

COMMISSIONERS' COURT DOCKET, OCTOBER 4, 2004
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 4th day of October, 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 - Absent
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 Chance, to approve Commissioners' Court Agenda for discussion and necessary action. Motion carried.

AGENDA ITEM 6A - "WOODMEN OF THE WORLD", IS A FRATERNAL ORGANIZATION WHO PRESENTED A FLAG OF THE UNITED STATES TO COMMISSIONER CHANCE FOR PLACEMENT IN JUSTICE OF THE PEACE, PCT. #3 OFFICE LOCATED IN SOUTH COUNTY.

SHERYL NOLEN, WITH THE COUNTY EXTENSION SERVICES, ADDRESSED THE COURT TO GIVE A BRIEF PRESENTATION IN RECOGNITION OF NATIONAL 4-H WEEK. ALSO, SHE ADDRESSED VARIOUS ISSUES WHICH THE EXTENSION SERVICE WERE INVOLVED.

2.PROCLAMATION APPROVED - "DOMESTIC VIOLENCE AWARENESS MONTH"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to proclaim October, 2004, as "Domestic Violence Awareness" month in Montgomery County, as per Proclamation on file. Motion carried.

3.PROCLAMATION APPROVED - "BREAST CANCER AWARENESS MONTH"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to proclaim October, 2004, as "Breast Cancer Awareness Month", and to urge all women that early detection is important to fight breast cancer, as per Proclamation on file. Motion carried.

4.PROCLAMATION APPROVED - GREATER CONROE/LAKE CONROE AREA CHAMBER OF COMMERCE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Proclamation to proclaim the week of October 11 through October 15, 2004, as "Greater Conroe/Lake Conroe Area Chamber of Commerce Week", as per Proclamation on file. Motion carried.

5.PROCLAMATION APPROVED - "FIRE PREVENTION WEEK"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Proclamation to designate the Week of October 3, through October 9, 2004, as "Fire Prevention Week", and to urge all citizens to install and maintain their smoke alarms, as per Proclamation on file. Motion carried.

AGENDA ITEM 5G - EMPLOYEE COMMITTEE - "EMPLOYEE OF THE MONTH"

MR. LEE WALDING, an Employee for Precinct #1, was nominated as "Employee of the Month", for October, 2004. The nominating letter was written by Julie Puckett, Pct. #1. Mr. Walding was presented with a plaque and a gift certificate.

6.COMMISSIONERS' COURT MINUTES APPROVED - COUNTY CLERK

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for September 27, 2004, as presented by the County Clerk. Motion carried.

CITIZENS - AGENDA ITEM 22 - MIRIAM A. BURTON, a resident of Precinct #1, addressed the Court concerning the Library Director's decision to move some of the Library Staff now located at the West Branch Library in Montgomery, to the R. F. Meador Branch in Willis. Ms. Burton was particularly concerned about Karen Walker, who has been an employee with the Montgomery County Library System for 20 years being relocated at the Willis Branch.

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

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Consent Agenda, as follows:

COUNTY AUDITOR - AGENDA ITEMS 8A

a.ACCOUNTS, to approve Accounts as submitted by the County Auditor.

b.BUDGET AMENDMENTS approved, as presented by the County Auditor:

- 1.410th District Court - to adjust line items
- 2.Adult Probation - to transfer funds to cover shortage in restricted line
- 3.Airport Maintenance - to adjust line items
- 4.Commissioner, Pct. #1 - to transfer funds for security at Lake Park September 22 through September 29, 2004
- 5.Commissioner, Pct. #2 - to adjust line items
- 6.Commissioner, Pct. #2 - to recognize/allocate proceeds for property lease from Linda Joyce
- 7.Commissioner, Pct. #4 - to adjust line items
- 8.Commissioner, Pct. #4 - to adjust line items to fund shortage in utilities
- 9.Commissioner, Pct. #4 - to adjust line items
- 10.Commissioner, Pct. #4 - to recognized/allocate restitution from Robert Gilcrease
- 11.Communications Info Service - to adjust line items
- 12.Communications Info Service - to transfer funds to cover PO#24508270
- 13.Constable, Pct. #1 - to transfer funds for Constable, Pct. #1 share of shortfall for WISD Deputies
- 14.Constable, Pct. #1 - to recognize/allocate reimbursement for September dam security
- 15.Constable, Pct. #3 - to transfer funds to cover PO#24508333
- 16.Constable, Pct. #5 - to reduce grant budget to amount actually expended for FY04
- 17.Constable, Pct. #5 - to adjust line items
- 18.Constable, Pct. #5 - to adjust line items

19.Contingency - to transfer funds to cover shortage in court

- operations
20. Contingency - to transfer funds to cover shortage in court operations
 21. Contingency - to recognize/allocate surplus revenue
 22. Contingency - to transfer funds to cover shortage in court operations
 23. County Auditor - to adjust line items
 24. County Auditor - to adjust line items
 25. County Court at Law No. 3 - to adjust line items
 26. County Treasurer - to transfer funds to cover PO#24508256
 27. District Clerk - to adjust line items
 28. District clerk - to adjust line items
 29. Elections Administrator - to adjust line items
 30. Extension Agents - to transfer funds to cover shortage in restricted line
 31. Juvenile Probation - to adjust line items
 32. Juvenile Probation - to recognize/allocate reimbursement for November/December, 2003
 33. Non-Departmental - to transfer funds to cover shortage
 34. Non-Departmental - to transfer funds to cover shortage
 35. Purchasing Department - to transfer funds to cover release #283550
 36. Risk Management - to transfer funds to cover damage Claim A040043
 37. Risk Management - to transfer funds for damage Claim X040096
 38. Sheriff's Department - to transfer funds to cover shortage in restricted line
 39. Sheriff's Department - to adjust line items
 40. Sheriff's Department - to adjust line items
 41. Various - to transfer funds to cover shortage in payroll

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 8B

- a. WEEKLY INVESTMENT REPORT approved, for September 27, 2004, through October 1, 2004, as per Report on file.
- b. RELEASE OF SECURITY approved, for Woodforest Bank, Cusip #3133X14N4, par value \$5,000,000.00
- c. MONTHLY FINANCIAL REPORT approved, for period of August 1 thru August 31, 2004, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8C

- a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, as follows:
 1. one or more new vehicles(s) for the fiscal year 2005 - Various Departments
 - b. BIDS/PROPOSALS acknowledged, which were received by the Purchasing Department, as follows:
 1. Laboratory Testing & Courier Service Specimen pick-up & Delivery - Law Enforcement Center - Project #2004-0102 - (opened 9-29-04)
- c. RENEWAL CONTRACTS approved, for the following:
 1. Gowan, Inc. - for labor for master plumber services - PO#2004171 - Various Departments

- 2. Littlefield Brothers Concrete Construction - for labor for Master Concrete Finisher Laborer Services - PO#2004302 - Various Departments
- 3. Cintas - for uniform rental and services - Various Department - PO#2002084
- d. CHANGE ORDER #1 approved, PO#2004297 - to Random House dba Books on Tape, to add exclusive large print titles to contract for library edition books on Tape/CD and listening library, as per Change Order on file.
- e. CHANGE ORDER #2 approved, PO#2004315 - to Bits Technical Corp., to reflect changes made to the present Contract for Personal Computers and Accessories, as per Change Order on file.
- f. CHANGE ORDER #1 approved, PO#2005026, to Ozarka Spring Water Co., to add additional bottles to contract for water service, as per Change Order on file.
- g. CHANGE ORDER #4 approved, PO#2004364, to Lifetime Filter, Inc., to add additional filters to present contract for commercial air conditioning filters, as per Change Order on file.
- h. CHANGE ORDER #16 approved, PO#2001117, to Willis Pest Control to add household hazardous waste building, Pct. #3, to present Contract for pest control service, as per Change Order on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEM 8D1

- a. ORDER approved, to allow the partial lot conveyance without a replat of Deer Haven Subdivision, Section 1 & Section 2, as per Order on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEM 8D2

- a. ORDER approved, to allow the partial lot conveyance without a replat of Village at High Meadow, Section 2, as per Order on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8D3

- a. ROADS accepted, in the Village of Sterling Ridge, Section 21, Phase 3, into the one year maintenance period, effective October 4, 2004, consisting of 2716.52 l.f., .51 miles, as per Request on file.
- b. ORDER approved, to consent to the sale of goods and services to the City of Oak Ridge North, pursuant to an Interlocal Agreement dated October 4, 1999, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8D4

- a. ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. 305124 for the account of Deerwood Subdivision, Section 2, as per Order on file.
- b. PUBLIC HEARING DATE SET, for November 15, 2004, to consider the partial replat of Reserve "K" of Texaba Subdivision, to be known as Deer Run Subdivision, Section 4, as per Notice on file.

- c. ORDER approved, to acknowledge receipt of a check in the amount of \$1.00 from Kevin Johnson for the lease of real property, located at Caney Lake Park Extension 3, Lots 6, 7, and 8, as per Order on file. (check forwarded to County Treasurer for further handling)
- d. FINAL PLAT approved, for Enclave at Oakhurst, Section 1, consisting of 758.819 acres, as per Plat on file.

SHERIFF'S DEPARTMENT - AGENDA ITEMS 8E

- a. DONATION accepted, from Dr. and Mrs. Charles Beers, in the amount of \$100.00, to be placed in the Patrol\ Division Supply Other Line item for the 2005 budget year, as per Request on file. (check forwarded to County Treasurer for further handling)
- b. CHECK acknowledged, from J & L recycling in the amount of \$45.60 for the sale of scrap metal. Check to be placed in the Fleet Operations Supply/Other line item for FY2005 budget, as per Request on file. (check forwarded to County Treasurer for further handling)

Motion carried.

END OF CONSENT AGENDA

8. APPOINTMENTS APPROVED - HGAC REPRESENTATIVES AND ALTERNATES - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the appointments of Representative and Alternate Members to the HGAC General Assembly/Board of Directors, as follows:

- a. Commissioner Doyal - Primary Representative
- b. Commissioner Chance - Alternate Representative
- c. Judge Sadler - Alternate Representative
- d. Commissioner Meador - Alternate Representative

as per Request on file. Motion carried.

AGENDA ITEM 10A - CONSTABLE - PCT. #4 - CONSIDER PAYMENT OF CERTIFICATION PAY FOR \$2,400.00 TO DEPUTY JAMES DOWLING - WAS REMOVED FROM THE AGENDA BECAUSE IT WAS NOT PROCESSED THROUGH THE HUMAN RESOURCES DEPARTMENT.

9. TRANSFER OF FUNDS APPROVED - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the transfer of \$8,815.44 from the Jail Funding Position to the Sheriff's Funding Position, as per Request on file. Motion carried. (funds are to be used for FY2005 probation increases)

10. REQUEST APPROVED - TRANSFER OF FUNDS - BUILDING MAINTENANCE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Request to transfer \$5,843.00 in line item 7102 to be placed in the funding position, as per Request on file. Motion carried.

11.REQUEST APPROVED - POOLING POSITIONS - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Request to authorize the Library Director to pool the hours for the Library Shelves, as per Request on file. Motion carried.

12.AMENDMENT APPROVED - AGREEMENT WITH BOND LOGISTIX, LLC - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Amendment to Rebate Compliance Service Contract with Bond Logistix, LLC, for two (2) new bond issues, as per Amendment on file. Motion carried.

13.RESOLUTION APPROVED - TEXAS TASK FORCE ON INDIGENT DEFENSE - COUNTY AUDITOR

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Resolution to be submitted to the Texas Task Force for Indigent Defense Grant Program, to provide improvements in indigent defense services, as per Resolution on file. Motion carried.

14.ORDER APPROVED - APPOINTMENT OF COUNTY AUDITOR - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to acknowledge receipt of an Order appointing Linda R. Breazeale to serve another two-year term as County Auditor, beginning October 2, 2004, as per Order on file. Motion carried.

AGENDA ITEMS 15A - 1 THROUGH 5 - RECOMMENDATIONS AND CONTRACTS - DEFERRED.

15.REQUEST APPROVED - DISCRETIONARY EXEMPTION ITEM - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the discretionary exemption for Engineering Services from Traffic Engineers, Inc., for traffic signal warrant analysis at the intersection of Woodlands Parkway at Ashlane Way/Stoney Hurst, for a fee of \$3,500.00, as per Request on file. Motion carried.

16.REQUEST APPROVED - DISCRETIONARY EXEMPTION ITEM - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the discretionary exemption for Engineering Services from Traffic Engineers, Inc., for the design of a left-turn lane and a traffic signal at the intersection of Woodlands Parkway at Branch Crossing Dr., for a fee of \$20,000.00, as per Request on file. Motion carried.

17.REQUEST APPROVED - DISCRETIONARY EXEMPTION ITEM - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the discretionary exemption for Surveying Services from Survcon, Inc., for the realignment of FM1484

from FM3083 to FM2432, for a fee of \$9,480.00, as per Request on file. Motion carried.

18. PROPOSAL APPROVED - SURVEYING SERVICES - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Proposal from JNS, Inc., for surveying services to obtain right-of-way parcels along FM1484, between FM3083 and FM2432, for a fee of \$166,724.80, as per Proposal on file. Motion carried.

19. OFFICE SPACE DISCUSSED - VARIOUS COUNTY BUILDING - PURCHASING DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Doyal, to designate office space for the 9th Court of Appeals in the Commissioners' Court Building, approximately 1200 sq. ft. Motion carried. (also approximately 4500 sq. ft. and 1144 sq. ft. of vacant office space located in the County Courts Building was discussed for possibly relocating CDBG's offices in the summer of 2005.

20. AWARD ACKNOWLEDGED - "9TH ANNUAL ACHIEVEMENT OF EXCELLENCE IN PROCUREMENT" - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to acknowledge the Purchasing Department receiving the 9th Annual Achievement of Excellence in Procurement Award from the National Purchasing Institute, Inc., as per Notice on file. Motion carried.

21. LETTER AGREEMENT APPROVED - LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Letter Agreement between Linebarger, Goggan, Blair & Sampson, LLP, for legal representation to Montgomery County, in connection with Bruce B. Zarat vs.

J. R. Moore, Jr., lawsuit, as per Agreement on file. Motion carried.

22. UTILITY EASEMENT APPROVED - ENTERGY GULF STATES, INC. - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the utility easement to Entergy Gulf States, Inc., for utility service at the Lone Star Executive Airport. Also, to authorize the County Judge to execute same, as per Agreement on file. Motion carried.

23. AMENDMENT APPROVED - LAW ENFORCEMENT SERVICES AGREEMENT - CONSTABLE, PRECINCT #2

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve an Amendment for an one year renewal of the Agreement for Law Enforcement Services for the Rivershire Subdivision by Constable, Deputies, Pct. #2, as per Amendment on file. Motion carried.

24. PUBLIC NOTICES APPROVED - VARIOUS DEPARTMENTS

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

a. ORDER - to discontinue, closing and abandoning a portion of

Magnolia Industrial Boulevard, also known as Magnolia Industrial Park, Industrial Trail and Industrial Lane, as per Order on file - Pct. #2.

b.ROAD NAME CHANGE - to change Lois Drive to Lois Lane Drive, located in Decker Oaks Estates, Section 2 - Pct. #2

c.SPEED LIMIT - set at 30 mph for the entire length of Broadway Avenue - Pct. #4

as per Notices on file. Motion carried.

25.ORDER APPROVED - ABANDONMENT OF RIGHT OF WAYS - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Order to abandon and vacate rights-of-way widths located in the Village of Panther Creek, Section 5 and Section 7, located in the Woodlands, as per Order 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 551.087

1. Discuss Margaret E. Ryan vs. Montgomery County, et al, Case No. 04-CV-2366; in the United States District Court for the Southern District of Texas - Houston (Section 551.071)
2. Discuss Socrates Lopez vs. Guy Williams, et al; in the 221st Judicial District Court of Montgomery County, Texas (Section 551.071)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT EXCEPT COMMISSIONER RINEHART

26.RESOLUTION AND ORDER APPROVED - FUNDING FOR LEGAL EXPENSES -- COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to authorize funding of legal expenses which will be incurred by the County Attorney in the lawsuit styled Margaret E. Ryan vs. Montgomery County, et al, as per Resolution and Order on file. Motion carried.

27.PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Constable, Pct. #5 to promote Andrea Hamm from Clerk IV to Deputy Bailiff Constable, effective October 9, 2004

request of District Clerk to correct the hourly wage for Michael DuPriest, effective September 25, 2004

request of District Clerk to correct the bi-weekly salary for Kathy Edwards, Court Clerk IV, effective September 25, 2004

request of Environmental Health to place Daniel Kiblinger, Designated Representative II, on family leave of absence, effective September 25, 2004

- request of Justice of the Peace, Pct. #4 to accept the resignation of Heather Hilden, Court Clerk II, effective September 24, 2004, with 3.09 vacation hours due and .06 comp hours due
- request of Juvenile Probation Director to accept the resignation of Dewitt Basden, Shift Supervisor, Juvenile Detention, effective September 24, 2004, with 54.16 vacation hours due and .01 comp hours due and 8.25 holiday hours due
- request of Juvenile Probation Director to change position for Terrance Ford from Substitute Detention Officer, to Officer, Juvenile Detention, (replacement for Preston McBride), effective October 2, 2004
- request of Library Director to promote Beverly Christopher from Central Library Reference Librarian to West Branch Manager, (replacement for Kenneth McKee), effective October 9, 2004
- request of Library Director to accept the resignation of George L. Earle, Library Assistant II, effective October 9, 2004, with 80.72 vacation hours due
- request of Library Director to promote Paul Lothman from Central Library Clerk III to West Branch Reference Librarian, (replacement for Karen Walker), effective October 9, 2004
- request of Library Director to transfer Kenneth Ray McKee from West Branch/Branch Manager to Central Library Reference Librarian (replacement for Beverly Christopher), effective October 9, 2004
- request of Library Director to transfer Keith Popp from West Branch Library Assistant II to Central Library/Library Assistant II, (replacement for Sandra Winfield), effective October 9, 2004
- request of Library Director to transfer Karen Walker from West Branch Reference Librarian to Meador Branch Reference Librarian, effective October 9, 2004
- request of Library Director to transfer Sandra S. Winfield from Central Library/Library Assistant II to West Branch Library Assistant II, (replacement for Keith Popp), effective October 9, 2004
- request of Library Director to promote Billy Ray Young from Tullis Branch Library Assistant II to Central Library Catalog Technician, (replacement for Juana Trevino), effective October 9, 2004
- request of Sheriff's Department to place Laura Clark, Dispatcher, (replacement for Amy Oliver), on payroll, effective October 9, 2004
- request of Sheriff's Department to transfer Amy Oliver from Dispatcher to Detention Officer, replacement for Jason Whittington), effective October 9, 2004
- request of County Attorney to transfer Jennifer Ellisor, Clerk II, effective September 25, 2004
- request of Animal Control to place Jessica Knudsen, Kennel Help, (replacement for Brenda Philpot), on payroll, effective October 6, 2004
- as per Payroll Change Requests on file. Motion carried.

28.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