

COMMISSIONERS' COURT DOCKET, OCTOBER 18, 2004
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 18th 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
Also - Alice Drake, County Clerk's Office

INVOCATION GIVEN BY DAVID WALKER, COUNTY ATTORNEY

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1.COMMISSIONERS' COURT AGENDA APPROVED

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

2.PROCLAMATION APPROVED - "LEUKEMIA AND LYMPHOMA AWARENESS MONTH"

Motion by Commissioner Meador, seconded by Commissioner Chance, to Proclaim the month of October, 2004, as Leukemia & Lymphoma Awareness Month. Also, to encourage participation in voluntary activities to support education programs and funding of research programs, as per Proclamation on file. Motion carried.

AGENDA ITEM 6B - EMPLOYEE OF THE MONTH/OCTOBER, 2004 - EMPLOYEES' COMMITTEE

BARBARA ADAMICK, District Clerk, was selected to be the "Employee of the Month" by the Employees Committee. The nominating letters were written and read by some of her employees in the District Clerk's Department. Ms. Adamick was presented with a gift certificate and a plaque.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for October 4, 2004, as presented by the County Clerk. Motion carried.

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

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

COUNTY AUDITOR - AGENDA ITEMS 8A

a.ACCOUNTS approved, as presented by the County Auditor.

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

FISCAL YEAR 2004'

1. Animal Shelter (1 of 2) - to transfer funds to cover shortage
2. Animal Shelter (2 of 2) - to transfer funds to cover shortage
in utilities
3. Civic Center - to transfer funds to cover shortage in utilities
restricted
4. Commissioner, Pct. #1 (1 of 2) - to correct data entry error on
budget amendment 8-23-04
5. Commissioner, Pct. #1 (2 of 2) - to transfer funds for security
at Lake Park for September 4 thru 19, 2004
6. Commissioner, Pct. #2 - to recognize and to
allocate proceeds from sale of assets from City of Magnolia
7. Commissioner, Pct. #3 (1 of 11) - to recognize and to allocate
reimbursement from WJPA
8. Commissioner Pct. #3 (2 of 11) - to recognize and to allocate
reimbursement from Montgomery County Drainage
District #6
9. Commissioner Pct. #3 (3 of 11) - to recognize and to allocate
reimbursement from K. Charles
10. Commissioner Pct. #3 (4 of 11) - to recognize and
to allocate reimbursement from C & H Services
11. Commissioner Pct. #3 (5 of 11) - to adjust line items
12. Commissioner Pct. #3 (6 of 11) - to transfer funds
to cover shortage in restricted line
13. Commissioner Pct. #3 (7 of 11) - to recognize and
to allocate reimbursement from R. Stinson
14. Commissioner Pct. #3 (8 of 11) - to recognize and
to allocate reimbursement from Gilbane Building Co.
15. Commissioner Pct. #3 (9 of 11) - to recognize and to
allocate reimbursement from K. Vanmarter
16. Commissioner Pct. #3 (10 of 11) - to recognize and
to allocate reimbursement from J. Dyring
17. Commissioner Pct. #3 (11 of 11) - to recognize and to
allocate reimbursement from Kingsland Builders
18. Commissioner, Pct. #4 (1 of 3) - to transfer funds
to cover PO#24508514 & PO#24508515
19. Commissioner, Pct. #4 (2 of 3) - to transfer funds to
cover shortage in restricted line
20. Commissioner, Pct. #4 (3 of 3) - to adjust line items
21. Communications/Info Serv. - to adjust line items
22. Constable, Pct. #3 - to transfer funds to cover release
#284252
23. Contingency (1 of 3) - to transfer funds to cover shortage
in restricted line
24. Contingency (2 of 3) - to recognize and to allocate
surplus revenue
25. Contingency (3 of 3) - to transfer funds to cover shortage
in court operations
26. Drug Court (1 of 2) - to adjust line items
27. Drug Court (2 of 2) - to transfer funds to cover release
283489 and 284319
28. Emergency Management - to transfer funds to cover release
284353
29. Fire Marshal - to adjust line items
30. Justice of Peace, Pct. #3 - to adjust line items

31. Juvenile Probation (1 of 2) - to recognize and to allocate
reimbursement for June, 2004
32. Juvenile Probation (2 of 2) - to recognize and to allocate
reimbursement for July, 2004
33. Memorial Library - to transfer funds to cover
shortage in restricted line
34. Non-Departmental - to transfer funds to cover

shortage

- 35. Purchasing Agent - to transfer funds to cover PO#24508506
- 36. Risk Management (1 of 3) - to transfer funds for damage Claim U040070
- 37. Risk Management (2 of 3) - to transfer funds for damage Claim G040084
- 38. Risk Management (3 of 3) - to transfer funds for damage Claim U020003
- 39. Sheriff - to recognize and to allocate proceeds from sale of scrap metal
- 40. Tax Assessor/Collector - to transfer funds to cover release 283938
- 41. Urban Area Security Grant-03 - to recognize and to allocate planning portion only for UASI grant for FY2003
- 42. Various - to cover shortages in FY04 payroll accrual and sweep surplus funds to cover insurance accrual at year end

FISCAL YEAR 2005'

- 1. 410th District Court - to adjust line items
- 2. Commissioner, Pct. #4 - to recognize and to allocate lease proceeds from Kevin Johnson
- 3. Communications/Info Service - to adjust line items
- 4. Constable, Pct. #5 - to recognize and to allocate FY05 proceeds
- 5. County Judge - to transfer funds for burial expense
- 6. Risk Management - to transfer funds for damage Claim U040081
- 7. Sheriff (1 of 2) - to adjust line items
- 8. Sheriff (2 of 2) - to recognize and to allocate donation from Charles & Sydney Beers

as per Budget Amendments on file.

AGENDA ITEMS 8B 1 & 2 - COUNTY TREASURER - WEEKLY INVESTMENT REPORT AND PLEDGES AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a. TAX ABATEMENT APPLICATION accepted, from Key Steel, L.P., for proper processing by the Abatement Committee, as per Request on file.
- b. SUPPLEMENTAL CHANGES accepted, to the 2004 Consolidated Taxroll, as presented by the Tax Assessor/Collector.
- c. SUPPLEMENTAL CHANGES accepted, for October 11, 2004, Consolidated Taxroll, as presented by the Tax Assessor/Collector.
- d. MONTHLY TAX COLLECTION REPORT approved, for month ending September 30, 2004, and year end Collection Report for fiscal year October 1, 2003, through September 30, 2004, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, as follows:
 - 1. Pest Control Services - Various Departments
 - 2. RFP Computer Aided Dispatching Software - Various Departments
- b. ALSO, to acknowledge the opening of the following bids/proposals, which are on file in the Purchasing

Department:

1. Legal Advertisement - Various Departments - Project #2004-0101
- (opened 10-05-04)
2. Concrete Road Repair for existing roads and removing and
replacing concrete curb - Various
Departments/Precincts - Project #2004-0092 (opened
10-12-04)
3. Build out of office space for the 3rd floor of the Montgomery
County Administration Building - Project #2005-
0002 (opened 10-13-04)
4. Printing of Letterhead Stationery, Envelopes and Business Cards
- Various Departments - Project #2004-0096 (opened
10-13-04)
5. Heavy/Light Duty Equipment Rental - Various Departments -
Project #2004-0100 (opened 10-15-04)

c. RENEWAL CONTRACTS approved, as follows:

1. Miller Uniforms & Emblems, Inc. - purchase of new uniforms -
Sheriff's Department - PO#2003320
2. Groce Company, Inc. - for pumping out sewer and kitchen grease
tanks - Sheriff's Department/Jail - PO#2002045
3. Hughes Supply, Inc. - for lamps, bulbs and ballasts - Various
Departments - PO#2004125 and #2004125X
4. Duane Leach dba Circle M Lawn Service - for lawn maintenance
service for Lake Conroe Park - Pct. #1 -
PO#2004339
5. Frazier Lawn Service - for lawn maintenance service for
Community Centers - Pct. #1 - PO#2004110
6. Frazier Lawn Service - for lawn maintenance
service - Law Enforcement Center - PO#2004109
7. Portable Computer Systems, Inc. - laptop
PC/Toughbooks and Accessories - Various Departments - PO#20031377
- (note changes)
8. Waste Management - disposal service - Various
Departments - PO#2003100 and #2003100X

d. CHANGE ORDER #2 approved, PO#2003176, to Joe Winer
Investigations to add a collection rate of \$2.00 per
sample for drug testing to the present contract with
Drug Court, as per Change Order on file.

e. CHANGE ORDER #1 approved, PO#2004440, to Have Haven, Inc., to
provide changes to the Residential Placement Contract
for Juvenile Services, as per Change Order on file.

f. CHANGE ORDER #1 approved, PO#2004441, to Choices Adolescent
Treatment Center, to provide changes to the Residential
Placement Contract for Juvenile Services, as per
Change Order on file.

g. CHANGE ORDER #2 approved, PO#2004304, to Strategy Corporation,
to add items to the IBM Hardware Maintenance and
Software Contract, (AIX) support for C.I.S. Department,
as per Change Order on file.

h. CANCELLATION approved, PO#2003017, to the Conroe Courier for
legal advertisement, as per Request on file.

- i. CANCELLATION approved, PO#2001432 and 2001432X, to Lab Corp. for Laboratory Testing and Courier Service for Law Enforcement Center/Jail Division, as per Notice on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

- a. PARTIAL RELEASE OF ASSESSMENT LIEN approved, for Thomas G. Przybyla, owner of Lot 4, Section 1, Kleimann Estates Subdivision, in the amount of \$1,502.31, as per Lien on file.
- b. FINAL PLAT approved, for Forest View Estates, consisting of 9.44 acres, as per Plat on file.
- c. FINAL PLAT approved, for Pioneer Ridge Subdivision, Section 1, consisting of 17.629 acres, as per Plat on file.
- d. PUBLIC HEARING DATE set, for November 1, 2004, to consider setting a speed limit of 30 mph for Oak Tree Drive, (from F.M. 1484 to Lone Oak Drive), as per Notice on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. ORDER acknowledged, for receipt of Amendment No. 2 to Letter of Credit No. SC2894, for the account of High Meadow Subdivision, Section 12, as per Order on file.
- b. FINAL PLAT approved, for Parkway Junction, Section 1, consisting of 5.0996 acres, as per Plat on file.
- c. FINAL PLAT approved, for Ridgelake Shores Subdivision, Section 5, consisting of 18.8227 acres, as per Plat on file.
- d. ROADS accepted, in High Meadow Ranch, Section 12, into the one year maintenance period, consisting of 10,999.83 l.f., 2.08 miles, effective October 18, 2004, as per Request on file.
- e. ROADS accepted, in College Park, Section 8, into the one year maintenance period, consisting of 789.82 l.f., .15 miles, effective October 18, 2004, as per Request on file.
- f. ROAD accepted, BOND released - Branch Crossing Drive be accepted by Montgomery County, consisting of 1410 l.f., .27 miles. Also, to release the Bond, as per Request on file.
- g. ROADS accepted, BOND released - Crighton Ridge Subdivision, Section 3, consisting of 12,915.16 l.f., 2.44 miles, by Montgomery County. Also, to release the Bond, as per Request on file.
- h. ROAD accepted, BOND released - Plymouth Lane located in Crighton Ridge, Section 3, (replat), consisting of 320 l.f., .06 miles, by Montgomery County. Also, to release the Bond, as per Request on file.
- i. ROADS accepted, BOND released - Hidden Lake Estates Subdivision, Section 1, consisting of 5745.78 l.f., 1.09 miles, by Montgomery County. Also, to release the Bonds, as per Request on file.
- j. ROADS accepted, BOND released - River Park Ranch Subdivision, Section 2, consisting of 8,112.74 l.f., 1.54 miles, by Montgomery County. Also, to release the Bond, as per

Request on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a. REQUEST approved, to reserve MUD Numbers 105, 106, 107, 108, 109 and 110, for Municipal Utility Districts under the name of Allen Boone Humphries, LLP, as per Request on file.
- b. ORDER approved, to authorize the Sawdust Road Project, and Decree of Public Necessity and Convenience. Also, to authorize and direct acquisition and payment of compensation, as per Order on file.
- c. FINAL PLAT approved, for Sunmart 116, consisting of 12.1463 acres, as per Plat on file.
- d. FINAL PLAT approved, for Village of Sterling Ridge, Section 52, consisting of 1.5627 acres, as per Plat on file.
- e. ROADS accepted - Canyon Gate at Legends Ranch, Section 1, into the one year maintenance system, consisting of 452.46 l.f., .09 miles, effective October 18, 2004, as per Request on file.
- f. ROADS accepted - Canyon Lakes at Legends Ranch, Section 1, into the one year maintenance period, effective October 18, 2004, consisting of 273.06 l.f., .05 miles, as per Request on file.
- g. ROADS accepted, in Legends Ranch, Section 1 into the one year maintenance period, consisting of 536.35 l.f., .10 miles, effective October 18, 2004, as per Request on file.
- h. ROADS accepted, in Legends Run Subdivision, Section 1, into the one year maintenance period, consisting of 526.94 l.f., .10 miles, effective October 18, 2004, as per Request on file.
- i. ROADS accepted, Spring Trails Subdivision, Section 5, into the one year maintenance period, consisting of 7636.97 l.f., 1.45 miles, effective October 18, 2004, as per Request on file.
- j. ROADS accepted, Village of Sterling Ridge, Section 34, into the one year maintenance period, consisting of 3482.02 l.f., .66 miles, effective October 18, 2004, as per Request on file.
- k. ROADS accepted, Village of Sterling Ridge, Section 39, consisting of 3925.24 l.f., .74 miles, into the one year maintenance period, effective October 18, 2004, as per Request on file.
- l. ROAD accepted - Red Bay Circle, into the one year maintenance period, consisting of 744.21 l.f., .14 miles, effective October 18, 2004, as per Request on file.
- m. ROAD accepted, BOND released - Branch Crossing Drive, be accepted by Montgomery County, consisting of 5654 l.f., 1.07 miles. Also, to Release the bond, as per Request on file.
- n. UTILITY PERMIT approved, for LDF Construction, Inc., to place a sanitary sewer line within the right-of-way of Research Forest Dr. at Holly Hill Road, as per Utility Permit on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a.APPOINTMENT approved, for Terry Mann to replace Glenn Bell, to the Emergency Service District #12 Board, effective October 18, 2004, through December 31, 2005, as per Request on file.
- b.CHECK accepted, from the City of Roman Forest, in the amount of \$662.88, for the purchase of fuel for the month of August, 2004, in accordance with an Interlocal Agreement dated 10/07/02, as per Request on file. (check forwarded to County Treasurer for further handling)
- c.ORDER approved, to authorize temporary closure of Ada Lane located in New Caney Heights Subdivision, as per Order on file.
- d.ORDER approved, to authorize the purchase of right-of-way for the FM 1314 Widening Project, for Parcel 63C from Susser Petroleum Company, L.P., in the amount of \$12,028.00. Also, to authorize the County Attorney's Office to act as agent for closing on behalf of Montgomery County, as per Order on file.
- e.FINAL PLAT approved, for Kings Manor Subdivision, Section 18, consisting of 6.237 acres, 21 lots, as per Plat on file.
- f.FINAL PLAT approved, for Park at Oakhurst, Section 1, consisting of 26.2602 acres, as per Plat on file.
- g.ROADS accepted, BOND released - Pine Knob Estates, Phase I, Subdivision, consisting of 737 l.f., .14 miles. Also, to release the bond, as per Request on file.

ALL PRECINCTS - AGENDA ITEMS 8E5

- a.OVERLOAD/OVERSIZE PERMIT approved, for Steely Lumber Co., Inc., to move logs and pulpwood across various county roads. Movement to begin not earlier than November 10, 2004, and to be completed by February 10, 2005, as per Permit on file.

PARKS DEPARTMENT - AGENDA ITEMS 8F

- a.USE AGREEMENTS approved, as presented by the Parks Department:
 - 1.Montgomery County Girls Softball Association, West Park, Pct. #1
 - 2.The Patriotic & Historical Society - The War Memorial Park, Pct. #1
 - 3.Conroe Crossfire 14 & Under - Gene Campbell Sports Park, Pct. #4
 - 4.New Caney Longhorns - Bull Sallas Sports Park, Pct. #4
 - 5.ASA Softball - Bull Sallas Sports Park, Pct. #4
 - 6.East Montgomery County Outlaws - Bull Sallas Sports Park, Pct. #4
 - 7.Splendora Youth Baseball Association - IPES Road Park, Pct. #4

as per Use Agreements on file.

RISK MANAGEMENT - AGENDA ITEMS 8G

a.ELECTION NOTICE approved, for 2005 Plan Year, which will allow Plan Participants regarding the Montgomery County Employee Benefit Plan, to elect being exempted from Sections of the "Health Insurance Portability and Accountability Act" (HIPAA), as allowed by federal law to Commissioners's Court, as per Notice on file.

b.OFFICIALS' BONDS AND OATHS approved, as presented by the Risk Management Department:

- 1.George Biernesser, Deputy Constable, Pct. #3 - Bond #14454530 - Renewal
- 2.Glen Arnold, Deputy Constable, Pct. #5 - Bond #14512838 - Renewal
- 3.Kathy Bergquist, Clerk/County Treasurer - Bond #13737711 - Renewal
- 4.Linda R. Breazeale, County Auditor - Bond #12745646 - Renewal
- 5.Robert Jeffery Buchanan, Deputy Constable, Pct. #5 - Bond #15487506 - Renewal
- 6.Jan Curtis, Deputy Constable, Pct. #5 - Bond #15486567 - Renewal
- 7.Gregory Deveraux, Deputy Constable, Pct. #2 - Bond #14622291 - Renewal/Reserve
- 8.James R. Dowling, Deputy Constable, Pct. #4 - Bond #14526027 - Renewal
- 9.Marcus Duval, Jr., Reserve Deputy Constable, Pct. #3 - Bond #14624263 - New
- 10.Thomas W. Ellis, Officer/Community Supervision & Correction Dept. - Bond #15487504 - Renewal
- 11.Jake-Paul Gonzales, Deputy Constable, Pct. #3 - Bond #14454498 - Renewal
- 12.Thomas Kitchen, Reserve Deputy constable, Pct. #3 - Bond #15452628 - Renewal
- 13.Richard W. Kovach, Reserve Deputy Constable, Pct #5 - Bond #69750881 - Renewal
- 14.James R. Loggins, Deputy Constable, Pct. #1 - Bond #14382029- Renewal
- 15.Tony Madison, Reserve Deputy Constable, Pct. #3 - Bond #15487498 - Renewal
- 16.Johnie E. Massay, Deputy Constable, Pct. #4 - Bond #15486569 - Renewal
- 17.Harvey E. Moody, Jr., Deputy Constable, Pct. #4 - Bond #13745084 - Renewal
- 18.Scott Morgan, Deputy Constable, Pct. #3 - Bond #14454730 - Renewal
- 19.Charles F. Podeyn, Administrative Assistant/Tax Collector's Ofc. - Bond #13670814 - Renewal
- 20.Johnathan K. Ray, Deputy Constable, Pct. #3 - Bond #15487499 - Renewal
- 21.Russell E. Smith, Jr., Drug Court Coordinator - Bond #15484471 - Renewal
- 22.Steven E. Spoon, Reserve Deputy Constable, Pct. #3 - Bond #14627045 - New
- 23.Ricky Warwick, Deputy Constable, Pct. #4 - Bond #14454538 - Renewal
- 24.James Williams, Fire Marshal - Bond #15486582 - Renewal

as per Bonds on file.

LIBRARY DEPARTMENT - AGENDA ITEMS 8H

a.CHECK accepted, in the amount of \$347.53, from Hastings Entertainment, Inc., to aid in the battle against illiteracy, as

per Request on file. (check forwarded to County Treasurer for deposit in Library System Gift Account #6511-7392)

Motion carried.

END OF CONSENT AGENDA

5.VARIANCES APPROVED - ENVIRONMENTAL HEALTH

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

- a. Jack & Linda Nickel, Spring, Texas
- b. Sheila Peters, Magnolia, Texas
- c. Charles Cawthorn, Conroe, Texas

as per Variance Requests on file. Motion carried.

6.REQUEST APPROVED - NAMING OF WEST BRANCH LIBRARY - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Request to name the new library facility being constructed in Montgomery, the "Charles B. Stewart-West Branch Library", as per Request on file. Motion carried.

7.REQUEST APPROVED - TRANSFER OF FUNDS - COUNTY TREASURER

Motion by Judge Sadler, seconded by Commissioner Meador, to transfer \$3,000.00 from 2004 Budget to 2005 Budget - (\$1,714.60 from Prof. Dev. Line and \$1,185.40 from Sta. & Supplies). Motion carried. (no paperwork)

8.REQUEST APPROVED - TRANSFER OF POSITIONS - SHERIFF'S DEPARTMENT

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

- a. \$1734.00 from 5121-5933-4 (Corporal Slot), to 5121-6009-1 (Sergeant Slot)
- b. \$165.00 from 5601-5903-42 (Deputy Slot), to 5601-5903-20 (Deputy Slot)

as per Request on file. Motion carried.

9.REQUEST APPROVED - TRANSFER OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Judge Sadler, to approve transferring \$4,249.00 from the Jail Division funding position 5121-9999-99 to the following Positions:

- a. \$1,078.16 - Denise Wilkins
- b. \$1,359.27 - Elizabeth Middleton
- c. \$1,050.61 - Buck Clendennen
- d. \$ 760.96 - Thomas Ray

as per Request on file. Motion carried.

10.REQUEST APPROVED - REFUND MONEY FOR SERGEANT SLOT - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to replace \$4,000.00, which was previously swept from Detention Sergeant Slot 5121-5009-1, as per

Request on file. Motion carried.

11.REQUEST APPROVED - UNUSED FUNDS - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve closing a Lieutenant slot to open a New Detective slot. All remaining unused funds of \$5,590.29, left in new position slot to be swept and placed in Contingency fund, as per Request on file. Motion carried.

12.REQUEST APPROVED - REALLOCATION OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to remove unused funds from position 5601-3940-11, and place in Contingency, as per Request on file. Motion carried.

13.REQUEST APPROVED - TRANSFER OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the transfer of \$921.00 from the Jail Division position 5121-9999-99 to position 5601-3940-11 to fund Jennifer Staggs from Clerk II to Clerk IV position in the Detective Division, as per Request on file. Motion carried.

14.GRANT AWARD ACCEPTED - CJD SUPPLEMENTAL GRANT AWARD - JUVENILE PROBATION

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept the Criminal Justice Division (CJD Grant Award), in the amount of \$60,924.00, as per acceptance on file. Motion carried.

15.REQUEST APPROVED - FUNDS FOR TRAVEL REIMBURSEMENT - DISTRICT ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve funds in the amount of \$5,587.00, (fund from contingency), to pay State witnesses for travel which is not reimbursed by the State, as per Request on file. Motion carried.

16.REQUEST APPROVED - SALARY EXCEPTIONS - COUNTY CLERK

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the exceptions to the Salary Administration Policy of two positions in the County Clerk's office as outlined in Memo on file. Motion carried.

17.REQUEST APPROVED - REFURBISHED COMPUTER - CIS

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve providing the Magnolia Department of Public Safety Office a refurbished computer from Judge Cox's office, as per Request on file. Motion carried.

18.REQUEST APPROVED - CARRYOVER OF FUNDS - CIS

Motion by Judge Sadler, seconded by Commissioner Chance, to approve the carryover of funds from the telephone-restricted account to purchase fiber and hardware from 301 N. Main (Courthouse), to various locations in South County annex. Motion carried. (no paperwork)

19.PERSONAL SERVICE CONTRACT APPROVED - LINDA CLEMENTS - CIS

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Personal Service Contract with Linda C. Clements for various services to be rendered for CIS, as per Contract on file. Motion carried.

20.PUBLIC SERVICE CONTRACTS APPROVED - VARIOUS ORGANIZATIONS - COUNTY AUDITOR

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the following Public Service Contracts:

- a.Heritage Museum of Montgomery County
- b.Montgomery County Committee on Aging, Inc., dba The Friendship Center
- c.Montgomery County Children's Advocacy Center, Inc., dba Children's Safe Harbor

as per Contracts on file. Motion carried.

AGENDA ITEMS 18A 1,7,9, & 10 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

21.RECOMMENDATION AND CONTRACT APPROVED - PURCHASE OF TACTICAL PANTS & SHORTS - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to award the bid, (opened September 16, 2004), to Safety & Security International, for the purchase of tactical pants & shorts, as per Contract on file. Motion carried.

22.RECOMMENDATION AND CONTRACT APPROVED - CREDIT CARD SERVICE - PURCHASING DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to award the bid, (opened September 17, 2004), for customer credit card payment and driver's license swipe service to State, Metropolitan & County Services, as per Contract on file. Motion carried.

23.RECOMMENDATION AND CONTRACT APPROVED - INTERNAL NETWORK - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened September 21, 2004), for internal network to Netview Technologies dba Elinear Solutions, in the amount of \$108,977.00, as per Contract on file. Motion carried.

24.RECOMMENDATION AND CONTRACT APPROVED - LABORATORY TESTING AND COURIER SERVICE - LAW ENFORCEMENT CENTER

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the bid, (opened September 29, 2004), for laboratory testing and courier service specimen pick-up and delivery to Lab Corp., as per Contract on file. Motion carried.

25.RECOMMENDATION AND CONTRACT APPROVED - LEGAL ADVERTISEMENT - VARIOUS DEPARTMENTS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bid, (opened October 5, 2004), for legal advertisement to The Courier/HCN Houston Community Newspaper, as per Contract on file. Motion carried.

26.RECOMMENDATION AND CONTRACT APPROVED - OFFICE SPACE BUILD OUT - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to award the bid, (opened October 13, 2004), to Ballard Construction Co., in the amount of \$62,678.00, for build out of office space on the 3rd floor of the Administration Building, as per Contract on file. Motion carried.

27.REQUEST APPROVED - APPRAISAL SERVICES - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the discretionary exemption for appraisal service for Cervenka & Associates, for the acquisition of utility and sidewalk easements on Sawdust Rd., for a fee of \$9,600.00, as per Request on file. Motion carried.

28.FUNDS APPROVED - SIGNAGE FOR ADMINISTRATION BUILDING - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve funds in the amount of \$103.50 to Sign and Plastics Facility, a division of Texas Correctional Industries, for Administration Building signage, as per Request on file. Motion carried. (fund from Bond monies)

29.AGREEMENT APPROVED - ELECTRICAL SERVICE - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Agreement between Montgomery County and Centerpoint Energy, for electrical service for the new library, with a construction fee of \$9,245.00, as per Agreement on file. Motion carried. (fund from Bond monies)

30.REQUEST APPROVED - DISCRETIONARY EXEMPTION - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the discretionary exemption for the construction of public restrooms at the Lake Conroe Park, as per Request on file. Motion carried. (fund from Park budget)

31.CHECK ACKNOWLEDGED - BANK OF AMERICA/REBATE - PURCHASING DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to acknowledge receipt of a check in the amount of \$1,555.39 from Bank of America for annual rebate calculations. Motion carried. (check forwarded to County Treasurer for further handling)

PURCHASING AGENT ADVISED THE COURT ABOUT THE COUNTY TO BEGIN USING CREDIT CARDS FOR PAYMENT OF VARIOUS FINES AND SERVICES ADMINISTERED BY MONTGOMERY COUNTY. THE COURT REQUESTED THAT THE PURCHASING AGENT PURSUE THIS MATTER AND PRESENT HIS FINDINGS ALONG WITH SPECIFIC DETAILS AT A LATER DATE.

32.RESOLUTION AND ORDER APPROVED - PAYMENT OF LEGAL EXPENSES - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution and Order to authorize the County Attorney's office to incur legal expenses in lawsuit styled Theresa Haynes in Trust for Dominique Haynes vs. Constable Chumley, et al, as per Resolution and Order on file. Motion carried.

33.RESOLUTION AND ORDER APPROVED - REVISION TO RABIES CONTROL AND ANIMAL RESTRAINT ORDINANCES - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution and Order to adopt changes to the County's Rabies Control and Animal Restraint Ordinance. Said changes are to clarify the County's regulations for restraint and impoundment of stray animals, as per Resolution and Order on file. Motion carried.

34.REQUEST APPROVED - EXPERT WITNESS SERVICES - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve retention of services by Jeffrey T . Milburn, P.E., as an expert witness in Purselley vs. Montgomery County, et al lawsuit. Also, to authorize the Purchasing Agent to move forward in the process to declare discretionary exemption for said services under Texas Local Government Code for bidding requirements of Section 262. Motion carried. (no paperwork)

35.CONTRACT APPROVED - TEXAS VINE GRANT - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Texas Vine Grant Contract for fiscal year 2005, because the one previously signed was last year's grant contract, as per Contract on file. Motion carried.

36.AGREEMENT APPROVED - PERSONAL SERVICES - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Personal Services Agreement and Release of Liability between Montgomery County and Montgomery County Constable, Precinct #5, for Dale Park to perform law enforcement services on behalf of the County. Also, the County and Constable to be exempted from any liability that may occur from said appointment, as per Agreement on file. Motion carried.

37.PUBLIC HEARINGS APPROVED - PRECINCTS #1 AND #4

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

- a.Partial Replat of Forest Creek to be known as Forest Creek, Section 2 - Pct. #2
- b.Placement of "No Parking" signs on Bunker Hill Drive in Lake Conroe Hills Subdivision - Pct. #2
- c.Partial Replat of White Oak Plantation to be known as White Oak Place -Pct. #4
- d.Placement of stop signs on all "T" intersections in Wood Hollow Subdivision, Sections 1 and 2, except Wickway Drive at Sandlewood Drive - Pct. #4

as per Requests on file. Motion carried.

38.FINAL PLAT APPROVED - FOREST CREEK, SECTION 2 - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the final plat of Forest Creek Subdivision, Section

2, (partial replat of Forest Creek), consisting of 44.935 acres, 64 lots, as per Plat on file. Motion carried.

39.ORDER APPROVED - ROAD ACCEPTED BY PRESCRIPTIVE RIGHTS -
PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an Order to accept Milroy Lane into the County's Road Maintenance System by Prescriptive Right, as per Order on file. Motion carried.

40.ORDERS APPROVED - ROADS ACCEPTED BY PRESCRIPTIVE RIGHTS -
PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the following Orders for acceptance of Roads into the County's Road maintenance System by Prescriptive Rights:

- a.Joan Lane
- b.Robbie Road
- c.Gerard Road
- d.Seay Court

as per Orders on file. Motion carried.

EXECUTIVE SESSION

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

- 1.Consider and Discuss offer of Settlement in Cause No. 04-02-01229-CV - styled: Theresa Haynes in Trust for Donimique Haynes vs. Constable Chumley, et al
- 2.Consider and Discuss Christina Smith vs. Montgomery County and Scott Gordon Hazelwood
- 3.Consider and Discuss Joseph Frederick Meriwether vs. Guy Williams, et al
- 4.Consider, Discuss and Execute Resolution & Order in connection with the property claim of Allan Ray Meeks

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

41.RESOLUTION AND ORDER APPROVED - PAYMENT OF CLAIM - RISK
MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Resolution and Order and Order to pay the Claim of Allan Ray Meeks in the amount of \$400.00. A check in the amount of \$400.00, should be made payable to Liberty Mutual Insurance Company as reimbursement for expenses paid for damages sustained from an accident, as per Resolution and Order on file. Motion carried.

42.PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of County Clerk to place James Evan Traylor, Clerk II, Recording/Scan, on payroll, (replacement for Virginia Collins), effective October 18, 2004

- request of County Clerk to promote Virginia Elanor Collins from Clerk II to Clerk IV/Utility, (replacement for Claudette Denise Johnson), effective October 9, 2004
- request of County Clerk to promote Lindsey B. Smith from Clerk II to Court Clerk II, (replacement for Stacey Wilson), effective October 23, 2004
- request of Collections to transfer Dana Shaw from Sheriff/Clerk IV to Collections Specialists II, (replacement for Jerry Cooper), effective October 13, 2004
- request of Elections Administrator to discharge Sophia Ann Isaac, Temporary Clerk, effective September 24, 2004
- request of Elections Administrator to place Martha Williams, Temporary Clerk, on early voting Judge duties, effective October 9, 2004
- request of Elections Administrator to place Alice Freeman, Temporary Clerk, on payroll, effective October 9, 2004
- request of Elections Administrator to place Henry Burton, Temporary Clerk, (early voting Judge duties), on payroll, effective October 9, 2004
- request of Elections Administrator to place Miriam Burton, Temporary Clerk, on payroll, (early voting Judge duties), effective October 9, 2004
- request of Elections Administrator to place Virginia Taylor, Temporary Clerk, (early voting Judge duties), on payroll, effective October 9, 2004
- request of Elections Administrator to place Lucinda McGee, Temporary Clerk, (early voting Judge duties), on payroll, effective October 9, 2004
- request of Budget Officer to place Irene Garner, Analytical Support Specialist, on payroll, effective October 11, 2004
- request of Tax Assessor/Collector to place Gwendolyn Carlson, Litigation Assistant Part-time, on payroll, effective September 25, 2004
- request of Tax Assessor/Collector to promote Kimberly Danford from Deputy Specialist I to Deputy Specialist II, effective October 25, 2004
- request of Tax Assessor/Collector to promote Jodelle Henderson from Deputy Specialist I to Deputy Specialist II, effective October 11, 2004
- request of Custodial Services to promote Tamedra Hampton, Custodian I, part-time to full-time, (replacement for Silvia Lazo), effective October 9, 2004
- request of Custodial Services to place Senaida Martinez, Custodian I, (replacement for Yolanda Bonilla), on payroll, effective October 9, 2004
- request of Custodial Services to place James Sharp, Custodian I, (replacement for Sharon Watson), on payroll, effective October 9, 2004
- request of Custodial Services to place Gloria Martinez, Custodian I, on payroll, effective October 9, 2004

- request of Custodial Services to place Maria Pineda, Custodian I, (replacement for Tamedra Hampton), on payroll, effective October 25, 2004
- request of Custodial Services to place Edith Martinez, Custodian I, on payroll, effective October 23, 2004
- request of Custodial Services to promote Silvia Lazo from Custodian I to Custodian II, effective October 9, 2004
- request of Sheriff's Department to transfer Lisa Shanahan from Detention Deputy to Bailiff, (replacement for Mary Tolbert), effective October 9, 2004
- request of Sheriff's Department to place Jeffrey Spencer, Detention Officer, on payroll (replacement for Robert Layman), effective October 9, 2004
- request of Sheriff's Department to place Christopher Azwell, Detention Officer I, (replacement for Reuben Simonton), effective October 9, 2004
- request of Sheriff's Department to place Scott McCann, Detention Officer, (replacement for Eric Hensley), effective October 16, 2004
- request of Sheriff's Department to transfer Robert S. Albritton, Detention Corporal, (replacement for Roland Henrici), effective October 9, 2004
- request of Sheriff's Department to promote Roland Henrici from Detention Corporal to Detention Sergeant, (replacement for Robert Albritton, effective October 9, 2004
- request of Constable, Pct. #1 to place Todd A. Barrow, Deputy Constable, (replacement for Nicholas Vaughn), effective October 11, 2004
- request of Constable, Pct. #1 to transfer Nicholas Vaughn , Deputy Constable, (replacement for Chris Schkade), effective October 9, 2004
- request of Constable, Pct. #2 to place Christy H. Williams, Clerk III, on payroll, (replacement for Kristina Pierce), effective October 11, 2004
- request of Sheriff's Department to place Kyle Zenor, Temporary Data Clerk, on payroll, effective September 29, 2004
- request of Sheriff's Department to accept the resignation of David R. Simpson, Temporary Data Clerk, effective September 10, 2004
- request of Sheriff's Department to accept the resignation of Jody Cottrell, Temporary Data Clerk, effective September 30, 2004
- request of Sheriff's Department to promote Jennifer Staggs from Clerk II to Clerk IV, (replacement for Dana Shaw, effective October 16, 2004
- request of Sheriff's Department to place Cynthia Nicklas, Dispatcher I, on leave of absence, effective October 14, 2004 through November 24, 2004
- request of Sheriff's Department to promote John Sanchez, Jr. from Deputy Patrol District II to Detective I, (replacement for Leldon Hamilton), effective October 23, 2004

- request of Sheriff's Department to transfer Aaron Lozano from Deputy Town Center Patrol to Deputy District IV Patrol, (replacement for Allison Simmons), effective October 4, 2004
- request of Sheriff's Department to transfer Nikki Gowton from Deputy District II Patrol to Deputy District III Patrol, (replacement for Clifford Maduzia), effective October 8, 2004
- request of Sheriff's Department to transfer Clifford Maduzia from Deputy District III Patrol to Deputy District II Patrol, (replacement for Nikki Gowton), effective October 8, 2004
- request of Sheriff's Department to transfer Allison Simmons from Deputy District IV Patrol to Deputy Town Center Patrol, (replacement for Aaron Lozano), effective October 4, 2004
- request of Juvenile Probation to discharge Hannah Rucker, Officer, Juvenile Detention, effective October 12, 2004
- request of Commissioner Pct. #3 to place Nancy Stephens, Administrative Assistant I, (replacement for Amy Drummond), effective October 11, 2004
- request of Commissioner, Pct. #3 to accept the resignation of Amy Drummond, Administrative Assistant I, effective October 29, 2004, with 17.49 vacation hours due
- request of Commissioner Pct. #4 to place Harvey Hood, Operator I, (replacement for Stephen Ray), on payroll, effective October 11, 2004
- request of Airport Director to accept the resignation of Billy J. Fulbright, Part-time Unicom Operator, effective September 27, 2004
- request of Animal Control to place Albert L. Richard, Animal Control Officer, (replacement for Darrel Stoneham), on payroll, effective October 11, 2004
- request of Animal Control to lay off Evelyn Scott, Clerk I, effective October 8, 2004
- request of Library Director to promote Jennifer Castino from Library Assistant II, South Branch, from part-time to full-time, effective October 18, 2004
- request of Library Director to transfer Juana Trevino from Library Assistant II, Central Library to Library Assistant II, Tullis Branch Library, effective October 18, 2004
- request of Library Director to accept the resignation of George L. Earle, South Branch Library Assistant II, effective October 9, 2004, with 80.72 vacation hours due
- request of Library Director to correct the payroll change for Stacy Hefelfinger, Library Assistant III, effective October 9, 2004, to reflect FY budget rate
- request of Animal Control to place Wanda Baker, Clerk I, (replacement for Evelyn Scott), on payroll, effective October 18, 2004
- request of Constable, Pct. #3 to place Matthew K. Beasley, Deputy, (replacement for Shane Hatton), on payroll, effective October 16, 2004
- request of Constable, Pct. #3 to promote Shane Hatton from Deputy

to Sergeant, (replacement for Steve Mullis), effective October 15, 2004

request of Constable, Pct. #3 to accept the resignation of Stephen L. Mullis, Sergeant, effective October 15, 2004, with 15.05 vacation hours due and 72.50 comp hours due

as per Payroll Change Requests on file. Motion carried.

CITIZENS - AGENDA ITEM 25A - EDWARD MAKOVY - ADDRESSED THE COURT TO INQUIRE ABOUT EXEMPTION OF TAXES FOR DISABLED CITIZENS LIVING IN MONTGOMERY COUNTY.

43.COURT ADJOURNS

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

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

ATTEST:

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

BY: _____
County Clerk

County Judge