

COMMISSIONERS' COURT DOCKET, NOVEMBER 25, 2002
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 25th 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 DAVID WALKER, COUNTY ATTORNEY

PLEDGE OF ALLEGIANCE WAS RECITED BY EVERYONE PRESENT.

1. COMMISSIONERS' COURT AGENDA APPROVED

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

2. RESOLUTION APPROVED - WATER AND SEWAGE FACILITIES - TAMINA COMMUNITY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Resolution to support the water distribution and sewage collection facilities for the Tamina Community, and to provide adequate funding through the CDBGP funds, as per Resolution on file. Motion carried.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for November 18, 2002, as presented by the County Clerk. Motion carried.

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

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

COUNTY AUDITOR - AGENDA ITEMS 7A

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

b. BUDGET AMENDMENTS approved, as follows:

FY-2002

1. Constable, Pct. #3 - to allocate funds to cover Release #251905
2. Juvenile Probation - to recognize and to allocate reimbursement for August & September 02 Lunch Program
3. Non-Departmental - to allocate funds to cover shortage in restricted line
4. Sheriff - to allocate funds to cover PO#22508709

FY-2003

1. Commissioner, Pct. #1 - to allocate additional funding to Children's Safe Harbor

2. Communication-Information Services - to allocate balance of funds reserved for project
3. Contingency - to transfer funds to capital project fund
4. Sheriff - to recognize and to allocate supplemental grant
5. Sheriff - to adjust line items
 6. Sheriff - to recognize and to allocate reimbursement from Travelers Indemnity

as per Budget Amendments on file.

AGENDA ITEMS 7B1 & 2 - WEEKLY INVESTMENT REPORT FOR WEEK OF NOVEMBER 18-22, 2002 AND PLEDGES AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA

PURCHASING DEPARTMENT - AGENDA ITEMS 7C

- a. AUTHORIZATION TO ADVERTISE, for bids and/or Proposals, for Worker's Compensation and Additional Coverage for Risk Management.
- b. BIDS/PROPOSALS acknowledged, which were opened by the Purchasing Department, as follows:
 1. One (1) or more new 2002/2003 Trucks - Various Departments - Project #2003-0018 - (opened 11-19-02)
 2. Re-Roofing the flight Service Center - Airport - Project #2003-0012 (bids opened 11-20-02)
 3. Purchase of New Uniforms - Law Enforcement -Project #2003-0002 (bids opened 11-21-02)
 4. Extradition Services for Prisoners - Sheriff's Department -Project #2003-0003 (bids opened 11-22-02)
- c. RENEWAL CONTRACT approved - PO#2002153 - for fire alarm system inspection and certification to Fire Protection Etcetera - Sheriff's Department
- d. CHECK accepted, from AT & T Wireless in the amount of \$3.34 for the credit on account with AT & T Wireless. (check forwarded to County Treasurer for further handling).
- e. CHANGE ORDER #4 approved, (PO#2002280), to Frazier Lawn Services to revise the acreage at Frontier Lakes for mowing of right-of-ways, effective October 3, 2002, as per Change Order on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEM 7D

- a. ORDER approved, to accept Dutch/Flack Road into the Montgomery County Road Maintenance System by prescriptive right, as per Order on file.
- b. PUBLIC HEARING DATE SET, for December 16, 2002, to consider the replat of Timberline Estates Subdivision, Section 1, as per Notice on file.

COMMISSIONER, PRECINCT #2

- a. FINAL PLAT approved, for Woodtrace Boulevard Street Dedication, as per Plat on file.
- b. FINAL PLAT approved, for Woodtrace Subdivision, Section 1, consisting of 27.27 acres, 61 Lots, as per Plat on file.

- c. FINAL PLAT approved, for Woodtrace Subdivision, Section 2, consisting of 41.85 acres, 108 Lots, as per Plat on file.
- d. FINAL PLAT approved, for Woodtrace Subdivision, Section 3, consisting of 22.38 acres, 48 Lots, as per Plat on file.
- e. PUBLIC HEARING DATE SET, for December 16, 2002, in order to consider the replat of Village of Decker Oaks Subdivision, Section 1, as per Notice on file.
- f. ORDER approved, to authorize the County Judge to sign draw on Maintenance Bonds with Surety for Montgomery Trace Subdivisions, Sections 5, 6, 7, 8, 9 and 10, due to Developer, (Ebco Land Development, LTD), failure to comply with Montgomery County Subdivision Rules and Regulations, as per Order on file.
- g. ORDER approved, to authorize the County Judge to sign Draws on Maintenance Bonds with Surety for Fish Creek Thoroughfare Phase 1, and Phase 2, and Elk Trace Golf Estates, Section 1, due to Developer, (Triple L. Sales & Development, Inc.), failure to comply with Montgomery County Subdivision Rules and Regulations, as per Order on file.
- h. TEMPORARY CONSTRUCTION EASEMENT approved, from John M. Frey for a temporary easement across and upon his property being the 29000 Block of Nichols Sawmill Road, as per Easement on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 7D3

- a. QUITCLAIM DEED approved, from Vera Ringo for Lot 195, Timber Lakes Addition, Section 3, Part "A", as per Deed on file.
- b. DONATION DEED approved, from Townsen Interests, LTD, in connection with the Riley Fuzzel Road Realignment, as per Deed on file.

AGENDA ITEM 7D3C - FINAL PLAT OF RAYFORD PROPERTIES - DEFERRED.

- c. FINAL PLAT approved, for Metro Center, Section 47, consisting of 12.9221, as per Plat on file.
- d. FINAL PLAT approved, for Metro Center, Section 49, consisting of 1.3202 acres, as per Plat on file.
- e. ROADS accepted, in the Village of Sterling Ridge, Section 16, into the one year maintenance period, consisting of 1,943.03 l.f., .37 miles, as per Request on file.
- f. ROADS accepted, BOND released - in the Village of Sterling Ridge, Section 1, into the County Road System, consisting of 1,964.87 l.f., .37 miles. Also, to Release the Bond, as per Request on file.
- g. ROADS accepted, BOND released - in the Village of Sterling Ridge, Section 6, Phase 1, into the County Road System. Also, to Release the Bond, as per Request on file.
- h. ROADS accepted, BOND released - in the Village of Sterling Ridge, Section 6, Phase 2, into the County Road System, consisting of .94 miles, 4,980 l.f. Also, to Release the Bond, as per Request on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 7D4

- a. RE-APPOINTMENTS approved - Buddy Lentz and Sam Littleton to serve on the Emergency Service District #9 Board as Commissioners for a two-year term, beginning January 2003, to December 2004, as per Request on file.
- b. ANNUAL AUDIT REPORT approved, for Emergency Service District #9, for Fiscal Year ending September 30, 2002, as per Report on file.
- c. ORDER approved, to authorize the purchase of a Right-of-Way Easement, Parcel 49, from R. L. Williams, in the amount of \$3,750.00 in connection with the FM1314 Right-of-Way project, as per Order on file.

- d. ORDER approved, to authorize the purchase of a Right-of-Way Easement, Parcel 26, from Lindal Creg Gallagher, in the amount of \$7,351.00, in connection with the FM1314 Right-of-Way project, as per Order on file.
- e. CHECK acknowledged, in the amount of \$500.00, from the City of Patton Village for street construction and repairs in accordance with an Interlocal Agreement, as per Order on file.
- f. ORDER approved, to declare the existence of a public necessity, and to authorize the institution of condemnation proceedings against CDC Limited, Inc., in connection with the F.M. 1314 right-of-way project, Parcel 33, as per Order on file.
- g. ORDER approved, to declare the existence of a public necessity, and to authorize the institution of condemnation proceedings against Johnie E. Ward, in connection with the F.M.1314 right-of-way project, Parcel 43, as per Order on file.
- h. ORDER approved, to declare the existence of a public necessity, and to authorize the institution of condemnation proceedings against Frank S. Smith and wife, Debra K. Smith, in connection with the F.M. 1314 right-of-way project, Parcel 19, as per Order on file.
- i. ORDER approved, to declare the existence of a public necessity, and to authorize the institution of condemnation proceedings against Vickie J. Atkins, Individually and as Trustee of the Norman L. Atkins Marital Deduction Trust, in connection with the F.M. 1314 right-of-way project, Parcel 54, as per Order on file.
- j. ORDER approved, to declare the existence of a public necessity, and to authorize the institution of condemnation proceedings against Byung D. Kwon and wife, Helen H. Kwon, in connection with the F.M. 1314 right-of-way project, Parcel 18, as per Order on file.
- k. ORDER approved, to allow the partial lot conveyance without a replat in Pine Acres of New Caney, Section 2, as per Order on file.

RISK MANAGEMENT - AGENDA ITEMS 7E

- a. REQUEST approved, for Risk Management Director to authorize the repairs to Pierce vehicle located at Stowe's Wrecker and Collision, at a estimated price of \$6,321.34, (visible damage only), plus rental vehicle, as per Request on file.

Motion carried.

END OF CONSENT AGENDA

5. REAPPOINTMENT APPROVED - LONE STAR GROUNDWATER CONSERVATION DISTRICT - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the re-appointment of David Kleinmann to the Lone Star Groundwater Conservation District Board of Directors, as per Appointment Form on file. Motion carried.

6. APPOINTMENTS APPROVED - HGAC GENERAL ASSEMBLY/BOARD OF DIRECTORS - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the appointment of Craig Doyal, as Representative, General Assembly and Delegate, Board of Directors, and Ed Chance, as Representative, General Assembly and Alternate Board of Directors, as per Notice on file. Motion carried.

7. APPOINTMENTS APPROVED - ALTERNATE HGAC REPRESENTATIVES - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the HGAC Representative appointments as follows:

Alan "Barb" Sadler - Primary Member
Mike Meador - Alternate Member

as per Notice on file. Motion carried.

8. ROADS ACCEPTED - BOND RELEASED - BAY POINTE LANDING - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept the Roads in Bay Pointe Landing which have completed the one year maintenance period. Also, to release the Bond, as per Letter on file. Motion carried. (Roads are private and will not be maintained by Montgomery County).

9. REQUEST APPROVED - PUBLIC HEARING FOR REPLAT - GOLF VILLAS AT WALDEN - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the partial replat of unrestricted Reserve "B" of Walden on Lake Conroe, Section 22, to be known as Golf Villas at Walden. Motion carried. (no paperwork)

10. FINAL PLAT APPROVED - GOLF VILLAS AT WALDEN - PRECINCT #1

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the final plat of Golf Villas at Walden, consisting of 23 lots, as per Plat on file. Motion carried.

11. RESOLUTION APPROVED - REALIGNMENT OF FM-1484 - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution to support the Realignment of F.M. 1484 to accommodate the future expansion of the Montgomery County Airport, as per Resolution on file. Motion carried.

12. ROAD NAMES CHANGE APPROVED - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve changing the following street names in the Woodlands - Village of Sterling Ridge, Section 23:

- a. Knightsgate Court to be changed to St. Peter's Gate
- b. Sterling Dale Drive to be changed to Sterling Dale Place
- c. North Grayglen Circle to be changed to North Gary Glen Circle
- d. South Grayglen Circle to be changed to South Gary Glen Circle

as per Request on file.

13. ROAD NAMES CHANGED - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following Road Name Changes located in Carlton Woods at the Village of Sterling Ridge, Section 6 - Replat:

- a. Patina Pines Drive to be changed to Cartouche Drive
- b. East Patina Pines Circle to be changed to East Cartouche Circle
- c. West Patina Pines Circle to be changed to West Cartouche Circle
- d. Evan Ridge Place to be changed to Frontenac Way
- e. Marble Wood Place to be changed to Charmaine Way
- f. Marble Wood Court to be changed to Margaux Way
- g. Mason Grove Place to be changed to Angelique Way

as per Request on file. Motion carried.

14. ORDER APPROVED - ROMAN FOREST BOULEVARD - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve an Order to accept a portion of Roman Forest Boulevard into the County Road Maintenance System by Prescriptive Right, as per Order on file. Motion carried.

15. ROAD ACCEPTED - COUNTRY CLUB DRIVE - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to accept Country Club Drive into the County Road Maintenance System by Prescriptive Right, as per Order on file. Motion carried.

16. REQUEST APPROVED - JUDGES ORIENTATION SCHOOL -JUSTICE OF THE PEACE, PRECINCT #1

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Request for Lanny Moriarty to attend Judges' Orientation School, December 10 through December 13, 2002, in Austin, for all newly elected Justices of the Peace Judges, as per Request on file. Motion carried.

17. CONTRACT APPROVED - PROFESSIONAL SERVICES - DRUG COURT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Contract for Professional Services between Kara Chapin and Montgomery County, as per Contract on file. Motion carried. (fund from Drug Court Budget)

18. CONTRACT APPROVED - PROFESSIONAL LAW ENFORCEMENT SERVICES - SHERIFF'S DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve a Contract between Montgomery County Sheriff's Department and the Texas Department of Public Safety Professional Law Enforcement Services, for reimbursement of overtime/travel and expenses for project entitled "Methamphetamine Initiative Group", as per Contract on file. Motion carried.

AGENDA ITEMS 12B, C & D - SHERIFF'S DEPARTMENT REQUEST TO CARRYOVER VARIOUS FUNDS FROM 2002 BUDGET YEAR INTO THE 2003 BUDGET YEAR - DEFERRED - PENDING THE AMOUNT TO BE TRANSFERRED FROM THE COUNTY AUDITOR.

19. RESOLUTION APPROVED - TASKS FORCE/INDIGENT DEFENSE - COURT ADMINISTRATOR

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Resolution approving the Grant Application from the Task Force on Indigent Defense for FY2003. Grant to provide improvements in indigent defense services in the County, as per Resolution on file. Motion carried.

AGENDA ITEM 14A - EXTENSION SERVICES GAVE A BRIEF REVIEW ON VARIOUS ACTIVITIES THE WERE INVOLVED IN DURING FY-2002.

AGENDA ITEMS 15A1,3,5,7,8,9,10,11 & 12 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

20. RECOMMENDATION AND CONTRACT APPROVED - PRINTING ELECTIONS FORMS - ELECTIONS CENTRAL

Motion by Commissioner Meador, seconded by Commissioner Chance, to award the bid, (opened 10-24-02), for printing election and voter registration forms and related materials, to Hart Intercivic, as per Contract on file. Motion carried.

21. RECOMMENDATION AND CONTRACT APPROVED - NEW 2002/2003 VEHICLES - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened October 30, 2002), for two (2) 2003 Chevrolet Impala, (for Constable Pct. #1), to Buckalew Chevrolet, as per contract on file. Motion carried.

22. RECOMMENDATION AND CONTRACT APPROVED - AUTOMOTIVE BODY REPAIR SERVICE - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened November 14, 2002), for automotive body repair service to the following vendors:

Master Touch - Primary

D. J. Paint & Body Shop - Alternate

as per Contracts on file. Motion carried.

23. REQUEST APPROVED - EMERGENCY BRIDGE REPAIR - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the discretionary exemption of Emergency Bridge Repair on Riley-Fuzzel Rd. Bridge at Spring Creek by Forde Construction Company, for a fee of \$46,500.00, as per Request on file. Motion carried.

24. PROPOSAL APPROVED - SURVEYING SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the design of a cross culvert replacement for Honea-Egypt Rd. from railroad to entrance to Wildwood Estates for a fee of \$1,800.00, as per Proposal on file. Motion carried. (fund from bond monies)

25. CONTRACT AGREEMENT APPROVED - ENGINEERING SERVICES - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Contract Agreement between Montgomery County and CH2M Hill, for engineering services, to provide a route and design study for FMI097, from IH45 to Lake Conroe, for a fee of \$405,658.00, as per Contract on file. Motion carried. (fund from bond monies)

26. CHANGE ORDER #2 APPROVED - METT ROAD CONSTRUCTION - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Change Order #2, PO#22002379, to Smith and Company, for Mett Road Construction project, as per Change Order on file. Motion carried.

27. COMMITTEE APPROVED - CONSULTANT POSITION - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Judge Sadler, to appoint the following to serve on a Committee for the hiring of a Consultant for position Classification & Compensation Plan:

Diane Bass, Human Resources Director
Peggy Smith, Human Resources Dept.
Dr. Mel Brown, Adult Probation Director
Representative from Purchasing Department

Motion carried. (Commissioner Meador and Commissioner Rinehart "opposed"). 28.

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 Discuss Claims of Pam Hernandez and Phyllis Traylor
- b. Consider and Discuss Arbitration Award and Settlement in Gawerc vs. Montgomery County
- c. Consider and Discuss Sherman Sauls vs. Montgomery County
- d. Consider and Approve hiring of outside counsel for bankruptcy proceedings concerning various subdivisions located in Precincts #1 and #2

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT.

28. RESOLUTION AND ORDER APPROVED - PAYMENT OF CLAIM - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a

Resolution and Order to settle the lawsuit entitled: Jim Gawerc vs. Montgomery County, in the amount of 95,915.31, payable to Jim Gawerc and his attorney of record, C. Charles Dippel, as per Order on file. Motion carried. (fund from building fund and contingency if necessary)

29. ORDER APPROVED - HIRING OUTSIDE COUNSEL - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an Order to authorize hiring the law firm of Goodwin & Harrison, as outside counsel to pursue legal action against entities that have filed bankruptcy, as per Order on file. Motion carried. (fund from contingency)

30. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

Motion by Commissioner Chance, seconded by Commissioner Doyle, to approve the following Payroll Change Requests, as follows:

request of Animal Control to increase the salary of Chasity Proutt, Animal Control Officer, effective November 23, 2002

request of Justice of the Peace, Pct. #1 to accept the resignation of Shelby Rushing, Clerk, effective November 22, 2002, with 9.64 vacation hours due and .58 comp hours due

request of Juvenile Probation Director to correct the employment date of Stewart A. Nichols, Detention Officer, to reflect November 7, 2002

request of Library Director to place Edna Senter, Library Assistant, on family leave of absence, effective November 13, 2002

request of Sheriff's Department to accept the resignation of Robbin Phelps, Dispatcher II, with 4.76 vacation hours due and 200.1300 comp time due, effective October 25, 2002

request of Sheriff's Department to accept the resignation of Michelle Sykes, Dispatcher II, effective November 10, 2002, with 84.0000 vacation hours due and 240.0000 comp hours due and 37.0000 holiday hours due

request of Tax Assessor/Collector to place Judy Banks, Deputy Specialist I, (replacement for Annette Haley), on payroll, effective November 25, 2002

request of Tax Assessor/Collector to accept the resignation of Emily Gilliam, Deputy Specialist II, effective November 20, 2002, with 75.60 vacation hours due and .54 comp hours due

request of Tax Assessor/Collector to accept the resignation of Mary Helen Thacker, Deputy Specialist II, effective December 4, 2002

as per Payroll Change Requests on file. Motion carried.

31. WORKSHOP SCHEDULED - CIVIL SERVICE FOR COUNTY EMPLOYEES - SHERIFF'S ASSOCIATION

Motion by Commissioner Doyal, seconded by Commissioner Chance, to set a workshop for December 2, 2002, at 5:15 p.m. at the Lone Star Convention Center, to discuss Civil Service for County Employees. Motion carried. (no paperwork)

32. 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