

COMMISSIONERS' COURT DOCKET, NOVEMBER 1, 2004
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 1st day of November, 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 - Absent
Commissioner, Precinct 1, Mike Meador
Commissioner, Precinct 2, Craig Doyal
Commissioner, Precinct 3, Ed Chance - Judge Pro-tem
Commissioner, Precinct 4, Ed Rinehart
Also - Alice Drake, County Clerk's Office

COMMISSIONER CHANCE CALLED THIS SESSION OF COURT TO ORDER IN THE ABSENCE OF JUDGE SADLER.

INVOCATION GIVEN BY CRAIG DOYAL, COMMISSIONER, PCT. #2

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1.COMMISSIONERS' COURT AGENDA APPROVED

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

2.PROCLAMATION APPROVED - "VETERANS DAY"

Motion by Commissioner Meador, seconded by Commissioner Doyal, to Proclaim November 11, 2004, as the day to recognize and honor all past and present Veterans from all Wars on "National Veterans Day", as per Proclamation on file. Motion carried.

3.PROCLAMATION APPROVED - "NATIONAL HUNGER AND HOPELESSNESS AWARENESS WEEK"

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to proclaim the week of November 14-23, 2004, as "National Hunger and Hopelessness Awareness Week", in Montgomery County, as per Proclamation on file. Motion carried.

AGENDA ITEM 6C - EMPLOYEES' COMMITTEE - PEGGY FRANKHOUSER, SHERIFF'S DEPARTMENT WAS SELECTED AS EMPLOYEE OF THE MONTH FOR NOVEMBER, 2004. MS. FRANKHOUSER WAS PRESENTED WITH A GIFT CERTIFICATE AND A PLAQUE.

4.REQUEST APPROVED - EXTENDED LUNCH FOR EMPLOYEES - EMPLOYEES' COMMITTEE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a 2 hour lunch for all County Employees wishing to attend the County's Christmas Luncheon on Tuesday, December 14, 2004, from 11:30 a.m. to 1:30 p.m., at the Lone Star Convention Center, as per Request on file. Motion carried.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for October 18, 2004, as presented by the County Clerk. Motion carried.

AGENDA ITEM 7B - ERIC YOLLIK, ATTORNEY AT LAW, presented a check in the amount of \$1,000.00, from the Montgomery Bar

Association, for the purchase of bulletin board(s) for the County Clerk to use for posting meeting notices at the Montgomery County Courthouse.

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

Motion by Commissioner Doyal, seconded by Commissioner Meador, 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:

FY04' BUDGET AMENDMENTS:

1. 9th District Court - to adjust line items
2. 9th District Court - to transfer funds to cover release 285059
3. 359th District Court - to transfer funds to cover release 284950 & 284948
4. Animal Shelter/Animal Control - to transfer funds to cover PO#25500068
5. Animal Shelter/Animal Control - to transfer funds to cover utilities and PO#25500101
6. Animal Shelter - to transfer funds for PO#25500233
7. Commissioner, Pct. #1 - to adjust line items
8. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Michael O'Toole
9. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Royal Villa Construction
10. Commissioner, Pct. #3 - to recognize/allocate reimbursement from C & H Services
11. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Wells Custom Homes
12. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Atallah Nasrallah
13. Commissioner, Pct. #3 - to recognize/allocate insurance proceeds for damages by South Coast Construction
14. Commissioner, Pct. #4 - to adjust line items
15. Commissioner, Pct. #4 - to adjust line items
16. Constable, Pct. #5 - to recognize/allocate proceeds form insurance reimbursement
17. Contingency - to transfer funds for release #284651 and #284827
18. Contingency - to transfer funds to cover shortages in non-departmental
19. Contingency - to transfer funds to cover shortage in non-departmental
20. Contingency - to transfer funds to cover shortage in restricted line
21. Contingency - to transfer funds to cover shortage in mental health
22. Custodial Services - to adjust line items
23. Custodial Services - to adjust line items
24. District Attorney - to recognize/allocate juror donations
25. Drug Court - to transfer funds for PO#25500247
26. Justice of the Peace, Pct. #4 - to adjust line items
27. Juvenile Probation - to adjust line items
28. Purchasing Agent - to adjust line items to fund portion of release 284771

29. Risk Management - to transfer funds for damage claim for Alan Meeks

- 30.Risk Management - to transfer funds for claim #B040029
- 31. Sheriff - to adjust line items
- 32.Sheriff - to adjust line items
- 33.Sheriff/Jail - to adjust line items
- 34.Sheriff- FY04 LLEB Grant - to recognize and to allocate grant from US Dept. of Justice
- 35.Various - to transfer funds to cover shortages in utilities restricted
- 36.Airport - Air Traffic Control Tower - to recognize and to allocate grant to construct an air traffic control tower

FY05 BUDGET AMENDMENTS:

- 1.Airport Maintenance - to adjust line items
 - 2.Budget Office - to adjust line items
 - 3.Building Maintenance - to transfer funds to cover PO#25500250
 - 4.Building Maintenance - to transfer funds for PO#25500295
- 5.Building Maintenance - to adjust line items
- 6.Constable, Pct. #5 - to adjust line items
 - 7.Jail - to adjust line items
- 8.Juvenile Probation - to adjust line items
- 9.Juvenile Probation - to adjust line items
 - 10.LIRAP Grant - to recognize and to allocate FY05 grant proceeds
 - 11.Sheriff - Project Safe Neighborhood Grant - to recognize and to allocate grant from US Dept. of Justice for FY04-FY05

as per Budget Amendments on file.

c.OFFICIALS' FEES REPORT approved, as audited for the month of July, 2004, as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 8B

- a.WEEKLY INVESTMENT REPORT approved, for the week of October 25 through October 29, 2004, as per Report on file.
- b.REPORT approved, for pledges and/or releases of collateral from JPMorgan/Chase Bank, par value \$20,000,000.00, Cusip #912828BX7
- c.MONTHLY REPORT approved, for pledged collateral for the month of September, 2004, as per Report on file.
- d.QUARTERLY INVESTMENT REPORT approved, for the quarter of July, August and September, 2004, as per Report on file.
- e.REQUEST approved, to authorized the County Treasurer to release paychecks on November 24, 2004, after 2:00 p.m., due to the Thanksgiving Holidays. Also, to issue paychecks early on December 22, 2004, due to the Christmas Holidays, as per Request on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8C

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

- 1.Fire Alarm System Inspection and Certification - Law

Enforcement Center

2. Collection and Disposal of Recyclable Materials and Products - Pct. #4
 3. Opening Day Collection (ODC) for New Library Facility in The Woodlands - Pct. #3
 4. Construction on Two (2) Bridges on Lone Star Parkway - Pct. #1
 5. RFP Palm Print System - Sheriff's Department Crime Lab
 6. RFP Collection, Forwarding and Analysis of Urine Samples - Drug Court
 7. Removal/Replace Existing Roof on East and West Canopies of Montgomery County Courthouse - Building Maintenance
- b. ALSO, to acknowledge the following bids/proposals, which were opened by the Purchasing Department:
1. RFP/Q Attorney Services - Various Departments - Project #2005-0003 (opened 10-22-04)
 2. RFP Computer Aided Dispatching Software - Various Departments - Project #2005-0007 (opened 10-26-04)
- c. ALSO, to approve the following Renewal of Contracts:
1. Southeast Texas Forensic Center, Inc., for forensic services - Various Justice of the Peaces - PO#2004190 and #2004190X
 2. Lone Star Pavement Services, Inc., for concrete road repair for existing roads and replacing concrete curbs - Various Departments - PO#2004499
- d. DISCRETIONARY EXEMPTION approved, for software maintenance to The Software Group for Sheriff's Department - Jail and Records, computer aided dispatching, mug shots sub-system and integrated document imaging, as requested by CIS Department.
- e. CHANGE ORDER #3 approved, PO#2004304 - to Strategy 7 Corporation for hardware IBM maintenance and software (AIX) support, for CIS Department.
- f. CHANGE ORDER #2 approved, PO#2004220, to Boise Cascade Office Products Corp., dba OfficeMax, a Boise Co., for changes to the office, computer, paper supplies and accessories with on-line ordering, as per Request on file.
- g. CHANGE ORDER #1 approved, PO#2004471, to Campbell Concrete & Materials LP to provide changes to the Portland Cement Concrete Class "A" 5-sack, as per Change Order on file.
- h. PAYMENT BOND acknowledged, from Ballard Construction Co., Inc., for build-out of office space on the 3rd floor of the Administration Building in the amount of \$62,678.00, as per bond on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8D1

- a. FINAL PLAT approved, for Grand Harbor, Section 9, consisting of 35.642 acres, 56 lots, as per Plat on file.
- b. ORDER approved, to authorize the partial lot conveyance without

a replat in Hulon Lakes Subdivision, Section 1, as per Order on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8D2

a.UTILITY PERMIT approved, for Aqua Texas, Inc. to place a water and sanitary sewer lines within the right of way of Conroe-Huffsmith and Old FM1488 Roads, as per Permit on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8D3

a.PUBLIC HEARING DATE set, for November 15, 2004, to consider the placement of "NO THRU TRUCKS" signs on Flintridge Drive between Woodlands Parkway and Kuykendahl Road, as per Request on file.

b.ORDER approved, to name approximately 19 acres of land south of Pruitt Road for a new youth football complex for Montgomery County's citizens, be named "South County Football Park", as per Order on file.

AGENDA ITEM 8D3C - FINAL PLAT FOR BENDER'S LANDING, SECTION 3 - DEFERRED

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8D4

a.REQUEST approved, to reserve in the name of David M. Marks, Attorneys at Law, Numbers 8, 9, 10 & 11, for East Montgomery County Municipal Utility District, as per Request on file.

b.APPOINTMENT approved, for John Vickers to serve on the Emergency Service District No. 4 Board, due to the resignation of Harvey Yaw, as per Request on file.

c.FINAL PLAT approved, for Kings Mill Subdivision, Section 1, consisting of 48.791 acres, 228 lots, as per Plat on file.

d.ROADS accepted, in Enclave at Oakhurst, Section 1 Subdivision, into the one year maintenance period, effective November 1, 2004, consisting of 2121.89 l.f., 0.4 miles, as per Request on file.

e.ORDER approved, to authorize the lease of real property located in Forest Hills Green Subdivision, Lot 42, to be used as open space, recreational or wetlands management, as per Order on file.

f.PUBLIC HEARING DATE approved, for December 6, 2004, to consider the partial replat of White Oak Plantation to be known as White Oak Place, as per Notice on file.

g.MODIFICATION TO LEASE approved - CHECK acknowledged, in the amount of \$33.00, from George Ensign for the lease of real property located in Magnolia Bend Subdivision, Section 3, as per Lease on file. (check forwarded to County Treasurer for further processing).

h.AGREEMENT approved, to authorize the placement of improvements within the right-of-way of Rock Creek Drive Extension Phase II, as per Agreement on file.

RISK MANAGEMENT - AGENDA ITEMS 8E

- a. PAYMENT approved, for Able Glass Company to be paid \$178.05 in reference to Claim for Tammy Dockery for property damages incurred on August 1, 2004, as per Request on file.

Motion carried.

END OF CONSENT AGENDA

7. ORDER APPROVED - EARLY BALLOT PROCESSING - ELECTIONS CENTRAL

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve an Order for early processing of ballots at the Central Counting Station for November 2, 2004, for the presidential election, as per Order on file. Motion carried.

8. VARIANCES APPROVED - INSTALLATION OF AEROBIC SEPTIC SYSTEMS - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following variances:

- a. Faith Bailes/Gold Leaf Homes, Benders Landing - Pct. #3 - for installation of an aerobic septic system in the flood plain
- b. Lance Lewis, Benders Landing - Pct. #3 - for installation of an aerobic septic system in the flood plain, and
- c. Daniel & Maia Espinosa, Benders Landing - Pct. #3 - for installation of an aerobic septic system in the flood plain,

as per Variance Requests on file. Motion carried.

AGENDA ITEM 11 - JUSTICE OF THE PEACE, PCT. #4 - REQUEST TO COMBINE TWO PART-TIME HOURLY POSITIONS INTO A FULL-TIME HOURLY POSITION - DEFERRED - COMMISSIONER RINEHART TO DISCUSS THIS SITUATION FURTHER WITH THE JP.

9. PURCHASE APPROVED - HAND-HELD LASER RADAR - JUSTICE OF THE PEACE - PCT. #5

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the purchase of one hand-held laser radar in the amount of \$2,550.00, to be used by the Troopers assigned to Precinct #5, as per Request on file. Motion carried. (fund from Contingency)

10. MODIFICATION AGREEMENT APPROVED - U.S. MARSHALS SERVICE - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to add Article XVI, Guard/Transportation Services to the Medical Facilities to the current Intergovernmental Agreement for U.S. Marshals Service. Also, to establish an hourly rate of \$31.99 for said services, as per Request on file. Motion carried.

11. REQUEST APPROVED - INSTALLATION OF SECURITY SYSTEM - CONSTABLE, PCT. #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the installation of an electronic security system for Precinct #1 JP and Constable's Building, located at 300 South Danville Willis, Tx. Said purchase should be declared as an Emergency, and to be purchased immediately, as per Request on file. Motion carried. (fund from Courthouse Security)

AGENDA ITEM 11B - CAR ALLOWANCE DISCREPANCY FOR DAN CAIN - DEFERRED

12.REQUEST APPROVED - FUNDING/APPROVAL AGREEMENT - COMMUNITY DEVELOPMENT (CDBG)

Motion by Commissioner Meador, seconded by Commissioner Doyal, to authorize the County Judge to execute the Funding Approval and Grant Agreement for CDBG Year 2004, as per Agreement on file. Motion carried.

13.SOCIAL SERVICES CONTRACTS APPROVED - SUB-RECIPIENTS OF CDBG FUNDS - COMMUNITY DEVELOPMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Social Service Contracts, for CDBG Funds for 2004, to low income families:

- a.Community Clinic
- b.Society of Samaritans

as per Contracts on file. Motion carried.

14.REQUEST APPROVED - PURCHASE OF PLAQUES - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to authorize the Library Director to purchase Staff Recognition Plaques for presentation at the Staff Development Day on November 19, 2004, as per Request on file. Motion carried. (funding available in Library's budget)

AGENDA ITEM 16B - REQUEST TO CARRYOVER FUNDS FROM THE LIBRARY SYSTEM'S FY2004' BUDGET TO COVER COSTS OF FIBER CONNECTIONS FOR THE CENTRAL LIBRARY AND OTHER LIBRARY LOCATIONS - DEFERRED.

15.DONATION ACCEPTED - LIBRARY NAMED - SOUTH COUNTY LIBRARY - LIBRARY DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept a check in the amount of \$100,000.00, from George and Cynthia Mitchell, to supplement the book collection for the new South Montgomery County Library. Also, to name the new Library "George & Cynthia Woods Mitchell Library", as per Order on file. Motion carried. (check forwarded to County Treasurer for further processing).

16.RECOMMENDATION APPROVED - MODIFICATIONS TO HAS/PREMIER PPO PLAN - RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve modifying the HAS/Premier P.P.O. to include the PHCS hospital network which will increase the P.P.O. savings, as per Request on file. Motion carried.

AGENDA ITEM 16B - REQUEST TO INCREASE THE PPO CALENDAR YEAR DEDUCTIBLE WAS DENIED BY THE COURT AT THIS TIME.

17.REQUEST APPROVED - MEDICAL REIMBURSEMENT - RISK MANAGEMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to increase the Medical Reimbursement annual limit within the Cafeteria Plan from \$1,500.00 annually to \$2,500.00, as per Request on file. Motion carried.

18.REQUEST APPROVED - PAYROLL DEDUCTIONS - RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to discontinue payroll deductions for the optional permanent life insurance and the disability income policy, as per Request on file. Motion carried.

19.REQUEST APPROVED - MEDICAL BENEFITS FOR EMPLOYEES' DEPENDENTS - RISK MANAGEMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to amend the Montgomery County Employee benefit Plan to include a provision that would require any eligible dependents of an employee to be covered under the medical benefit plan for a minimum of two year prior to the employees' retirement effective date, as per Request on file. Motion carried.

20.REQUEST APPROVED - DEPENDENT COVERAGE - RISK MANAGEMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to amend the Montgomery County Employee Benefit Plan to include a provision that would allow a dependent who is also an employee, be added to an existing retiree's coverage immediately, if the employee also retires and was covered under the medical benefit plan prior to retirement for at least one year and remains covered under the plan, as per Request on file. Motion carried.

21.REQUEST APPROVED - DENTAL INSURANCE RENEWAL - RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to renew the dental coverage with CompBenefits at rates noted in Request from Insurance Consultant. Motion carried.

22.REQUEST APPROVED - VISION INSURANCE RENEWAL - RISK MANAGEMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to renew the Vision Program with Spectera at the same rates as the previous year, as per Request on file. Motion carried.

23.REQUEST APPROVED - TENANT USERS LIABILITY INSURANCE POLICY - RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to renew the Tenant Users Liability Insurance Policy (TULIP), at the same rates as previous year, and to authorize funding from Risk Management Budget 4022, as per Request on file. Motion carried.

24.REQUEST APPROVED - VALUATION SERVICES - RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Request for valuation services relative to Montgomery County from Gallagher Bassett Services, Inc. Also, to authorize the Purchasing Agent and Director of Risk

Management to negotiate a contract, with funding to be taken from Risk Management Budget 4022 upon completion, as per Request on file. Motion carried.

25. GRANT ACCEPTANCE NOTICE APPROVED - CRIMINAL JUSTICE DIVISION - DRUG COURT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Grant Acceptance Notice from Criminal Justice Division of Governor's Office for Drug Court for FY05, as per Notice on file. Motion carried.

26. AGREEMENTS APPROVED - VARIOUS AGENCIES - COUNTY AUDITOR

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Agreements with the following Agencies for FY05:

- a. Montgomery County Youth Services
- b. Montgomery County Emergency Assistance, Inc.
- c. Tri-County Mental health/mental Retardation

as per Agreements on file. Motion carried.

AGENDA ITEMS 19A 1 THROUGH 6 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

27. LOAN APPLICATION - LONESTAR LOAN - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the LoanStar Loan Application for the Energy Efficient Facility Upgrade, as per Application on file. Motion carried.

28. PROPOSAL APPROVED - EXPERT WITNESS SERVICES - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the proposal from Jeff Milburn Engineering for expert witness services as previously approved in Commissioners' Court on October 18, 2004, as per Proposal on file. Motion carried.

29. FUNDS APPROVED - ASBESTOS ABATEMENT - PURCHASING DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve funds in the amount of \$156.78, to the City of Conroe for the asbestos abatement of the Old Youth Services Building located at 313 Ave. G., Conroe, as per Request on file. Motion carried. (fund from Contingency)

30. FUNDS APPROVED - SOIL TESTING - PURCHASING DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve funds in the amount of \$2,350.00 to HBC Terracon for additional soil testing services for the Tullis Library, as per Request on file. Motion carried. (fund from bond monies)

31. PROPOSAL APPROVED - SECURETECH SYSTEMS, INC. - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the proposal for security equipment from SecureTech

Systems, Inc., for Wireless Duress Notification System for the Montgomery County 4D Court located in the Knox Building, as per Proposal on file. Motion carried. (fund from Courthouse Security funds)

32.RESOLUTION AND ORDER APPROVED - APPROVAL OF CHANGE ORDERS - PURCHASING AGENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to authorize Purchasing Agent to approve Change Orders involving an increase or decrease in the cost of \$50,000.00 or less, as per Texas Local Government Code 262.031.(b). Motion carried. (no paperwork)

33.REIMBURSEMENTS APPROVED - SEMINAR AND HOTEL RESERVATION - PURCHASING AGENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Seminar and Hotel Reservation Reimbursements. Motion carried. (no paperwork)

34.RESOLUTION AND ORDER APPROVED - LEGAL EXPENSES IN EEOC CLAIM - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to execute Resolution and Order to authorize the County Attorney's office to incur legal expenses in the EEOC Claim of Darol Stoneham, EEOC Charge No. 330-2005-00091; (Claim No. B-04-0099). Motion carried. (no paperwork)

35.PERSONAL SERVICES AGREEMENT APPROVED - CONSTABLE, PRECINCT #5

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Personal Services Agreement between Montgomery County and Pct. #5 Constable Reserve Deputy, Duane G. Osterhans, Jr., to perform law enforcement services to be designated by Constable David Hill. Also, to authorize the discretionary exemption from competitive bidding, and to authorize the County Judge to execute said Agreement, as per Agreement on file. Motion carried.

36.AGREEMENT APPROVED - LAW ENFORCEMENT SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Agreement for Law Enforcement Services to be performed by Precinct #2 Deputy Constables, on behalf of Montgomery Trace Subdivision, as per Agreement on file. Motion carried.

37.AGREEMENT APPROVED - SEWER LIFT STATION USAGE - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve an Agreement between Montgomery County and Giovanni Febbo, to allow the Febbos to use the County's sanitary sewer lift station located at Lake Conroe Park, as per Agreement on file. Motion carried.

38.INTERLOCAL AGREEMENT APPROVED - HAZARDOUS HOUSEHOLD CHEMICAL DISPOSAL - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Interlocal Agreement between Montgomery County and Harris County, to allow Harris County to use Montgomery County's drop-off center for household hazardous chemical waste items, as per Agreement on file. Motion carried.

39.RESOLUTIONS AND ORDERS APPROVED - CONTINUED OCCUPANCY OF SPACE
- COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Doyal,
to approve the Resolutions and Orders to amend the following
Occupancy Agreements:

a.The Women's Center to occupy office space in East Montgomery
County Community Development Center, and

b.The Friendship Center to occupy space in the East Montgomery
County Community Development Center,

as per Agreements on file. Motion carried.

40.REQUEST APPROVED - SPEED LIMIT SET - PRECINCT #1

PARTIAL REPLAT APPROVED - PARKWAY SUBDIVISION - PRECINCT #4

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

a.to set the speed limit on Oak Tree Drive, (from FM1484), at 30
mph, and

b.to approve the partial replat of Parkway Subdivision, to be
known as Bucky's Deal 2 a FM1485

as per Notices on file. Motion carried.

41.ORDER APPROVED - ABANDONMENT OF RIGHT OF WAY - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner
Rinehart, to approve an Order to discontinue, closing, vacating
and abandoning right of way, approximately 960 linear feet
of Red Bay Court, aka Ken Lake Drive and aka Red Bay Circle,
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; Articles 551.071, 551.072,
551.073, 551.074, 551.075, 551.076, 551.084 and 551.087

1. Consider and Discuss Joseph Frederick Meriwether vs.
Guy Williams, et al

2.Consider and Discuss Utah Probate Action involving Montgomery
County, Texas

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT, EXCEPT
JUDGE SADLER.

42.PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Control to accept the resignation of Jessica
Knudsen, Kennel Help, effective October 19, 2004

request of Constable, Pct. #3 to accept the resignation of James
Barber, Deputy, effective October 28, 2004, with 36.53
vacation hours due, 92.25 comp hours due and 21.00 holiday
hours due

request of County Attorney to increase the salary of Sara

- Forlano, Attorney II, effective November 6, 2004, due to merit increase
- request of Elections Administrator to place Boldrey Garrett, Temporary Clerk, effective October 15, 2004
- request of Elections Administrator to increase the salary of Michele Russell, Temporary Clerk, effective October 23, 2004, due to merit increase
- request of Sheriff's Department to accept the resignation of Jackie D. Cox, Medic, effective October 21, 2004
- request of Sheriff's Department to transfer Elizabeth Dunlap from Detention Officer to Clerk II, (replacement for Jennifer Staggs), effective October 23, 2004
- request of Sheriff's Department to correct the payroll change for Elizabeth Middleton, Clerk IV, to reflect change in her bi-weekly pay, effective September 25, 2004
- request of Sheriff's Department to correct the payroll change for Thomas Ray, District 1, Lieutenant Patrol, effective September 25, 2004
- request of Sheriff's Department to discharge Jason Whittington, Detention Deputy, effective October 21, 2004, with 141.68 vacation hours due, 10.00 comp hours due and 53 holiday hours due
- request of Sheriff's Department to correct the payroll change for Denise Wilkins, Detention Deputy, effective September 25, 2004
- request of Justice of the Peace, Pct. #4 to place Becky Dobbins, Part-time Court Clerk I, effective October 25, 2004
- request of Juvenile Probation Director to discharge Billie Catron, Certified Nurse Aide, effective October 21, 2004, with 46.88 vacation hours due and 8 hours holiday pay
- request of Juvenile Probation Director to place Vincient Crawford, Juvenile Detention Officer, on payroll, (replacement for Robert Porter), effective November 6, 2004
- request of Juvenile Probation Director to place Larry Freeman, Juvenile Detention Officer, on payroll, effective November 6, 2004
- request of Juvenile Probation Director to place Kimberly N. Walden, Juvenile Detention Officer, on payroll, effective November 6, 2004
- request of Library Director to accept the resignation of Sharon Hinton, Shelving Clerk, effective October 14, 2004
- request of Library Director to place Devery Johnson, Library Assistant II, on payroll, (replacement for Juana Trevino), effective November 1, 2004
- request of Library Director to reduce the hours of Geri Rene Rawlinson, Shelving Clerk, to 30 hours per week, effective October 4, 2004
- request of Library Director to place Laura Robinson, Clerk II, (replacement for Paul Lothman), on payroll, effective October 25, 2004

request of Library Director to promote Rebecca Roller from Shelving Clerk to Library Assistant II, (replacement for Jennifer Castino), effective November 1, 2004

request of Library to accept the retirement of Karen Walker, Reference Librarian, effective October 22, 2004, with 103.097 vacation hours due and 9.25 sick leave hours due

request of Sheriff's Department to correct the payroll change for Buck Clendennen, Deputy Patrol, District III, effective September 25, 2004

request of Sheriff's Department to transfer Aaron Lozano from Deputy, District IV Patrol to Detention Deputy, (replacement for Lisa Shanahan), effective October 23, 2004

request of Sheriff's Department to discharge William Brandon Rogers, Deputy Patrol, District II, effective October 21, 2004, with 61.62 vacation hours due and 438.7 comp hours due

request of Sheriff's Department to transfer Eric Hensley, Detention Officer, (replacement for Lisa Riley), effective October 23, 2004

request of Sheriff's Department to place Jacqueline Lunsford, Clerk II, on unpaid leave of absence, effective October 14, 2004

as per Payroll Change Requests on file. Motion carried.

43.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