

COMMISSIONERS' COURT DOCKET AUGUST 16, 2010
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 16th day of August, 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 DAVID WALKER, COUNTY ATTORNEY

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. CONSENT AGENDA APPROVED - AGENDA ITEMS 7A THRU 7H

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

COUNTY AUDITOR - AGENDA ITEMS 7A

1. ACCOUNTS approved, as submitted by the County Auditor.
2. BUDGET AMENDMENTS approved, as follows:
 - a. Building Maintenance – to transfer funds to cover shortage.
 - b. C/P-Revenue/Tax Bonds 09 – to adjust line items.
 - c. Commissioner Pct 2 – to recognize and allocate reimbursements.
 - d. Constable Pct 4 – to transfer funds for PO 30505945.
 - e. District Clerk – to adjust line items.
 - f. Sheriff – to adjust line items and to recognize and allocate restitution and donation.
 - g. Sheriff – to fund Spring Creek Greenway Patrol for PR 07/02/10.
 - h. Sheriff – STEP Speed FY10 – to adjust line items due to de-obligation of funds (M6/07.12.10)
 - i. Tax Assessor/Collector – to transfer funds for PO 30505962.

as per Budget Amendments on file.

TREASURER - AGENDA ITEMS 7B

- a. JUNE TICKET LOG approved, for Red Light Violations, as per Log on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 7C

1. AUTHORIZATION TO ADVERTISE approved, for the following bids/proposals:
 - a. Voss Electric Co. dba Voss Lighting (P.O. #2007386) for lamps, bulbs & ballasts – Various Departments. This will be on a month-to-month basis effective August 7, 2010
 - b. Webster Veterinary Supply, Inc. (P.O. #2009519) for veterinary supplies – Montgomery County Animal Shelter/Animal Control. This will be on a month-to-month basis effective August 11, 2010
 - c. Tradewinds Trading Company, Inc. dba TW Medical (P.O. #2009518) for veterinary supplies – Montgomery County Animal Shelter/Animal Control. This will be on a month-to-month basis effective August 11, 2010

as per Memo on file.

2. CHANGE ORDER approved, as follows:
 - a. CHANGE ORDER #4, P.O. #2008446 to Texas Sterling Construction LP, for 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 – Pct. #1/Engineering (MCTP), as per Change Order on file.
3. PAYMENT AND PERFORMANCE BONDS CONTINUATION CERTIFICATE acknowledged and accepted, in the amount of \$55,000.00, from Allied Imaging Group, LLC dba The Windward Groups LLC, for Electronic Imaging of Tax Office Accounting Records – Tax Office, as per Continuation Certificate on file.

RISK MANAGEMENT - AGENDA ITEMS 7D

1. BUILDINGS accepted, into the Property Inventory Schedule as follows:
 - a. Building Number 1-0093, Montgomery County Wellness Center, 521 North Thompson, Conroe, Texas 77301, as per Memo on file.
 - b. OFFICIAL BONDS AND OATHS approved, as follows:
 1. Tammy McRae – Tax Assessor – Bond #15345310 – Renewal
 2. Glen Arnold – Deputy Constable Pct #5 – Bond #14512838 - Renewal
 3. Leonard Bucharski - Deputy Constable Pct #5 – Bond #14868822 – Renewal
 4. Chris Jones - Deputy Constable Pct #5 – Bond #15487494 - Renewal
 5. William Lee Gladden, Jr. - Deputy Constable Pct #2 – Bond #14382031 - Renewal
 6. Josh Bergland - Deputy Constable Pct #4 – Bond #15037335 - Renewal
 7. James R. Loggins - Deputy Constable Pct #1 – Bond #14382029 – Renewal

8. Dwayne Morrow - Deputy Constable Pct #4 – Bond #14883210 - Renewal
9. Marshall Williams - Deputy Constable Pct #5 – Bond #15486565 – Renewal

as per Bonds on file.

COMMISSIONERS – COUNTY ATTORNEY – ROAD AND BRIDGES – AGENDA ITEMS 7E

1. PRECINCT 1
 - a. ORDER approved, acknowledging vacation of subdivision plat known as Shadow Lakes on Longmire, Section Two (2), as per Order on file.
2. PRECINCT 3
 - a. ORDER approved, consenting to street construction, repair and maintenance by Montgomery County for the Woodlands Joint Powers Agency for 103 S. Tranquil Path per Interlocal Agreement dated May 10, 1993, as per Order on file.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 7F

1. PRECINCT 1
 - a. FINAL PLAT approved, of DDGF Enterprises, consisting of 2.795 Acres, 1 Lot, as per Plat on file.
2. PRECINCT 2
 - a. FINAL PLAT approved, of College Park, Section 20 (Replat), consisting of 7.7148 Acres, as per Plat on file.
 - b. REQUEST approved, from Comcast of Houston to place a 1 ½ “ conduit and aerial cable line within the right of way of Decker Prairie Rosehill Road, as per Request on file.
 - c. CHANGE ORDER NO. 2 approved, to the Advance Funding Agreement for the Fish Creek Thoroughfare/McCaleb Road Grade Separation CSJ No. 0912-37-191, as per Change Order on file.
3. PRECINCT 3
 - a. FINAL PLAT approved, of The Woodlands – Village of Grogan’s Mill – Lake Woodlands East Shore, Section 14, consisting of 1.177 Acres, 6 Lots, as per Plat on file.
 - b. REQUEST approved, from Comcast of Houston to place a 1 ½ “ conduit line within the right of way of Briar Rock Road, as per Request on file.
4. PRECINCT 4
 - a. FINAL PLAT approved, of Fawn Trail Business Park, consisting of 3.0211 Acres, as per Plat on file.
 - b. ROADS accepted – BOND released, in Cumberland Crossing, Section 3, consisting of 1783.91 L.F., 0.37 Miles, into the County Road System. Also, Bond released, as per Memo on file.

COMMUNITY DEVELOPMENT – AGENDA ITEM 7G

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1. REAPPOINTMENT approved, of Henry Calyen, Countywide, Gwen Reed, Pct. 1, Johnny Rollins, Pct. 2 and Vernard Williams, Pct. 3 to the Montgomery County Community Development Citizens Advisory Committee, with terms to expire August 31, 2015, as per Memo on file.

SHERIFF – AGENDA ITEM 7H

1. DONATION accepted, of \$3,600.00 from Gate Guard Services for Patrol Vehicle Participation. To be recorded in line item 560171-735411, as per Memo on file. (Check forwarded to County Treasurer for further handling).

Motion carried.

END OF CONSENT AGENDA

3. REQUEST APPROVED – POSITION OPENING/CLOSING – SHERIFF

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve closing position 5601-5003-1 Corporal-Recruiting and opening position 5601-5935-16 Corporal-Patrol. This transfer does not increase the approved salary structure, as per Memo on file. Motion carried.

4. REIMBURSEMENT APPROVED – HGAC FUNDS – SHERIFF

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the reimbursement of HGAC funds in line item 56018-7411 in the amount of \$16,656.00 awarded to MCSO Academy for training classes held in facility 9/1/09-5/31/10. These funds are used to supplement the number of classes taught in the Academy, as per Memo on file. Motion carried.

5. REQUEST APPROVED – TRANSFER OF FUNDS – LIBRARY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the following transfer to correctly fund position for a probationary increase:

| <u>AMOUNT</u> | <u>FROM</u> | <u>TO</u> |
|---------------|--------------|---------------|
| \$145.60 | 6511.7051.19 | 6511.5100.516 |

The change does not constitute an increase in the salary budget, as per Request on file. Motion carried.

6. REQUEST APPROVED – CAPITAL PROJECTS FUND CLOSING – AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve closing the Capital Projects Fund associated with the construction of the Parking Garage located at 511 N. Main Street in Conroe, Texas, as per Memo on file. Motion carried.

7. REQUEST APPROVED – CAPITAL PROJECT FUNDS TRANSFER – AUDITOR

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Motion by Commissioner Meador, seconded by Commissioner Chance, to approve request from The Department of Infrastructure to transfer previously allocated capital project funds as follows:

| From | Project | To | Project | Amount |
|-----------|---------------------|------------|----------------|----------|
| 5107.7501 | Cap Outlay-Building | 5107.7598 | Major Projects | \$53,097 |
| 5107.7501 | Cap Outlay-Building | 5107.75925 | E Co Park | \$10,000 |

as per Request on file. Motion carried.

8. REQUEST APPROVED – CAPITAL PROJECT FUNDS TRANSFER – AUDITOR

Motion by Judge Sadler, seconded by Commissioner Chance, to approve transfer of Capital Project funds previously allocated as recommended in FY2011 Budget Hearings, as per Request on file. Motion carried.

9. LOAN ACKNOWLEDGED – MULTI-FAMILY HOUSING FINANCING – COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to acknowledge loan from Capital Area Housing Finance Corporation to Tuscany Place Limited to finance the construction of multi-family housing in Precinct 4, and County Judge authorized to execute Letter of No Objection, as per Letter on file. Motion carried.

10. PUBLIC HEARING APPROVED – DISTRICT COURT TECHNOLOGY FUND – DISTRICT CLERK

Motion by Commissioner Meador, seconded by Commissioner Doyal, to adopt a \$5.00 fee for preservation and restoration of Court Records, per Senate Bill 1685, Government Code, Chapter 51, Sub Chapter D, Section 51.305, as per Request on file. Motion carried.

11. REQUEST APPROVED – ADOPT A COUNTY ROAD PROGRAM – PRECINCT 2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve a request from Magnolia Elementary School to participate in the Adopt a County Road Program. The roadway section to be adopted is Nichols Sawmill Road from FM 1774 to Old Hockley Road, as per Adoption Agreement 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 and 551.072

- A. Consider and discuss settlement proposed by New Millennium Homes, Inc., in connection with Cause No. 08-08-07823-CV, styled Montgomery County, Texas vs. New Millennium Homes, Inc., Developers Surety and Indemnity Company and Western Surety Company; in the 359th Judicial District Court of Montgomery County, Texas (Section 551.071)

- B. Consider and take action on proposal to authorize the County Judge to sign a settlement agreement and release concerning distribution of money recovered from Developers Surety and Indemnity Company on the streets, roads and drainage in Grand Lake Estates Sections 2,6,7,8,9, and 11 between Montgomery County and Grand Lake Estates Property Owners Association, Inc. (Section 551.071)
- C. Consider and discuss the following items with regard to forensic services:
1. Current contract with Southeast Texas Forensic Center and Future Forensic Pathology Services (Section 551.071);
- And
2. Temporary and Permanent Locations for future Pathology Center (Section 551.072)
- D. Consider and discuss matter involving blanket contract with Diamond Commercial Construction, Inc., for rehabilitation of homes with grant funding (Section 551.071)
- E. Consider and discuss the claim of William Hanson against Montgomery County, Texas, Claim No. D-09-0082 (Section 551.071)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT

12. SETTLEMENT APPROVED – CAUSE NO. 08-08-07823-CV – COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve settlement proposed by New Millennium Homes, Inc., in connection with Cause No. 08-08-07823-CV, styled Montgomery County, Texas vs. New Millennium Homes, Inc., Developers Surety and Indemnity Company and Western Surety Company; in the 359th Judicial District Court of Montgomery County, Texas, as per Mutual Compromise and Settlement Agreement on file. Motion carried.

13. REQUEST APPROVED – SETTLEMENT AGREEMENT AND RELEASE- COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to take action on proposal to authorize the County Judge to sign a settlement agreement and release concerning distribution of money recovered from Developers Surety and Indemnity Company on the streets, roads and drainage in Grand Lake Estates Sections 2, 6, 7, 8, 9, and 11 between Montgomery County and Grand Lake Estates Property Owners Association, Inc., as per Settlement Agreement and Release on file. Motion carried.

14. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

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

request of Animal Shelter to place Samantha Binnion, Kennel Help, on payroll, (replacement for Angela Fry), effective August 5, 2010

request of Animal Shelter to discharge Steven Parker, Kennel Help, with 4 holiday hours due, effective August 5, 2010

request of Animal Shelter to place Melissa Valdez, Kennel Help, on payroll, (replacement for Minda Harris), effective August 5, 2010

request of Bldg Maintenance/Construction to discharge Justin Doss, Facility Grounds Worker, with 43.46 vacation hours due, and .25 comp hours due, effective August 11, 2010

request of Bldg Maintenance/Construction to place Adam Wright, Maintenance Tech II, on payroll, (replacement for Troy Brumley), effective August 9, 2010

request of Commissioner Pct 1 to re-evaluate job for Bonnie Houser, Administrative Manager II, effective August 7, 2010

request of Commissioner Pct 2 to place Elechia Davis, Part-time Clerk, on payroll, (replacement for Judy Everett, Diana Trim), effective August 11, 2010

request of Commissioner Pct 3 to place Alejandro Gil, Operator I, on payroll, (replacement for James Lord), effective August 10, 2010

request of Commissioner Pct 4 to transfer James Robey, Administrative Assistant II, effective August 9, 2010

request of Constable Pct 3 to accept the resignation of Rachel Holtin, Clerk III, effective August 11, 2010

request of County Attorney/Worthless Checks to change status for Cheyna Wilson, Clerk II, from temp full time to temp part time, effective August 23, 2010

request of District Attorney to change position for Joey Ashton, Investigator II, (replacement for Ira Jordan), effective August 8, 2010

request of District Attorney to remove DA Forfeiture special pay for Richard K. Blackburn, Chief Prosecutor, effective June 12, 2010

request of District Attorney to change position for Bryan J. Bleibdrey, Attorney I, (replacement for Jeredith Jones), effective August 9, 2010

request of District Attorney to change status of Warren Keith Diepraam, Division Chief, from DA Forfeiture to District Attorney, as approved in FY10 budget hearings, effective June 12, 2010

request of District Attorney to change position for Gale Echols, Investigator II, (replacement for Donnie King), effective August 8, 2010

request of District Attorney to promote Blake E. Enax, from Attorney I to Attorney II, (replacement for Michael R. Matlak), effective August 9, 2010

request of District Attorney to remove DA Forfeiture special pay for Robert A. Freyer, Jr., Chief Prosecutor, effective June 12, 2010

request of District Attorney to remove DA Forfeiture special pay for Melisa Gayle Hamlin, D.A. Administrator, effective June 12, 2010

request of District Attorney to change position for Jeredith E. Jones, Attorney I, (replacement for Blake Enax), effective August 9, 2010

request of District Attorney to change position for Donnie King, Investigator II, (replacement for Joey Ashton), effective August 8, 2010

request of District Attorney to change position for Larry Melton, Investigator II, (replacement for Tara Oliphant), effective August 8, 2010

request of District Attorney to change position for Tara Oliphant, Investigator II, (replacement for Gale Echols), effective August 8, 2010

request of District Attorney to remove DA Forfeiture special pay for James V. Prewitt, Chief Prosecutor, effective June 12, 2010

request of District Attorney to remove DA Forfeiture special pay for Michael R. Tiffin, Chief Prosecutor, effective June 12, 2010

request of District Attorney to remove DA Forfeiture special pay for Sylvia B. Yarborough, Chief Prosecutor, effective June 12, 2010

request of Juvenile to transfer/promote Alyssa Hobrecht, Juvenile Supervision Officer-JJAEP, (replacement for Bonnie Ray), from 80% accruals to 100% accruals, effective August 21, 2010

request of Juvenile to transfer Edlecia Danielle Pierson, from Juvenile Supervision Officer Substitute to Juvenile Supervision Officer-JJAEP, 80% accruals on vacation/sick, (replacement for Alyssa Hobrecht), effective August 21, 2010

request of Juvenile to accept the resignation of Bonnie Lynn Ray, Juvenile Supervision Officer – JJAEP, with 31.15 vacation hours due, and .895 comp hours due, effective August 10, 2010

request of Juvenile to accept the resignation of Secarra Walton, Juvenile Probation Officer, with 70.70 vacation hours due, 17.625 comp hours due, and 8 holiday hours due, effective August 10, 2010

request of Library to promote Elizabeth Bluhm, from Shelving Clerk to Library Assistant II, (replacement for Cheryl Hobbs), effective August 16, 2010

request of Library to place Barbara A. Brown, Library Assistant II, on payroll, (replacement for Travis Holder), effective August 16, 2010

request of Library to promote Laura McNeely Davidson, from Shelving Clerk I to Library Assistant II, (replacement for Debra Spencer), effective August 10, 2010

request of Library to increase the salary of Hong Du, Shelving Clerk I, probationary period completed, effective August 7, 2010

request of Library to place Virginia Henderson, Shelving Clerk I, on payroll, (replacement for Alicia Leonard), effective August 16, 2010

request of Library to increase the salary of Travis Holder, Library Assistant II, probationary period completed, effective August 7, 2010

request of Library to accept the resignation of Mona Lairscey, Shelving Clerk I, effective August 14, 2010

request of Library to place Patrick Lasco, Shelving Clerk I, on payroll, (replacement for Laura Davidson), effective August 10, 2010

request of Library to increase the salary of Judith C. Lasher-Tidwell, Librarian III, probationary period completed, effective July 10, 2010

request of Library to accept the resignation of Amber Mack, Shelving Clerk I, effective August 6, 2010

request of Library to place Nicole Manry, Shelving Clerk I, on payroll, (replacement for Marilyn Johnston), effective August 10, 2010

request of Library to increase the salary of Sandra A. Shackelford, Shelving Clerk I, probationary period completed, effective August 7, 2010

request of Library to increase the salary of Debra Spencer, Library Assistant II, probationary period completed, effective August 7, 2010

request of Sheriff to place Stephanie Arcos, Officer-Civilian Detention, on payroll, (replacement for Christopher L. Robertson), effective August 7, 2010

request of Sheriff to place Jeremy Ayres, Officer-Civilian Detention, on payroll, (replacement for Jeremy Davis), effective August 7, 2010

request of Sheriff to promote Forrest Bauer, from Officer-Civilian Detention to Deputy-Patrol District #3, (replacement for John Lawless), effective August 21, 2010

request of Sheriff to transfer John Lawless, from Deputy-Patrol District #3 to Deputy-Woodlands Township, effective August 21, 2010

request of Sheriff to place Salvador Maldonado, Deputy-Patrol District #2, on payroll, (replacement for William Phythian), effective August 21, 2010

request of Sheriff to transfer Randall Salazar, from Deputy-Patrol District #1 to Deputy-Woodlands Township, (replacement for John Varnell), effective August 21, 2010

request of Sheriff to promote John Varnell, from Dep-Woodlands Township to Corporal-Patrol District #1, (replacement for Paul Cassidy), effective August 21, 2010

request of Tax Assessor/Collector to place Jessica Ellis, Deputy Specialist I, on Return from Paid/Unpaid FMLA/Disability Leave, effective August 6, 2010

request of District Clerk to increase the salary of Michael Crisp, Court Clerk II, probationary period completed, effective August 16, 2010

request of District Clerk to increase the salary of Ramona Noske, Court Clerk II, probationary period completed, effective August 23, 2010

request of District Clerk to increase the salary of Robert Wilkinson, Court Clerk II, probationary period completed, effective August 16, 2010

request of District Clerk to increase the salary of Cortney Wroten, Court Clerk IV, probationary period completed, effective August 9, 2010

request of JP #3 to place Kristen Biernesser, Court Clerk II, on payroll, (replacement for David W. Horton), effective August 16, 2010

request of JP #3 to change position for David W. Horton, Court Clerk II, (replacement for Maria Reyes-Baines), effective August 16, 2010

request of JP #3 to promote Brittany Vinson, from Court Clerk III to Court Clerk IV, (replacement for Barbara Lehrer), effective August 16, 2010

request of JP #3-TCID Contract to promote Maria Reyes-Baines, from Court Clerk II to Court Clerk III, (replacement for Brittany Vinson), effective August 16, 2010

request of Recycle Station – Pct 3 to lay off Jeffrey Dunn, Driver (Mosquito), effective August 27, 2010

request of Recycle Station – Pct 3 to lay off Allison M. Myers, Driver (Mosquito), effective August 6, 2010

request of Recycle Station – Pct 3 to lay off Mackenzie C. Sammis, Driver (Mosquito), effective August 13, 2010

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

15. COURT ADJOURNED

Motion by Commissioner Chance, 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