

COMMISSIONERS' COURT DOCKET, DECEMBER 22, 2003
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

Be it remembered that on this the 22nd day of December, 2003, 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 - Absent
Also - Alice Drake, County Clerk's Office

INVOCATION GIVEN BY COMMISSIONER DOYAL.

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.

JUDGE SADLER RECOGNIZED A GROUP OF "BOY SCOUTS" IN TODAY COURT SESSION.

DOUG GOLDING WITH COMMUNITY INFORMATION SERVICES READ A CHRISTMAS POEM WHICH HE COMPOSED ABOUT VARIOUS EMPLOYEES WITHIN THE CIS DEPARTMENT AND OTHER COUNTY EMPLOYEES.

VALERIE GIPSON WITH THE DISTRICT CLERK'S OFFICE, ENTERTAINED THIS SESSION OF COURT BY SINGING "SILENT NIGHT".

UNITED WAY PRESENTATION WAS MADE BY CONSTABLE HOLIFIELD, AND CASH GIFTS WERE GIVEN TO VARIOUS COUNTY EMPLOYEES FOR THEIR CONTRIBUTION TO THE UNITED WAY.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for December 8, 2003, as presented by the County Clerk. Motion carried.

3. CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8H

Motion by Commissioner Meador, seconded by Commissioner Doyal, 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 follows:

FISCAL YEAR 2003'

1. Building Maintenance/Construction - to adjust line items

2. Commissioner, Pct. #3 - to recognized/allocate reimbursement from Montgomery County Drainage District #6
3. Commissioner, Pct. #4 - to recognize/allocate reimbursement from City of Roman Forest
4. Constable, Pct. #2 - to adjust line items
5. Juvenile Probation - to recognize/allocate reimbursement for level 5 for Ken County
6. Non-Departmental - to transfer funds to cover shortage
7. Sheriff's Department - to adjust line items

FISCAL YEAR 2004'

1. Commissioner, Pct. #2 - to transfer funds for Mosquito spraying
2. Commissioner, Pct. #3 - (1 of 7) - to recognize/allocate reimbursement from Hector Bernal
3. Commissioner, Pct. #3 - (2 of 7) - to recognized/allocate reimbursement from Donna Gregory
4. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Milstead Automotive
5. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Guenther Reinke
6. Commissioner, Pct. #3 - to recognize/allocate reimbursement from Richard Herschmann
7. Commissioner, Pct. #3 - to recognize/allocate reimbursement from James Mathis, Jr.
8. Commissioner, Pct. #3 - to recognize/allocate reimbursement from WJPA
9. Commissioner, Pct. #4 - to recognize/allocate reimbursement from City of Patton Village
10. Commissioner, Pct. #1 and Pct. #4 - to carryover unused FY03 budget
11. Constable, Pct. #2 - to transfer funds for purchase of a laptop computer
12. Constable, Pct. #4 - to recognize/allocate excess revenue
13. Constable, Pct. #5 - to recognize/allocate allocation from SB55
14. County Court at Law 3 - to adjust line items
15. County Engineer - to adjust line items
16. County Judge - to transfer funds to cover burial expense
17. Justice of Peace, Pct. #4 - to adjust line items
18. Juvenile Probation - to recognize/allocate reimbursement for level 5 for Ken County
19. Risk Management - to transfer funds to cover Reuben Haynes damage claim
20. Risk Management - to transfer funds to cover Tammy Rex damage claim
21. Risk Management - to transfer funds to cover Murray damage Claim
22. Sheriff's Department - to recognize/allocate reimbursement for damage to Unit 797
23. Sheriff's Department - to adjust line items
24. Various - to carryover unused FY03 budget, as previously approved by Commissioners' Court

as per Budget Amendments on file. Motion carried.

- c. CORRECTED COMPLIANCE REPORT approved, for year ended September 30, 2002

as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 8B

- a. CORRECTED INVESTMENT REPORT approved, for Weekly Investments for the week of December 7 through December 12, 2003, as per Report on file.
- b. WEEKLY INVESTMENT REPORT approved, for the week of December 15 through December 19, 2003, as per Report on file.
- c. PLEDGES OF COLLATERAL REPORT approved - JPMorgan Chase Bank, Cusip No. 912828AEO - in amount of \$40,000,000.00, as per Report on file.
- d. MONTHLY PLEDGE OF SECURITIES REPORT approved, for the month of November, 2003, as per Report on file.
- e. REVISED INVESTMENT POLICY approved, as updated by the Investment Committee, as per Policy on file.
- f. BROKERS LIST approved, for Montgomery County as updated by the Investment Committee for 2004. (no list submitted)

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 8C

- a. REQUEST approved, from TxDot for permission for right-of-way entry for Environmental Surveys on Tax Trust Property for SH-105 improvements. Also, to authorize the County Judge to execute Acceptance, as per Request on file.
- b. REQUEST approved, to void a tax "re-sale" on property that was double assessed in error when tax records were converted in 1982 by the Appraisal District from Conroe ISD. Also, to approve refunding the Purchaser, J. N. Bochat \$12,600.00, which was the purchase price of said property, as per Request on file.
- c. ORDER approved, to void a Special Warranty Deed to Kathy Thurston on behalf of L & K Thurston Ent. L.L.C., as per Order on file.
- d. ORDER approved, to void a Special Warranty Deed to 709 McDade Land Trust, Rebecca Drowatzky, Trustee, as per Order on file.
- e. ORDER approved, to void a Special Warranty Deed to Mary Philio, as per Order on file.
- f. ORDER approved, to void a Special Warranty Deed to G & P Trust, as per Order on file.
- g. ORDER approved, to void a Special Warranty Deed to Azucena R. Perla, as per Order on file.
- h. ORDER approved, to void a Special Warranty Deed to J. N. Bochat, as per Order on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE FOR BIDS AND/OR PROPOSALS, as follows:
 - 1. Pre-Engineered Metal Building - Pct. #3
 - 2. Engineering and Environmental Services - Various Departments
 - 3. Commercial A/C Compressors - Various Departments

- b. Also, to acknowledge the following bids/proposals, which were opened by the Purchasing Department:
1. RFP New Computer Equipment and Peripherals - Various Departments - Project #2004-0013 - (opened 12-10-03)
 2. RFP Meridian Release 25 or Higher Software and Option 81C DC Hardware - Various Departments - Project #2004-0019 - (opened 12-10-03)
 3. Reflective Roll-up Signs, street blade sign blanks and related supplies - Various Precincts - Project #2004-0016 (opened 12-18-03)
 4. Construction of Traffic Signalization and Pavement Modifications at Research Forest Dr. and Shadowbend Place - Pct. #3 - Project #2004-0020 (opened 12-19-03)
- c. RENEWAL CONTRACTS approved, for the following:
1. Color Interiors/Factory Carpet Outlet - PO#2003224 - for installation of carpet and rubber base cove - Various Departments
 2. Cingular Wireless - PO#2002305 - for cellular services - Various Departments - (changes noted)
 3. AT&T Wireless - PO#2002182 - for cellular services - Various Departments
 4. Blue Chip Business Equipment - PO#2003269 and #2003269X - for computer, printer, copier repair, parts and labor - CIS Department
 5. Wilkins Linen & Dust Control Service - PO#2003196 - for dust mop, floor mat, shop, textile and bath towel - Various Departments
- d. REQUEST approved, from CIS and Building Maintenance to declare various computer equipment and pecan tree as salvage, as per Request on file.
- e. REQUEST approved, to extend the expiration date of PO#2002177, to Carter & Burgess, Inc., for Program Management Services for Mobility Bond Program from December 16, 2003, to December 16, 2005, as per Request on file - County Engineer
- f. CANCELLATION approved, PO#2003409, to Campbell Concrete & Materials L.P., for Portland Cement Concrete Class "A" (5 sack), effective December 22, 2003 - Pct. #4
- g. CHANGE ORDER #4 approved, PO#2003114, to Hart Intercivic for printing elections and voter registration forms and related materials - Elections Central
- h. CHANGE ORDER #1 approved, PO#2003429, to Gulf Coast Trades Center, for residential placement - Juvenile Services
- i. CHANGE ORDER #2 approved, PO#2003166, to Brodart Co., for library specialty supplies - Library
- j. CHANGE ORDER #1 approved, PO#2003278, to Hellard Services for lawn maintenance service - Various Departments

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8E1

- a. REQUEST approved, to pay Bonnie Houser 40 hours vacation time for payroll ending December 19, 2003, as per Request on file.
- b. ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. SB200147, for The Estates, issued by Sterling Bank, as per Order on file.
- c. ROADS accepted, in Bentwater Subdivision, Section 87, into the one year maintenance period, consisting of .35 miles, 1,847.26 l.f., effective December 22, 2003

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8E2

- a. ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. 645 for the account of Decker Oaks Estates, Section 2, issued by Omnio Bank, as per Order on file.
- b. ORDER approved, to acknowledge receipt of Amendment to Letter of Credit No. 1312 for Tejas Creek Subdivision, Section 2, issued by Klein Bank, as per Order on file.
- c. FINAL PLAT approved, for Grand Lake Estates, Section 10, consisting of 46.07 acres, 41 lots, as per Plat on file.
- d. ROADS accepted, BOND released - St. Luke's Way, The Woodlands, accepted by Montgomery County, consisting of .25 miles, 1,360 l.f. Also, to Release the Bond, as per Request on file.
- e. ROADS accepted, BOND released - Village of Alden Bridge, Section 92, into the County Road System, consisting of .29 miles, 1,534.10 l.f. Also, to Release the Bond, as per Request on file.
- f. ROADS accepted, BOND released - Village of Alden Bridge, Section 93, into the County Road System, consisting of 1.07 miles, 5,650.65 l.f. Also, to Release the Bond, as per Request on file. .
- g. ROADS accepted, in the Woodlands, Village of Alden Bridge, Section 100, into the one year maintenance period, consisting of .61 miles, 3,210.91 l.f., effective December 22, 2003, as per Request on file.

COMMISSIONER, PRECINCT 3 - AGENDA ITEM 8E3

- a. AUDIT REPORT approved, for Emergency Service District #14 for FY2001-2002, as per Report on file.
- b. ORDER approved, to acknowledge receipt of a check in the amount of \$12.00, from Kathryn Beck, for lease of real property located in Spring Hills, Section 2, as per Order on file.
- c. WARRANTY DEED accepted, for right-of-way from Duval G. and Jean H. Breland for the expansion of Hanna Road. Also, to authorize the County Judge to execute same, as per Order on file.

- d. WARRANTY DEED accepted, for right-of-way from Adam P. and Dale M. Davis, for the expansion of Hanna Road. Also, to authorize the County Judge to execute same, as per Deed on file.
- e. WARRANTY DEED accepted, for right-of-way from Thomas R. and Carol B. Coale, for the expansion of Hanna Road. Also, to authorize the County Judge to execute same, as per Deed on file.
- f. ORDER approved, to authorize the purchase of right-of-way for the Hanna Road Widening Project from Theresa R. Beck, Conroe, in the amount of \$3,003.79, Parcel 10, as per Order on file.
- g. ORDER approved, to authorize the purchase of right-of-way for the Hanna Road Widening Project from Arthur C. Magill, Conroe, in the amount of \$5,017.00, Parcels 11A and 11B, as per Order on file.
- h. ORDER approved, to authorize the purchase and payment for Parcel No. 14, to Woodforest National Bank, (for the Benefit of Facility Concession Services, Inc.), for the Hanna Road Widening Project, in the amount of \$21,696.00, as per Order on file.
- i. ORDER approved, to authorize the purchase of right-of-way for the Hanna Road Widening Project from Shirley Faye Harrell, Conroe, in the amount of \$7,029.00, Parcel 16, as per Order on file.
- j. FINAL PLAT approved, for Remington Brownstones Subdivision, consisting of 1.904 acres, as per Plat on file.
- k. FINAL PLAT approved, for Village of Sterling Ridge, Section 27, Replat No. 1, consisting of 14.60 acres, 49 lots, as per Plat on file.
- l. FINAL PLAT approved, for the Village of Sterling Ridge, Section 31, consisting of 20.56 acres, as per Plat on file.
- m. ROADS accepted, in Village of Sterling Ridge, Section 31, consisting of 2,508.55 l.f., .48 miles, into the one year maintenance period, effective December 8, 2003, as per Request on file.
- n. ROADS accepted, in the Village of Sterling Ridge, Section 37, consisting of .28 miles, 1,504.46 l.f., into the one year maintenance period, effective December 8, 2003, as per Request on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8E4

- a. CHECK accepted, in the amount of \$366.80, from the City of Roman Forest for the purchase of fuel for the month of October, 2003, in accordance with an Interlocal Agreement dated 10/07/02. (check was not received by the County Clerk for further handling)
- b. AUDIT REPORT approved, for Emergency Service District #9, ending September 30, 2003. (no Report received)
- c. LEASE AGREEMENT approved, between Alton and Janice McCoy, for property described as Tracts 313,334,335 and 336, Krohn Ranchettes, as per Lease Agreement on file.

- d. Order approved, to acknowledge receipt of a check in the amount of \$1.00, from Alton and Janice McCoy for lease of real property in Krohn Ranchettes, as per Order on file. (check forwarded to County Treasurer for further handling)
- e. ORDER approved, to acknowledge receipt of a check in the amount of \$12.00, from Robert Saylor for the lease of real property in Magnolia Bend, Section 2, Block 4, Lot 20, as per Order on file. (check forwarded to County Treasurer for further handling)
- f. AGREEMENT approved, to accept future responsibility for the maintenance and operation of the Southbound Feeder Ramp at the Southwest Corner of US-59 and North Park Drive, as per Order on file.
- g. ORDER approved, to declare the existence of a public necessity, and to authorize the institution of condemnation proceedings to obtain Parcels 12,20,22,27, 61 and 65, in connection with the F.M. 1314 ROW Project, as per Order on file.
- h. ORDER approved, to declare the existence of a public necessity, and to authorize the institution of condemnation proceedings to obtain real property, Parcel 63C, in connection with the FM1314 ROW Project, as per Order on file.

359th DISTRICT COURT - AGENDA ITEM 8F

- a. RENEWAL FEE approved, for Elsa L.Z. Sanchez for Licensed Court Interpreter fees from the Texas Department of Licensing and Regulations, as per Notice on file.

PARKS DEPARTMENT - AGENDA ITEMS 8G

- a. USE AGREEMENT approved, for Hotsie Totsie Jewelry to use the break room area on the 4th Floor of the County Clerk's Office, December 12, 2003, as per Agreement on file.

RISK MANAGEMENT - AGENDA ITEMS 8H

- a. BONDS approved, for Various County Employees, as follows:
 1. Thomas W. Ellis, Community Supervision & Corrections - Bond #15487504 - Renewal
 2. James R. Loggins, Deputy Constable, Pct. #1 - Bond #14382029 - Renewal
 3. Charles Michael White, Deputy Constable, Pct. #2 - Bond #14460323 - Renewal
 4. Linda Leigh Young, Reserve Deputy Constable, Pct. #2 - Bond #14382034 - New
 5. James E. Barber, Reserve Deputy Constable, Pct. #3 - Bond #14517503 - New
 6. George Biernesser, Deputy Constable, Pct. #3 - Bond #14454530 - Renewal
 7. Jake-Paul Gonzales, Deputy Constable, Pct. #3 - Bond #14454498 - Renewal
 8. Thomas Kitchen, Reserve Deputy Constable, Pct. #3 - Bond #15452628 - Renewal
 9. John A. Krpec, Reserve Deputy Constable, Pct. #3 - Bond #14507350 - Rider

10. Tony Madison, Deputy Constable, Pct. #3 - Bond #15487498 - Renewal
11. Scott Morgan - Deputy Constable, Pct. #3 - Bond #14454730 - Renewal
12. Timmy Dean Morgan, Deputy Constable, Pct. #3 - Bond #14330936 - Renewal
13. Johnathan K. Ray, Deputy Constable, Pct. #3 - Bond #15487499 - Renewal
14. David Tanner, Reserve Deputy Constable, Pct. #3 - Bond #14516774 - New
15. James R. Dowling, Deputy Constable, Pct. #4 - Pct. #4 - Bond #14526027 - New
16. Ernest N. Enloe, Deputy Constable, Pct. #4 - Bond #15663492 - New
17. Joy P. Jacoub, Deputy Constable, Pct. #4 - Bond #15663494 - Renewal
18. Johnie W. Massey, Deputy Constable, Pct. #4 - Bond #15486569 - Renewal
19. Harvey E. Moody, Jr., Deputy Constable, Pct. #4 - Bond #13745084 - Renewal
20. Gabriel Phillip Moore, Deputy Constable, Pct. #4 - Bond #15663493 - New
21. Ricky Warwick, Deputy Constable, Pct. #4 - Bond #14454538 - Renewal
22. Owen R. Arnold, Deputy Constable, Pct. #5 - Bond #384939 - New
23. Robert J. Buchanan, Deputy Constable, Pct. #5 - Bond #15487506 - Renewal
24. Jan Curtis, Deputy Constable, Pct. #5 - Bond #15486567 - Renewal
25. Michael R. Dietrich, Deputy Constable, Pct. #5 - Bond #15527655 - Renewal
26. Charles Kennedy, Deputy Constable, Pct. #5 - Bond #15487505 - Renewal
27. Don G. Smith, Deputy Constable, Pct. #5 - Bond #15486568 - Renewal
28. Barbara Morgan, Administrative Assistant/District Attorney's Ofc. - Bond #14487531 - New
29. Peggy Sondeen, Systems Coordinator - Bond #14487576 - New
30. Russell E. Smith, Drug Court - Bond #15484471 - Renewal
31. Charles F. Podeyn, Tax Assessor/Collector - Administrative Assistant - Bond #13670814 - Renewal
32. Kathy Bergquist, Clerk/Treasurer Office - Bond #13737711 - Renewal

as per Bonds on file.

- b. PAYMENT approved, to Enterprise Leasing in the amount of \$747.83, to James Dwayne Peterson for the rental of a vehicle. Date of incident was 10-03-03 - Sheriff's Department - (Ref. Commissioners' Court Agenda 11-10-03)
- c. REIMBURSEMENT approved, from Kevin Johnson in the amount of \$790.70, payable to Montgomery County for damage to Sheriff's Dept. Vehicle, Unit #607. Date of incident was 10-28-03.

Motion carried.

END OF CONSENT AGENDA

4. MOTION FAILED - APPOINTMENT TO LIBRARY BOARD - COUNTY JUDGE

Motion by Judge Sadler to appoint an at-large vacancy on the Library Board, William Brooke Hamilton, Jr., The Woodlands, failed, due to a lack of a second. Motion fails.

5. RECOMMENDATIONS APPROVED - EMPLOYEES' BENEFIT PLANS - RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the following Recommendations made by Risk Management Director:

- a. Renewal of Montgomery County Employee Benefit Plan - Effective January 1, 2004
- b. Renewal of Compdent Dental Programs - Effective January 1, 2004
- c. Renewal of Spectera Vision Programs - Effective January 1, 2004
- d. Revised Plan Document for the Montgomery County Employee Benefit Plan - Effective January 1, 2004

as per Recommendations on file. Motion carried.

6. REGULATIONS ACCEPTED - CIVIL SERVICE REGULATIONS - CIVIL SERVICE

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept the Montgomery County Civil Service Regulations, effective January 1, 2004, per Regulations on file. Motion carried.

7. VARIANCE APPROVED - INSTALLATION OF SURFACE APPLICATION SYSTEM - PRECINCT #2

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the installation of a Surface Application System within the flood plain for Michael Hobson, Magnolia, Tx., as per Variance Request on file. Motion carried.

8. VARIANCE APPROVED - SURFACE APPLICATION SYSTEM - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Variance to install a Surface Application System within the flood plain at 20211 Country Lake Lane, Indigo Lake Estates, Magnolia, Tx, as per Variance Request on file. Motion carried.

AGENDA ITEM 12C - INTERLOCAL AGREEMENT BETWEEN MONTGOMERY COUNTY AND THE CITY OF CONROE - DEFERRED.

9. REQUEST APPROVED - PURCHASE OF AWARDS PLAQUE - DISTRICT CLERK

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the purchase of awards plaque to honor District Clerk Star Performers, as per Request on file. Motion carried.

10. REPORT APPROVED - ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) - CDBG

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the 2002 Consolidated Annual Performance and Evaluation Report (CAPER), as presented by Community Development. Motion carried.

11. PAYMENT APPROVED - DRAINAGE PROJECT - AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve payment to the Texas Department of Transportation (TXDOT) - Aviation Division, in the amount of \$150,000.00, (10% percent sponsor share), for the south end drainage project at the Lone Star Executive Airport, as per Request on file. Motion carried. (funding to be from future funds)

12. REQUEST APPROVED - HIRING INDEPENDENT CONTRACTOR - CIVIL DEFENSE

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve hiring Charles Burks as an Independent Contractor, subject to completion of a Contract by the County Attorney. Motion carried. (fund from Urban Grant monies - no paperwork)

13. REQUEST APPROVED - TRANSFER POSITION - SHERIFF'S DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the transfer of David Carlos from Town Center Patrol Division to Detention Deputy, as per Request on file. Motion carried.

14. REQUEST APPROVED - TRANSFER POSITION - SHERIFF'S DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the transfer of Kathryn Villalobos from Shift Coordinator/Trainer to Dispatcher, as per Request on file. Motion carried.

15. REQUEST APPROVED - BALANCE TRANSFER - SHERIFF'S DEPARTMENT

REQUEST APPROVED - CHIEF DEPUTY POSITION CLOSED - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve transferring the balance of C. E. Drake's auto allowance to fund his pay off balances, due to his retirement December 31, 2003. Also, to close C. E. Drake's, Chief Deputy position and open a Captain's position, as per Request on file. Motion carried.

16. CARRYOVER FUNDS APPROVED - VARIOUS DEPARTMENTS

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following Carryover of unused FY03 budget funds:

- a. Veterans' Service Officer - \$400.00 - to purchase computer supplies
- b. Drug Court - \$1,200.00 - to attend MIS Workshop
- c. Drug Court - \$16,990.00 - to offset increased costs for treatment providers in FY04
- d. Building Maintenance - \$82,154.00 - to complete construction of new Custodial Services Building

Also, County Court at Law #4, Park Department and District Clerk carryover funds Requests to be reviewed by the County Judge, and then forwarded to County Auditor for further Court Action. Motion carried.

17. REQUEST APPROVED - NEW DEPARTMENT CREATED - BUDGET OFFICE - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve establishing a Budget Office and to appoint Julian Tolbert as the Budget Officer, effective January 1, 2004. Also, to appoint Judge Sadler to be the liaison for said department, as per Request on file. Motion carried.

AGENDA ITEMS 19A 4, 6, 7, 9 & 10 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

18. RECOMMENDATION AND CONTRACT APPROVED - LAMPS, BULBS AND BALLASTS - VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened October 15, 2003), for lamps, bulbs and ballasts to Hughes Supply, Inc., as per Contract on file. Motion carried.

19. RECOMMENDATIONS AND CONTRACTS APPROVED - BULK ROAD MATERIALS - VARIOUS PRECINCTS

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the bids, (opened November 4, 2003), to the following Vendors for Bulk Road Materials to the various Vendors:

- a. Pavers Supply Co.
- b. Martin Marietta
- c. Southern Crushed
- d. Hallett Materials
- e. Deanco

as per Contracts on file. Motion carried.

20. RECOMMENDATION AND CONTRACT APPROVED - VEHICLE BRAKE PARTS - VARIOUS PRECINCTS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to award the bid, (opened November 25, 2003), for vehicle brake parts to Doyle's Auto Parts, as per Contract on file. Motion carried.

21. PROPOSAL APPROVED - FORENSIC FACILITY AND MEDICAL EXAMINER - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the proposal, (opened November 25, 2003), for services to build a Forensic Facility and provide a Medical Examiner for the Justice of the Peaces, to Southeast Texas Forensic Center, Inc., as per Proposal on file. Motion carried. (Contract forthcoming at a later date)

22. PROPOSAL APPROVED - COMPUTER EQUIPMENT AND PERIPHERALS - VARIOUS DEPARTMENTS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Proposal for new computer equipment and peripherals to Netview Technologies, Inc., as per Contract on file. Motion carried.

23. RECOMMENDATION AND CONTRACT APPROVED - TRAFFIC SIGNALIZATION AND PAVEMENT MODIFICATIONS - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Meador, to award the bid, (opened December 19, 2003), for the construction of traffic signalization and pavement modifications on Research Forest Dr. at Shadowbend Place, to Statewide Traffic Signal Company, in the amount of \$106,536.75, as per Contract on file. Motion carried.

24. PROPOSAL APPROVED - GEOTECHNICAL INVESTIGATION - PRECINCT #3

Motion by Commissioner chance, seconded by Commissioner Meador, to approve the proposal from Terra-Mar, Inc., to perform a geotechnical investigation for the proposed library along Ashlane Way, for a fee of \$3,900.00, as per Proposal on file. Motion carried. (fund from Library Bond funds)

25. PROPOSAL APPROVED - ENVIRONMENTAL CONSULTING SERVICES - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the proposal from USA Environment, L.P., to conduct environmental consulting services for the installation of one (1) monitor well for a fee of \$5,875.00, as per Proposal on file. Motion carried.

26. CHANGE ORDER #1 APPROVED - RIGHT-OF-WAY ACQUISITION - PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Change Order #1, PO#2002210, to Cobb, Fendley & Associates, Inc., for right-of-way acquisition of FM-1314, as per Change Order on file. Motion carried.

27. LETTER AGREEMENT APPROVED - EXTENSION OF SERVICES - K. R. MOORE ASSOCIATES - PURCHASING DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Letter Agreement for extended services in regard to the Salary Administration Project. Also, to acknowledge receipt of Phase II of the Executive Update Report from K. R. Moore & Associates, as per Agreement and Report on file. Motion carried.

28. RESOLUTION AND ORDER APPROVED - REGULATIONS AFFECTING DANGEROUS WILD ANIMALS - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Resolution and Order affecting Dangerous Wild Animals in Montgomery County, as per Regulations on file. Motion carried.

29. RESOLUTION AND ORDER APPROVED - EXPENSES INCURRED IN LAWSUIT - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Resolution and Order to authorize the County Attorney to incur expenses as necessary to defend Montgomery County in an EEOC Complaint filed by Pamela Hernandez and Phyllis Traylor, as per Resolution and Order on file. Motion carried.

30. RESOLUTION AND ORDER APPROVED - EXPENSES INCURRED IN LAWSUIT - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a Resolution and Order to authorize the County Attorney to incur expenses as necessary to defend Montgomery County and the Texas Department of Protective and Regulatory Services in various lawsuits, as per Resolution and Order on file. Motion carried.

31. RENEWAL AGREEMENT APPROVED - USE OF SOUTH MONTGOMERY COUNTY COMMUNITY CENTER - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Renewal Agreement between Montgomery County and Central Church of Christ, (Church), for the Church's use of the South Montgomery County Community Center to conduct Sunday Services during the year 2004, as per Agreement on file. Motion carried.

AGENDA ITEM 21B - APPROVE AMENDING AN EXISTING INTERLOCAL AGREEMENT BETWEEN MONTGOMERY COUNTY AND NEW CANEY INDEPENDENT SCHOOL DISTRICT TO PROVIDE ROAD CONSTRUCTION AT THE BRIAR BERRY LANE SCHOOL SITE - DEFERRED

32. INTERLOCAL AGREEMENT APPROVED - TOWN CENTER IMPROVEMENT DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve an Interlocal Agreement between the Town Center Improvement District and Montgomery County, for funding assistance for personnel in Precinct #3, Justice of the Peace and Constable's office, as per Interlocal Agreement on file. Motion carried.

33. PERSONAL SERVICES AGREEMENT APPROVED - AIR CONDITIONING SYSTEM MAINTENANCE - JUVENILE PROBATION DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Personal Services Agreement between Montgomery County and J. R. Williams, for training maintenance personnel to perform work on the air conditioning system in the Juvenile Probation Department, as per Agreement on file. Motion carried.

34. AMENDMENT APPROVED - PARTICIPATION AGREEMENT - AIRPORT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Amendment to the Participation Agreement between Montgomery County and the Texas Department of Transportation, involving the construction project for a taxiway to the new hangar area South of Dorbandt Drive. Also, to authorize the County Judge to execute same, as per Amendment on file. Motion carried.

35. CONTRACT APPROVED - TEXAS STATE LIBRARY AND ARCHIVES COMMISSION - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a Contract between the Texas State Library and Archives Commission and Montgomery County, for a Loan Star Libraries Grant. Also, to authorize the County Judge to execute same, as per Contract on file. Motion carried.

- 36. LAND LEASE AGREEMENT APPROVED - RATCLIFF DEVELOPMENT GROUP - AIRPORT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Land Lease Agreement between Montgomery County and Ratcliff Development Group, L.L.C., for ground lease and hangar development project at the Lone Star Executive Airport, as per Agreement on file. Motion carried.

REBECCA SIMONTON AND JOSEPH LINTON ADDRESSED THE COURT TO DISCUSS CHANGING THE NAME OF BETHEL ROAD OR OLD 1097 WEST TO MARTIN LUTHER KING DR. THE COURT DISCUSS THIS MATTER AND REQUESTED THAT THIS MATTER BE PLACED ON THE NEXT COURT'S AGENDA FOR ACTION.

- 37. REQUEST APPROVED - SPEED LIMIT ESTABLISHED - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to set a speed limit of 30 mph for Newton Circle in Newton Acres Subdivision, as per Notice on file. Motion carried.

- 38. REQUEST APPROVED - STOP SIGNS PLACEMENT - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to authorize the placement of stop signs on
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Railroad, as per Notice on file. Motion carried.

- 39. REQUEST APPROVED - PLACEMENT OF STOP SIGNS - PRECINCT #2

REQUEST APPROVED - SPEED LIMIT SETTING - PRECINCT #4

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

- a. Placement of stop signs on all intersecting roads that do not have existing stop signs along East River Road in Harvest Acres Subdivision, and
- b. to lower the speed limit to 30 mph for East River Road in Harvest Acres from U.S. 59 to Liberty County Line

as per Requests on file. Motion carried.

- 40. APPOINTMENT APPROVED - NITA MCNULTY - LIBRARY DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to appoint Nita McNulty to the Montgomery County Library Board, as per Request on file. Motion carried.

- 41. APPOINTMENTS APPROVED - EMERGENCY SERVICE DISTRICT BOARD #14 - PRECINCT #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the following Appointments for Emergency Service District Board #14 (ESD):

- Lanny Dreesen
- Shirley Grandjean
- Danny Olsen
- Gladys Martin
- Jim Waters

as per Notice on file. Motion carried.

42. APPOINTMENTS APPROVED - EMERGENCY SERVICE DISTRICT #9 - PRECINCT #4

Motion by Commissioner Chance, seconded by Commissioner Doyal, a to approve the following Appointments for Emergency Service District #9:

- Floyd E. Dees
- Don E. Granger
- Edwin E. Stephan

as per Notice 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. Personnel Matters in accordance with Govt. Code Section 551.074(A) (1)
2. Consider and Discuss Morgan vs. Albertson's, Inc., et al (Section 551.071).
3. Consider and if appropriate approve Claim of Bob Gold d/b/a AAAA Better Way Bail Bonds (Section 551.071)
4. Consider and Discuss Agreement between Montgomery County and the Texas Department of Public Safety for implementation of the (FTA) Failure to Appear Program (Section 551.071)

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

43. ORDER APPROVED - PAYMENT OF CLAIM AND RELEASE OF CLAIM - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the Order to pay the Claim of Bob Gold in the amount of \$3,964.00, (fund from contingency). Also, to accept the Release of all Claims executed by Mr. Gold, as per Order and Release on file. Motion carried.

AGENDA ITEM 26B - CITIZENS

REV. WARZELL BOOTY addressed the Court on behalf of the citizens and residents of the Tamina Community, concerning the Tamina Water Sewer Project.

44. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of County Auditor to increase the salary of Martin Phyllis, Financial Reporting Accountant, effective December 6, 2003

request of Constable, Pct. #4 to place Gabriel Moore, Deputy, on payroll, effective December 15, 2003

request of Custodial Services to promote Bill Burk, Jr., Floor Technician, (replacement for Larry Smith), effective December 20, 2003

request of Custodial Services to place Brian Hall, Flyer Technician, (replacement for Ronald Riley), on payroll, effective January 5, 2004

request of Custodial Services to demote Ronald Riley, Floor Custodian, (replacement for Jacqueline Felder), effective December 20, 2003

request of Custodial Services to demote Larry Smith, Floor Custodian, (replacement for Bill Burk), effective December 20, 2003

request of County Attorney to accept the retirement of Wendy Shanks, Warrant Coordinator, effective January 31, 2004, with 133.80 vacation hours due

request of District Attorney to accept the resignation of Eric Berg, Assistant District Attorney, effective January 2, 2004, with 200 hours vacation hours due

request of District Attorney to place Ryan Deck, Assistant District Attorney, (replacement for Andrea Thompson), effective December 23, 2003

request of Elections Administrator to place Marian C. Von Heeder, Temporary Voters Clerk, effective December 6, 2003

request of Environmental Health, to place T. Scott Nichols, Designated Representative in Training, effective December 15, 2003

request of Juvenile Probation to accept the retirement of J. R. Williams, Maintenance Mechanic, effective December 31, 2003, with 125.48 vacation hours due and 22 holiday hours due

request of Library Director to place Jennifer Castino, Shelving Clerk, on payroll, (replacement for Gina Regh), effective December 22, 2003

request of Sheriff's Department to promote Kenneth Bivens from Detective I to Detective II, effective November 8, 2003, due to one year probation completed

request of Sheriff's Department to promote Kristy Cater from Detention Officer I to Detention Officer II, effective October 25, 2003, due to one year probation completed

request of Sheriff's Department to promote Sharon Light from Clerk I to Clerk II, effective October 25, 2003, due to one year

request of Sheriff's Department to promote Dusty Loge from Detention Officer I to Detention Officer II, effective

November 8, 2003, due to one year probation completed

request of Sheriff's Department to promote Paul Lopez-Carpenter from Detention Officer I to Detention Officer II, effective November 8, 2003, due to one year probation completed

request of Sheriff's Department to promote Lakesha Palmer from Detention Officer I to Detention Officer II, effective November 8, 2003, due to one year probation completed

request of Sheriff's Department to promote Jennifer Staggs from Secretary I to Secretary II, effective November 8, 2003, due to one year probation completed

request of Sheriff's Department to promote Ricky Staggs from Detective I to Detective II, effective November 8, 2003, due to one year probation period completed

request of Sheriff's Department to promote Aaron Sumrall from Detention Officer I to Detention Officer II, effective November 8, 2003, due to one year probation completed

request of Tax Assessor/Collector to accept the resignation of Jennifer Sims, Deputy Specialist I, effective December 18, 2003

request of Sheriff's Department to promote Kenneth Ariola from SIU Lieutenant to Captain, (replacement for Charles Burks), effective January 3, 2004

request of Sheriff's Department to promote Jimmy Armatys from SIU Sergeant to SIU Lieutenant, (replacement for Kenneth Ariola), effective January 3, 2004

request of Sheriff's Department to transfer David Carlos from Town Center Deputy to Detention Deputy, (replacement for Joshua Hernandez), effective December 20, 2003

request of Sheriff's Department to promote Robert Green from Detention Lieutenant to Captain, (replacement for C. E. Drake), effective January 3, 2004

request of Sheriff's Department to promote Amanda Grimes from Dispatcher II to Shift Coordinator/Trainer, (replacement for Rosa Lopez), effective December 20, 2003

request of Sheriff's Department to transfer Leldon Hamilton from Night Command Lt. to Detention Lt., (replacement for Robert Green), effective January 3, 2004

request of Sheriff's Department to promote Heather Land from Dispatcher II to Shift Coordinator/Trainer, (replacement for Kathryn Villalobos), effective December 20, 2003

request of Sheriff's Department to transfer Rosa Lopez, Dispatcher I, (replacement for Amanda Grimes), effective December 20, 2003

request of Sheriff's Department to transfer Kathryn Villalobos, Dispatcher II, (replacement for Heather Lane), effective December 20, 2003

as per Payroll Change Requests on file. Motion carried.

45. COURT ADJOURNS

Motion by Commissioner Chance, seconded by Commissioner

Rinehart, 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