
COMMISSIONERS' COURT DOCKET APRIL 26, 2010
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 26th day of April, 2010, 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 -	Aimie Kemp, County Clerk's Office

INVOCATION GIVEN BY COMMISSIONER PRECINCT 3, ED CHANCE

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG 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.

2. PROCLAMATION APPROVED – MONTGOMERY COUNTY BEAUTIFICATION ASSOCIATION

Motion by Commissioner Doyal, seconded by Commissioner Meador, to declare the month of May 2010 as Go Green Month to launch the countywide Butterflies Rule "Feed a Caterpillar...Save a Butterfly" program that will create a venue for the MEGAN FRY AWARD for volunteers that promote the support of perpetual care of Montgomery County's roadways and public lands, as per Proclamation on file. Motion carried.

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

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for April 12, 2010, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 9A THRU 9M

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

COUNTY AUDITOR - AGENDA ITEMS 9A

- a. ACCOUNTS approved, as submitted by the County Auditor.
- b. BUDGET AMENDMENTS approved, as follows:
 - 1. 9th District Court – to adjust line items.
 - 2. Animal Shelter – to recognize and allocate revenue.
 - 3. Building Maintenance – to transfer funds for 2 Blackberry licenses.
 - 4. C/P-Cert Obligation 2006 – to adjust line items to complete East Co Courthouse remodel.
 - 5. C/P Road Bonds 2006B – to adjust line items.
 - 6. CDBG/\$1.8 Mil – Year 9 – to adjust line items (M10/03.22.10).
 - 7. CDBG/\$1.786 Mil – Year 11 – to adjust line items.
 - 8. CDBG/\$1.786 Mil – Year 11 – to adjust line items (M10/03.22.10).
 - 9. CDBG HOME PROGRAM/\$519K – YR 3 – to adjust line items (M10/03.22.10).
 - 10. CDBG HOME PROGRAM/\$496,611 – YR 4 – to adjust line items (M10/03.22.10).
 - 11. CDBG HOME PROGRAM/\$492,805 – YR 5 – to adjust line items (M10/03.22.10).
 - 12. CDBG HOME PROGRAM/\$472,128 – YR 6 – to adjust line items (M10/03.22.10)
 - 13. Commissioner Pct 1 – to transfer funds for security expense.
 - 14. Commissioner Pct 4 – to adjust line items.
 - 15. Constable Pct 1 – to recognize and allocate reimbursements.
 - 16. County Clerk – to adjust line items.
 - 17. County Court at Law #4 – to transfer funds for paneling.
 - 18. County Judge – to adjust line items.
 - 19. District Attorney – to fund DA 24-HR Intake payroll 04/09/10 M12/09.28.09.
 - 20. Drug Court – to recognize and allocate revenue for March 2010 (MRT Books).
 - 21. Justice of the Peace, Precinct 3 – to allocate funds from Juvenile Case Manager Fund (M5/02.08.10).
 - 22. Risk Management – to recognize and allocate insurance proceeds.
 - 23. Risk Management – to transfer funds for damage claims.
 - 24. Sheriff-Auto Theft – to recognize and allocate auction proceeds.
 - 25. Sheriff – to adjust line items.
 - 26. Sheriff – to carryover FY09 funds as approved by Commissioners' Court (M7/04.12.10).

as per Budget Amendments on file.

TREASURER - AGENDA ITEMS 9B

- a. REQUEST noted, that on April 12th court date, there were no pledges or releases and no investments. These were approved in court, but there were none, as per Memo on file.
- b. CORRECTED PLEDGES AND RELEASES REPORT approved, for March 22, 2010, as per Report on file.
- c. PLEDGES AND/OR RELEASES approved, for April 26, 2010 court date, as per Report on file.

AGENDA ITEM 9B-4 - WEEKLY INVESTMENT REPORT FOR WEEK OF APRIL 19-23, 2010 – REMOVED FROM AGENDA

- e. MONTHLY FINANCIAL REPORT approved, for January, 2010, as per Report on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEM 9C

- a. APRIL 2010 SUPPLEMENTAL CHANGES considered and acknowledged, to 2009 Consolidated Taxroll for properties in the Woodlands Township and New Caney ISD, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 9D

- a. AUTHORIZATION TO ADVERTISE approved, for the following bids/proposals:
1. Preventative Maintenance on stand-by generators – Various Departments
 2. New Arena Roof Cover – Pct. #2
 3. Radiological Monitoring Equipment – Emergency Management
- b. RENEWAL CONTRACTS approved, as follows:
1. Contract Pharmacy Services, Inc. (P.O. #2008511) for pharmaceuticals – prescriptions – Sheriff's Office/Jail
 2. Portable Computer Systems, Inc. dba PCS Mobile (P.O. #2009254) for Panasonic semi & fully rugged toughbook laptops and other related services and products purchased through DIR contract DIR-SDD-518 – Various Departments
 3. Double LF, Inc. (P.O. #2009496) for building inspector – MCCD
 4. Interfacing Company of Texas, Inc. (P.O. #2009491) labor for telephone/data cabling installation – C.I.S.
 5. Texas Lone Star Pavement Services, Inc. (P.O. #2009402) for seal coating (ACP rejuvenation) – Various Precincts
 6. Sorenson Forensics, LLC. (P.O. #2008412) for DNA testing – Various Departments
 7. Lansdowne Moody Co., Inc. (P.O. #2008500) for parts for tractors and mowers, picked up – Various Departments
 8. Allied Power Mart, Inc. (P.O. #2008499) for parts for tractors and mowers, picked up – Various Departments
 9. PPG Architectural Finishes, Inc. dba Pittsburgh Paint/Monarch Paint (P.O. #2007410) for paint & miscellaneous supplies, picked up and delivered – Various Departments
 10. Robert Edmonson dba Color Graphics Co. (P.O. #2008599) for printing of forms – Elections
 11. Carrier Commercial Service (P.O. #2009384) for air conditioning, heating and cooling products through the Interlocal Agreement with Region 4 Education Service Center/Texas Interlocal Purchasing System Program (TIPS), contract #01042809 - Various Departments
- as per Memo on file.
- c. DISCRETIONARY EXEMPTION(S) approved, as per Local Government Code Section 262.024 and 271.083:
1. Annual software support from Enroute Emergency Systems, LLC – IT Department

- 2. Sole publisher of Gale Publications, including but not limited to: St. James Press, UXL, Green Haven, Lucent, Black Birch, Thorndike Press, Kennebec, Wheeler Publishing, Walker Publishing Information Plus including Biography Resource Center, Literature Resource Center, Class Trac, Literature Criticism Online, Sata Online, Dictionary Literary Biography Online, Gale Virtual Reference Library, Infotrac Products and Nursing Resource Center from Gale Group, a part of Cengage Learning – Library

as per Memos on file.

d. CHANGE ORDER(S) approved, as follows:

- 1. CHANGE ORDER #1, P.O. #2010206 to G T Distributors, Inc. for Ammunition – Various Departments, to add the following to the contract:

Item #	Description	Price
.015	Federal Cartridge HST 9 mm 147 gr., FC-P9HST2 (1,000 Rounds/cs)	\$292.26
.016	Federal Cartridge HST .40 cal. 180 gr., FC-P40HST1 (1,000 Rounds/cs)	\$330.81
.017	Federal Cartridge HST .45 cal 230 gr., FC-P45HST2 (1,000 Rounds/cs)	\$363.18

as per Change Order on file.

- 2. CHANGE ORDER #11, P.O. #2008022, to All American Sales Corp., for Emergency Equipment – Various Departments, for the following changes:

Item #	Description	Should Read
.006	Product #2147ATCH2DCMC/3997R/C3100	Product #2747RPDMCSO/3997R/C3100

as per Change Order on file.

- 3. CHANGE ORDER #6, P.O. #2008615, to W.W. Webber, LLC, for the Construction for Widening of Non-Freeway Facility Consisting of Grading, Widening Structures, Base and Concrete Pavement on FM 1314 from 1.0 Miles South of SH 242 to 2.6 Miles Northwest of Loop 494 – Pct. #4/Engineering (MCTP), for changes with a total price increase of \$7,020.00, as per Change Order on file.

- e. PURCHASE acknowledged and accepted, of four (4) 6’ picnic tables through the Interlocal Agreement with the Buy Board and BJ’s Park & Recreation Products, contract #269-07, for a cost of \$2,710.32 less a Buy Board discount of \$172.80 for a total cost of \$2,537.52 - Parks, as per Quote on file.

- f. PURCHASE acknowledged and accepted, of one (1) Sharp Copier, model #MX-453U through the Interlocal Agreement with the Buy Board and Sharp Electronics Corp. C/O National Joint Powers Alliance (NJPA) for a cost of \$4,654.00 – Tax Office, as per Proposal on file.
- g. PAYMENT AND PERFORMANCE BONDS approved, from Kingsley Constructors, Inc. for Rayford Road Railroad Grade Crossing – Pct. #3, each in the amount of \$124,061.10, as per Bonds on file.
- h. PRE-PAY approved, to Texas by Texas Code Review for TAS Inspection of Montgomery County Medical Facility, 521 N. Thompson, Conroe, for a fee of \$380.00 - Infrastructure, funds to be taken out of 5107-7501016, as per Order Form on file.
- i. PURCHASE acknowledged and accepted, of one (1) 2009 Chevrolet HD2500 Silverado Extended Cab LWB Truck through the Interlocal Agreement with HGAC and Caldwell Country Chevrolet for a total cost of \$20,847.00 – Pct. #4, as per Contract Pricing Worksheet on file.

RISK MANAGEMENT - AGENDA ITEMS 9E

- a. PAYMENT acknowledged and recorded, to Matthew and Monica Brown in the amount of \$400.00 in reference to Claim #B-10-0034. Date of incident: 01/11/10, as per Memo on file.
- b. OFFICIAL BONDS AND OATHS approved, as follows:
 - 1. Jerry Stovall – Reserve Deputy Constable Precinct #1 – Bond #14383648 – Renewal
 - 2. Carlton Lee Cody - Reserve Deputy Constable Precinct #1 – Bond #13327363 Renewal
 - 3. Oscar Sommers – Reserve Deputy Constable Precinct #3 – Bond #14329345 Renewal

as per Bonds on file.

COMMISSIONERS – AGENDA ITEMS 9F

- a. PRECINCT 4
 - 1. CHECK accepted, Check #15985, in the amount of \$1,445.84 from the City of Roman Forest for the purchase of fuel for the month of February 2010. To be deposited into account 615.7357, as per Memo on file. (Check forwarded to County Treasurer for further handling).
 - 2. CHECK accepted, Check #16017, in the amount of \$1787.63 from the City of Roman Forest for the purchase of fuel for the month of March 2010. To be deposited into account 615.7357, as per Memo on file. (Check forwarded to County Treasurer for further handling).
 - 3. CHECK accepted, Check #35513, in the amount of \$510.96, from the Montgomery County Committee on Aging dba The Friendship Center for fuel used for the month of February 2010 to be deposited into account 615.7357, as per Memo on file.

4. CHECK accepted, Check #35640, in the amount of \$423.23, from the Montgomery County Committee on Aging dba The Friendship Center for fuel used for the month of March 2010 to be deposited into account 615.7357, as per Memo on file. (Check forwarded to County Treasurer for further handling).
5. ROADS accepted, for maintenance as a county road by Montgomery County, Texas, of the road generally known as Magnolia Court, from Fenley Road to 850' East, located in Conroe, Texas, Commissioner Precinct 4, as per Memo on file.

COMMISSIONERS – COUNTY ATTORNEY – ROAD AND BRIDGES – AGENDA ITEMS 9G

a. PRECINCT 1

1. ORDER approved, accepting unnamed road off of County Road into Montgomery County road maintenance system in order to rehabilitate and reestablish existing right of way, as per Order on file.

b. PRECINCT 2

1. ORDER approved, allowing partial lot conveyance without a replat for Lot 1, Block 2, Oakwood Acres, as per Order on file.
2. ORDER approved, authorizing payment of lien release expenses in connection with the acquisition of Parcel 5 of the Woodlands Parkway Extension Project, as per Order on file.

c. PRECINCT 3

1. ORDER approved, consenting to street construction, repair and maintenance by Montgomery County for the Woodlands Joint Powers Agency per Interlocal Agreement dated May 10, 1993, as per Order on file.

d. PRECINCT 4

1. ORDER approved, authorizing payment of title policy and closing expenses for the purchase of right of way known as Parcel 1 for the Shakey Hollow Road Project, as per Order on file.
2. ORDER approved, acknowledging receipt of payment for Check No. 5244 in the amount of \$7.00 from James and Betty Cater for the lease of real property described as Lots 1,3,6,7,8,9 and 10 of the replat of River Club Estates Section Two (2), as per Order on file.
3. ORDER approved, authorizing purchase of utility easement in Precinct Four for the purpose of installing a sanitary sewer line to provide new restrooms and concession stand for the A.V. Sallas Park, as per Order on file.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9H**a. PRECINCT 1**

1. UTILITY PERMIT approved, for Montgomery County MUD No. 8 to place a 28" I.D. effluent outfall line within the right of way of Poe Drive, as per Permit on file.
2. UTILITY PERMIT approved, for the City of Montgomery to place an 8" sanitary sewer force main within the right of way of Lonestar Parkway, as per Permit on file.

b. PRECINCT 3

1. FINAL PLAT approved, for The Woodlands – Lake Woodlands East Shore, Section 2, Replat No. 1, Partial Replat No. 1, as per Plat on file.

c. PRECINCT 4

1. FINAL PLAT approved, for Valero Store No. 2310, as per Plat on file.
2. UTILITY PERMIT approved, from T & L Gas Company to place a 2" gas line within the right of way of Koalstad Road and Exxon Road, as per Permit on file.

COUNTY JUDGE – AGENDA ITEM 9I

- a. BOND accepted, presented by ESD #11 in the amount of \$50,000 conditioned on the faithful execution of the treasurer's duties, as per Bond on file.

SHERIFF – AGENDA ITEMS 9J

- a. DONATION accepted, of a used forklift from Eric Lowry, owner of Ham Distributors to the Montgomery County Sheriff's office for the benefit of the fleet operations division and radio shop, as per Memo on file.
- b. DONATION accepted, of \$129.54, Check #1305, from the Montgomery County Crime Stoppers, Inc. for cell phone for Brandy Wright for February and March, 2010. To be recorded in line item 56017-7423, as per Memo on file. (Check forwarded to County Treasurer for further handling).
- c. DONATION accepted, of \$64.93, Check # 1290, and a \$64.25 donation, Check #1308, from the Montgomery County Crime Stoppers, Inc. for cell phone for John Niquette for November and December 2009. To be recorded in line item 56017-7423, as per Memo on file. (Checks forwarded to County Treasurer for further handling).

PARKS DEPARTMENT – AGENDA ITEM 9K

- a. USE AGREEMENT approved, as follows:
 1. Montgomery County United Way
Courthouse Plaza

as per Use Agreement on file.

LIBRARY – AGENDA ITEM 9L

- a. CHECK accepted, for \$1,200.00 from the Magnolia Library Friends and funds deposited into the Library's Memorial/Gift account #6511-7392. (Check forwarded to County Treasurer for further handling).

INFRASTRUCTURE – AGENDA ITEM 9M

- a. RESOLUTION approved, for claims from Fairweather Group, LLC. for the Spring Creek Community/Nature Center, as per Order to Pay on file.

Motion carried.

 END OF CONSENT AGENDA

AGENDA ITEM 27A – CITIZENS – LINDA HANOVER, OF THE HERITAGE MUSEUM OF MONTGOMERY COUNTY ADDRESSED THE COURT, REQUESTING TO BE ADDED AS A PERMANENT LINE ITEM TO THE BUDGET. A SECOND LINE ITEM TO BE ADDED TO THE NON-PROFIT LINE ITEMS AT BUDGET TIME IN JULY.

- 5. REQUEST APPROVED - TECHNICAL ASSISTANCE GRANT SUBMISSION – 284TH JUDICIAL DISTRICT COURT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the electronic submission of a grant to the State Justice Institute for a technical assistance grant of \$50,000.00 with a match of \$25,000.00, for a total project cost of \$75,000.00. The match will be an in kind match of \$20,000.00 from the salary of current judicial and county personnel who will conduct or be engaged in the grant activities and a \$5,000.00 cash match for a total project of \$75,000.00. The grant is due May 1, 2010. This grant allows for the county and its courts to obtain the services of court management consultants from the National Center for state courts to provide assistance in the planning and implementation of a Mental Health Court, as per Memo on file. Motion carried.

- 6. GRANT SUBMISSION APPROVED – TEXAS TASK FORCE ON INDIGENT DEFENSE – 284TH JUDICIAL DISTRICT COURT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the submission of a grant to the Texas Task Force on Indigent Defense for a discretionary grant of \$169,902.28 with a match of \$42,475.57 (20%) for a total project cost of \$212,377.85. The match will be from the salary of current county personnel who will conduct or be engaged in grant activities. The purpose of the grant is to provide direct client services and representation to indigent, non-violent criminal defendants with documented mental illness, as per Memo on file. Motion carried.

- AGENDA ITEM 11A – RESOLUTION OF INDIGENT DEFENSE DISCRETIONARY GRANT – SEE MOTION #6 FOR COURT ACTION.

7. REQUEST APPROVED – TRANSFER OF FUNDS – SHERIFF

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following transfer of budgeted salary and associated longevity, certification and/or other associated pay with the following position change. This transfer does not increase the approved salary structure:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$11,700.00	5601-5000-24	5601397-5000-3

as per Memo on file. Motion carried.

8. APPLICATION REVIEWED/FUNDS ACCEPTED – CLICK IT OR TICKET – SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Chance, to review the application and accept the funds from the Texas Department of Transportation for the Texas Traffic Safety Program – Click it or Ticket for FY10 for the sum of \$13,610.15, as per Application on file. Motion carried.

9. CHECK ACCEPTED – EMERGENCY COMMUNICATION DISTRICT – SHERIFF

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the acceptance of the \$43,663.00 check from Montgomery County Emergency Communication District for reimbursement of 34.1% of the NICE recording equipment and place in 5601-7390, as per Memo on file. Motion carried. (No check submitted to County Clerk).

10. REQUESTS APPROVED – FY 2011 ABTPA GRANT APPLICATION & SUPPLEMENTAL AWARD DOCUMENTS – AUTO THEFT TASK FORCE

Motion by Commissioner Meador, seconded by Judge Sadler, to approve the following:

- a. Execution of the FY 2011 ABTPA Grant Application; and
- b. FY 2010 Supplemental Grant Award Documents by the ABTPA

as per Grant Application and Grant Award Documents on file. Motion carried.

11. REQUEST APPROVED – TRANSFER OF FUNDS – CONSTABLE PRECINCT 4

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve a request to transfer salary (95%) of midpoint for class 5975 and auto allowance from vacant class 6022, position 2, to created class 5975, position 1, as per Memo on file. Motion carried.

12. GRANT APPLICATION EXECUTION AND SUBMISSION APPROVED – LONE STAR EXECUTIVE AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve execution and submission of a grant application for the “Investments for Public Works and Economic Development Facilities” Grant Program, to receive funding for the development of water and sewer infrastructure at the Lone Star Executive Airport, County Judge Alan B. Sadler designated to execute all necessary related documents, as per Grant Application on file. Motion carried.

13. CHECK ACCEPTED – HIGHSMITH COMPANY – LIBRARY

Motion by Commissioner Meador, seconded by Commissioner Chance, to accept a check for \$1,000 from Highsmith Company in recognition of innovative programming. Funds to be deposited into the Library's Supplies/Other Account, #6511-7390, as per Memo on file. Motion carried.(Check forwarded to County Treasurer for further handling).

14. REQUEST APPROVED – RECLASSIFYING POSITION – LIBRARY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve reclassifying Library Assistant II Position , #6511.7051.20, to create Librarian I position, #6511.7203.29, effective at the time the LA II position in vacated. The change in classification will not increase the Department's salary budget for FY2011, as per Memo on file. Motion carried.

15. REQUEST APPROVED – FUNDING FOR PROBATIONARY INCREASES – BUILDING CUSTODIAL SERVICES

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve funding for probationary increases in the amount of:

- a. \$2,076.56 to position 509-4268-2
- b. \$2,672.08 to position 509-4268-1

Both increases to be funded from position 509-4268-2 and will not increase department budget, as per Memo on file. Motion carried.

16. APPLICATION SUBMISSION APPROVED – PANORAMA PARK AND PRESERVE – PARKS DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve submitting application for May, 2010, Texas Parks & Wildlife Trails Grant for Panorama Park and Preserve in Precinct #1, as per Memo on file. Motion carried.

17. ANNUAL FINANCIAL REPORT ACCEPTED – FISCAL YEAR ENDING SEPTEMBER 30, 2009 – AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept Comprehensive Annual Financial Report of Montgomery County, Texas for the Fiscal Year ending September 30, 2009, as per Financial Report on file. Motion carried.

AGENDA ITEMS 20A – 1,2,4,6,8,11,12,16,17,22,23 – RECOMMENDATIONS AND CONTRACTS – PURCHASING – DEFERRED

18. RECOMMENDATIONS AND CONTRACTS APPROVED - PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following recommendations and contracts:

- a. RFP/Q Disaster Logistics Services for Emergency Resources – Emergency Management, Project #2009-0104, awarded as follows:
 - Prime Award – Garner Environmental Services, Inc. – contract to follow at a later date
 - Alternate Award – O'Brien's Response Management

- b. RFP/Q Security Officers – Sheriff’s Office/Jail, Project #2010-0019, awarded to Resource Protection Management (RPM)
- c. RFP/Q Extension of Fiber Network – Northstar Advanced Transportation System – Pct. #3, awarded to Communications Cable Construction, LLC in the amount of \$24,650.00
- d. Continuation Book Service – Library, Project #2010-0044, awarded to Baker & Taylor, Inc.
- e. Construction Repair, Rehabilitation or Alteration of Residential Buildings with Section 3 Requirements – M CCD, Project #2010-0066, awarded as follows:
 Prime Award – Diamond Commercial Construction, Inc.
 Alternate #1 Award – TDG General Contractors, Inc.
 Alternate #2 Award – Fairweather Group, LLC
- f. Demolition and Site Clearing – M CCD, Project #2010-0065, awarded to Inland Environments, Ltd.
- g. Modular Homes – M CCD, Project #2010-0056, awarded as follows:
 Prime Award – Mspace Holdings, LLC
 Alternate Award – American Homestar Corporation
- h. One (1) or More New Vehicle(s) – Constable #3, Project #2010-0062, awarded as follows:
 Bid I: To Planet Ford for seven (7) New 2010, ½ ton, short-bed, regular cab, two-wheel drive pick-up trucks, each in the amount of \$13,889.00 for a total of \$97,223.00, financing to follow at a later date
 Bid II: To Planet Ford for two (2) new 2010, ½ ton, long-bed, regular cab, two-wheel drive, pick-up trucks, each in the price of \$14,090.00 for a total of \$28,180.00, financing to follow at a later date.
 Bid III: to be awarded at a later date
- i. Sports Lighting System – Various Departments, Project #2010-0061, awarded to CED (Consolidated Electric Distributors)
- j. Construction for the Widening of Research Forest Dr. – Pct. #3, Project #2010-0071, awarded to Hassell Construction Co., Inc., in the amount of \$2,797,225.00
- k. Miscellaneous Materials, Picked Up and/or Delivered – Pct. #4, awarded as follows:
 Prime Award – A & B Crushed Concrete, LLP
 Alternate Award - C & S – Julie Stifflemire

as per Recommendations and Contracts on file. Motion carried.

19. DISCRETIONARY EXEMPTION APPROVED – PCT. #3/ENGINEERING – PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following discretionary exemption:

Traffic signal timing for Woodlands Parkway from Many Pines/Woodloch Forest to FM 2978 and Research Forest from Pinecroft to Kuykendahl in Montgomery County, Texas from Traffic Engineers, Inc. for a fee of \$211,850.00. To be considered a discretionary exemption as per Local Government Code Section 262.024 – Pct. #3/Engineering (MCTP), as per Proposal on file. Motion carried.

20. DISCRETIONARY EXEMPTION APPROVED – PCT. #3 – PURCHASING

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

Construction materials testing and laboratory services from HTS, Inc. for the SH 242 Ramp Relocation Project for a fee not to exceed \$200,000.00. To be considered a discretionary exemption as per Local Government Code Section 262.024 – Pct. #1/Engineering (MCTP), as per Proposal on file. Motion carried.

21. CHANGE ORDERS APPROVED – PCT. #1/ENGINEERING – PURCHASING

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Change Orders #1, #2, and #3, P.O. #2008446 to Texas Sterling Construction LP for the construction of new location non-freeway consisting of grading, treated subgrade, stabilized base, concrete pavement, structures, signals, signing and pavement markings on FM 1484 from FM 3083 to FM 2432 for a total price increase of \$85,561.25 – Pct. #1/Engineering (MCTP), as per Change Orders on file. Motion carried.

22. PUBLIC HEARINGS APPROVED – PRECINCT 1 AND PRECINCT 2

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the following public hearings:

a. PRECINCT 1

1. Partial replat of Bentwater Section Seventeen (17), to be known as Bentwater Sixty Nine (69)

b. PRECINCT 2

1. Placement of “No Parking” signs at the intersection of Dobbin Huffsmith Road and Hardin Store Road. The No Parking Zone will extend on both sides of the road from the intersection to a point 500 feet in all directions

as per Memo on file. Motion carried.

23. RESOLUTION APPROVED – MONTGOMERY COUNTY BEAUTIFICATION ASSOCIATION – COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve resolution naming Montgomery County Beautification Association as the formal representative of Montgomery County, Texas, and coordinator of efforts under the Governor’s Community Achievement Award Program, as per Resolution on file. Motion carried.

24. RESOLUTION AND ORDER APPROVED – BIO-TERRORISM AND EMERGENCY PREPAREDNESS - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Meador, to approve Resolution and Order authorizing the County Attorney to proceed with negotiations and preparation of documents reassigning certain responsibilities from the University of Texas Medical Branch (“UTMB”) to the Montgomery County Hospital District (“MCHD”) concerning grant activities on Bio-Terrorism and Emergency Preparedness, with the exception of Maternal & WIC Programs, as per Resolution and Order on file. Motion carried.

25. RESOLUTION APPROVED – FUND BORROWING FOR COMMUNITY BUILDING CONSTRUCTION - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Resolution approving, and authorizing County Judge to execute on behalf of the county, necessary documents for borrowing of funds by the county from Wells Fargo Securities, LLC for the purpose of construction of a Community Building in Pct. 1 – Montgomery, with annual payments to be made from Community Development Block Grant Funds, which documents include:

Escrow Agreement

Ground Lease

Lease and Purchase Option Agreement; and

Also, to approve Resolution acknowledging certification of funding by the County Auditor, as per Documents on file. Motion carried.

26. AMENDMENT APPROVED – WOODLANDS TOWNSHIP INTERLOCAL AGREEMENT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve amendment to Interlocal Agreement between the Woodlands Township and Montgomery County, Texas, for law enforcement services to be performed by deputies of the Montgomery County Sheriff’s Department, as per First Amendment to Interlocal Agreement on file. Motion carried.

27. OCCUPANCY AGREEMENT APPROVED – MONTGOMERY COUNTY CHILDREN’S ADVOCACY - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Occupancy Agreement between Montgomery County, Texas, and the Montgomery County Children’s Advocacy, Inc. d/b/a Children’s Safe Harbor for lease of space at the West Montgomery County Community Development Center located in Precinct 2, as per Occupancy Agreement on file. Motion carried.

28. PERSONAL SERVICE AGREEMENT APPROVED – 9TH JUDICIAL DISTRICT COURT - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Personal Service Agreement with Elizabeth Warren to provide duties for the 9th Judicial District Court of Montgomery County, Texas, related to electronic filing, and exemption authorized pursuant to 262.024 of the Tx. Loc. Gov’t Code from bidding requirements of Section 262, as per Personal Services Agreement on file. Motion carried.

29. FINAL PLAT APPROVED – BENTWATER SECTION 69 – ENGINEER

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the final plat of Bentwater, Section 69, as per Plat on file. Motion carried.

30. REQUEST APPROVED – 2010 CALENDAR YEAR ANNUAL APPROPRIATION REQUEST – ENGINEER

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Annual Appropriation Request for the 2010 Calendar Year for the Montgomery County Transportation Program – Pate Transportation Partners, as per Request 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 Civil Action No. H-10-01103; Karen McPeters v. Judge Frederick Edwards, District Clerk Barbara Gladden Adamick, Montgomery County, Reed Elsevier Inc. d/b/a Lexis Nexis. Claim No. C-07-0107 (Section 551.071)
2. Consider and discuss Cause No. 09-11-10670-CV, styled Conroe McCaffety Electric Co., Inc. vs. Montgomery County; Claim No. B-08-0101 (Section 551.071)
3. Consider and discuss complaint of Amaechi Esekody, EEOC Claim No. 460-2010-01143 Claim No. B-10-0049 (Section 551.071)
4. Consider and discuss Cause No. 07-09-08946-CV, styled Montgomery County, Texas vs. First Indemnity of America Insurance Company and Triple L Sales & Development, Inc. (Section 551.071)
5. Consider and discuss claim of Diamond Commercial Construction, Inc. against Montgomery County, Texas

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT

31. RESOLUTION AND ORDER APPROVED – AMAECHI ESEKODY – COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Meador, to approve a motion supporting the need for the Montgomery County Attorney to defend Montgomery County, Texas in a lawsuit filed under EEOC Charge No. 460-2010-01143, styled *Amaechi Esekody vs. Montgomery County Juvenile Probation Department; in the U.S. Equal Employment Opportunity Commission, Houston District Office – 460, Harris County, Texas*, Claim No. B-10-0049, as per Resolution and Order on file. Motion carried.

32. REQUEST APPROVED – DIAMOND COMMERCIAL CLAIM – COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to fund interest payments to Diamond Commercial Construction, Inc. out of contingency in regards to Claim against Montgomery County. (No paperwork). Motion carried.

33. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the following payroll change request forms:

request of 221st District Court to accept the retirement of Holly Ann Gilbert, Court Reporter, with 257.56 vacation hours due, and 480 sick leave hours due, effective April 30, 2010

request of 9th District Court to accept the resignation of Lindsey Kane, Court Coordinator I, with 48.72 vacation hours due, effective April 26, 2010

request of 9th District Court to place Elizabeth Warren, Court Coordinator I, on payroll, (replacement for Lindsey Kane), effective April 27, 2010

request of Animal Shelter to promote Andrea Harris, from Kennel Help to Vet Tech, (replacement for Kendrea S. Nelson), effective April 12, 2010

request of Animal Shelter to demote Kendrea S. Nelson, from Vet Tech to Kennel Help, (replacement for Andrea Harris), per employee request, effective April 12, 2010

request of Bldg Custodial Services to increase the salary of Lorena Garcia, Manager – Custodial Services, probationary period completed, effective May 1, 2010

request of Bldg Custodial Services to increase the salary of Debra Garza, Manager – Custodial Services, probationary period completed, effective May 1, 2010

request of Bldg Custodial Services to demote Jason Harrington, from Custodian II to Custodian I, (replacement for Danette Minter), effective April 17, 2010

request of Bldg Custodial Services to promote Juan Carlos Hernandez, Jr., from Custodian to Custodian I, (replacement for Josh Warren), effective April 17, 2010

request of Bldg Custodial Services to promote Danette Minter, from Custodian I to Custodian II, (replacement for Sharon Holland), effective April 17, 2010

request of Bldg Custodial Services to promote Joshua Warren, from Custodian I to Custodian II, (replacement for Jason Harrington), effective April 17, 2010

request of Bldg Maintenance/Construction to promote Paul D. Case, from Senior Foreman to Assistant Director, effective April 17, 2010

request of Bldg Maintenance/Construction to allow for auto allowance for Paul D. Case, Senior Foreman, effective April 17, 2010

request of Bldg Maintenance/Construction to transfer Marco Deneave, from Operator I to Facility/Grounds Worker, (replacement for Miguel Rangel), effective April 19, 2010

request of CCL #5 to transfer Barbara Nichols, from Victim/Witness Coordinator to Court Coordinator II, (replacement for Donna Mathis), effective April 26, 2010

request of Collections to place Ashley Guth, Collections Specialist I, on payroll, (replacement for Ricardo Garcia), effective April 12, 2010

request of Commissioner Pct 1 to promote Ronald T. Wiede, Jr., from Operator II to Operator III, effective April 17, 2010

request of Commissioner Pct 4 to place Ambrosio C. Sanchez, Operator I, on payroll, (replacement for Marco Deneave), effective April 26, 2010

request of Constable Pct 3 to discharge Shane Hatton, Sergeant, with 115.26 vacation hours due, 74.4992 comp hours due, and 24 holiday hours due, effective April 20, 2010

request of Constable Pct 3 RMUD Sub Unit to place Keith Hansford, Deputy, on payroll, (replacement for Steven Cannon), effective April 19, 2010

request of County Attorney to promote Brandi Bourland, from Clerk III (Receptionist) to Legal Assistant II (Juvenile), (replacement for Geri Rawlinson), effective April 17, 2010

request of County Attorney to transfer Regina Wilson, from Office Supervisor to Victim Assistant Coordinator (Juvenile), (replacement for Barbara Nichols), effective April 26, 2010

request of County Attorney to accept the resignation of Geri Rawlinson, Legal Assistant II, with 5.36 vacation hours due, and .53 comp hours due, effective April 16, 2010

request of County Attorney-Worthless Checks to promote Mitzi King, from Clerk II to Office Supervisor I, (replacement for Regina Wilson), effective April 24, 2010

request of County Auditor to accept the retirement of Carol Stroud, Internal Audit Supervisor, with 30.245 vacation hours due, and 3.08 sick leave hours due, effective May 31, 2010

request of District Attorney to transfer Patsy McQuitty, from Deputy Specialist I to Court Clerk IV, (replacement for Debby Toombs), effective April 13, 2010

request of District Attorney to accept the resignation of Trisha Irene Salinas, Coordinator – Victim Assistance, with 34.26 vacation hours due, and 8 comp hours due, effective April 30, 2010

request of Elections to increase the salary of Cynthia Norum, Temporary Voter Clerk, increased duties, effective April 17, 2010

request of Elections to increase the salary of Annette Rascoe, Temporary Voter Clerk, increased duties, effective April 17, 2010

request of Emergency Management to place Gail A. Schraub, Administrative Assistant I, on payroll, (replacement for Peggy Loraine Lafler), effective April 19, 2010

request of Environmental Health to place Adelina Garza-Cantu, Clerk IV, on payroll, (replacement for Judy Rachal), effective April 19, 2010

request of Fire Marshal to increase the salary of Carey West, PT Arson Investigator, probationary period completed, effective April 3, 2010

request of J P #4 to place Jamie Nash, Court Clerk II, on payroll, (replacement for Karen Wells), effective April 19, 2010

request of Juvenile to transfer Jonathan Evans, from Juvenile Supervision Officer to Juvenile Probation Officer Assistant, (replacement for James Lawrence), effective May 1, 2010

request of Juvenile to accept the resignation of Dustan Halford, Juvenile Supervision Officer Detention, effective April 20, 2010

request of Juvenile to place Toby Duane Hyden, Juvenile Probation Officer, on payroll, (replacement for Monty Orozco), effective April 19, 2010

request of Juvenile to change status of Sarah Taylor Little, Juvenile Supervision Officer, from substitute to full time, (replacement for Jonathan Evans), effective May 1, 2010

request of Juvenile to change status of Byron E. Mitchell, Jr., Juvenile Supervision Officer – Detention, from substitute to full time, (replacement for Dustan Halford), effective April 17, 2010

request of Library to place Lauren Battenfield, Library Assistant II, on payroll, (replacement for Sherry Vest), effective April 13, 2010`

request of Library to accept the retirement of Beverly A. Taylor, Library Assistant II, with 40.3205 vacation hours due, effective May 31, 2010

request of Library to accept the resignation of Elizabeth Wallace, Reference Librarian, with 39.48 vacation hours due, effective April 27, 2010

request of Recycle Station – Pct 3 to change status of Paul Culbertson, Operator II Recycle, HHW & Mosquito Control, from full time to part time, with 182.43 vacation hours due, effective April 24, 2010

request of Recycle Station - Pct 3 to change status of Justin Fausek, Recycle Technician, 2080 annual hours, effective April 17, 2010

request of Sheriff to place Linda Botticelli, Officer-Civilian Detention, on Unpaid FMLA/Disability Leave, effective March 14, 2010

request of Sheriff to place Linda Botticelli, Officer-Civilian Detention, on Return from Unpaid FMLA/Disability Leave, effective March 27, 2010

request of Sheriff to discharge Dustin J. Bresko, Officer-Civilian Detention, with 21.75 comp hours due, and 8 holiday hours due, effective March 14, 2010

request of Sheriff to demote Tanya Durrenberger, from Officer-Civilian Detention to Clerk IV-Central Jail Records, (replacement for Clifford Powell), employee request, effective April 17, 2010

request of Sheriff to place Helen Havran, Medic, on payroll, (replacement for Ronald Myers), effective April 17, 2010

request of Sheriff to place Larry Justice, Officer-Civilian Detention, on payroll, (replacement for James Sprayberry), effective April 17, 2010

request of Sheriff to place Jacob Smith, Officer-Civilian Detention, on payroll, (replacement for Michelle Riggs), effective April 17, 2010

request of Sheriff to place Kyle Stone, Officer-Civilian Detention, on payroll, (replacement for Rickie Williams), effective April 24, 2010

request of Sheriff to accept the resignation of Amy Thompson, Dispatcher, with 27.72 vacation hours due, 16.50 comp hours due, and 16 holiday hours due, effective April 15, 2010

request of Tax Assessor/Collector to promote Tina M. Jackson, from Deputy Specialist II to Deputy Specialist III, met educational/tenure requirements, effective May 1, 2010

request of Tax Assessor/Collector to promote Vanessa R. Jackson, from Litigation Deputy to Accounting Manager, (replacement for Susan Dodson), effective May 1, 2010

request of Tax Assessor/Collector to promote Debra L. Mayton, from Deputy Specialist II to Deputy Specialist III, met educational/tenure requirements, effective May 1, 2010

request of Tax Assessor/Collector to place Tori McCreash, Deputy Specialist II, on Unpaid FMLA/Disability Leave, effective April 26, 2010

request of Tax Assessor/Collector to promote Ryan Benjamin McKinnies, from Deputy Specialist II to Deputy Specialist III, met educational/tenure requirements, effective May 1, 2010

request of Tax Assessor Collector to promote Megan Moore, from Deputy Specialist I to Deputy Specialist II, experience/tenure requirement met, effective May 1, 2010

request of Constable Pct 4 to promote Arturo M. Looza, from Deputy to Corporal, effective April 17, 2010

request of Constable Pct 4 to place Christopher Turrentine, Deputy Constable, on payroll, (replacement for Arturo Looza), effective April 17, 2010

request of Sheriff to transfer Keith Winford, from Detective to Detective – Auto Theft Task Force, (replacement for Kelley Ray Smith), effective April 3, 2010

as per Payroll Change Request Forms on file. Motion carried.

AGENDA ITEM 29 – MISCELLANEOUS – COMMISSIONER DOYAL INVITED THE COURT AND VISITORS TO ATTEND A FISH FRY IN MAGNOLIA ON THURSDAY EVENING. COMMISSIONER MEADOR SPOKE ABOUT THE “SHATTERED LIVES” PROGRAMS AND WOULD LIKE TO DISCUSS PUTTING FUNDS INTO THE PROGRAM AT NEXT BUDGET SESSION.

34. COURT RECESSED UNTIL 2:00

Motion by Commissioner Chance, seconded by Commissioner Meador, to recess this court session until 2:00 P.M. this same date. Motion carried.

COURT RECONVENED AT 2:00 TO PARTICIPATE IN JOINT CONSIDERATION AND DISCUSSIONS WITH THE CITY OF CONROE COUNCIL MEMBERS, CONROE INDUSTRIAL DEVELOPMENT CORPORATION BOARD MEMBERS, ALONG WITH STAFF AND CONSULTANTS OF EACH ENTITY, REGARDING VARIOUS ISSUES CONCERNING THE FM 3083 PROJECT, INCLUDING MAXIMIZING POTENTIAL ECONOMIC BENEFITS THAT MAY RESULT FROM THE PROJECT.

AGENDA ITEM 31 – COMMISSIONERS’ COURT SUPPORTS THE FM 3083 PROJECT BUT DOES NOT INTEND TO ALLOCATE COUNTY FUNDS TO THE PROJECT AT THIS TIME. THE COMMISSIONERS’ COURT DISCUSSED PLANS TO PROMOTE A \$250 MILLION TO \$300 MILLION BOND ELECTION TO FUND FUTURE IMPROVEMENTS TO COUNTY ROADS. NO ACTION TAKEN.”

35. COURT ADJOURNED

Motion by Commissioner Meador, seconded by Commissioner Chance, 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