

COMMISSIONERS' COURT DOCKET, JUNE 18, 2007
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 18th day of June, 2007, 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 -	Stacey Wilson, County Clerk' s Office

INVOCATION GIVEN BY SHERIFF TOMMY GAGE

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1. COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 6A - SHERIFF TOMMY GAGE PRESENTED STUART CORDER, DIRECTOR OF TRANSPORTATION OPERATIONS/TXDOT HOUSTON DISTRICT, WITH A POSTER FROM THE MONTGOMERY COUNTY LAW ENFORCEMENT ASSOCIATION, IN APPRECIATION FOR FUNDING PROVIDED BY TXDOT GRANTS.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for June 4, 2007, as presented by the County Clerk. Motion carried.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Consent Agenda, as follows:

COUNTY AUDITOR - AGENDA ITEMS 8A

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

b. BUDGET AMENDMENTS approved, as follows:

1. 221st District Court - to adjust line items
2. Building Maintenance - to adjust line items
3. C/P Certificates of Obligation '06A - to transfer line items
4. C/P Certificates of Obligation '06 - to fund E.C. Annex labor for P/R 05-25-07
5. C/P Road Bonds, 2006B - to fund 1488-B
6. Commissioner, Pct. #1 - to transfer funds to fund Lake Park security and adjust line items
7. Commissioner, Pct. #1 - to transfer funds for utilities
8. Commissioner, Pct. #3 - to adjust line items
9. Commissioner, Pct. #3 - to allocate miscellaneous revenue for May 2007
10. Commissioner, Pct. #3 - to recognize/allocate reimbursements and insurance proceeds
11. Commissioner, Pct. #3/Recycling - to fund overtime by recognizing revenue
12. Commissioner, Pct. #4 - to recognize and allocate reimbursements
13. Communications/Info Serv. - to adjust line items
14. Constable, Pct. #1 - to recognize and allocate reimbursement
15. Custodial Services - to adjust line items
16. Purchasing - to allocate revenue for imaging system FY '07
17. Purchasing - to adjust line items
18. Risk Management - to transfer line items

19. Sheriff-Auto Theft Year 13 - to adjust line items
20. Sheriff-Detective Division - to adjust line items
21. Sheriff-Jail - to fund overtime for FY 2007
22. Sheriff-Vehicle Maintenance - to adjust line items
23. Sheriff - to adjust line items

as per Budget Amendments on file.

- c. MONTHLY UNAUDITED FINANCIAL REPORT approved, for the 7 months ended April 30, 2007, as per Report on file.

COUNTY TREASURER - AGENDA ITEMS 8B

AGENDA ITEM 8B-1 - WEEKLY INVESTMENT REPORT FOR JUNE 11-15, 2007 - REMOVED FROM AGENDA

- a. PLEDGES AND/OR RELEASE OF COLLATERAL approved, as outlined in the report on file.
- b. MONTHLY REPORT approved, of pledged securities for May, 2007, as per Report on file.
- c. CORRECTED MONTHLY FINANCIAL REPORT approved, for April, 2007, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEM 8C

- a. MONTHLY TAX COLLECTION REPORT accepted, for month ending May 31, 2007, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8D

- a. AUTHORIZATION TO ADVERTISE approved, for the following bids/proposals:
 1. North Park Drive and Russell Palmer Road intersection pavement reconstruction - Precinct #4
 2. Miscellaneous repairs for dump trucks, haul trucks & miscellaneous heavy equipment - Various Departments
 3. RFP/Q Design & installation of landscaping & irrigation systems - Precinct #3
- b. RENEWAL CONTRACTS approved, as follows:
 1. Ranger Fire, Inc. - PO #2006616 - for fire protection system-installation and/or repairs - Various Departments
 2. Moore Medical Corporation - PO #2004506 - for medical supplies - Various Departments
 3. Cut 'N Shoot, Inc. - PO #2006597 - for labor to remove and install drainage/culvert pipe - Various Departments
 4. Cherokee County Clerk - PO #2007002 - for Rusk commitments - County Clerk - changes noted in file
 5. Voss Electrical Co. dba Voss Lighting - PO #2007203 - for lamps/bulbs/ballasts - Various Departments - changes noted in file
 6. United Telephone Company of Texas - PO #2006293 - for such as but not limited to: straight lines, data, etc. - CIS - month to month
 7. Central Transportation Systems, Inc. - PO #2006612 - for moving of voting equipment - Elections

as per Memo on file.

- c. REQUEST approved, that "Leather Gear & Accessories - Various Departments" be renamed "Duty Gear & Accessories - Various Departments." (No paperwork)
- d. REQUEST approved, to rescind the award to Invocon, Inc., for lease & development of aviation hangar area, previously awarded in Court on December 20, 2004, as per Request on file.
- e. LIST accepted, of items sold on May 21, 2007, May 29, 2007 & June 4, 2007, through the Montgomery County on-line auction, with checks totaling \$7,061.00 from Rene Bates Auctioneers, Inc. submitted to the County Auditor, as per Request on file. (No check received through County Clerk's Office)

- f. SOLE SOURCE CONTINUATIONS approved, for the following:
1. On-line computer assisted legal research purchased from Lexis-Nexis for Various Departments
 2. Membership agreement/alldata & value line research center purchased from Amigos Library Services, Inc. for the Library
 3. Captive/component parts purchased from Buckalew Chevrolet, Inc. for Various Departments
 4. Captive/component parts purchased from Gullo Ford Mercury of Conroe for Various Departments
- as per Requests on file.
- g. SOLE SOURCE PURCHASE approved, for Gale Publications purchased for the Library from Thomson Gale, as per Request on file.
- h. PERFORMANCE AND PAYMENT BONDS accepted, from Willo Products Co., Inc., for the upgrade of door controls and panels for the jail facility, each in the amount of \$142,703.00, as per Bonds on file.
- i. PERFORMANCE AND PAYMENT BONDS accepted, from South Coast Construction, Inc., for paving improvements at various intersections along Lake Woodlands Dr. and Grogans Mills Rd., each in the amount of \$520,811.45, as per Bonds on file.
- j. CERTIFICATE OF SUBSTANTIAL COMPLETION approved, from Ballard Construction Co., Inc., for construction of new metal roofing retro-fit with alternate for built-up roofing for the Ed Chance Courthouse Annex, as per Certificate on file.
- k. CHANGE ORDER #1 approved, PO #2007082, to All America Sales Corporation, to add items to the contract for emergency equipment for the Sheriff's Office, as per Change Order on file.
- l. CHANGE ORDER #3 approved, PO #2007120, to Dell Marketing, LP, to reflect changes to the contract for printers/scanners/peripherals, as per Change Order on file.
- m. CHANGE ORDER #10 approved, PO #2005128, to Hardco Pest Control, to reflect changes to the contract for pest control service, as per Change Order on file.
- n. CHANGE ORDER #7 approved, PO #2005123, to Astro Fence Company, to reflect changes to the contract for chain link fencing/materials and labor, as per Change Order on file.
- o. CHANGE ORDER #3 approved, PO #2006456, to LJA Engineering & Surveying, Inc., for extension of FM 830 from SH 75 to FM 2432, as per Change Order on file.
- p. PURCHASE approved, of one (1) new Compact Excavator 17D with attachment from John Deere Construction Retail Sales, at \$23,706.78, with purchase to be made through the Buy Board, as per Request on file.
- q. CANCELLATION approved, of month to month PO #2004285, to Mueller, Inc., for pre-engineered metal buildings (materials only), effective June 18, 2007, as per Request on file.
- r. CHANGE ORDER #1 approved, PO #2007175, to West Hills Park Joint Venture, to assign the contract for the lease agreement for space in Westlin Office Building, to Cross Development/Montgomery L.P., effective April 3, 2007, as per Change Order on file.
- s. CHANGE ORDER #2 approved, PO #2007220, to W.W. Webber, LLC, for construction for widening of FM 1488, from 0.2 miles west of FM 2978 to 0.46 miles east of SH 242, for a price increase of \$3,3601.01, as per Change Order on file.
- t. CHANGE ORDER #3 approved, PO #2007220, to W.W. Webber, LLC, for construction for widening of FM 1488, from 0.2 miles west of FM 2978 to 0.46 miles east of SH 242, for a price increase of \$805.00, as per Change Order on file.
- u. CHANGE ORDER #1 approved, PO #2006061, to Carter & Burgess, Inc., for engineering services to prepare plans, specifications and estimate for construction of FM 1484 from FM 3083 to FM 2432, for a price increase of \$7,000.00, as per Change Order on file.

- v. CHANGE ORDER #3 approved, PO #2006433, to Klotz Associates, Inc., for additional engineering services for FM 1488, from west of Mostyn Road to west of FM 2978, for a total fee of \$28,200.00, as per Change Order on file.

BUDGET DEPARTMENT - AGENDA ITEM 8E

- a. RECEIPT acknowledged, of the "Montgomery County Expenditure Status Summary" and the "Montgomery County Expenditure Status Summary - Sheriff", as of June 13, 2007, as per Report on file.

RISK MANAGEMENT - AGENDA ITEMS 8F

- a. PAYMENT acknowledged, to AT&T in the amount of \$3,129.36, referencing Claim #B-07-0045; date of incident 12-14-06.
- b. PAYMENT acknowledged, to Keith Allen West in the amount of \$2,032.60, referencing Claim #A-07-0065; date of incident 05-08-07.
- c. OFFICIAL BONDS AND OATHS approved, as follows:
 1. Kevin Bates, Fire Investigator - Bond #15487168
 2. Jack Binns, Operating Manager-Tax A/C - Bond #14841001
 3. George Burlin, Arson Investigator - Bond #15486578
 4. Carol Chedsey Gaultney, Election Administrator - Bond #15487169
 5. Todd Lehn, Deputy Constable, Pct. #3 - Bond #14499483
 6. John Wren, Reserve Deputy Constable, Pct. #3 - Bond #14984840
 7. Charles Williams, Reserve Deputy Constable, Pct. #5 - Bond #70080038

as per Bonds on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8G-1

- a. REQUEST approved, to accept the roads in Legends Run, Section 2 and Legends Run, Section 3 into the county road maintenance system, and to release the bonds, as per Request on file.
- b. REQUEST approved, to accept the following roads into the one year maintenance period:
 1. Benders Landing Estates, Section 4
 2. Village of Sterling Ridge, Section 77:
 - Black Knight Dr.
 - Chivary Oaks Court
 - W. Loftwood Cir.
 - E. Loftwood Cir.
 - E. Double Green Cir.
 - W. Double Green Cir.
 - Old Castle Court
 - Double Green Court

as per Request on file.

AGENDA ITEM 8G1b-3 - ACCEPT VARIOUS ROADS IN VILLAGE OF STERLING RIDGE, SECTION 78 INTO THE ONE YEAR MAINTENANCE PERIOD - REMOVED FROM AGENDA

- c. ORDER approved, authorizing a correction to the Montgomery County Road Log, to reflect that Legends Ridge Drive has not been accepted for maintenance by Montgomery County, and to remove it from the County road maintenance system, as per Order on file.
- d. ORDER approved, authorizing a correction to the Montgomery County Road Log, to reflect that Schumann Oaks Drive has not been accepted for maintenance by Montgomery County, and to remove it from the County road maintenance system, as per Order on file.

COMMISSIONERS - COUNTY ATTORNEY - ROAD AND BRIDGES

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8H-1

- a. ORDER approved, authorizing the purchase of right of way known as Parcel 1 for the FM 830 Project, from The Lighthouse School of Excellence, Inc., as per Order on file.
- b. ORDER approved, authorizing the purchase of right of way known as Parcel 5 for the FM 830 Project, from Joyce C. Naumann, as per Order on file.
- c. ORDER approved, authorizing the purchase of right of way known as Parcel 7 for the FM 830 Project, from Vera Louise Elam, as per Order on file.
- d. ORDER approved, authorizing the purchase of right of way known as Parcel 9 for the FM 830 Project, from James & Chari Elam, as per Order on file.
- e. ORDER approved, authorizing the purchase of right of way known as Parcel 13 for the FM 830 Project, from Jia You Gong & Connie Yu, as per Order on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8H-2

- a. ORDER approved, allowing partial lot conveyance without a replat for Lots 31 & 32 of the Clear Creek Forest Subdivision, Section 12, as per Order on file.
- b. PUBLIC HEARING DATE set, for July 23, 2007, to consider the partial replat of Lot 12 of the M.H. Gossett Subdivision, to be known as Garagetown Texas, as per Notice on file.
- c. ORDER approved, allowing partial lot conveyance without a replat for Lots 5 & 6 of Montgomery Trace, Section 1, as per Order on file.
- d. PUBLIC HEARING DATE set, for July 23, 2007, to consider the partial replat of Elk-Trace Golf Estates, Section 1, to be known as Woodforest, Section 3, as per Notice on file.
- e. PUBLIC HEARING DATE set, for July 23, 2007, to consider the partial replat of Elk-Trace Golf Estates, Section 1, to be known as Woodforest, Section 4, as per Notice on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8H-3

- a. ORDER approved, acknowledging receipt of a check from Jacob & Polly Bonilla, in the amount of \$12.00, for lease of Lot 26 in Spring Hills, Section 4, as per Order on file. (Check forwarded to County Treasurer)
- b. ORDER approved, acknowledging receipt of a check from Walter Vars, in the amount of \$20.00, for lease of Lot 7 in Skylight Timbers, as per Order on file. (Check forwarded to County Treasurer)
- c. ORDER approved, consenting to street construction, repair and maintenance by Montgomery County, in accordance with an Interlocal Agreement with the Woodlands Joint Powers Agency, to install culverts at 198 N. Tranquil Path, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8H-4

- a. ORDER approved, acknowledging receipt of a check from Solveig Matek, in the amount of \$20.00, for real property described as Tract 92 out of the Archibald Hodge Survey, as per Order on file. (Check forwarded to County Treasurer)
- b. ORDER approved, allowing partial lot conveyance without a replat for Lot 3 in Oak Creek Estates, Section 1, as per Order on file.

COMMISSIONERS - COUNTY ENGINEER

COMMISSIONER, PRECINCT #1 - AGENDA ITEM 8I-1

- a. ROADS accepted, in Park Slope, Section 1, into the county road system, and to release the bond, as per Request on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8I-2

- a. FINAL PLAT approved, for Durango Creek, Section 3 (Amending Plat), consisting of 12.587 acres, 60 lots, as per Plat on file.
- b. FINAL PLAT approved, for Emmett Estates, Section 1, consisting of 16.995 acres, 10 lots, as per Plat on file.
- c. FINAL PLAT approved, for High Meadow Ranch, Section 18, consisting of 31.459 acres, 20 lots, as per Plat on file.
- d. FINAL PLAT approved, for Mostyn Manor, Section 3, consisting of 80.087 acres, 93 lots, as per Plat on file.
- e. ROADS accepted, in Sunrise Ranch, Section 4, into the county road system, and to release the bond, as per Request on file.
- f. PUBLIC HEARING DATE set, for July 2, 2007, to consider lowering the speed limit to 20 mph for the roads in Cottage Green, Village of Alden Bridge, Section 35, as per Request on file.

AGENDA ITEM 8I2g - ACCEPT ROADS IN STONE CREEK, SECTION 1 INTO ONE YEAR MAINTENANCE PERIOD - SHOULD BE PRECINCT #1

- g. ROADS accepted, in Stone Creek, Section 1, into the one year maintenance period, effective June 18, 2007, as per Request on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8I-3

- a. FINAL PLAT approved, for Imperial Oaks Park, Section 16, consisting of 686.33 acres, as per Plat on file.
- b. FINAL PLAT approved, for Legends Trace, Section 1, consisting of 60.35 acres, as per Plat on file.
- c. FINAL PLAT approved, for Paradise Estates, consisting of 15.2392 acres, as per Plat on file.
- d. FINAL PLAT approved, for Sawdust Road Offices, consisting of 0.6730 acres, as per Plat on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEM 8I-4

- a. FINAL PLAT approved, for Point at Oakhurst, Section 2, consisting of 10.5565 acres, 45 lots, as per Plat on file.

ALL PRECINCTS - AGENDA ITEM 8I-5

- a. OVERSIZE/OVERLOAD PERMITS approved, for K & K Construction, Inc. to move dirt material over various county roads, with movement to begin not earlier than June 14, 2007 and to be completed by September 14, 2007, as per Permits on file.
- b. OVERSIZE/OVERLOAD PERMITS approved, for Park Construction Associates, LLP to move heavy construction equipment over various county roads, with movement to begin not earlier than July 8, 2007 and to be completed by October 6, 2007, as per Permits and Bond on file.

COUNTY JUDGE - AGENDA ITEMS 8J

- a. BOND accepted, for Emergency Services District #12 Treasurer, as per Bond on file.
- b. BOND accepted, for Emergency Services District #2 Treasurer, as per Bond on file.

DISTRICT CLERK - AGENDA ITEMS 8K

- a. DEPUTATION approved, of Stephany Smith, Deputy District Clerk, as per Deputation on file.
- b. RESOLUTION AND ORDER approved, to add The Woodlands Dog Park Club to the Juror' s Donation Authorization Form, as per Resolution and Order on file.
- c. REQUEST approved, for the District Clerk to hold their 10th annual " Drive and Drop for Back to School Supplies" on Wednesday, July 25, 2007 from 7:30 a.m. to 3:30 p.m., to collect school supplies and monetary donations for the Bridgewood Farms of Montgomery County, as per Request on file.

CUSTODIAL SERVICES - AGENDA ITEMS 8L

- a. REQUEST approved, to transfer \$425.00 from 509-3305-500 to 509-3303-503, as per Request on file.
- b. REQUEST approved, to transfer \$10,000.00 from 509-7102 to 509-7104, as per Request on file.

SHERIFF' S DEPARTMENT - AGENDA ITEM 8M

- a. TRANSFER OF FUNDS approved, as follows:
 - 1. \$3,186.54 from 5601-9999-999 to 5601-4900-9
 - 2. \$1,835.92 from 5121-5800-17 to 5121-9999-999
 - 3. \$167.44 from 5121-9999-999 to 5121-5800-88
 - 4. \$665.60 from 5601-9999-999 to 5601-3920-12
 - 5. \$1,847.14 from 5601-3920-9 to 5601-9999-999

as per Request on file.

PARKS DEPARTMENT - AGENDA ITEMS 8N

- a. DONATION accepted, of a 10' X 15' American flag from Veteran Kenny Smith, valued at \$301.00, to be flown at the Veteran' s War Memorial Park. (No paperwork)
- b. USE AGREEMENTS approved, as follows:
 - 1. Zach Tisdale Benefit - Magnolia Sports Park, Pct. #2
 - 2. Greater Toliver Memorial CPGIC - Constable/JP, Pct. #1 Parking Area

as per Agreements on file.

INFRASTRUCTURE - AGENDA ITEMS 8O

- a. REQUEST approved, to name Certificates of Obligation, Series 2001 as the funding source for the following loss prevention solution equipment for 207 West Phillips:
 - 1. One (1) HID Proxpoint Proximity Reader
 - 2. Two (2) Horton auto lock mechanisms on sliding entry doors
 - 3. Four (4) Magnetic contact Switches on sliding doors

as per Request on file

LIBRARY DEPARTMENT - AGENDA ITEM 8P

- a. DONATION accepted, of a check in the amount of \$500.00 from The Woodlands GREEN, to be used to purchase materials for the Mitchell Library, as per Request on file. (Check forwarded to County Treasurer)

CONSTABLE, PRECINCT #3 - AGENDA ITEM 8Q

- a. DONATION accepted, of a 2007 Ford Crown Victoria, pursuant to an Interlocal Agreement with Rayford Road MUD. (No paperwork)

Motion carried.

END OF CONSENT AGENDA

AGENDA ITEM 12C - ANALYSIS OF 800 MHZ RADIO COMMUNICATIONS

GARY MUNCHRATH, Vice President of RCC Consultants, presented the Court with an analysis of 800 MHz radio communications in Montgomery County, including system alternatives for improving public safety and local government radio communications within the County. After much discussion regarding the three system alternatives formulated by RCC Consultants, the following motion was made by the Court.

4. ANALYSIS ACCEPTED - 800 MHZ RADIO COMMUNICATIONS

Motion by Judge Sadler, seconded by Commissioner Chance, to approve designating Mark Bosma, Infrastructure Director, to form a user group, including the consultants, to: a.) apply for federal grant from Homeland Security; and b.) move forward with the RFP process for Alternative #3, as per Analysis on file. Motion carried.

5. APPOINTMENT APPROVED - LIBRARY BOARD - COUNTY JUDGE

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve appointing Barbara Egan to the open at-large position on the Montgomery County Library Board. Motion carried. (No paperwork)

6. NOMINATIONS APPROVED - CANDIDATES FOR APPRAISAL DISTRICT BOARD - COUNTY JUDGE

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the nomination of Ed Chance and Mike Meador as candidates for the Montgomery Central Appraisal District Board of Directors for 2008-2009, as per Request on file. Motion carried.

AGENDA ITEM 10A - 221ST DISTRICT COURT - APPROVE ADDITIONAL FUNDING IN THE AMOUNT OF \$2,454.95 FOR BUDGET YEAR 2007, FOR EXPENSES NOT REIMBURSED BY LAW LIBRARY - DEFERRED UNTIL AFTER COMMISSIONER DOYAL CONFERS WITH LAW LIBRARY BOARD

7. REQUEST APPROVED - ABATE NUISANCES - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the request to abate nuisances by demolition at the following locations, with funding in the approximate amount of \$21,000.00 from Community Development Block Grant funds:

- a. 15786 Crocket - Pct. #1
- b. 10824 County Line Rd. - Pct. #1
- c. 14983 Fannin - Pct. #2
- d. 2 Roman Hills Blvd - Pct. #2
- e. 5891 Cessna Dr. - Pct. #2

as per Request on file. Motion carried.

8. REQUEST APPROVED - ABATE NUISANCES - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the request to abate nuisances by demolition at the following locations, with funding in the approximate amount of \$16,000.00 from Community Development Block Grant funds:

- a. 15507 Hayden - Pct. #4
- b. 14500 Blk Hulon - Pct. #4
- c. 14827 Emerald Forest Dr. - Pct. #4

as per Request on file. Motion carried.

9. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a variance to install an aerobic septic system in the flood plain for Hector Castro at 10363 FM 1484, Conroe, as per Variance on file. Motion carried.

10. SCHEMATIC DESIGN ACCEPTED - PROPOSED COUNTY PARKING GARAGE - INFRASTRUCTURE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept the Schematic Design as submitted by Di Stefano/Santopetro Architects, for the proposed county parking garage, as per Schematic Design on file. Motion carried.

11. REQUEST APPROVED - REMODELING OF 284TH DISTRICT COURT - INFRASTRUCTURE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the transfer of \$26,000.00 from Administration Building (DA' s/County Attorney' s Office), to be used for remodeling work of the 284th District Court, along with existing money in Capital Project Fund. Motion carried. (No paperwork.) Mark Bosma, Infrastructure Director, will address the Court at a later date concerning 15-year plan for all County buildings in downtown, with associated costs.

AGENDA ITEM 12C - ANALYSIS OF 800 MHz COMMUNICATIONS BY RCC CONSULTANTS - MOVED UP EARLIER ON AGENDA - SEE MOTION #4 FOR COURT ACTION

12. RESOLUTION APPROVED - EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT PROGRAM APPLICATION - CIS

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve submission of the grant application for the Edward Byrne Memorial Discretionary Grant Program for 2007, as per Resolution and Grant Application on file. Motion carried.

13. PERSONAL SERVICES AGREEMENT - CHARLES BOULWARE - CIS

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Personal Services Agreement with Charles Boulware, to provide services for the CIS Department, and to authorize discretionary exemption from bidding requirements pursuant to 262.024(a)(4) of the Tx. Loc. Gov' t Code, as per Agreement on file. Motion carried.

AGENDA ITEM 14A - CONSIDER AND DISCUSS SPACE AT CENTRAL LIBRARY CURRENTLY LEASED TO MONTGOMERY COUNTY GENEALOGICAL AND HISTORICAL SOCIETY - DEFERRED UNTIL A LOCATION CAN BE ESTABLISHED FOR THE SOCIETY

14. REQUEST APPROVED - WAIVE OR REDUCE SPAY/NEUTER SURGERY FEES - ANIMAL CONTROL

Motion by Judge Sadler, seconded by Commissioner Chance, to authorize Constable Holifield to waive or reduce the spay/neuter surgery fees and vaccination fees in appropriate instances for indigent citizens of Montgomery County, upon verification of indigence. Motion carried. (No paperwork)

15. DEED ACCEPTED - UTILITY EASEMENT - ANIMAL CONTROL

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept a Utility Easement Deed from John Clinton Bybee, Jr., for a sewage discharge line for the Animal Shelter Expansion Project, and to authorize the County Judge to sign on behalf of Montgomery County, as per Deed on file. Motion carried.

AGENDA ITEM 20A - PUBLIC HEARING - PRECINCT #2

THE COURT RECESSED TO CONVENE A PUBLIC HEARING TO CONSIDER CLOSING, ABANDONING AND VACATING COUNTY ROAD RIGHT OF WAY KNOWN AS THORNAPPLE DRIVE.

THERE BEING NO CITIZENS PRESENT TO ADDRESS THIS ISSUE, JUDGE SADLER RECONVENED COMMISSIONERS' S COURT.

16. ORDER APPROVED - THORNAPPLE DRIVE RIGHT OF WAY - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Order closing, abandoning and vacating the Thornapple Drive right of way, as per Order on file. Motion carried.

17. RECOMMENDATION APPROVED - FUNDING FOR COMMITTEE ON AGING, INC. - COUNTY AUDITOR

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the recommendation for payment of the June allocation to The Friendship Center, in the amount of \$19,847.33. Motion carried. (No paperwork)

18. REQUEST APPROVED - TECHNOLOGY FUND - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the request from Justice of the Peace, Pct. #3, to use \$1,895.00 from the Justice Technology Fund to replenish their restricted telephone line item, as per Request on file. Motion carried.

AGENDA ITEMS 17A - 9, 10, 11, 12, 13, 14, 15 & 16 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

19. RECOMMENDATIONS APPROVED - PURCHASING DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following recommendations:

- a. to award the bids, (opened May 23, 2007), for miscellaneous auto parts, to the following vendors:
 1. O' Reilly Auto Parts - Prime
 2. Lizalde Auto Parts/Napa-Kingwood - Alternate
 3. Carquest - Alternate
 4. Genuine Parts/Napa-Magnolia - Alternate
 5. XL Parts - Alternate;
- b. to award the bid, (opened May 30, 2007), for lumber, hardware and miscellaneous supplies, to Lowe' s Home Improvement Center, for picked-up only;
- c. to award the bid, (opened May 30, 2007), for paint and miscellaneous supplies, to Pittsburgh/Monarch Paint Co.;
- d. to award the bid, (opened June 13, 2007), for extension of dark fiber for CIS, to WaveMedia, Inc., for \$87,743.00;
- e. to award the proposals, (opened June 5, 2007), for RFP/Q consultant for removal of hazardous materials and underground storage, to USA Environmental, LP (Non-emergency basis) and Eagle Construction & Environmental Services, LP (Emergency basis);
- f. to award the bid, (opened June 7, 2007), for construction of Fish Creek Thoroughfare Road improvements-Phase I, to Smith & Company, for \$885,092.40;
- g. to award the bid, (opened June 14, 2007), for construction of a community center for Precinct #1/CDBG, to Diamond Commercial Construction, Inc., for \$2,439,000.00;
- h. to award the bid, (opened June 12, 2007), for pre-engineered metal buildings (materials only), to Mueller, Inc.,

as per Contracts and Proposals on file. Motion carried.

20. PROPOSAL APPROVED - CIVIL ENGINEERING SERVICES - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Proposal from Binkley & Barfield Consulting Engineers, to provide civil engineering services for drainage analysis of subdivisions adjacent to FM 1314, from Old Humble Road to Cumberland Boulevard, for a fee of \$24,000.00, as per Proposal on file. Motion carried.

21. PAYMENT APPROVED - TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - ANIMAL SHELTER

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve payment in the amount of \$900.00 to the Texas Commission on Environmental Quality, for TCEQ PI-1 permit amendment application for the Animal Shelter crematory, to be paid with bond money, as per Request on file. Motion carried.

22. DISCRETIONARY EXEMPTION APPROVED - LEGAL SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Discretionary Exemption for legal services provided by Andrews Kurth, LLP, for right-of-way acquisition for an overpass at FM 2854 and McCaleb Road, as per Request on file. Motion carried.

23. PROPOSAL APPROVED - RIGHT-OF-WAY ACQUISITION SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Proposal from Crossland Acquisition, Inc., to provide right-of-way acquisition services for nine (9) parcels on McCaleb Road, as per Proposal on file. Motion carried.

24. PROPOSAL APPROVED - SURVEYING SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Proposal from Landtech Consultants, Inc., to provide surveying services for FM 1488 revised right-of-way, for a fee of \$27,004.80, as per Proposal on file. Motion carried.

25. PROPOSAL APPROVED - ENVIRONMENTAL ASSESSMENT - CDBG

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Proposal from Carter & Burgess, Inc., to prepare an environmental assessment for the proposed Montgomery Community Center, for a fee of \$13,870.08, as per Proposal on file. Motion carried.

26. PROPOSAL APPROVED - SURVEYING SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Proposal from LJA Engineering & Surveying, Inc., to provide surveying services for right-of-way mapping on FM 1488 1B, from Superior Road to Westwood Square East Boulevard, for a fee of \$17,500.00, as per Proposal on file. Motion carried.

27. TAX ABATEMENT AGREEMENT APPROVED - DR. DIRK LAUKIEN & BRUKER OPTICS, INC. - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve agreement for Phase II of the original Tax Abatement Agreement between Montgomery County and Dr. Dirk D. Laukien (Owner) and Bruker Optics, Inc. (Tenant), as per Agreement on file. Motion carried.

28. AMENDMENT APPROVED - AIRPORT PROJECT PARTICIPATION AGREEMENT - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Amendment No. 2 to the Airport Project Participation Agreement between Montgomery County and the Texas Department of Transportation, for construction of a control tower at the Lone Star Executive Airport, and to authorize payment to TxDOT in the amount of \$177,163.00 from Certificates of Obligation, with an additional \$25,000.00 from Contingency to be set aside. Also, to authorize the County Judge to execute said Agreement, as per Amendment on file. Motion carried.

AGENDA ITEM 20A - PUBLIC HEARING TO CONSIDER CLOSING, ABANDONING AND VACATING COUNTY ROAD RIGHT OF WAY KNOWN AS THORNAPPLE DRIVE IN PRECINCT #2 - MOVED UP EARLIER ON AGENDA - SEE AFTER MOTION #15

AGENDA ITEM 21A - APPROVE ORDER CLOSING, ABANDONING AND VACATING COUNTY ROAD RIGHT OF WAY KNOWN AS THORNAPPLE DRIVE IN PRECINCT #2 - APPROVED IN MOTION #16

29. ORDER APPROVED - CONSTRUCTION OF OVERPASS - COMMISSIONER, PCT. #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to accept an Order authorizing construction of an overpass over FM 2854 at McCaleb Road and decree of public necessity and convenience, and authorizing and directing acquisition and payment of compensation, as per Order on file. Motion carried.

30. ORDER APPROVED - PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM - COMMISSIONER, PCT. #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Order authorizing the implementation and operation of a photographic traffic signal enforcement system, providing for the imposition of civil penalties and to the use of the money collected to help fund trauma facilities and emergency medical services. Also, to appoint Commissioner Ed Chance as Special Commissioner, 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. Consider and discuss claim of Reliant Entergy against Montgomery County (Section 551.071)
2. Consider and discuss real estate matter with City of Conroe (Section 551.072)
3. Consider and discuss Cause No. H-07-00566, styled Scott Allen Newton vs. United States of America; Claim No. B-07-0052 (Section 551.071)
4. Consider and discuss Cause No. 2006-26783, styled Norma Jane Stuart and Robert Leo Stuart vs. Jason Lee Fluellen, County of Montgomery, Montgomery County Sheriff' s Office and Guy Williams; Claim No. D-04-0106 (Section 551.071)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT

31. ORDER TO PAY APPROVED - RELIANT ENTERGY - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Order to pay the claim of Reliant Entergy for utility services at the Magnolia Ball Park, in the amount of \$2,284.08, as per Order on file. Motion carried.

32. RESOLUTION AND ORDER APPROVED - INTERLOCAL AGREEMENT WITH CITY OF CONROE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Resolution and Order approving the execution of an Interlocal Agreement with the City of Conroe, regarding conveyance of land and exchange of property, and authorizing the County Judge to execute said Agreement and all necessary documents on behalf of the County, as per Resolution, Order and Agreement on file. Motion carried.

AGENDA ITEM 25 - THERE WERE NO CITIZENS PRESENT TO ADDRESS THIS COURT SESSION

33. GRANT APPLICATION APPROVED - EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FY07 - SHERIFF' S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the grant application for the Edward Byrne Memorial Justice Assistance Program FY 2007 through the Department of Justice, for the purchase of Tasers and body armor, as per Grant Application on file. Motion carried.

34. GRANT APPLICATION APPROVED - COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER/TECHNOLOGY TRANSFER PROGRAM - SHERIFF' S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the grant application to the Counterdrug Technology Assessment Center/Technology Transfer Program, for a Speech Extraction System and a G2 Sentinel for video enhancements, as per Grant Application on file. Motion carried.

35. REQUEST APPROVED - CHILD WELFARE OPERATING BUDGET - CHILD PROTECTIVE SERVICES

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the request that all Title IV-E quarterly reimbursements be applied to the Child Welfare Operating budget (640), for expenditures as approved in previous years. Motion carried. (No paperwork)

36. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of Animal Shelter to place Michael Menear, Kennel Help, on payroll, (replacement for William Gilliam), effective June 7, 2007

request of Building Maintenance to accept the retirement of Tommy Harmon, Maintenance Tech II, effective May 30, 2007

request of Commissioner, Pct. #2 to place Joe Hejl, Operator I, on payroll, (replacement for Rickie Getzie), effective June 11, 2007

request of Commissioner, Pct. #2 to place Robert Kimich, PT Laborer, on payroll, (replacement for Wayne Fuchs), effective June 8, 2007

request of Commissioner, Pct. #2 to accept the resignation of Joe Kutac, Laborer, effective June 4, 2007

request of Commissioner, Pct. #2 to place Rezcallah Peter Saker, III, PT/Temp Operator I, on payroll, (replacement for Joe Kutac), effective June 4, 2007

request of Commissioner, Pct. #3 to place William Fletcher, Seasonal Worker, on payroll, effective June 4, 2007 (funded by DSHS grant)

request of Commissioner, Pct. #3 to correct the hire date of Loretta Golden, Community Facilities Worker, to reflect May 29, 2007

request of Commissioner, Pct. #3 to place Kevin Griffis, Seasonal Worker, on payroll, effective June 4, 2007 (funded by DSHS grant)

request of Commissioner, Pct. #4 to accept the retirement of Robert Facundo, Operator II, effective June 21, 2007, with 33.73 vacation hours and 5.38 comp hours due

request of Commissioner, Pct. #4 to place Buddy Overstreet, Shop Foreman, on payroll, returning from unpaid leave of absence, effective June 4, 2007

request of Constable, Pct. #4 to place Angelene Nelson, Clerk III, on payroll, (replacement for Alicia Leonard), effective May 29, 2007

request of County Attorney to change the status of Patricia O' Hagan from Legal Assistant II to Clerk II, (replacement for Jennifer Ellisor), effective June 22, 2007

request of County Clerk to increase the salary of Kimberly Kraatz, Court Clerk II, effective June 16, 2007, due to probation period completed

request of County Clerk to place Sandra Martin, Clerk II, on payroll, effective June 4, 2007

request of County Clerk to place Diana Sartin, Clerk II, on payroll, effective June 11, 2007

request of District Attorney to accept the resignation of Lauren Crofton, Court Clerk IV, effective June 29, 2007, with 25.34 vacation hours due

request of District Attorney to transfer Jennifer Ellisor to Court Clerk IV, (replacement for Lauren Crofton), effective June 25, 2007

request of District Attorney to accept the resignation of Kate Shipman, Attorney I, effective June 29, 2007, with 61.73 vacation hours due

request of District Attorney to place Debby Toombs, Clerk II, on payroll, (replacement for Natalie Traylor), effective June 4, 2007

request of Extension Services to place Melinda Rogers, Clerk III, on payroll, (replacement for Marigrace O' Neil), effective June 5, 2007

request of Emergency Management to accept the resignation of Jacob Haggerty, Planner-Homeland Security, effective June 1, 2007

request of Justice of the Peace, Pct. #1 to promote Brandie Lopez from Administrative Assistant I to Administrative Assistant II, effective June 4, 2007

request of Justice of the Peace, Pct. #1 to increase the salary of Lamar Gonzalez, Court Clerk III, effective June 2, 2007, due to probation period completed

request of Juvenile Probation to place Betty Jo Harbour, Substitute Detention Officer, on payroll, effective May 30, 2007

request of Library Director to place Amber Fritschel, Reference Librarian, on payroll, (replacement for Lavonne Tucker), effective June 11, 2007

request of Library Director to accept the resignation of Susan Hall, Library Assistant II, effective July 24, 2007

request of Library Director to place Beverly Smith, Library Assistant II, on payroll, (replacement for Betty Harris), effective June 11, 2007

request of Library Director to accept the resignation of Mardell Ward, Shelving Clerk, effective May 31, 2007

request of Sheriff's Department to accept the retirement of Susan Kay Anderson, Coordinator-Victim Assistance, effective July 31, 2007, with 86.24 vacation hours, 33.53 sick hours (grandfathered) and .80 comp hours due

request of Sheriff's Department to place Michael Cross, Deputy-Patrol District III, on payroll, (replacement for Edward Gonzales), effective June 16, 2007

request of Sheriff's Department to increase the salary of Brandon Elliott, Dispatcher, effective June 16, 2007, due to probation period completed

request of Sheriff's Department to increase the salary of Benita Flowers, Dispatcher, effective June 2, 2007, due to probation period completed

request of Sheriff's Department to promote Keith Funderburk from Deputy-Patrol District IV to Detective, (replacement for Randy Lewis), effective June 16, 2007

request of Sheriff's Department to accept the resignation of Ryan Garman, Officer-Civilian Detention, effective June 26, 2007, with 55.44 vacation hours, 64.63 comp hours and 8 holiday hours due

request of Sheriff's Department to accept the resignation of Laura Gill, Deputy-Patrol District III, effective June 24, 2007, with 159.36 vacation hours, 165.02 comp hours and 17 holiday hours due

request of Sheriff's Department to place Michael Hooker, Deputy-Patrol District III, on payroll, (replacement for Amy Oliver), effective June 16, 2007

request of Sheriff's Department to place Daniel Justice, Officer-Civilian Detention, on payroll, (replacement for Ella Lewis), effective June 16, 2007

request of Sheriff's Department to increase the salary of Ramona Koch, Office-Supervisor, effective June 2, 2007, due to probation period completed

request of Sheriff's Department to transfer David Koth from Deputy-Patrol District III to Deputy-Town Center, (replacement for Christopher Ansley), effective April 14, 2007

request of Sheriff's Department to place Amy Loggins, Clerk II, on payroll, (replacement for Joann Aguirre), effective June 9, 2007

request of Sheriff's Department to promote Kimberley McCarty from Dispatcher to Trainer-Dispatch, (replacement for Laura Trott), effective June 2, 2007

request of Sheriff's Department to increase the salary of Krystal Miller, Officer-Civilian Detention, effective June 16, 2007, due to probation period completed

request of Sheriff's Department to accept the resignation of Timothy Morgan, Dispatcher, effective June 8, 2007, with 6 comp hours and 8 holiday hours due

request of Sheriff's Department to place Mark Nichols, Deputy-Patrol District IV, on payroll, (replacement for Denise Wilkins), effective June 16, 2007

request of Sheriff's Department to increase the salary of Linda Shelly, Officer-Civilian Detention, effective June 16, 2007, due to probation period completed

request of Sheriff's Department to place Dana Smark, Officer-Civilian Detention, on payroll, (replacement for Todd Downing), effective June 16, 2007

request of Sheriff's Department to place James Soloman, Deputy-Patrol District II, on payroll, (replacement for John Godden), effective June 16, 2007

request of Sheriff's Department to place Shannon Spencer, Deputy-Woodlands Patrol, on payroll, effective June 16, 2007

request of Sheriff's Department to increase the salary of Bethany Stafford, Clerk II, effective June 2, 2007, due to probation period completed

request of Sheriff's Department to place Keith Underwood, Officer-Civilian Detention, on payroll, (replacement for Juan Zavala), effective June 23, 2007

request of Sheriff's Department to place Misti Washburn, Officer-Civilian Detention, on payroll, (replacement for Chandos Zimmer), effective June 23, 2007

request of Sheriff's Department to place Dawson Weatherford, Deputy-Patrol District II, on payroll, (replacement for Richard Lafont), effective June 16, 2007

request of Sheriff's Department to place Myrna Wheeler, Temporary Data Clerk, on payroll, effective June 12, 2007

as per Payroll Change Requests on file. Motion carried.

37. COURT ADJOURNED

Motion by Commissioner Meador, seconded by Commissioner Doyal, that this Session of Court be adjourned. Motion carried.

The above and foregoing Minutes were read and approved by the Court.

ATTEST:

Mark Turnbull, County Clerk
Ex-Officio Clerk - Commissioners' Court
Montgomery County, Texas

BY: _____
COUNTY CLERK

COUNTY JUDGE