

COMMISSIONERS' COURT DOCKET, DECEMBER 20, 2004
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 20th day of December, 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
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 CONNIE REAVES, SHERIFF'S DEPARTMENT.

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1.COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 6A - EMPLOYEE OF THE MONTH FOR DECEMBER, 2004, WAS RUTHIE ZWISLER, COUNTY CLERK'S DEPARTMENT. RUTHIE WHO HAS BEEN EMPLOYED BY THE COUNTY FOR TWENTY-THREE YEARS WAS PRESENTED WITH A GIFT CERTIFICATE AND A PLAQUE.

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

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Commissioners' Court Minutes for December 6, 2004, as presented by the County Clerk. Motion carried.

3.DEPUTATION APPROVED - BRANDI GOODNIGHT - COUNTY CLERK

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Deputation of Brandi Goodnight, Deputy County Clerk, as per Deputation on file. Motion carried.

4.CONSENT AGENDA APPROVED - AGENDA ITEMS 8D THROUGH 8H

Motion by Commissioner Chance, 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 approved, as presented by the County Auditor:

FISCAL YEAR 2004'

1.Commissioner, Pct. #4 - to recognize and to allocate reimbursement from New Caney ISD

2.Constable, Pct. #1 - to adjust line items

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3. Constable, Pct. #3 - to transfer funds to cover release 287032

4. Drug Court - to transfer funds for travel

5. Risk Management - to transfer funds for damage claim H040104

6. Sheriff - to recognize and to allocate reimbursement from State

FISCAL YEAR 2005'

1. Civic Center - to adjust line items

2. Commissioner, Pct. #1 & #3 - to transfer funds for traffic signal repairs

3. Commissioner, Pct. #1 (1 of 2) - to adjust line items

4. Commissioner, Pct. #1 - (2 of 2) - to recognize and to allocate reimbursement from City of Willis

5. Commissioner, Pct. #2 & #3 - to transfer funds for mosquito spraying

6. Commissioner, Pct. #3 - to recognize and to allocate reimbursements

7. Commissioner, Pct. #4 - to adjust line items

8. Constable, Pct. #1 - to adjust line items

9. Constable, Pct. #5 - to adjust line items

10. Juvenile Probation - to recognize and to allocate donation from Citizens Advisory Council

11. Risk Management (1 of 2) - to transfer funds for damage claim B020004

12. Risk Management (2 of 2) - to recognize and to allocate insurance proceeds for claim U050007

13. Sheriff (1 of 2) - to recognize and to allocate donation from Wal-Mart foundation

14. Sheriff (2 of 2) - to adjust line items

15. Tax Assessor/Collector (1 of 2) - to reallocate revenue

16. Tax Assessor/Collector (2 of 2) - to transfer funds to cover release 286476

as per Budget Amendments on file.

COUNTY TREASURER - AGENDA ITEMS 8B

a. WEEKLY INVESTMENT REPORT approved, for the week of December 6 through December 10, 2004, as per Report on file.

AGENDA ITEM 8B2 - WEEKLY INVESTMENT REPORT FOR WEEK OF DECEMBER 13-17, 2004 - REMOVED FROM AGENDA.

b. PLEDGES AND/OR RELEASES OF COLLATERAL approved, as follows:

12-20-04

- 1.RELEASE - Woodforest National Bank - Cusip #912828AQ3 - par value \$4,000,000.00
- 2.PLEDGE - Woodforest National Bank - Cusip #912828CY4 - par value \$4,000,000.00
- 3.PLEDGE - Southwest Bank - Cusip #US31371LDE65 - par value \$15,000.00
- 4.PLEDGE - Southwest Bank - Cusip #US31371LE544 - par value \$35,000.00

as per Report on file.

- c.BROKERS LIST approved, as approved by the Investment Committee, for conducting business with Montgomery County, as per List on file.
- d.REVISED INVESTMENT POLICY approved, for year 2005, as approved by the Investment Committee.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a.MONTHLY TAX COLLECTION REPORT approved, for the month ending November 30, 2004, as per Report on file.
- b.ASSIGNMENT OF TAX ABATEMENT approved, with Anadarko Realty Company to Anadarko Real Estate Holdings, L.L.C., as per Assignment on file.
- c.SUPPLEMENTAL CHANGES acknowledged, for November 2004, Supplemental Changes to the 2004 Consolidated Taxroll, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a.AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/PROPOSALS:
 - 1.Shelving and Installation for George and Cynthia Woods Mitchell Library - Pct. #3
- b.ALSO, to acknowledge receipt of the following bids/proposals, which were opened by the Purchasing Department:
 - 1.FM1314 outfall ditch - Pct. #4 - Project #2005-0023 - (opened 12-14-04)
 - 2.RFP/Q drug analysis Service - Drug Court - Project #2005-0018 (opened 12-07-04)
 - 3.RFP automated fingerprint and palm print identification system - Montgomery County Sheriff's Department - Project #2005-0019 (opened 12-09-04)
 - 4.Pest control service - Various Departments - Project #2005-0005 (opened 12-10-04)
 - 5.Approximately sixty (60) new 2005 full size patrol vehicle - Various Departments - Project #2005-0021 (opened 12-10-04)
 - 6.Opening day collection service - Montgomery County Memorial Library System - Project #2005-0014 (opened 12-13-04)
 - 7.RFP/Q travel service - Various Departments - Project #2005-0024 (opened 12-28-04)
 - 8.RFP collection and disposal of recyclable materials and products - Pct. #4 - Project #2005-0012 (opened 12-30-04)

c.RENEWAL CONTRACTS approved, as follows:

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- 1.The Berkeley Services - PO#2004241 - for pressure washing services - Various Departments
- 2.Wilkins Linen & Dust Control Service - PO#2003196 - for dust mop, floor mat, shop, textile and bath towel, and fender cover service - Various Departments
- 3.Steen Glass, Inc. - PO#2004260 - for labor to repair glass damage - Various Departments
- 4.Hellard Services - PO#2003276 - for lawn maintenance services - Various Locations - Building Maintenance
- 5.Elinear Solutions - PO#2004126 - for new computer equipment and peripherals - Various Departments
- 6.Consolidated Communications, Inc. - PO#2004330 - for local line service - Inmate Telephone Service
- 7.Telephone Data & Sound - PO#2001150 - for telephone maintenance - Inmate Telephone Service

as per Request on file.

d.CHANGE ORDER #3 approved, PO#2004315, to Bits Technical Corp. for changes to the personal computers and accessories contract, as per Change Order on file.

e.CONTRACTS approved, for residential placement for Juvenile Services, as follows:

- 1.L'Amor Village Residential Treatment Facility, and
- 2.Phoenix Houses of Texas, Inc.

as per Contracts on file.

f.CORRECTION acknowledged, to rescind Motion #20, approved in Commissioners' Court on September 27, 2004, to reflect no price change as a result of Change Order #2, PO#2002367, to Binkley & Barfield, Inc., for additional engineering services for Sawdust Rd. Project, Pct. #3, as per Request on file.

g.AMENDMENT approved, to the Professional Services Agreement with Texas Energy Engineering Services, (TEESI), approved December 8, 2003, by Commissioners' Court, as per Amendment on file.

h.REQUEST approved, to declare miscellaneous items as salvage from the Jail Maintenance Division, as per request on file.

i.CONTRACT approved, from Geac Public Safety, for computer aided dispatching software for various departments, as per Contract on file.

j.PAYMENT AND PERFORMANCE BONDS approved, from Rooftop Service Co., Inc., for the removal/replace existing roof on east & west canopies of the Montgomery County Courthouse, in the amount of \$26,592.00 each, as per Bonds on file.

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

12-20-04

- a.APPOINTMENT approved, for R. A. Deison (Mickey), for an additional term on the Airport Advisory Board, beginning January 1, 2005, as per Request on file.
- b.ROADS accepted, in Grand Harbor Subdivision, Section 5, into the one year maintenance period, consisting of 3257.145 l.f., .62 miles, effective December 20, 2004, as per Request on file.
- c.UTILITY PERMIT approved, from Montgomery County MUD No. 42 to place a force main within the right-of-way of LaSalle Avenue and LaSalle River Road, as per Permit on file.
- d.ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. SB200147, for the account of The Estates, issued by Sterling Bank, as per Order on file.
- e.PUBLIC HEARING DATE SET, to consider the partial replat of the re-plat of Hidden Springs Ranch, Section 1, to be known as partial re-plat of Lot 9, Block 1, of the re-plat of Hidden Springs Ranch, Section 1, as per Notice on file.
- f.PUBLIC HEARING DATE SET, to consider the partial replat of the re-plat of Hidden Springs Ranch, Section 1, to be known as partial re-plat of Lots 10 and 11, Block 1, of the re-plat of Hidden Springs Ranch, Section 1, as per Notice on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a.FINAL PLAT approved, for Pine Creek Apartments, consisting of 12.358 acres, as per Plat on file.
- b.ROADS accepted, in Decker Oaks Estates, Section 2, into the one year maintenance period, consisting of 1843.75 l.f., .35 miles, effective December 20, 2004, as per Request on file.
- c.UTILITY PERMIT approved, for MSEC Services, Inc., to place security lights and electric line within the right-of-way roads in Chasewood Subdivision, Section 3, as per Permit on file.
- d.UTILITY PERMIT approved, for MSEC Services, Inc., to place security lights and electric line within the right-of-way of roads in Ridge Lake Shores, Section 4, as per Permit on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8E3

- a.FINAL PLAT approved, for Budde Road Business Park, consisting of 4.833 acres, as per Plat on file.
- b.FINAL PLAT approved, for Caretex Addition, consisting of 2.067 acres, as per Plat on file.
- c.FINAL PLAT approved, for Imperial Oaks, Section 2 (partial replat No. 6), consisting of 0.6724 acres, 2 lots, as pr Plat on file.
- d.FINAL PLAT approved, for Legends Run, Section 3, consisting of 19.4 acres, 102 lots, as per Plat on file.

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- e.FINAL PLAT approved, West Branch Crossing Drive Street Dedication, The Woodlands, consisting of 9.21 acres, as per Plat on file.
- f.FINAL PLAT approved, Village of Alden Bridge, Greenbridge Drive Street Dedication Plat, The Woodlands, consisting of 4.8466 acres, as per Plat on file.
- g.FINAL PLAT approved, Village of Sterling Ridge, Section 57, The Woodlands, consisting of 25.165 acres, as per Plat on file.
- h.ORDER approved, to consent for the construction, repair and maintenance on Research Forest & Millenium to set culverts, in accordance with an Interlocal Agreement dated May 10, 1993, between Montgomery County and the Woodlands Joint Powers Agency, as per Order on file.
- i.ORDER approved, to declare the public necessity requiring the acquisition in fee simple of a right-of-way for the widening and improvement of Riley Fuzzel Road from Benders Landing Subdivision east, approximately 1600 feet. Also, to authorize the payment of compensation for Parcel No. 1 of said project, as per Order on file.
- j.ORDER approved, to authorize the County Attorney to proceed with the steps necessary to obtain a title report for Parcel No. 6 of the Sawdust Road Project. Also, to retain Montgomery County Title Co., Inc., to prepare a title opinion at the rate of \$200.00, as per proposal, as per Order on file.

AGENDA ITEM 8E3K - DRAW ON MAINTENANCE BOND FOR CANYON CROSSING, SECTION 1 - SEE MOTION #39 FOR TODAY'S COURT ACTION.

1.ORDER approved, to acknowledge receipt of a check in the amount of \$12.00 from Kathryn Beck for the lease of real property described as Lot 222, Spring Hills Subdivision, Section 2, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8D4

- a.REAPPOINTMENT approved, for the reappointment of Marvin Musgrove to ESD #12, as per Request on file.
- b.REQUEST approved, to assign numbers 12, 13, and 14, to be reserved in the name of David M. Marks, P.C., Attorneys at Law, for East Montgomery County Municipal Utility District, as per Request on file.
- c.APPOINTMENTS approved, to the Board of Directors for the Emergency Service District #4, as follows:

- 1.Ben Buchanan
- 2.Bob Knight
- 3.John McDaniel

as per Request on file.

- d.FINAL PLAT approved, for JRB Acre, consisting of 7.553 acres, as per Plat on file.
- e.FINAL PLAT approved, for Kellyn Oaks, Danika Oak Drive Right-of-Way dedication, consisting of 3.809 acres, as per

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Plat on file.

- f.FINAL PLAT approved, for Tower Brook Subdivision, consisting of 51.17 acres, as per Plat on file.
- g.ROADS accepted, BOND released, in Crockett Trace Subdivision, Section 1, consisting of 10,158.41 l.f., 1.92 miles, into the County Road System.
- h.ROADS accepted, BOND released, in Timberland Ranchettes, consisting of 1,100.13 l.f., 0.21 miles, into the County Road System. Also, to release the Bond.
- i.ORDER acknowledged, for receipt of a check in the amount of \$1.00, from Alton McCoy, for lease of real property, known as Tracts 313, 334, 335 and 336, Krohn Ranchettes, as per Order on file. (Check forwarded to County Treasurer for further processing)
- j.LEASE AGREEMENT approved, between Montgomery County and Keven & Mary Dowell, for lease of real property described as Lot 42, Forest Hills Green Subdivision, as per Lease on file.
- k.ORDER acknowledged, for receipt of a check in the amount of \$1.00, for lease of property located in Forest Hills Green Subdivision, Lot 42, as per Order on file.

AIRPORT - AGENDA ITEM 8F

- a.REAPPOINTMENT approved, for Howard Kravetz, to serve on the Airport Advisory Board for a two year term, as per Request on file.

RISK MANAGEMENT - AGENDA ITEMS 8G

- a.PAYMENT acknowledged, to Nationsrent, in the amount of \$1,151.69, for property damages incurred on March 23, 2004, Claim #H-04-0104, as per Memo on file.

AGENDA ITEM 8G2 - PAYMENT TO KARI JEAN CROOK VAUGHN IN THE AMOUNT OF \$399.00 FOR LOSS OF PERSONAL PROPERTY - DEFERRED SEE MOTION #17 FOR COURT ACTION THIS DATE.

PARKS DEPARTMENT - AGENDA ITEMS 8H

- a.USE AGREEMENTS approved, as follows:

- 1.Texas for Equal Justice - Courthouse Foyer
- 2.Willis Girls Softball - Charles Traylor Memorial Park Softball Fields

as per Agreements on file.

Motion carried.

END OF CONSENT AGENDA

5.APPOINTMENT APPROVED - TPC MEMBER OR 2005 - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the appointment of Judge Sadler to the Transportation Policy Council (TPC), for 2005, as per

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Request on file. Motion carried.

6.VARIANCES APPROVED - ENVIRONMENTAL HEALTH

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

- a.Miguel Sanchez - Benders Landing - 3919 Almond Court, Spring, Tx., and
- b.Bobbie Tompkins & Joseph Jones - Benders Landing - 28003 Benders Landing Blvd., Spring, Tx.

as per Variances on file. Motion carried.

7.PURCHASE APPROVED - BENCH PURCHASE - AIRPORT DIRECTOR

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the purchase of a bench in the amount of \$199.00, plus freight charges, in remembrance of Perry Holder, Airport Advisory Board Member, who recently passed away, as per Request on file. Motion carried. (to be funded from Airport Operating Budget)

8.REPORT APPROVED - CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT - COMMUNITY DEVELOPMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the 2003 Consolidated Annual Performance and Evaluation Report (Caper), as submitted by Community Development Director. Motion carried.

9.REQUESTS APPROVED - ADJUSTMENT TO BUDGET - ANIMAL CONTROL

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

- a.adjustment to Animal Control Budget 633 for Barbara Owens in the amount of \$2,317.16, plus \$390.00 for benefits, effective immediately, and
- b.adjustment to Animal Shelter Budget 6331 for Jennifer McKean in the amount of \$1,586.48, plus \$267.00 for benefits, effective January 15, 2005

as per Request on file. Motion carried. Commissioner Chance "opposed"

AGENDA ITEMS 14, 15 & 16 - DEFERRED, as follows:

- a.Constable, Pct. #4 - request of \$1,000.00 for Constable Pct. #4 to pay deductible on county owned patrol car from contingency - deferred pending further information
- b.Constable, Pct. #5 - request of an employee transferring out of Constable Pct. #5 and one employee transferring into Constable Pct. #5 - for reallocation of salary dollars for Chief Matt Masden and Sgt. Chris Jones - deferred until 2005
- c.Veteran's Service - for one-time budget amendment to salaries of 3,500.00, to allow the office to replace the position of Administrative Assistant with a proposed hire date of mid-February - deferred until next Court Session.

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10.REQUEST APPROVED - EXPENSES FOR RETIREES - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Rinehart, to continue the \$175.00 expense incurred per each retiree for refreshments and gift(s), as per Request on file. Motion carried.

AGENDA ITEM 17B - CARRYOVER OF \$9,090.53, BALANCE OF THE '04' ACADEMY DIVISION TCLEOSE FUNDS ALLOCATED BY LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION - REMOVED FROM AGENDA - COUNTY AUDITOR ADVISED THE COURT THAT THESE FUNDS ARE AUTOMATICALLY CARRYOVER, AS GOVERNED BY STATUE.

11.REQUEST APPROVED - CARRYOVER OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Judge Sadler, to approve the carryover of \$2,941.40, from the '04' Identification Division's Fees collected for fingerprinting, attorney badges and mugshots, as per Request on file. Motion carried.

12.REQUEST APPROVED - CARRYOVER OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the carryover of \$24,601.46 from '04 Jail Division's Medical/Dental reimbursements, as per Request on file. Motion carried.

13.REQUEST APPROVED - CARRYOVER OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the carryover of \$2,992.21, from '04 Academy Revenue, as per Request on file. Motion carried.

14.REQUEST APPROVED - CARRYOVER OF FUNDS - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Judge Sadler, to approve the carryover remaining in '04 budgeted funds to provide funding for the following:

- a.repairs to the 760' guyed tower\$ 8,846.00
- b.painting the 760' guyed tower\$11,400.00
- c.inspection of 760' guyed tower\$ 2,500.00
- d.annual maintenance for fleet op. s/w\$ 6,000.00
- e.final payment of jail bus\$43,627.33

TOTAL \$72,737.33

as per Request on file. Motion carried.

15.PAYMENT APPROVED - OPTIMUM COMPUTER SOLUTIONS - 8TH DISTRICT COURT

Motion by Commissioner Doyal, seconded by Judge Sadler, to approve payment of \$451.68, to Optimum Computer Solutions on PO#25501284, for services and supplies received in budget year 2004, as per Request on file. Motion carried.

16.REQUEST REJECTED - REIMBURSEMENT OF FORFEITURE FUND - SHERIFF'S DEPARTMENT

12-20-04

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to reject the request to reimburse the Sheriff's Forfeiture Fund in the amount of \$15,736.00, which represent monies stolen from the Inmate Trust Fund. Commissioner Chance stated that the county had no control of the forfeiture monies, and therefore feels the County is not obligated to reimburse said account. Motion carried.

17.REQUEST APPROVED - PAYMENT OF CLAIM - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Chance, to approve payment to Kari Jean Crook Vaughn in the amount of \$399.00, for loss of personal property, Claim #B-02-0004, as per Request on file. Motion carried.

18.RENEWAL PLAN APPROVED - EMPLOYEES' BENEFITS - RISK MANAGEMENT

Motion by Judge Sadler, seconded by Commissioner Chance, to approve the Employees' Benefit Plan Renewal for plan year 2005,
as per
Memo on
file.
Motion
carried.

19.REQUEST/PROPOSAL APPROVED - OPERATION/MANAGEMENT SERVICES - SHERIFF'S DEPARTMENT (JAIL DIVISION)

Motion by Commissioner Chance, seconded by Commissioner Doyal, to authorize negotiation procedures with GEO Group Inc., to take over management of the Montgomery County Jail New Wing facilities, as per Request on file. Motion carried.
(Contract/Proposal to follow at a later date)

20.PROPOSALS APPROVED - AVIATION HANGAR AREA - AIRPORT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the following proposals, (opened November 4, 2004), for lease and development of aviation hangar area:

- a.Invocon, Inc.
- b.Larry Perryman
- c.Richard Leofsky

Motion carried. (Agreements to be forthcoming at a later date)

21.PROPOSAL APPROVED - PROFESSIONAL SERVICES CONTRACT - AIRPORT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the Proposal, (opened November 16, 2004), to PBS&J, for professional services at the Lone Star Airport. Motion carried. (contract to follow at a later date)

22.RECOMMENDATION AND CONTRACT APPROVED - CHAIN LINK FENCING - VARIOUS DEPARTMENTS

Motion by Commissioner Doyal, seconded by Commissioner Chance, to award the bid, (opened December 1, 2004), for chain link fencing, labor and materials, to Astro Fence Company, as per Contract on file. Motion carried.

23.RECOMMENDATION AND CONTRACT APPROVED - NEW TRUCKS - VARIOUS DEPARTMENTS

12-20-04

Motion by Commissioner Doyal, seconded by Commissioner Chance, to award the bid, (opened December 2, 2004), for a 2005 Ford F250 Super Cab Truck for Precinct #2 to Gullo Ford, as per Contract on file. Motion carried.

24.RECOMMENDATION AND CONTRACT APPROVED - FIRE ALARM INSPECTION AND CERTIFICATION - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Rinehart, to award the bid, (opened December 3, 2004), to Fire Safe Protection Services Ltd., for fire alarm inspection and certification, as per Contract on file. Motion carried.

25.RECOMMENDATION AND CONTRACT APPROVED - FM 1314 OUTFALL DITCH - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to award the bid, (opened December 14, 2004), to Rebel Contractors, Inc., for the FM1314 outfall ditch, as per Contract on file. Motion carried.

26.RECOMMENDATIONS AND CONTRACTS APPROVED - DRUG ANALYSIS SERVICE - DRUG COURT

Motion by Judge Sadler, seconded by Commissioner Rinehart, to award the Proposals, (opened December 7, 2004), for drug analysis service to the following:

- a. Joe Winters Investigations - Conroe Facility
- b. Peggy Heath dba Mental Health Resource Center - New Caney and Spring Facility

as per Contracts on file. Motion carried.

27.PROPOSAL APPROVED - IDENTIFICATION SYSTEM - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to award the proposal, (opened December 9, 2004), for automated fingerprint and palm print identification system to The Phoenix Group, Inc., in the amount of \$35,500.00, as per Contract on file. Motion carried.

28.RECOMMENDATION AND CONTRACT APPROVED - PEST CONTROL SERVICE - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened December 10, 2004), to Hardco Pest Control, for pest control services for various departments, as per Contract on file. Motion carried.

AGENDA ITEM 21A11 - CONTRACT FOR 60 NEW 2005 FULL SIZE PAROL VEHICLES - SEE MOTION #42 FOR TODAY'S COURT ACTION.

29.RECOMMENDATION AND CONTRACT APPROVED - COLLECTION SERVICE - LIBRARY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to award the bid, (opened December 13, 2004), for opening day collection service to Brodart Co., by: Nubro Inc., General Partner, as per Contract on file. Motion carried.

30.REQUEST APPROVED - DISCRETIONARY EXEMPTION FOR SECURITY

12-20-04

SERVICE - VARIOUS COUNTY FACILITIES

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the discretionary exemption for professional services from Resource Protection Management, L.P. (RPM), to provide security for the Courthouse and Annex security system, as per Request on file. Motion carried.

31.REQUEST APPROVED - DISCRETIONARY EXEMPTION - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the discretionary exemption for personal services to assist in the administration of the HOME Investment Partnerships Act grant, for Montgomery County Emergency Assistance, Inc., as per Request on file. Motion carried.

32.MEMBER APPROVED - BAIL BOARD BOND JUDGE - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to designate Judge Jerry Winfree as County Court at Law Judge as Member of the Bail Bond Board, in accordance to Section 1704.053 of the Occupations Code. Motion carried. (no paperwork)

33.FUNDING APPROVED - PAYMENT OF CLAIM - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve funding for the Claim of Daniel K. Signorelli, Claim #A-05-0006, in the amount of \$919.00, (fund from litigation line item). Motion carried. (no paperwork)

34.GRANT AGREEMENT APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) - AIRPORT PROJECT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Grant Agreement between Montgomery County and Texas Department of Transportation for TXDOT's 2005 routine airport maintenance program, as per Agreement on file. Motion carried.

35.CONTRACT CHANGE APPROVED - SOLID WASTE IMPLEMENTATION GRANT - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve Contract Change for extension of time for the Solid Waste Implementation Grant, for the hazardous household chemical waste facility located in Precinct #3, as per Change Order on file. Motion carried.

AGENDA ITEMS 23 C & D - INTERLOCAL AGREEMENTS FOR LAW ENFORCEMENT SERVICES FOR TOWN CENTER IMPROVEMENT DISTRICT - DEFERRED

36.REQUESTS APPROVED - PUBLIC HEARING NOTICES - PRECINCT #1 AND PRECINCT #2

12-20-04

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the following Public Notices:

- a. placement of stop signs on all "T" intersections except Wakiki Lane at Diamondhead South and Wakiki at Diamondhead North, located in Diamondhead Subdivision, Section 1, and
- b. setting a speed limit of 35 mph for Pine Lake Road from State Highway 105 to Rabon Chapel Road

as per Notices on file. Motion carried.

37. REQUEST APPROVED - VACATION PAY - PRECINCT #1

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Request to pay Jule Puckett vacation hours earned for payroll ending December 17, 2004, and December 31, 2004, as per Request on file. Motion carried.

38. ORDER APPROVED - DONATION OF 10.00 ACRES OF LAND - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept a donation of 10.00 acres of land, in the McManus Survey, A-336, from Patricia Peckinpaugh Hubbard, along Spring Creek at Riley Fuzzel Road, to be placed in a conservation easement with Legacy Land Trust. Also, to appoint Ed Chance as Special Commissioner, as per Order on file. Motion carried.

39. ORDER APPROVED - MAINTENANCE BOND DRAW - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve an Order to authorize the County Judge to sign draw on maintenance bond with surety for Canyon Crossing, Section 1, because the roads and other required minimum improvements have not been built and maintained in compliance with the county's rules and regulations, 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.

1. Discuss Utah Probate Matter regarding the Claims of Montgomery County against Charles W. Hanna (Section 551.071)
2. Discuss Cause No. 04-04-03269-CV, styled James Sullivan vs. Montgomery County in the 410th Judicial District Court - Claim No. D040064 (Section 551.071)
3. Consider and Discuss Claim of Edna Bubela (Section 551.071)

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

40. RELEASE APPROVED - EDNA BUBELA - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Release of Subrogation Interest for the claim submitted by Edna Bubela for personal injuries sustained on or about March 27, 2003, which releases all subrogation interests that the County may have to any insurance

12-20-04

benefits, as per Release on file. Motion carried.
41. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Control to increase the salary of Barbara Owens, Animal Control Officer, effective December 4, 2004, due to merit increase

request of Collections Department to increase the salary of Dana Shaw, Collection Specialist, effective December 18, 2004, due to merit increase

request of Custodial Services, to place Nieta G. Youngblood, Temporary Custodian, on payroll, (replacement for Karla Melendez), effective December 18, 2004

request of County Clerk to increase the salary of Brandi Goodnight, Clerk II, effective December 18, 2004, due to probation period completed

request of District Clerk to discharge Regina Land, Court Clerk II, effective December 1, 2004

request of Justice of the Peace, Pct. #4 to place Becky Dobbins from Part-time Clerk to Court Clerk, (replacement for Heather Hilden), effective December 18, 2004

request of Justice of the Peace, Pct. #4 to place Jerah Snow from Part-time Clerk to Court Clerk I, effective December 18, 2004

request of Juvenile Probation Director to place Michelle Franklin, Certified Nurse Aide, (replacement for Billie Catron), effective December 20, 2004

request of Library Director to place Mabel Scarborough, Shelving Clerk, (replacement for Rebecca Roller), effective December 7, 2004

request of Library Director to place Vicki Steffler, Shelving Clerk, (replacement for Sharon Hinton), effective December 14, 2004

request of Maintenance Director to increase the salary of Alfred Baxter, Maintenance Technician III, effective December 18, 2004, due to merit increase

request of Maintenance Director to increase the salary of Jose Beltran, Maintenance Technician II, effective December 18, 2004, due to merit increase

request of Maintenance Director to promote Robert Cochran from Maintenance Technician II to Maintenance Technician III, effective December 18, 2004, due to merit increase

request of Maintenance Director to increase the salary of Gustavo Cubero, Maintenance Technician II, effective December 18, 2004, due to merit increase

request of Sheriff's Department to accept the retirement of Morgan Bennette, SOC Coordinator, effective December 31, 2004, with 146.9929 vacation hours due, 335 sick leave hours due and 287 comp hours due

request of Sheriff's Department to place Jody Cottrell, Detention Officer I, on payroll, (replacement for Eric Hensley),

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effective December 18, 2004

request of Sheriff's Department to accept the resignation of David Jordan, Medic, effective December 23, 2004, with 78.34 vacation hours due , 178.26 comp hours due and 18 holiday hours

request of Sheriff's Department to place Kimberley R. McCarty, Dispatcher I, (replacement for Helen Caldwell), on payroll, effective December 18, 2004

request of Sheriff's Department to place Roslyn McLemore, Detention Officer, on leave of absence, effective November 19, 2004

request of Sheriff's Department to place Rosalyn McLemore, Detention Officer, on payroll, effective December 13, 2004 (returning from LOA)

request of Tax Assessor/Collector to discharge Kimberly Danford, Deputy Specialist II, effective December 6, 2004, with 3.08 vacation hours due and 16.42 sick leave hours due

request of Tax Assessor/Collector to place Teresa Worley, Deputy Specialist II, (replacement for Kimberly Danford), on payroll, effective December 20, 2004

request of County Treasurer to increase the salary of Bobby Joe Light, Payroll Assistant, effective December 20, 2004, due to probation period completed

as per Payroll Change Requests on file. Motion carried.

42. RECOMMENDATION AND CONTRACT APPROVED - 2005 PATROL VEHICLES - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Judge Sadler, to award the bid, (opened December 10, 2004), for 60 new 2005 full size patrol vehicles to Philpott Motors, Inc., as per Contract on file. Motion carried.

JULANE TOLBERT, BUDGET OFFICER, PRESENTED THE COURT AND THE COUNTY CLERK WITH THE 2004-05 COUNTY BUDGET.

43. COURT ADJOURNS

Motion by Judge Sadler, seconded by Commissioner Doyal, 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