

COMMISSIONERS' COURT DOCKET, NOVEMBER 12, 2002  
SPECIAL SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

Be it remembered that on this the 12th day of November, 2002, 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 COMMISSIONER, CRAIG DOYAL, PRECINCT #2.  
PLEDGE OF ALLEGIANCE WAS RECITED BY EVERYONE PRESENT.

1. COMMISSIONERS' COURT AGENDA APPROVED

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

2. PROCLAMATION APPROVED - NATIONAL GEOGRAPHIC INFORMATION SYSTEM DAY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Proclamation to proclaim November 14, 2002 and November 15, 2002, as "National GIS Day" in Montgomery County, and to urge all citizens to participate in GIS Day activities, as per Proclamation on file. Motion carried.

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

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for November 4, 2002, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 7A THROUGH 7E3

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the following Items listed under Today's Court Agenda:

COUNTY AUDITOR - AGENDA ITEMS 7A

- a. ACCOUNTS approved, as submitted by the County Auditor.
- b. REPORT accepted, on fixed assets visual inspection for FY Ended 9/30/02, as per Report on file.
- c. OFFICIALS' FEES REPORT accepted, as audited for September 2002, as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 7B

- a. WEEKLY INVESTMENT REPORT approved, for the week of November 4, 2002, through November 7, 2002, as presented by the County Treasurer.

AGENDA ITEMS 7B2 & 3 - PLEDGES AND/OR RELEASES OF COLLATERAL AND BANK RESOLUTIONS - NOTHING WAS SUBMITTED THIS COURT SESSION FOR

APPROVAL.

PURCHASING DEPARTMENT - AGENDA ITEMS 7C

- a. AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS AND/OR PROPOSALS:
  1. Construction of right turn lane from Research Forest Dr. to East Alden Bridge Dr. - Pct. #2
  2. Drug Testing - Drug Court
  3. 5 Phase Treatment Program - Drug Court
  4. Construction of Traffic Signal on Lake Woodlands at Six Pines - Pct. #3
- b. ALSO, to acknowledge the opening of the following bid/proposal, which is located in the Purchasing Department for public viewing:
  1. RFP/Q video Processor System - Various Departments - Project #2003-0015 - (opened 11-5-02)
- c. RENEWAL CONTRACTS approved, as follows:
  1. Hughes Supply, Inc., PO#2002139 and #2002139X - for electrical supplies - Various Departments
  2. Bank of America - PO#2000259 - for airline transportation - Various Departments
  3. Willis Pest Control - PO#2001117 - for pest control service - Various Departments
- d. SOLE SOURCE ITEM approved, for purchase of PO#2002195, to Proquest Information & Learning Co., for General Periodicals Research II Edition, the New York Times and Periodicals Abstracts Research II - Library
- e. NAME CHANGE approved - Vogt (D.A.) Engineering, Inc., to Vogt Engineering, L.P., 110 Vision Park Blvd., Suite 200, Shenandoah, Texas 77384

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 7D

- a. TAX ABATEMENT AGREEMENT cancelled, for Shumate Machine Works, Inc., a wholly owned subsidiary of Excalibur Holdings, Inc. who has decided to lease premises for said business rather than purchasing, as per Letter on file.
- b. SUPPLEMENTAL CHANGES acknowledged, to the 2002 Supplemental Changes to the 2002 Taxroll, as per Changes on file.
- c. CORRECTIONS acknowledged, to the 2002 Consolidated Taxroll for the City of Stagecoach, as per Corrections on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 7E

- a. WARRANTY DEED approved, from the Assistance League of Lake Conroe, consisting of 0.058 acres in the Lemuel Smith Survey, as per Deed on file.
- b. WARRANTY DEED approved, from Ernest L. Butler and Cathy L. Butler, consisting of 0.256 acres in the Lemuel Smith Survey, as per Deed on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 7F2

- a. FINAL PLAT approved, for Metro Center, Section 48, The Woodlands, consisting of 3.23 acres, as per Plat on file.
- b. ORDER approved, to authorize the updated title opinion for Budde Road right-of-way project to acquire four (4) parcels for the widening of Budde Road, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEM 7E3

- a. FINAL PLAT approved, for Deerwood Subdivision, Section 2, consisting of

63.895 acres, as per Plat on file.

Motion carried.

END OF CONSENT AGENDA

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5. CANVASS OF ELECTIONS RESULTS APPROVED - GENERAL ELECTION, NOVEMBER 5, 2002 - ELECTIONS CENTRAL

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Canvass of the November 5, 2002, General Election Results, as presented by the Elections Administrator. Motion carried.

6. CONTRACT APPROVED - WELFARE AND SOCIAL SERVICES - COUNTY AUDITOR

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Contracts for Providers of Welfare and Social Services:

- a. Tri-County MHMR
- b. Montgomery County Children's Advocacy Center, Inc.
- c. Montgomery County Committee on Aging, Inc.
- d. Montgomery County Emergency Assistance, Inc.

as per Contracts on file. Motion carried.

7. GRANT ACCEPTED - CRIMINAL JUSTICE DIVISION - DRUG COURT - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador to accept Grant from Office of Governor, Criminal Justice Division for Drug Court, in the amount of \$131,000.00, with a county match of \$185,994.00, as per Acceptance Notice on file. Motion carried.

8. SUPPLEMENTAL GRANT ACCEPTED - TEXAS AUTOMOBILE THEFT PREVENTION - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept Supplemental Grant from Texas Automobile Theft Prevention Authority for the Sheriff's Department in the amount of \$3,000.000, as per Acceptance Notice on file. Motion carried.

9. REQUEST APPROVED - FEES WAIVED - COUNTY PARK

Motion by Commissioner Meador, seconded by Commissioner Doyal, to waive the County Clerk's recording fees for aerobic system in West Montgomery County Park and Magnolia Little League Park, as per Request on file. Motion carried.

AGENDA ITEMS 11A 1,2,3,4, & 6 - RECOMMENDATIONS AND CONTRACTS - DEFERRED.

10. RECOMMENDATION AND CONTRACT APPROVED - NEW 2002/2003 VEHICLES - BUILDING MAINTENANCE

Motion by Commissioner Meador, seconded by Commissioner Chance, to award the bid, (opened October 30, 2002), for two 2003 Chevrolet 2500 Trucks, for Building Maintenance Department, to Lawrence Marshall Chevrolet II, L.P., for a total of \$30,992.00, as per Contract on file. Motion carried.

11. PROPOSAL APPROVED - ROD'S SURVEYING, INC. - PRECINCT #2
- Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the proposal from Rod's Surveying, Inc. for FMI488 Wetland Topographic Survey for a fee of \$11,535.00, as per Proposal on file. Motion carried.
12. PROPOSAL APPROVED - PBS & J ENGINEERING SERVICE - PRECINCT #3
- Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the proposal from PBS & J to provide Engineering Services for the abstracting of property and final alignment determination of Robinson Rd. for a fee of \$9,939.00, as per Proposal on file. Motion carried.
13. PROPOSAL APPROVED - PBS & J ENGINEERING SERVICE - PRECINCT #2
- Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the proposal from PBS & J for the preliminary engineering and environmental investigation for Nichols Sawmill Rd. from FMI774 to Harris County Line for a fee of \$224,540.00, as per Proposal on file. Motion carried.
14. PROPOSAL APPROVED - JNS CONSULTING ENGINEERS, INC. - PRECINCT #4
- Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the proposal from JNS Consulting Engineers, Inc., for the preparation of right-of-way maps for FMI314 from Mett Road to SH242, for a fee of \$390,526.00, (fund from road bonds), as per Proposal on file. Motion carried.
15. ORDER APPROVED - FUNDING AGREEMENT SURFACE IMPROVEMENT PROGRAM - PRECINCT #3
- Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve an Order to support and commit to local funding share of proposed direct connector project from Woodlands Parkway to I-45 Southbound, (fund from bond funds), as per Order on file. Motion carried.
16. FUNDING AGREEMENT APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION - PRECINCT #3
- Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Advance Funding Agreement surface transportation improvement program, for the construction of a direct connector between Woodlands Parkway and I-45 Southbound, (fund from bond funds), as per Agreement on file. Motion carried.
17. ORDER APPROVED - ROAD ACCEPTED BY PRESCRIPTIVE RIGHT - PRECINCT #4
- Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve an Order to accept Coburn Road into the Montgomery County Road Maintenance System by prescriptive right, as per Order on file. Motion carried.
18. ORDER APPROVED - ROAD ACCEPTED BY PRESCRIPTIVE RIGHT - PRECINCT #4
- Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve an Order to accept Whispering Pines Cemetery Road into the Montgomery County Road Maintenance system by Prescriptive Right, as per Order on file. Motion carried.

#### EXECUTIVE SESSION

The Court recessed into Executive session in the County Judge's Chambers to discuss matters authorized under Article 551.071 thru 551.076, Texas Government Code, as follows:

- a. Consider and take action on Sebago, Inc., et al vs. Beazer East, Inc. - Sheriff's Department
- b. Discuss second Order formally accepting Dorothy Prince Robinson's dedication of public road commonly known as Green Road, and formally affirming that Green Road is in county road maintenance system - Pct. #1

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

19. SECOND ORDER APPROVED - DEDICATION OF GREEN ROAD - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Second Order formally accepting Dorothy Prince Robinson's Dedication of the public road commonly known as Green Road, and to formally affirm that Green Road is in the Road Maintenance System of Montgomery County, as per Order on file. Motion carried unanimously.

CITIZENS - AGENDA ITEM 15 - MR. JOE G. BAX, A RESIDENT OF PRECINCT #1, ADDRESSED THE COURT TO DISCUSS THE GREEN ROAD LAWSUIT, WHICH HE ALLEGES THAT HE IS THE OWNER OF GREEN ROAD AND NOT MONTGOMERY COUNTY.

20. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of County Auditor to increase the salary of Kevin Krastin, Fiduciary Compliance Clerk, effective November 2, 2002, due to probation period completed

request of Collections to place Sally Gomez, Collection Specialist, (replacement for Norma Mastache), on payroll, effective November 7, 2002

request of Collections to accept the resignation of Norma Mastache, Collection Specialist, effective November 8, 2002

request of Commissioner, Pct. #1 to increase the salary of John Harrison, Operator I, on payroll, effective October 26, 2002

request of Commissioner, Pct. #3 to place Amy Drummond, Receptionist, (replacement for Helen Johnson), on payroll, effective November 4, 2002

request of Commissioner, Pct. #4 to place Joseph C. Young, Operator II, on payroll, effective November 12, 2002

request of Constable, Pct. #4 to place Raymond Moore, Lieutenant, on payroll, after returning from leave of absence, effective October 31, 2002

request of Custodial Services to place Imogene Bolton, Lead Custodian on an annual car allowance, (replacement for Janette Curtis), effective November 9, 2002

request of Custodial Services to place Rose Marie Mash, Administrative Assistant, on payroll, (replacement for Janette Curtis), effective November 9, 2002

request of District Attorney to place Brandy McKinley, Receptionist (replacement for Sheri Mericle), from part-time to full-time, effective October 26, 2002

request of District Attorney to promote Sheri Mericle from Receptionist to Intake Clerk, effective October 26, 2002

request of County Engineer to place Rosa A. Vera, office Assistant, on family leave of absence, effective November 7, 2002

request of Juvenile Probation Director to discharge Keith Alewine, Substitute Detention Officer, effective October 26, 2002

request of Sheriff's Department to place Robert S. Albritton on Temporary Detention Sergeant while Sgt. Quertermous is on leave, effective September 5, 2002

request of Sheriff's Department to promote Jason Buckner from Detention Officer I to Detention Deputy, (replacement for Jimmy Kellum), effective October 12, 2002

request of Sheriff's Department to place Dora DiCarlo, Dispatcher II, on payroll - returning from leave of absence, effective December 2, 2002

request of Sheriff's Department to promote Andrew W. Eason from Detective II to District IV, Patrol Sergeant, (replacement for David Miller), effective November 9, 2002

request of Sheriff's Department to transfer Charles Hood from District II, Patrol Deputy to Detention Deputy, (replacement for Mark Speight), effective November 9, 2002

request of Sheriff's Department to place Ryan Johnston, District II, Patrol Deputy, (replacement for John Nye), effective November 2, 2002

request of Sheriff's Department to place Dusty Loge, Detention Officer, (replacement for Jason Buckner), on payroll, effective November 9, 2002

request of Sheriff's Department to accept the resignation of Cathy Majors, CJR Specialist, effective November 1, 2002, with 41.60 vacation hours due, 45.0000 comp hours due and 4.00 hours holiday due

request of Sheriff's Department to place Jackie McDonald, District II, Patrol Deputy, (replacement for Charles Hood), on payroll, effective November 2, 2002

request of Sheriff's Department to demote David Miller from District IV, Patrol Sergeant to Town Center Corporal, (replacement for David Bell), effective November 9, 2002

request of Sheriff's Department to transfer John Nye from District II, Patrol Deputy to Deputy/Bailiff, (replacement for Rodney Vanhowten), effective November 9, 2002

request of Sheriff's Department to place Larry Oxner, Detention Deputy, on payroll, (replacement for Michael Wright), effective November 2, 2002

request of Sheriff's Department to place Lakesha Palmer, Detention Officer I, (replacement for Chad May), on payroll, effective November 2, 2002

request of Sheriff's Department to increase the salary of Stephanie Sorrells, Detention Deputy, effective September 28, 2002, due to intermediate certification

request of Sheriff's Department to place Jennifer Staggs, Secretary I, from part-time to full-time, (replacement for Sonya Whitmire), effective October 31, 2002

request of Sheriff's Department to promote Ricky Staggs from Detention Deputy to Detective I, (replacement for Andrew Eason), effective November 9, 2002

request of Sheriff's Department to place Aaron Sumrall, Detention Officer I, (replacement for Wilson Shotwell), on payroll, effective November 2, 2002

request of Sheriff's Department to transfer Rodney Vanhowten from Deputy/Bailiff to District IV, Patrol Deputy, (replacement for Jason Salter), effective November 9, 2002

request of Sheriff's Department to correct the payroll change request of Tracy Wade, District I, Patrol Corp. to reflect no increase in salary when she was recently transferred to said position, effective September 28, 2002

request of Sheriff's Department to accept the resignation of Sonya Whitmire, Crimestoppers Secretary, effective October 28, 2002, with 20.3400 vacation hours due and .38 comp hours due, effective October 28, 2002

request of Tax Assessor/Collector to discharge Annette Haley, Deputy Specialist II, effective November 1, 2002, with 68.44 vacation hours due

request of Tax Assessor/Collector to increase the salary of June Hudson, Deputy Specialist IV/Relief Manager, effective November 9, 2002, due to probation period completed

