

COMMISSIONERS' COURT DOCKET, DECEMBER 2, 2002
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 2nd day of December, 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 - Absent
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 Rinehart, to approve Commissioners' Court Agenda for discussion and necessary action. Motion carried.

AGENDA ITEM 5 - PROCLAMATION - MONTGOMERY LANDFILL SOLUTIONS, L.P. -
SEE MOTION #19 FOR APPROVAL.

2. CONSENT AGENDA APPROVED - AGENDA ITEMS 6A THROUGH 6F

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

COUNTY AUDITOR - AGENDA ITEMS 6A

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

b. BUDGET AMENDMENTS approved, as follows:

FISCAL YEAR 2002:

1. Animal Control - to adjust line items
2. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Montgomery County Drainage District #6
3. County Court at Law #3 - to allocate funds to cover travel reimbursement

FISCAL YEAR 2003:

1. Collections/Alarm Division - to adjust line items
2. Commissioner, Pct. #4/Risk Management - to allocate funds to cover damage claim
3. Commissioner, Pct. #4 - to recognize/allocate restitution from Gilcrease
4. Sheriff's Department - to adjust line items
5. Sheriff's Department - to adjust line items

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 6B

a. WEEKLY INVESTMENT REPORT approved, for the week of November 25-29, 2002, as per Report on file.

AGENDA ITEM 6B2 - PLEDGES AND/OR RELEASE OF COLLATERAL -
REMOVED FROM AGENDA

- b. INVESTMENT POLICY approved, which said policy is intended to cover all financial assets under the direct authority of Montgomery County, as per Policy on file. carried.

PURCHASING DEPARTMENT - AGENDA ITEMS 6C

- a. BIDS/PROPOSALS acknowledged, which were opened by the Purchasing Department, as follows:
 - 1. Gwen Hruska Hike & Bike Trail - Parks Department - Project #2003-0010 - (bids opened 11-26-02)
 - 2. Construction of right turn lane from Research Forest Dr. to East Alden Bridge Dr. - Pct. #2 - Project #2003-0021 - (bids opened 11-27-02)

as per bids opened on file in the Purchasing Department.

- b. RENEWAL CONTRACTS approved, for the following services:
 - 1. Walter Y. Quijano, Phd PC for Five (5) Phase Treatment Program Services - Drug Court -PO#2001126
 - 2. Cintas for Uniform Rental and Services - PO#2002084 - Various Departments

as per Notice on file.

- c. CHANGE ORDER #1 approved, - PO#2002464 - to Dr. Ruben S. Odems for Juvenile - Non-Residential Services - increase not to exceed amount from \$5,000.00 to \$7,000.00, as per Change Order on file.
- 4. CHANGE ORDER #3 approved - PO#2000350 - to Baker & Taylor, Inc. for service to supply Audio/Visual Materials for Library, as per Change Order on file.
- 5. REQUEST acknowledged, of a 1995 Chevrolet Caprice 4-door sedan, Vin #1G1GL52W4SR128151 trade-in, for one 2003 Ford E-150 Club Wagon, to be funded with Juvenile funds, as per Request on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 6E1

- a. ORDER approved, to acknowledged receipt of a check in the amount of \$15,292.87, which represents funds from draw against the Maintenance Bond for road construction in Cedar Lane Estates, as per Order on file.
- b. AMENDMENT ONE approved, to Agreement, (Surface Transportation Program-Urban Mobility Rehabilitation), concerning improvements to F.M. 3083 from IH45 to SH105 West, as per Amendment on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 6E2

- a. ORDER acknowledged, for receipt of a check in the amount of \$12.00 from Michael Perkins for the lease of real property described as 1.6319 acres, Lot 11, Springwood Estates Subdivision, Section 1, as per Order on file.
- b. ORDER acknowledged, for receipt of a check in the amount of \$25,000.00, from Members Association River Plantation, dba River Plantation Country Club, per Agreement to facilitate the Natural Resources Conservation Service Emergency Watershed Protection Program for Stewart's Creek, as per Order on file.
- c. ORDER acknowledged, for receipt of a check in the amount of \$25,000.00, from River Plantation Community Improvement Association per Agreement to

facilitate the Natural Resources Conservation Service Emergency Watershed Protection Program for Stewart's Creek, as per Order on file.

COMMISSIONER, PRECINCT 4 - AGENDA ITEMS 6E3

- a. ORDER approved, to declare the existence of a public necessity, and to authorize the institution of condemnation proceedings to acquire Parcel 51, in connection with the FM1314 right-of-way project, owned by Ruby J. Sallas, as per Order on file.

ALL PRECINCTS - AGENDA ITEM 6E4

- a. OVERLOAD/OVERSIZE PERMIT approved, for K & K construction, Inc., to move dirt material across various county roads. Movement to begin not earlier than September 19, 2002, and to be completed by December 19, 2002, as per Permit on file.

COUNTY JUDGE - AGENDA ITEM 6F

- a. REQUEST approved, for the purchase of ten (10) burial plots from Conroe Memorial Cemetery for indigent burials, at a cost of \$2,575.50. (no paperwork)

Motion carried.

END OF CONSENT AGENDA

3. PURCHASE REQUEST DENIED - COMPUTER - JUSTICE OF THE PEACE, PRECINCT #5

Motion by Judge Sadler, seconded by Commissioner Doyal, to deny the request from Justice of the Peace, Pct. #5 for the purchase of one (1) computer in the amount of \$1,2000.00, to be funded from the JP Training Technology Fund. Motion carried.

4. REQUEST APPROVED - ALLOCATION OF FUNDS - A-L- RECYCLING - CUSTODIAL SERVICES

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the allocation of funds to pay for Release #253009 for A-l Recycling in the amount of \$360.00. Said company provides recycling bins pick up for all paper which is collected countywide, as per Request on file. Motion carried. (fund from contingency)

5. FUNDING APPROVED - ANTHRAX TESTING - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Judge Sadler, to approve funding from Emergency Management Fund to pay for possible Anthrax Testing. Motion carried. (no paperwork)

6. PAYMENT APPROVED - BONNIE HOUSER - PRECINCT #1

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve payment of 110 hours vacation time for Bonnie Houser, for payroll ending 12-06-02, as per Request on file. Motion carried.

7. PARTIAL REPLAT APPROVED - CROWN OAKS SUBDIVISION - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the partial replat of unrestricted Reserves "K" and "L" of Crown Oaks, Section 1, along with additional acreage to be known as Crown Oaks Subdivision, Section 4, as per Notice on file. Motion carried.

8. ORDER APPROVED - LINDLEY WOODS ACCEPTED IN ROAD SYSTEM - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve an Order to accept Lindley Woods Street into the Montgomery County Road Maintenance System by Prescriptive Right, as per Order on file. Motion carried.

9. CHANGES APPROVED - TAX ABATEMENT POLICY - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Doyal, seconded by Judge Sadler, to approve changes to the current Tax Abatement Policy, to allow Tax Abatements on Aircraft with new or expanded facilities, as per Request on file. Motion carried.

10. REQUEST APPROVED - SALARY INCREASE/LARRY PETRO - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Chance, seconded by Judge Sadler, to approve a salary increase for Larry Petro, CIS Employee, for new responsibilities he will be assigned for the Tax Assessor/Collector Department. Also, to approve a Budget Amendment to fund said salary increase to transfer funds from Tax Assessor's Budget to CIS Budget, as per Request on file. Motion carried.

AGENDA ITEMS 12A 1,2,5,6,7, & 9 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

11. RECOMMENDATION AND CONTRACT APPROVED - PORTABLE BRUSH CHIPPER - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Chance, to award the bid, (opened November 13, 2002), to Poston Equipment Sales, Inc., for one (1) 2002 Bandit brush chipper in the amount of \$24,380.00, as per Contract on file. Motion carried.

12. RECOMMENDATION AND CONTRACT APPROVED - LANDSCAPING SERVICES - VARIOUS DEPARTMENTS

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to award the bid, (opened November 14, 2002), to Weisinger Gardens, Inc., for landscaping services, as per Contract on file. Motion carried.

13. RECOMMENDATION AND CONTRACT APPROVED - EXTRADITION SERVICES FOR PRISONERS - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the bid, (opened November 22, 2002), to Transcor America, Inc., for extradition services for prisoners, as per Contract on file. Motion carried.

14. RECOMMENDATION AND CONTRACT APPROVED - CONSTRUCTION OF RIGHT TURN LANE - PRECINCT #2 AND #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the bid, (opened November 27, 2002), to South Coast Construction, Inc., in the amount of \$41,632.90 for construction of a right turn lane from Research Forest Dr. to East Alden Bridge Dr., as per Contract on file. Motion carried.

15. PROPOSAL APPROVED - COBB, FENDLEY AND ASSOCIATES - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the proposal from Cobb, Fendley and Associates to provide right-of-way acquisition services of a parcel of property located a Wilshire Dr. and US Highway 59 for a fee not to exceed \$6,000.00, as per Proposal on file. Motion carried.

16. PROPOSAL AND CONTRACT APPROVED - ENGINEERING SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the proposal and award the contract to HNTB to provide engineering services to conduct a biological assessment for Red-Cockaded Woodpecker for the FM 1488 widening project as required by the Federal Fish and Wildlife Service and the Texas Forest Service for a fee of \$45,981.00, as per Proposal and Contract on file. Motion carried.

17. CERTIFICATE OF SUBSTANTIAL COMPLETION APPROVED - SHERIFF'S

DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Certificate of Substantial Completion for partial occupancy for the jail addition, as per Certificate 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:

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT, EXCEPT COMMISSIONER MEADOR.

18. REQUEST APPROVED - INDEPENDENT COUNSEL - COMMISSIONER RINEHART, PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Doyal, to authorize hiring Commissioner Rinehart an Independent Counsel for representation in regards to the Parks Claim. Motion carried.

19. RESOLUTION APPROVED - MONTGOMERY LANDFILL SOLUTIONS, L.P.

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve a Resolution, as presented by David Crews, to permit the construction and operation of Type IV solid waste management facility for the processing and disposal of construction and demolition debris, as per Resolution on file. Judge Sadler opposed. Motion carried.

20. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Collection Director to increase the salary of Melissa Bridges, Collection Specialist, effective November 23, 2002, due to probation period completed

request of Collection Director to promote Lorena Gomez, Collection Specialist/Office Coordinator, effective November 23, 2002, with an increase in salary

request of Collection Director to increase the salary of Lisa Lovelady, Collection Specialist, effective November 23, 2002, due to a merit increase

request of Collection Director to increase the salary of Donna Walters, Supervisor, effective November 23, 2002, due to probation period completed

request of Commissioner, Pct. #3 to increase the salary of David Scardino, Driver/Helper, effective December 7, 2002, due to probation period completed

request of Constable, Pct. #4 to discharge Raymond S. Moore, Lieutenant, effective November 25, 2002, with no benefits due

request of Custodial Director to accept the resignation of Bobbie Himes, P/T Custodian, effective November 20, 2002, with no benefits due

request of Fire Marshal to place Jeffrey E. Williams, Investigator, on payroll (part-time), effective November 4, 2002

request of Justice of the Peace, Pct. #1 to increase the salary of Brandie Lopez, Juvenile/Criminal Clerk, effective November 23, 2002, due to a merit increase

request of Library Director to place Cheryl Crayton, Library Assistant, (full-time temporary), on payroll, effective November 25, 2002, replacement for Edna Senter

request of Sheriff's Department to place Eric Hensley, Detention Officer I, (replacement for Justin Hamilton), on payroll, effective November 30, 2002

