to begin not earlier than September 24, 2004, and to be completed by December 24, 20204, as per Permit on file.
- 3.Hasara Land Services - to move various loads over all county roads. Movement to begin not earlier than September 22, 2004, and to be completed whenever the permit expires in 2004 (no date was noted on permit)

Motion carried.

DISTRICT CLERK - AGENDA ITEM 8F

a.REQUEST approved, for the District Clerk have their annual "Drive & Drop", Wednesday, November 10, 2004, as per Request on file.

BUDGET DEPARTMENT - AGENDA ITEMS 8G

a.RECEIPT acknowledged, of the "Montgomery County Expenditure Status Summary" and "Montgomery County Expenditure Status Summary-Sheriff", as of September 22, 2004, as per Report on file.

RISK MANAGEMENT - AGENDA ITEMS 8H

a.OFFICIAL BONDS AND OATHS approved, as follows:

- 1.Bond #14570260 - James Barber - Deputy Constable, Pct. #3 - New
- 2.Bond #14330508 - J. Dee Carnoski - Deputy Constable, Pct. #3 - New/Reserve
- 3.Bond #14331775 - Juan Antonio Chaps, Jr. - Deputy Constable, Pct. #4 - New/Reserve
- 4.Bond #14382031 - Willie Lee Gladden, Jr. - Deputy Constable, Pct. #1 - Renewal
- 5.Bond #15486566 - Kenneth Hayden - Deputy Constable, Pct. #5 - Renewal
- 6.Bond #14612803 - Joy Jacoub - Deputy Constable, Pct. #4 - New
- 7.Bond #15487494 - Chris Jones - Deputy Constable, Pct. #5 - Renewal
- 8.Bond #14512884 - Larry Medearis - Deputy Constable, Pct. #5 - Renewal
- 9.Bond #14330509 - Kenneth C. Murrell, Jr. - Deputy Constable, Pct. #1 - Renewal
- 10.Bond #14611265 - Timothy Lee Shackelford - Deputy Constable, Pct. #2 - New
- 11.Bond #14331776 - Bryan Anthony Skero - Deputy Constable, Pct. #4 -New
- 12.Bond #14607077 - Robert A. Smith - Deputy Constable, Pct.

- #2 - Renewal
- 13. Bond #90KV02920 - Charles B. Stanley - Deputy Constable,
Pct. #5 - New/Reserve
- 14. Bond #14331773 - Donald Glen Thigpen Jr. - Deputy Reserve
- Sheriff's Dept. - New
- 15. Bond #15486565 - Marshall Williams - Deputy Constable,
Pct. #5 - Renewal

as per Bonds on file.

Motion carried.

8. APPOINTMENT APPROVED - DR. DANIEL R. WALKER - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the appointment of Daniel R. Walker, M.D., as Montgomery County Health Officer, (replacement for Dr. Irving Watson), as per Request on file. Motion carried.

AGENDA ITEM 10A - FY2005 SALARY SCHEDULES - DEFERRED UNTIL LATER THIS COURT SESSION. (SEE MOTION #38 FOR TODAY'S COURT ACTION).

AGENDA ITEM 11A - GRANT APPLICATION THROUGH EAST MONTGOMERY COUNTY IMPROVEMENT DISTRICT TO BEGIN A DIVE TEAM - CONSTABLE, PRECINCT #4 - DEFERRED

9. RESOLUTION APPROVED - CRIMINAL ASSET FORFEITURES - DISTRICT ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the annual Report reflecting proceeds of Criminal Asset Forfeitures, as prepared by the County District Attorney's office, as per Resolution on file. Motion carried.

10. VARIANCES APPROVED - INSTALLATION OF SEPTIC SYSTEMS - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the following Variances for the installation of aerobic septic system in the flood plain:

- a. Barbara Lowalski - Benders Landing - Spring, Tx.
- b. Dion Podgurney - Benders Landing - Spring, Tx.
- c. Gold Leaf Homes - Magnolia, Tx.

as per Variance Requests on file. Motion carried.

11. VARIANCE APPROVED - INSTALLATION OF AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the variance to install an aerobic septic system in the flood plain at 31140 Maury Lane, Magnolia, for Eric Swiney, as per Variance Request on file. Motion carried.

12. REQUESTS APPROVED - LIBRARY CLOSURES FY2005 - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to

approve the following Requests for the Libraries to be closed:

- a. January 1, 2005 - New Years Day
- b. March 26, 2005 - following Good Friday
- c. November 26, 2005 - following Thanksgiving
- d. December 24, 2005 - Christmas Eve and allows Library Staff to have the same holiday break as other County Employees
- e. November 23, 2004 - Wednesday, before Thanksgiving

as per Request on file. Motion carried.

13. REAPPOINTMENTS APPROVED - RECONSIDERATION COMMITTEE - LIBRARY DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the reappointment of Teresa Domino, Pct. #3 and Linda Ruonavar, Pct. #4, to the Reconsideration Committee, for a period of October 2004 to September 2007, as per Request on file. Motion carried.

14. GRANT ACCEPTED - "SAFE NEIGHBORHOODS" - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to accept the "Project Safe Neighborhoods Grant in the amount of \$122,597.88, for the Sheriff's Department, as per request on file. Motion carried.

15. ORDER APPROVED - AMENDMENT TO RETIREMENT SYSTEM - COUNTY AUDITOR

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve an Order to amend the current plan in the Retirement System to reflect an overall contribution rate decrease from 9.35% to 9.13% and will include a 3% "flat-rate" cost of living increase for current retirees, as per Order on file. Motion carried.

AGENDA ITEMS 17A1,5,6, & 8 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

16. RECOMMENDATION AND CONTRACT APPROVED - MEDICAL SUPPLIES - VARIOUS DEPARTMENTS

Motion by Chance, seconded by Commissioner Meador, to award the bid, (opened August 24, 2004), to Moore Medical Corporation for medical supplies, as per Contract on file. Motion carried.

17. RECOMMENDATIONS AND CONTRACTS APPROVED - PROFESSIONAL SERVICES - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the Proposals, (opened September 9, 2004), for Professional Services to Traffic Engineers, Inc., and Wilbur Smith Associates, as per Contracts on file. Motion carried.

18. BIDS REJECTED - AUTHORIZATION TO READVERTISE APPROVED - LABORATORY TESTING & COURIER SERVICE - LAW ENFORCEMENT CENTER

Motion by Commissioner Doyal, seconded by Commissioner Meador, to reject the bids, (opened September 16, 2004), for Laboratory Testing & Courier Service Specimen Pick-up & Delivery, and

to authorize the Purchasing Department to re-advertise.
Motion carried. (no paperwork)

19.RECOMMENDATION AND CONTRACT APPROVED - CONVERSION OF FIXED
SHELVING UNITS - DISTRICT CLERK

Motion by Commissioner Chance, seconded by Commissioner Rinehart,
to award the bid, (opened September 16, 2004), for the
conversion of fixed shelving units to mechanical assist
mobile filing system, to Interstor Design Associates, Inc.,
in the amount of \$23,998.00, as per Contract on file.
Motion carried.

20.CHANGE ORDER #2 APPROVED - ENGINEERING SERVICES - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart,
to approve Change Order #2, PO#2002367, to Binkley &
Barfield, Inc., for additional engineering services for
Sawdust Rd. project, as per Change Order on file. Motion
carried.

21.DISCRETIONARY EXEMPTION APPROVED - PROFESSIONAL SERVICES -
VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Meador,
to approve the Discretionary Exemption for professional
services for miscellaneous programming from JCL Associates,
as per Request on file. Motion carried.

22.DISCRETIONARY EXEMPTION APPROVED - LAND SURVEYING SERVICES -
PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance,
to approve the Discretionary Exemption for Land Surveying
Services for the sanitary sewer utility for the Tullis
Library from Halff Associates, Inc., for a fee of \$4,500.00,
as per Request on file. Motion carried.

23.DISCRETIONARY EXEMPTION APPROVED - SURVEYING SERVICES -
ELECTIONS CENTRAL

Motion by Commissioner Meador, seconded by Commissioner Chance,
to approve the Discretionary Exemption for Surveying
Services provided by Engle Surveying, Inc., for surveying
the Elections Building property, as per Request on file.
Motion carried.

24.DISCRETIONARY EXEMPTION APPROVED - ENGINEERING SERVICES -
PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance,
to approve the Discretionary Exemption for Engineering
Services form Carter & Burgess, Inc., for the Lone Star
Parkway Bridges over Town Creek and Stewart Creek, for a fee
of \$59,122.55, as per Request on file. Motion carried.
(fund from '02 leverage budget)

25.DISCRETIONARY EXEMPTION APPROVED - SURVEYING SERVICES -
PRECINCT #2

Motion by Commissioner Doyal, seconded Commissioner Meador, to
approve the Discretionary Exemption for Surveying Services
from LJA Engineering and Surveying, Inc., for the FM1499
project, from Superior Road to FM2978, for a fee of
\$319,501.00, as per Request on file. Motion carried. (fund

from '02 leverage budget)

26. INTERLOCAL AGREEMENT APPROVED - MONTGOMERY COUNTY HOSPITAL DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve an Interlocal Agreement with Montgomery County Hospital District, for the purchase of various commodities under County's contract, as per Agreement on file. Motion carried.

27. ACTION DEFERRED - NINTH COURT OF APPEALS SPACE REMODELING PROJECT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Judge Sadler, to defer action on the remodeling project and funding, of the 4th floor of the County Courts Building for the Ninth Court of Appeals, until further discussion with the Purchasing Agent. Motion carried. (no paperwork)

28. LETTER AGREEMENT APPROVED - AIRPORT LEASE - LONE STAR EXECUTIVE AIRPORT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Letter Agreement between Montgomery County and Conservair, Inc., dba General Aviation Services, under the same terms and conditions as existing lease from Conservair Inc., dba General Aviation Services to Woodforest National Bank. Also, to authorize the County Judge to execute same, as per Agreement on file. Motion carried.

29. PARTIAL ASSIGNMENT OF LEASE APPROVED - LONE STAR EXECUTIVE AIRPORT

ORDER APPROVED - CARLON DOWELL PROPERTY ASSIGNMENT - LONE STAR EXECUTIVE AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the following Assignment and Order:

a. PARTIAL ASSIGNMENT OF LEASE between Montgomery County, Lessor and Frontier Air Partners, for lease of Tract of land, (0.925 acres), at the Airport, and

b. ORDER to approve assignment of property between Montgomery County and Frontier Air Partners, for lease of Tract of land, (0.925 acres), at the Airport

as per Partial Assignment of Lease and Order on file. Motion carried.

30. RESOLUTION AND ORDER APPROVED - PAYMENT OF CLAIM OF ALLAN RAY MEEKS - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Resolution and Order for final settlement of Allan Ray Meeks' claim, as follows:

a. Five Thousand and 00/100 Dollars, (\$5,000.00), to Allan Ray Meeks as settlement of personal injury claim against Montgomery County, and

b. Seven Thousand One Hundred Forty-Three and 36/100 Dollars, (\$7,143.36), to Liberty Mutual Insurance company as reimbursement for expenses made in connection with the

property damage sustained to the vehicle belonging to Alan Ray Meeks,

as per Resolution and Order on file. Motion carried.

31.AGREEMENTS APPROVED - PERSONAL SERVICES - CONSTABLE, PCT. #5

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the following Personal Services Agreements between Montgomery County and Constable, Pct. #5 Reserve Deputies, to perform law enforcement services as designated by Constable David Hill:

- a. Steve L. Merrel
- b. John K. Wolff
- c. Jason Grindstaff
- d. Ashton Hedrick
- e. Jerry Guion

as per Agreements on file. Motion carried.

32.AMENDMENT APPROVED - WOMEN'S CENTER - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Amendment to Sub-Recipient Agreement between Montgomery County and The Montgomery County Women's Center, Inc., for the distribution of funds collected as the Family Protection Fee, as per Amendment on file. Motion carried.

33.ORDER APPROVED - DEED RESTRICTION AUTHORIZED - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Order to authorize the placement of Deed Restrictions on 16.620 acres out of the Joseph Miller Survey, pursuant to a request from the United States Army Corp of Engineers. Also, to authorize Commissioner Chance to execute said Deed Restrictions, as per Order on file. Motion carried.

34.ORDER APPROVED - AGREEMENT TO PROMOTE COMMUNITY & ECONOMIC DEVELOPMENT - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to authorize an Agreement between Montgomery County and South Montgomery County Woodlands Chamber of Commerce Economic Development Partnership Division for Community & Economic Development Services, as per Order and Agreement 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: Articles 551.071 and 551.072

1. Consider and Discuss Adversary No. 04-04205 and 04-04201, Styled Bruce B. Zaret, Plan Trustee for Estate of JTCO, Inc., vs. BGS Finance Company, et al; in the US Bankruptcy Court for Eastern District of Texas - Sherman Division (Claim No. B-04-0091) - Section 551.071
2. Consider Real Estate Trade with City of Conroe - Section 551.072

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

35.LAND SWAP APPROVED - CITY OF CONROE/ELECTIONS CENTRAL

BUILDINGS - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the Request to trade the County's Elections Central building located at 225 Collins St., Conroe, for the city-owned drive-through bank property located at 520 N. Thompson. Motion carried.

AGENDA ITEM 23A - CITIZENS - ROBERT AND KATHRYN KELLEY, PRECINCT #3 resident, addressed the Court concerning Animal Control leash law for cats, and the continuous harassment they are experiencing from their neighbor about failure to confine their cat(s).

AGENDA ITEM 23B - CITIZENS - JAMES E. LEVESTON, a resident of Tamina Community, addressed the Court concerning Tamina Road Extension, excess traffic on the roads, and the water, sewer and garbage for the citizens who are now residing in Tamina Community.

36. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Control to place Evelyn Scott, Clerk I, (replacement for Jeanette York), on payroll, effective September 18, 2004

request of Animal Control to discharge Darol Stoneham, Officer Animal Control, effective September 8, 2004, with 59.124 comp hours due

request of Convention Center Director to increase the salary of Richard W. Buckner, Facility Worker/Ground Maintenance, effective September 25, 2004

request of Collections Department to accept the resignation of Jerry Cooper, Collection Specialist II, effective September 23, 2004, with 49.28 vacation hours due and 20.5 comp hours due

request of Collections Department to change the status of Mary Placide, Collection Specialist I, from part-time to full-time, effective September 25, 2004

request of Commissioner, Pct. #1 to accept the resignation of Anthony Shelly, Seasonal Worker, effective September 13, 2004

request of Commissioner, Pct. #1 to accept the resignation of Clifford Williams, Seasonal Worker, effective September 13, 2004

request of Commissioner, Pct. #2 to accept the resignation of Natalie K. Parsley, Secretary, Part-time, effective September 13, 2004

request of Commissioner, Pct. #2 to accept the resignation of Mona Sheridan, Part-time Secretary, effective September 13, 2004

request of Commissioner, Pct. #4 to place Mark Moses, Operator I, (replacement for Stephen Ray), effective September 10, 2004

- request of Commissioner, Pct. #4 to discharge Stephen Ray, Operator I, effective September 16, 2004, with .04 vacation hours due and .38 comp hours due
- request of Commissioner, Pct. #4 to place Clinton Schmidt, Operator I, (replacement for Jeffery Cook), on payroll, effective September 10, 2004
- request of Constable, Pct. #1 to accept the resignation of Chris Schkade, Corporal Constable, effective September 10, 2004, with 180.32 vacation hours due and 42.25 comp hours due
- request of Custodial Services to accept the resignation of Yolanda Bonilla, Custodian I, effective September 10, 2004
- request of County Attorney to promote Joanne Harris, Clerk III, effective October 9, 2004
- request of County Clerk to accept the retirement of Louise Cheshire, Clerk IV, effective September 30, 2004, with 94.131 vacation hours due and 1.40 comp hours due
- request of County Clerk to promote Lillie P. Denman, Clerk IV, (replacement for Louise Cheshire), effective October 9, 2004
- request of County Clerk to transfer Patricia Ann O'Hagan, Clerk II, (replacement for Lillie Denman), effective October 9, 2004
- request of County Clerk to transfer Stacey E. Wilson, Clerk II, (replacement for Patricia O'Hagan), from Court Clerk II to Clerk II, effective October 9, 2004
- request of District Attorney to place Brandy Shepherd, legal Assistant I, on payroll, after returning from family leave of absence, effective September 14, 2004
- request of Elections Central to increase the salary of Peggy Avant, Temporary Voters Registration Clerk, effective October 9, 2004, due to merit increase
- request of Elections Central to increase the salary of Sandra Hawkins, Temporary Voters Registration Clerk, effective October 9, 2004, due to merit increase
- request of Elections Central to increase the salary of Elizabeth Robinson, Temporary Voters Registration Clerk, effective October 9, 2004, due to merit increase
- request of Elections Central to increase the salary of Gwenda Stephan, Temporary Voters Registration Clerk, effective October 9, 2004, due to merit increase
- request of Elections Central to increase the salary of Shirley Sutton, Temporary Voters Registration Clerk, effective October 9, 2004
- request of Elections Central to accept the resignation of Pamela Taras, Administrative Assistant, effective September 15, 2004, with 3.52 vacation hours due and 79.64 comp hours due
- request of Justice of the Peace, Pct. #1 to transfer Kristina R. Pierce from Constable, Pct. #2 to Justice of the Peace, Pct. #1, (replacement for Margaret Alford), effective September 20, 2004
- request of Justice of the Peace, Pct. #3 to increase the salary

- of Zona Gail Adams, Court Clerk II, effective October 9, 2004, due to merit increase
- request of Justice of the Peace, Pct. #3 to increase the salary of Carol Doolittle, Court Clerk II, effective October 9, 2004, due to merit increase
- request of Justice of the Peace, Pct. #3 to increase the salary of Emma Iracheta, Court Clerk II, effective October 9, 2004, due to merit increase
- request of Justice of Peace, Pct. #3 to place Diane J. Loftin, Court Clerk II, on payroll, effective October 4, 2004
- request of Justice of the Peace, Pct. #3 to place Kenneth Placide, Court Clerk II, on payroll, effective October 9, 2004, due to merit increase
- request of Juvenile Probation to accept the resignation of Preston McBride, Officer, Juvenile Detention, effective September 3, 2004, with 3.28 comp hours due
- request of Library Director to place Sarah Davis, Shelving Clerk, on payroll, (replacement for Sarah Dyson), effective September 13, 2004
- request of Library Director to increase the salary of Lisa R. Taylor, Reference Librarian I, effective September 11, 2004
- request of Library Director to transfer Juana Trevino from Catalog Technician to Library Assistant II, (replacement for Nathaniel Warren, Jr.), effective September 13, 2004
- request of Sheriff's Department to demote Robert Shane Albritton, Corporal-Detention, effective September 22, 2004
- request of Sheriff's Department to place Helen Caldwell, Dispatcher, (replacement for Brent Ballard), effective September 18, 2004
- request of Sheriff's Department to place Shanda Linscheid, Dispatcher, (replacement for Jeremy Voltz), on payroll, effective September 18, 2004
- request of Sheriff's Department to place Cynthia Nicklas, Dispatcher, (replacement for Darrell Murray), on payroll, effective September 18, 2004
- request of Sheriff's Department to place Deborah Ward, Dispatcher, (replacement for Patricia Rogers), on payroll, effective September 18, 2004
- request of Sheriff's Department to place Chana Woodrow, Dispatcher, (replacement for Sarah Yancey), on payroll, effective September 18, 2004
- request of County Treasurer to place Bobby Light, Accounting Assistant, on payroll, effective September 2, 2004
- as per Payroll Change Requests on file. Motion carried.

37.REQUEST APPROVED - SALARY ADMINISTRATION COMMITTEE - HUMAN RESOURCES

Motion by Commissioner Chance, seconded by Commissioner Meador, to add a member from CIS to serve on the Salary Administration Committee, as per Request on file. Motion carried.

38.SALARY SCHEDULES APPROVED - FY2004-05 - HUMAN RESOURCES

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the FY2005 Salary Schedules, which included salary increases for three employees whose salaries fell outside the Montgomery County's Salary Administration Guidelines, as submitted by the Budget Officer, per Salary Schedules on file. Motion carried. (Judge Sadler requested that Human Resources Director meet with K. R. Moore & Associates by next Court Session, with a Plan to address employees who are over their maximum grade, (according to the County's Salary Administration Guidelines), in order to be considered for salary increases).

39.COURT ADJOURNS

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

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

ATTEST:

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

BY: _____
County Clerk

County Judge