

COMMISSIONERS' COURT DOCKET, OCTOBER 20, 2003
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 20th day of October, 2003, the Honorable Commissioners' Court of Montgomery County, Texas, was duly convened in a Special Session in the Commissioners' Courtroom of the Montgomery County Courthouse Annex, Conroe, Texas, with the following Members of the Court present:

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

INVOCATION GIVEN BY STEVE BARRETT, PASTOR - NORTHRIDGE BAPTIST CHURCH

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1. COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 6 - EMPLOYEES' COMMITTEE - BOSS OF THE YEAR PRESENTATION

Tom LeRoy, Extension Agent, was selected as "Boss of the Year" for 2003, by the Employees' Committee. Mr. LeRoy was presented with a plaque and a gift certificate from said Committee.

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

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for October 6, 2003 and October 13, 2003, as presented by the County Clerk. Motion carried.

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

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

COUNTY AUDITOR - AGENDA ITEMS 8A

- a. ACCOUNTS approved, as presented by the County Auditor.
- b. BUDGET AMENDMENTS - FY/2003
 1. Building Maintenance/Construction - to transfer funds to cover shortage in restricted line
 2. Building Maintenance/Construction - to transfer funds to cover shortage in restricted line
 3. Commissioner, Pct. #1 - to adjust line items
 4. Commissioner, Pct. #2 - to transfer funds for mosquito spraying
 5. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Bryan Smith
 6. Commissioner, Pct. #3 - to recognize/allocate reimbursement from A. Edwards
 7. Commissioner, Pct. #4 - to recognize/allocate

- reimbursement from City of Patton Village
- 8. Commissioner, Pct. #4 - to recognize/allocate real property lease from Johnson
- 9. Communications/Info Service - to recognize/allocate reimbursement for services from 2nd Judicial Region
- 10. Communications/Info Service - to transfer funds to cover release 267070
- 11. Environmental Health - to adjust line items
- 12. Extension Agents - to adjust line items
- 13. Fire Marshal - to adjust line items
- 14. Justice of the Peace, Pct. #1 - to adjust line items
- 15. Juvenile Probation - to recognize and to allocate surplus revenue from contract billings
- 16. Juvenile Probation - to adjust line items
- 17. Juvenile Probation - to recognize and to allocate reimbursements from U.S. Dept. Health/Human Services
- 18. Risk Management - to transfer funds to cover David Murray damage claim
- 19. Sheriff's Department - to adjust line items
- 20. Sheriff's Department - to recognize/allocate reimbursement from State

BUDGET AMENDMENTS - FY/2004

- 1. 9th District Court - to adjust line items
- 2. Commissioner, Pct. #1 - to transfer funds for one additional position in FY2004 budget
- 3. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Griffin
- 4. Commissioner, Pct. #4 - to recognized/allocate reimbursement from East Montgomery Co. Improvement District
- 5. Commissioner, Pct. #4 - to recognize/allocate sale of lots 59/60
- 6. Constable, Pct. #4 - to transfer funds to cover PO#24500164
- 7. Elections Administrator - to recognize and to allocate funds to cover 10 pay periods for new position in FY04 budget
- 8. Jail - to adjust line items
- 9. Jail - to adjust line items
- 10. Justice of Peace, Pct. #4 - to adjust line items
- 11. Risk Management - to fund FY04 Bond Premium expenditures, based on FY03 usage
- 12. Tax Assessor/Collector - to transfer funds to cover PO#24500029
- 13. Tax Assessor/Collector - to recognize and to allocate revenue
- 14. Various - to fund 3% raises for FY04
- 15. Various - to adjust FY04 salary/benefits to approved amounts
- 16. Veterans Service - to adjust line items

as per Budget Amendments on file.

- c. REQUEST approved, to rescind Order to Pay Oak Ridge North for the installation of signal lights at the intersection of Patsy Lane and Robinson Road - Motion #34, 10-6-03 Court Session, as per Request on file.

COUNTY TREASURER - AGENDA ITEMS 8B

AGENDA ITEMS 8B1 & 2 - WEEKLY INVESTMENT REPORT FOR WEEK OF OCTOBER 13-17-, 2003 AND PLEDGES AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA.

- a. MONTHLY FINANCIAL REPORT approved, for the month of August, 2003, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a. MONTHLY TAX REPORTS approved, for collection for the month ending August 31, 2003, and 02/03 year ending tax, as per Reports on file.
- b. SUPPLEMENTAL CHANGES acknowledged, to 2003 Consolidated Taxroll, as per Changes on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, AS FOLLOWS:

- 1. Bulk Road Material - Various Precincts
- 2. Fleet Maintenance Software - Various Departments
- 3. Purchase of new uniforms - Sheriff's Department Law Enforcement Center
- 4. Vehicle Brakes - Various Departments

- b. BIDS OPENED acknowledged, as follows:

- 1. Lamps, Bulbs and Ballasts - Various Departments - Project #2004-0001 - (opened 10-15-03)

- c. ALSO, to approve the following Renewal Contracts:

- 1. Nextel of Texas -PO#2001082 - for two-way/cellular airtime services - Various Departments
- 2. Compro Wireless, Inc. - PO#2001082A - for two-way cellular equipment - Various Departments
- 3. The Groce Company, Inc. -PO#2002045 - for services for pumping out sewer and kitchen grease tanks - Sheriff's Department
- 4. Weisinger Gardens, Inc. - PO#2003124 - for landscaping services - Various Departments
- 5. Cintas - PO#2002084 - for uniform rental and services - Various Departments
- 6. Traffic Parts, Inc. -PO#2003134 - for traffic signal parts - Pct. #3
- 7. Naztec, Inc. - PO#2003135 - for traffic signal parts - Pct. #3
- 8. Consolidated Traffic Controls, Inc. - PO#2003142 - for traffic signal parts - Pct. #3
- 9. Trooper Supply, Inc. - PO#2001107 - for purchase of uniforms - Sheriff's Department
- 10. Miller Uniforms & Emblems, Inc. - PO#2003320 - for purchase of uniforms - Sheriff's Department
- 11. Trooper Supply, Inc. - PO#2003139 - for purchase of uniforms - Sheriff's Department
- 12. A & E Products Co., Inc. - PO#2002219 - for scanning of county plats - County Clerk

- d. SOLE SOURCE CONTINUATION approved, for County Clerk to purchase electronic birth certificates from Texas Department of Health

- e. CHANGE ORDER #3 approved, PO#2002307 - to Harris County/Fund 1000, for autopsy/use of morgue facility for various Justices of the Peaces, effective November 1, 2003.

- f. CHANGE ORDER #3 approved, PO#2003016, to Metcalf Funeral Directors, to increase the not to exceed amount from \$22,000.00 to \$24,000.00, for transport of cadavers for various Justices of the Peaces, as per Request on file.
- g. CHANGE ORDER #9 approved, PO#2001188, to T. P. Tractor Service, for mowing right-of-ways, Pct. #1, as per Request on file.
- h. CHANGE ORDER #8 approved, PO#2002318, to Vulcan, Inc., and Change Order #6, PO#2002319, to Custom Products, Inc., for changes to traffic signs, posts and related supplies, as per Change Orders on file.
- i. CHANGE ORDER #1 approved, PO#2003399, to Cleveland Asphalt Products, Inc., to add various items to the MC-30 (prime) asphaltic oil/picked up - Pct. #4 Contract, as per List on file.
- j. CHANGE ORDER #1 approved, PO#2003403, to Marlin Asphalt, Ltd, for MC-30 (prime) asphaltic oil/picked up - Pct. #3 Contract, as per Change Order on file.
- k. CHANGE ORDER #1 approved, PO#2003402 - to Marlin Asphaltic Ltd, for MC-30 (prime) asphaltic oil/picked up - Pct. #2 Contract, as per Change Order on file.
- l. NAME CHANGE approved - to change Access Physical Therapy to Access Rehab Clinic, as per Request on file.
- m. CERTIFICATE OF SUBSTANTIAL COMPLETION accepted, from DiCarlo Construction in connection with the Jail addition, as per Certificate on file.
- n. PAYMENT AND PERFORMANCE BONDS approved, from Statewide Traffic Signal Co., for traffic signalization on Gosling Rd. at Marisco Place, in the amount of \$77,540.50, each, as per Bonds on file.
- o. PAYMENT AND PERFORMANCE BONDS approved, from Aramark Correctional Services, Inc., for manual food service at the Sheriff's Department Jail Division, in the amount of \$150,000.00, as per bond on file.
- p. ITEMS DECLARED SALVAGE approved, from CIS to declare miscellaneous telephone equipment as salvage, as per Request on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E

- a. ROADS completed, BOND released - in Bentwater Subdivision, Section 67, (consisting of 625.55 l.f. , .118 miles), which have been built to county specifications and the one year maintenance period completed. Also, to release the Bond, as per Request on file. (streets are private and will not be maintained by Montgomery County)
- b. ROADS completed - BOND released - in Bentwater Subdivision, Section 70, (consisting of 1516.40 l.f., .28 miles), which have been built to county specifications and the one year maintenance period completed. Also, to release the Bond, as per Request on file. (streets are private and will not be maintained by Montgomery County)

- c. ROADS completed - BOND released - in Bentwater Subdivision, Section 84, (consisting of 783.49 l.f., 0.148 miles, which have been built to county specifications and the one year maintenance period completed. Also, to release the Bond, as per Request on file. (streets are private and will not be maintained by Montgomery County)

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. FINAL PLAT approved, for Grogans Mill Road Street Dedication, The Woodlands, consisting of 2.65 acres, as per Plat on file.
- b. ROADS accepted, into the one year maintenance period in Tejas Creek Subdivision, Section 2, consisting of 1373.49 l.f., .26 miles, effective October 20, 2003, as per Request on file.
- c. PUBLIC HEARING DATE SET, for November 10, 2003, to consider the placement of a stop sign on Amherst Glade Road at Collier Cemetery Road, as per Request on file.
- d. PUBLIC HEARING DATE SET, for November 10, 2003, to consider the placement of a stop sign on Pinehurst Loop North Bound, all three locations to have "All Way" Placard, 24" stop line and advance warning signs to depict stop ahead, as per Request on file.

COMMISSIONER PRECINCT # - AGENDA ITEMS 8E3

- a. DONATION accepted, from The Woodlands Stars Square Dance Club, ten (10) folding chairs, valued at \$150.00, for use at the South County Community Center, as per Request on file.
- b. FINAL PLAT approved, for the Village of Sterling Ridge, Section 33, consisting of 26.35 acres, 51 lots, as per Plat on file.
- c. ORDER approved, to rescind Motion No. 6, September 22, 2003, Court Session, for the purchase and payment of \$2,205.00, for Parcel #2 to Duval G. and Jean H. Breland, in connection with the Hanna Road widening project, as per Order on file.
- d. ORDER approved, to authorize the purchase and payment for Parcel No. 2, to Duval G. and Jean H. Breland, in the amount of \$2,023.90, in connection with the Hanna Road widening project, as per Order on file.
- e. ORDER approved, to rescind Motion No. 6, September 22, 2003, Court Session, for the purchase and payment of \$10,542.00, for Parcel No. 7, to Pat Morrison Stucco, in connection with the Hanna Road widening project, as per Order on file.
- f. ORDER approved, to authorize the purchase and payment of Parcel 7 to Pat Morrison Stucco, in the amount of \$8,360.43, in connection with the Hanna Road widening project, as per Order on file.
- g. ORDER approved, to rescind Motion No. 6, September 22, 2003, Court Session, for the purchase and payment of \$98,676.00, for Parcel No. 9, to Thomas R. and Carol B. Coale, in connection with Hanna Road widening project, as per Order on file.

- h. ORDER approved, to purchase and payment of Parcel 9, to Thomas R. and Carol B. Coale, in the amount of \$95,924.68, for the Hanna Road widening project, as per Order on file.
- i. ORDER approved, for the purchase and payment of Parcel 5, to Adam P. Davis and wife, Dale M. Davis, in the amount of \$9,571.83, for Hanna Road widening project, as per Order on file.
- j. ORDER approved, for the purchase and payment of Parcel 17, to Christian Rescue Mission and Wells Fargo Bank Texas, NA, in the amount of \$4,390.00, for Hanna Road widening project, as per Order on file.
- k. ORDER approved, for the purchase and payment for Parcel 18, to Jimmy Allen and Rita T. Schumacher, in the amount of \$19,850.83, for Hanna Road widening project, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a. FINAL PLAT approved, for The Villages at Crockett Trace, Section 1, consisting of 46.696 acres, 51 lots, as per Plat on file.
- b. ROADS accepted, in The Woodlands, Harpers Landing at College Park, Section 15, (consisting of 882.63 l.f., .17 miles), into the one year maintenance period, effective October 20, 2003, as per Request on file.
- c. PUBLIC HEARING DATE set, for November 10, 2003, to consider establishing a 30 mph speed limit throughout the Gleneagles Subdivision, as per Request on file.
- d. PUBLIC HEARING DATE set, for November 10, 2003, to consider placement of a stop sign on Theresa at Brazos in Silver Trails Subdivision, as per Request on file.
- e. ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. 3051824 for the account of Deerwood Subdivision, Section 2, as per Order on file.
- f. ORDER approved, to acknowledge receipt of a check in the amount of \$12.00, from Martha Rolan for the lease of real property located in Village of Alpestrine, as per Order on file.
- g. ORDER approved, to acknowledge receipt of a check in the amount of \$12.00 from Robert Saylor for the lease of various lots located in Magnolia Bend Subdivision, Section 2, as per Order on file.

COMMUNICATION INFORMATION SERVICES - AGENDA ITEMS 8F

- a. CHECK accepted, from Second Administrative Judicial Region of Texas in the amount of \$5,000.00, for computer program which CIS has assisted in writing and maintaining, as per Letter on file. (check not forwarded with paperwork)

PARKS DEPARTMENT - AGENDA ITEMS 8G

- a. USE AGREEMENTS approved, for the following:
 - 1. Books Are Fun - to use space in the Montgomery County Administration Lobby on October 16 & 17, 2003, for a book fair.

- 2. City of Conroe - to use space at the Montgomery County Courthouse, east Side on North Main, October 25, 2003, for halloween festivities.

as per Agreements on file.

LIBRARY DEPARTMENT - AGENDA ITEM 8H

- a. CHECK accepted, from Hastings Entertainment, Inc., in the amount of \$656.64, to be deposited in the Library System's Memorial Gift account, #6511-7392, as per Check on file. (check forwarded to County Treasurer for further handling).

Motion carried.

END OF CONSENT AGENDA

- 4. PAYMENT APPROVED - MEMBERSHIP RENEWAL HGAC - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the renewal of the 2004 Membership payment of \$11,750.72, to the Houston-Galveston Area Council, as per Notice on file. Motion carried.

- 5. RESIGNATION ACCEPTED - APPOINTMENT APPROVED - TRANSPORTATION POLICY COUNCIL REPRESENTATIVE - COUNTY JUDGE

APPOINTMENT APPROVED - ALTERNATE TO TRANSPORTATION POLICY COUNCIL FOR HGAC - COUNTY JUDGE

RESIGNATION ACCEPTED - ALTERNATE TO TRANSPORTATION POLICY COUNCIL OF HGAC - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the following Appointments and Resignations to HGAC Council:

- a. Mark J. Mooney - Resignation as Representative to Transportation Policy Council - HGAC
- b. Judge Alan B. Sadler - Appointment as Representative to Transportation Policy Council - HGAC
- c. Mark J. Mooney - Appointment as Alternate to Transportation Policy Council - HGAC
- d. Mike Beitler - Resignation to Transportation Policy Council - HGAC

Motion carried. (no paperwork)

- 6. REQUEST APPROVED - SUBMISSION OF CERT GRANT APPLICATION - HGAC

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Judge Sadler signing the Application for Cert Grant to HGAC. Motion carried. (no paperwork)

7. REQUEST APPROVED - TEMPORARY POSITION - CIVIL SERVICE

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a temporary position to assist with various duties in getting Montgomery County set up for Civil Service. Also, to allocate \$10,000.00, (fund from Contingency), be set aside in Budget to fund said position. Motion carried. (no paperwork)

8. AMENDMENT APPROVED - URBAN MOBILITY REHABILITATION - COUNTY ENGINEER

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Amendment One to the Agreement (Surface Transportation Program - Urban Mobility Rehabilitation), with the City of Conroe and Montgomery County, in connection with FM-3083 road project, as per Amendment on file. Motion carried.

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

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the transfer of all Funds for the Sheriff's Department Computer Division to Communications Information Services (CIS) Department, as per Request on file. Motion carried.

10. REQUEST APPROVED - WAIVING OF POLICY - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve waiving the Policy for the Sheriff's Department regarding the salary for the budgeted position staying with that position for the budget year, as per Request on file. Motion carried.

11. REQUEST APPROVED - VACATED POSITIONS - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Meador, to approve filing the following vacated positions:

- a. Clerk for Detective Division
- b. Sergeant for the Internal Affairs Division

as per Request on file. Motion carried.

12. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the variance to install an aerobic septic system in the flood plain for Jill Whitt, Precision Homes, Spring, Texas, as per Variance on file. Motion carried.

13. CONTRACTS APPROVED - SOCIAL SERVICES - CDBG

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the following Social Service Contracts for Sub-recipients of CDBG Funds for 2003:

- a. The Friendship Center
- b. Children's Safe Harbor

as per Contracts on file. Motion carried.

AGENDA ITEM 16A - TO ADD SIRE, HOUSTON'S THERAPEUTIC EQUESTRIAN CENTER TO JUROR'S DONATION - DEFERRED UNTIL LATER THIS COURT SESSION. (SEE MOTION #39)

- 14. REQUEST APPROVED - H.I.P.A.A. EXEMPTION ELECTION - RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Montgomery County Employee Benefit Plan to elect to be exempt from Sections of the "Health Insurance Portability and Accountability Act" (HIPAA), as allowed by federal law, as per Notice on file. Motion carried.

- 15. MODIFICATIONS APPROVED - MAXOR PRESCRIPTION DRUG PROGRAM AND EMPLOYEES' BENEFIT PLAN - RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve modifications to the Maxor Prescription Drug Program and Employee Benefit Plan, as per Request on file. Motion carried.

- 16. TRANSFER OF FUNDS - BUDGET YEAR 2003 - ANIMAL CONTROL

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the transfer funds from the 2003 Animal Control Budget to the 2003 Animal Shelter Budget, as follows:

- a. Department 633, Acct. 7422 Radio Expense \$2,400.00, to Dept. 6331, Acct. 7450 - Office Equipment and Maintenance

as per Request on file. Motion carried.

AGENDA ITEM 18A2 - TRANSFER OF EXPENSES OF \$812.00 - REMOVED FROM AGENDA, PER REQUEST OF ANIMAL CONTROL.

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

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the transfer of the associated salary and benefits from 5601 budget to 503 budget, as follows:

- a. Horace Michael Rambo Position 113
- b. Billy J. Allen Position 298
- c. Eugene L. Martin, Jr. Position 1

as per Request on file. Motion carried.

- 18. REQUEST APPROVED - ALLOCATION OF OFFICE SPACE - COMMUNICATION INFORMATION SERVICES (CIS)

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the allocation of approximately 2320 sq. ft. of space in the existing District Attorney's Office for CIS offices, (3), and a Computer Training Room. Motion carried. (no paperwork)

- 19. REQUEST APPROVED - NEW POSITIONS AND REPLACEMENT POSITIONS - DISTRICT ATTORNEY

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

- a. hiring of two (2) new positions which were approved for budget year 2003/04 (attorney and a paralegal)
- b. replacement of intake attorney Carolyn Atkinson who is transferring to County Attorney's office, 11-10-03
- c. replacement of misdemeanor attorney Sheri Birkelbach who is resigning 10-29-03

as per Request on file. Motion carried.

20. REQUEST APPROVED - TRANSFER OF FUNDS - JUSTICE OF PEACE - PRECINCT #1

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the transfer of \$961.14 from line item 7425/Travel to line items 7102/salary and 7201/benefits, as per Request on file. Motion carried.

21. REQUEST APPROVED - POSITION CHANGES - JUSTICE OF THE PEACE - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the following Request:

- a. Delonna Snow be promoted to Level 3 Clerk (new position - \$30,900 annually plus benefits)
- b. Jane Landers be promoted to Level 2 Clerk (position of Delonna Snow)
- c. Hire new Associate to fill Level 1 Clerk (position of Jane Landers)

as per Request on file. Motion carried.

22. REQUEST APPROVED - COURT REPORT SERVICE FUNDS - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following Requests from County Court at Law Judges:

- a. \$130.00 - for Pamela May to attend Professional Court Reporting Seminar - County Court at Law #4
- b. \$888.00 - to purchase new computer for 221st District Judge's courtroom

as per Request on file. Motion carried.

23. REPORT APPROVED - INTERIM ARBITRAGE REBATE ANALYSIS - COUNTY AUDITOR

PAYMENT APPROVED - INTERNAL REVENUE SERVICE - COUNTY AUDITOR

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

- a. Report of Interim Arbitrage Rebate Analysis for Certificates of Obligation, Series 1998, as of 9/30/03

- b. Payment of Internal Revenue Service in the amount of \$117,462.76, to satisfy Arbitrage Rebate Obligation due on interest earned by Certificates of Obligation, Series, 1998

as per Report and Payment Form on file. Motion carried.

- 24. RESOLUTION APPROVED - INDIGENT DEFENSE DISCRETIONARY GRANT FY04 - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the 2004 Indigent Defense Discretionary Grant Application, and to authorize the County Judge to sign same, as per Resolution on file. Motion carried.

- 25. REQUEST APPROVED - CARRYOVER OF FUNDS - COUNTY AUDITOR

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

- a. Carryover approximately \$12,800.00 of unused FY2003 to use for a Temporary Clerk to assist in on-going project to image documents for storage, and
- b. Finance System Interface Project - Risk Manager and Auditor seeking a method for the massive change in database information from the annual "open enrollment" of employee benefits can be accomplished with greater accuracy. (approximately \$5,000.00 will be needed for 1-1/2 weeks). Also to use Addco, Inc., under an existing contract to assist in said project.

as per Request on file. Motion carried.

AGENDA ITEMS 24 A1,3,4,6 & 7 - RECOMMENDATIONS AND CONTRACTS - DEFERRED.

- 26. RECOMMENDATION AND CONTRACT APPROVED - AIRPORT PROPERTY - AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Chance, to award the proposals, (opened September 18, 2003), for the development of 4.257 acres of Airport Property to Signature Homes, Inc., and Ratcliff Development Group, LLC, as per Proposals on file. Motion carried. (Lease Agreement to follow at a later date

- 27. RECOMMENDATIONS AND CONTRACTS APPROVED - ELECTRICAL SERVICES - VARIOUS DEPARTMENTS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bids, (opened October 3, 2003), to the following Vendors for electrical services labor:

- a. Power by Electric-All, Inc. - prime
- b. Alpha Diamond Electric, Inc. - alternate

as per Contracts on file. Motion carried.

- 28. CHANGE ORDER #4 APPROVED - JAIL ADDITION - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve Change Order #4, PO#2000462, to DiCarlo Construction Company South for changes to the Jail Addition contract, as per Change Order on file. Motion carried.

29. CHANGE ORDER #2 APPROVED - ARCHITECTURAL DESIGN SERVICES - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #2, PO#9900372, to DiStefano/Santopetro Architects, for changes to the Architectural Design Services for the Jail Addition project, as per Change Order on file. Motion carried.

30. PROPOSAL APPROVED - WHITNEY AND ASSOCIATES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Proposal from Whitney and Associates, for appraisal services on the FM1488 widening project, for a fee of \$275,900.00, as per Proposal on file. Motion carried. (fund from Series 03 leverage Bond monies)

31. LEASE PURCHASE AGREEMENT APPROVED - TELESCOPIC BOOM EXCAVATOR TRUCKS - PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Lease Purchase Agreement with Wells Fargo Brokerage Services, LLC, for lease of two (2) telescopic boom excavator hydraulic 4x2 trucks in the amount of \$380,202.00, as per Agreement on file. Motion carried.

AGENDA ITEM 24-F - LIST OF NAMES WHO DONATED TIME AND/OR MONEY FOR "LEUKEMIA LYMPHOMA SOCIETY'S LITE THE NIGHT WALK" WAS ACKNOWLEDGED, AND THE AMOUNT RAISED BY MONTGOMERY COUNTY WAS \$23,595.53, OF WHICH \$11,115.00 WAS RAISED BY COUNTY EMPLOYEES, AS PER LIST ON FILE.

32. RESOLUTION AND ORDER APPROVED - PLAN FOR BUDGETED POSITION FOR FY2003/04 - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve a Resolution and Order to implement a Plan concerning the 2003/2004 fiscal year budget, and continue enforcing Budget as adopted, as per Resolution and Order on file. Motion carried.

33. INTERLOCAL AGREEMENT APPROVED - SAN JACINTO RIVER AUTHORITY - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve an Interlocal Agreement between Montgomery County and the San Jacinto River Authority, for law enforcement services in the area of Lake Conroe Dam, as per Agreement on file. Motion carried.

34. CONTRACT APPROVED - PROFESSIONAL SERVICES - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to execute a Contract between Montgomery County and Unal Gurol, M. D., to provide Medical Services at the Montgomery County Jail, as per Contract on file. Motion carried.

AGENDA ITEM 26E - LEASE AGREEMENT BETWEEN MONTGOMERY COUNTY AND THE INTERNATIONAL YOUTH CENTER FOR OCCUPANCY OF THE COUNTY'S BUILDING LOCATED AT 313 EAST AVENUE G/CONROE - DEFERRED.

35. INTERLOCAL AGREEMENT APPROVED - HARRIS COUNTY EXAMINER - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Rinehart, to approve an Interlocal Agreement between Montgomery County and Harris County, to perform postmortem examinations on persons who died in Montgomery County. Also, to provide sworn testimony in connection with any inquest by a JP or any Criminal Investigation, as per Agreement on file. Motion carried.

36. PRELIMINARY RE-PLAT DEFERRED - CLIFFS AT SOUTH SHORE - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to defer the preliminary replat of the Cliffs at South Shore, Section 2, being a replat of Lot 1, Block 1, and a portion of Lot 2, Block 1 and Unrestricted Reserve "B" of the Cliffs at South Shore, as per Notice on file. Motion carried.

37. ABANDONMENT APPROVED - VARIOUS ROADS, THE WOODLANDS - - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the abandonment of South Gary Glen Circle, North Gary Glen Circle, Clubview Court and Player Pond Place, located in the Woodlands, Village of Sterling Ridge, Section 23, as per Notice on file. Motion carried.

AGENDA ITEM 30 - CITIZENS

MIRIAM BURTON, a resident of Montgomery, addressed the Court concerning Election Judges pay, and why it takes so long to receive a check after an election is held. Mrs. Burton stated that some of the election workers still have not received their check for working the September 3, 2003, Election.

HENRY BURTON, addressed the Court to air his opposition to the posting fee charged by the County for posting ESD (Emergency Service Districts), public notices.

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 Claim of Marty Murray (Section 551.071)
2. Consider, Discuss and/or approve Claim of Louis Williams (Section 551.071)

COURT RECONVENED, WITH ALL MEMBERS OF THE COURT PRESENT.

38. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Control to place Laura Anthony, Animal Control Specialist, (replacement of Shiane Drobira), on payroll, effective October 15, 2003

request of Animal Control to place Callie Shepherd, Animal Care Specialist, (replacement for Courtney McCale), effective October 15, 2003

request of Commissioner, Pct. #3 to accept the resignation of Randy Lawhorn, Driver/Helper, effective October 7, 2003, with 21.56 vacation hours due

request of Constable, Pct. #2 to place Joseph Scarborough, Deputy, Part-time, on payroll, effective October 13, 2003 (funded by Rivershire Maintenance Fund)

request of County Attorney to transfer Carolyn Atkinson from District Attorney office to Assistant County Attorney, (replacement for LeeAnne Hill), effective November 10, 2003

request of County Attorney to accept the resignation of LeeAnne Hill, Assistant County Attorney, effective October 31, 2003, with 12.64 vacation hours due

request of County Clerk to place Lillie P. Denman, Vital Statistic Clerk back on payroll, effective October 11, 2003, - returning from family leave of absence

request of County Clerk to place Brenda Ybarra, Recording/Scan Clerk, on payroll, (replacement for Maria Hill), effective October 11, 2003

request of Dispute Resolutions to place Sherry S. Arinwine, Intake Specialist, on payroll, effective October 13, 2003

request of District Clerk to accept the resignation of Regina Deleon, Courtroom Clerk Assistant, effective September 30, 2003

request of Elections Administrator to increase the salary of Sarah Sisson, Temporary Clerk, effective October 11, 2003, due to added responsibilities

request of Elections Administrator to change the status of Melissa Teague, Voters Registration Clerk, (replacement for Sophia Ann Isaac), effective October 11, 2003

request of Justice of the Peace, Pct. #3 to place Sandra Long, Data Management Specialist, (replacement for Comelle Wright), effective October 15, 2003

request of Juvenile Probation Director to promote Vanessa Casner from Detention Officer to Juvenile Probation Officer/Detention, (replacement for Michelle Sykes), effective October 11, 2003

request of Library Director to accept the resignation of Frieda Brown, Shelving Clerk, effective October 23, 2003

request of Library Director to place Robina Rader, Reference Librarian, (replacement for Amy Arnold), effective October 27, 2003

request of Sheriff's Department to bridge the time for Kenneth Culbreath, Detective II, effective October 5, 2003

request of Sheriff's Department to promote Elizabeth Dunlap from Clerk I to Detention Officer I, (replacement for Carolyn Allen), effective October 11, 2003

request of Sheriff's Department to accept the resignation of Joshua Hernandez, Detention Deputy, effective October 10, 2003, with 155.7700 vacation hours due and 143.2500 comp hours due

request of Sheriff's Department to accept the resignation of Lori Pyle, Detention Officer II, effective October 10, 2003, with 45.8500 vacation hours due, 12.6300 comp time hours due and 20 holiday hours due

request of Sheriff's Department to bridge the time for Jason Salter, Training Specialist, effective October 5, 2003

request of Tax Assessor/Collector to place Verna Raglin, Deputy Specialist I, on payroll, effective October 20, 2003

request of Tax Assessor/Collector to promote Teresa Whitten, Deputy Specialist II, effective October 27, 2003

request of Tax Assessor/Collector to correct the salary of Jenny Worchesik, Deputy Specialist II, effective October 11, 2003

request of CIS to transfer Billy J. Allen, Computer Analyst, from Sheriff's Department to CIS, effective October 20, 2003

request of CIS to transfer Eugene L. Martin, Jr., Computer Analyst from Sheriff's Department to CIS, effective October 20, 2003

request of CIS to transfer Horace Michael Rambo, Data Programmer Supervisor, from Sheriff's Department to CIS, effective October 20, 2003

request of Commissioner, Pct. #3 to place Rebecca Cottingham, CEDC Director, on an annual auto allowance, effective October 13, 2003

request of Commissioner, Pct. #3 to place Rigoverto Figueroa, Driver-Helper, on payroll, replacement for Randy Lawhorn, effective October 20, 2003

request of Commissioner, Pct. #4 to place Barbara Smith, Inventory Clerk, effective October 20, 2003

request of Commissioner, Pct. #4 to accept the resignation of Ron Wyatt, Parks Director, effective October 16, 2003, with 238.24 vacation hours due and 17.25 comp hours due

request of Elections Administrator to increase the salary of John Sisson, Temporary Voters Registration Clerk, effective October 11, 2003

request of Constable, Pct. #1 to promote Timothy Cade from Deputy to Corporal, (replacement for Robert Knight), effective October 17, 2003

request of Constable, Pct. #1 to promote Robert Knight from Corporal to Sergeant, (replacement for Daniel Cain), effective October 17, 2003

as per Payroll Change Requests on file. Motion carried.

39. REQUEST APPROVED - JUROR'S DONATION LIST - DISTRICT CLERK

Motion by Commissioner Doyal, seconded by Commissioner Meador, to add SIRE Houston's Therapeutic Equestrian Center to the Juror's donation list, which will allow jurors the opportunity to donate their compensation for jury service to a non-profit organization, as per Request on file. Motion carried.

THE LIBRARY DIRECTOR PRESENTED THE MEMBERS OF THE COURT WITH STATISTICS FROM THE MONTGOMERY COUNTY MEMORIAL LIBRARY SYSTEM, BEGINNING OCTOBER 2002, THROUGH SEPTEMBER 2003. (COPY IN FILE)

40. COURT ADJOURNS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, 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