

COMMISSIONERS' COURT DOCKET OCTOBER 24, 2011
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 24th day of October, 2011 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 -	Rebecca Biasotti, County Clerk's Office

INVOCATION GIVEN BY Citizen Calvin Russell

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA
RECITED BY EVERYONE PRESENT

PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG RECITED BY EVERYONE
PRESENT

1. COMMISSIONERS' COURT AGENDA APPROVED

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

2. PROCLAMATION APPROVED - HOSPICE AND PALLIATIVE CARE MONTH

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a proclamation declaring November, 2011 "Hospice and Palliative Care Month" in Montgomery County. Motion carried.

PRESENTATIONS WERE MADE FOR EMPLOYEE OF THE MONTH FOR THE
FOLLOWING:

April, 2011:	Jimmy Grimes, IT
July, 2011:	Bobby Powell, IT
August, 2011:	Arthur "Trey" Harris, Juvenile
September, 2011:	Aundrea Lindsey, Environmental Health
October, 2011:	Jason Lay, Elections

3. TAX ABATEMENT APPROVED - PROTECT CONTROLS, INC. - COUNTY
ATTORNEY - AGENDA ITEM 21G

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a tax abatement agreement with Protect Controls, Inc. Motion carried.

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

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve Commissioners' Court Minutes for October 10, 2011, as presented by the County Clerk. Motion carried.

5. CONSENT AGENDA APPROVED - AGENDA ITEMS 9A-M

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 for FY2011 approved, as follows:
 - 1. 9TH DISTRICT COURT: To transfer funds for release 417198.
 - 2. 410TH DISTRICT COURT: To transfer funds for release 416846.
 - 3. ANIMAL SHELTER: To recognize and allocate revenue and donations
 - 4. BUILDING MAINTENANCE: To transfer funds to cover shortages.
 - 5. CDBG-YEAR 13: To adjust line items.
 - 6. COMMISSIONER PCT. 1: To adjust line items.
 - 7. COMMISSIONER PCT. 3: To adjust line items.
 - 8. COMMISSIONER PCT. 4: to adjust line items.
 - 9. CONSTABLE PCT. 1: To adjust line items.
 - 10. CONSTABLE PCT. 5: To recognize and allocate reimbursement.
 - 11. CONSTABLE PCT. 5: To adjust line items.
 - 12. DEBT SERVICE FUND: To recognize and allocate revenue related to shadow-toll program with State of Texas.
 - 13. DA NO REFUSAL GRANT: To adjust line items for additional match.
 - 14. DISTRICT ATTORNEY SEXUAL ASSAULT GRANT: To adjust line items to correct negative in workers' compensation.
 - 15. DISTRICT ATTORNEY: To adjust line items.
 - 16. ELECTIONS ADMINISTRATOR: To recognize and allocate reimbursements.
 - 17. EMERGENCY MANAGEMENT: To adjust line items.
 - 18. EXTENSION AGENTS: To recognize and allocate donation.
 - 19. SHERIFF/VOCA GRANT/CJD/YEAR1: To correct initial budget amendment.
 - 20. SHERIFF/VOCA GRANT/CJD/YEAR1: To adjust line items to add workers comp from Sheriff's Office.
 - 21. SHERIFF: To adjust line items.
 - 22. SHERIFF: To correct budget amendment approved 10.10.11 to recognize and allocate donation.

C. BUDGET AMENDMENTS for FY2012 approved, as follows:

1. ANIMAL SHELTER: To recognize and allocate revenue and donations.
2. CIVIC CENTER: To adjust line items.
3. COMMISSIONER PCT. 1: To transfer funds for purchase of library books.
4. COMMISSIONER PCT. 1: To fund enclosure of Stewart Library lower area as approved by CC M17A/10.10.11.
5. COMMISSIONER PCT. 1: To adjust line items per budget hearings.
6. COMMISSIONER PCT. 1: To adjust line items per budget hearings.
7. CONSTABLE PCT. 3: To recognize and allocate donation.
8. COUNTY JUDGE: To transfer funds for burial expense.
9. DA NO REFUSAL GRANT: To recognize and allocate Search Warrants Stop Drunk Drivers Grant FY12 (M12/09.26.11).
10. DRUG COURT: To recognize and allocate unanticipated funds from CJD.
11. DWI COURT: To recognize and allocate unanticipated funds from CJD.
12. EMERGENCY MANAGEMENT: To adjust line items.
13. GENERAL FUND: To correct budget as adopted.
14. HOMELAND SECURITY GRANT PRG09-UASI: To adjust line items for transfer of funds to MCHD (M11/07.25.11).
15. HOMELAND SECURITY GRANT PRG09-UASI: To adjust line items.
16. INFORMATION TECHNOLOGY: To adjust line items.
17. JUVENILE PROBATION: To transfer funds for radio repairs.
18. JUVENILE PROBATION/POWER RECOVERY: To set up additional match.
19. MANAGED ASSIGNED COUNSEL PROGRAM: To set up Managed Assigned Counsel Grant from TFID (M5/08.08.11).
20. MANAGED ASSIGNED COUNSEL PROGRAM: To recognize match for the Mental Health Managed Assigned Counsel Grant Year 2 (M5/08.08.11).
21. PURCHASING AGENT: To adjust line items per budget hearings.
22. SHERIFF-WOODLANDS SUB-UNIT: To transfer funds budgeted in incorrect Woodlands Sub-Unit department.
23. SHERIFF-WOODLANDS SUB-UNIT: To recognize and allocate revenue deferred in FY 2011 for 4 years of 5 year lease.

24. SHERIFF: To adjust line items.

D. OFFICIALS' FEES REPORT APPROVED, as audited for July, 2011.

TREASURER - AGENDA ITEMS 9B

E. PLEDGED SECURITIES REPORT APPROVED for September, 2011.

TAX ASSESSOR/COLLECTOR – AGENDA ITEMS 9C

F. OCTOBER SUPPLEMENTAL CHANGES TO 2011 CONSOLIDATED TAXROLL APPROVED (all properties).

PURCHASING DEPARTMENT - AGENDA ITEMS 9D

G. ADVERTISING APPROVED for the following:

1. Tires and tubes for medium trucks and off road equipment - Various Departments.

H. CONTRACT RENEWALS APPROVED for the following:

1. CHERRY DEMOLITION (PO #2007473) for demolition and site clearing, expired 08.12.11 - Various Departments. (note: renewal effective 08.13.11)
2. PETHEALTH SERVICES (USA), INC. (PO #2009092) for animal management microchips, expires 11.02.11 - Animal Shelter/Constable Pct. 3.
3. BANK OF AMERICA (PO #2006040) for procurement/travel (purchasing) credit cards, expires 11.10.11 - Various Departments. (note: month-to-month)
4. DEER OAKS MENTAL HEALTH ASSOCIATES, PC. (PO #2007084) for employee assistance program, expires 11.12.11 - Risk Management.
5. ROCK OF AGES PLUMBING SERVICES, INC. (PO #I009126D) for additional plumbing services, expires 12.07.11 - Various Departments.
6. BURKE ASSET PARTNERSHIP LTD, INC. dba DIRECT MAIL PARTNERS (PO #2011153) for processing, printing and mailing of jury summons, expires 12.19.11 - District Clerk.
7. WASTE MANAGEMENT OF TEXAS, INC. (PO #2010208) for containerized commercial solid waste disposal service, expires 12.31.11 - Various Departments.
8. DIAMONDBACK SERVICE MANAGEMENT (PO #2009386) for pest control services, expires 01.06.12 - Various Departments.
9. MOORE SUPPLY COMPANY (PO #2009137) for plumbing items and miscellaneous supplies, expires 01.22.12 - Various Departments.
10. MORRISON SUPPLY COMPANY (PO #2009138) for plumbing items and miscellaneous supplies, expires 01.22.12 - Various Departments.

11. REDWOOD TOXICOLOGY LAB, INC. (PO #2010240) for immunoassay type laboratory analysis of urine samples services, expires 01.22.12 - Drug and DWI Courts.
12. CENTURY AIR CONDITIONING SUPPLY, INC. (PO #2009136) for A/C and heating items/miscellaneous supplies, expires 01.22.12 - Various Departments.
13. DIAMOND COMMERCIAL CONSTRUCTION, INC. (PO #I010304) for minor construction, repair, rehabilitation or alternation of a facility, expires 01.25.12 - Various Departments.
14. FAIRWEATHER GROUP LLC. (PO #I010306) for minor construction, repair, rehabilitation or alternation of a facility, expires 01.25.12 - Various Departments.

I. CHANGE ORDERS APPROVED for the following:

1. Change Order #2, PO #2011083 to Soules Insurance Agency for hazard insurance owner occupied dwellings, for changes per documents on file - MCCD.
2. Change Order #3, PO #2011082 to Nationwide Insurance for hazard insurance owner occupied dwellings, for changes per documents on file - MCCD
3. Change Order #4, PO #2011298 to Dustless Air Filter Company for commercial A/C filters, for changes per documents on file - Various Departments.
4. Change Order #9, PO #2010327 to Stephens Office Supply, Inc. for office/computer/paper supplies and accessories with online ordering capabilities, for 4th quarter 2011 increases/decreases effective 10.24.11 - Various Departments.
5. Change Order #7, PO #2007529 and 2007529X to GT Distributors, Inc. for duty gear and accessories, to cancel month-to-month effective 10.23.11 - Various Departments.
6. Change Order #3, PO #2005405 to JPMorgan Chase Bank NA for participating bank depository, to cancel month-to-month effective 10.10.11 - Treasurer.
7. Change Order #7, PO #2010450 to M Space Holdings LLC for modular homes, for changes per documents on file - MCCD.
8. Change Order #5, PO #2010451 to American Homestar Corporation for modular homes, for changes per documents on file - MCCD.

J. DISCRETIONARY EXEMPTIONS APPROVED as follows:

1. POSTMASTER, COPPELL, TX (USPS) for pre-paid postage on jury summons - sole source - District Clerk.
2. RANDY ROAN CONSTRUCTION, INC. for emergency road repair for Old Montgomery Road, in the amount of \$46,700.00 - Precinct 1.

K. CHECK ACCEPTED from Rene Bates Auctioneers, Inc. in the amount of \$111.92 for Item #C1-Bidder 35071, for which payment was received after the Montgomery County Online Auction held on 09.21.11 was reconciled. (check forwarded to Auditor for further processing)

- L. REQUEST APPROVED to declare old prisoner cages as salvage - Sheriff.
- M. PURCHASE APPROVED for a new Kubota tractor M9540HDC in the amount of \$46,104.00 from Kubota Tractor Corporation through the Interlocal Agreement with HGAC contract GR01-10 - Airport.
- N. REQUEST APPROVED to declare an old portable sign as salvage - Elections.
- O. PAYMENT AND PERFORMANCE BONDS ACCEPTED, each in the amount of \$230,260.01 from Fairweather Group LLC for RFP/Q for the design/build to enclose the lower area of the existing Charles B. Stewart Library in Montgomery, Texas (project #2011-0075) - Precinct 1.
- P. PAYMENT AND PERFORMANCE BONDS ACCEPTED, each in the amount of \$957,562.00 from Diamond Commercial Construction, Inc. for construction of Montgomery County Precinct 2 office building and maintenance building (project #2011-0087) - Infrastructure (re-bid).

RISK MANAGEMENT - AGENDA ITEMS 9E

- Q. PAYMENT ACKNOWLEDGED to Enterprise Rent-A-Car in the amount of \$135.00 in reference to Claim #B-11-0090.
- R. PAYMENT ACKNOWLEDGED to Enterprise Rent-A-Car in the amount of \$271.95 in reference to Claim #B-11-0092.
- S. BOND CHANGES, ADDITIONS, AND RELEASES APPROVED as follows:

<u>BOND</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>ACTION</u>
16041473	Barry Welch/Const. Pct. 4	\$5000	renew
15486582	James Williams/Fire Marshal	\$5000	renew
14454538	Ricky Warwick/Const. Pct. 4	\$5000	renew
16041478	Buck Clendennen/Const. Pct. 4	\$5000	renew
16041463	Howell Pemberton/Const. Pct. 3	\$5000	renew
15214474	Brian Cross/Fire Marshal	\$5000	renew
13745084	Harvey Moody/Const. Pct. 4	\$5000	renew
15487498	Tony Madison/Const. Pct. 3	\$5000	renew
15486568	Don Smith/Const. Pct. 4	\$5000	renew
14526027	James Dowling/Const. Pct. 4	\$5000	renew
61145302	Chad Walling/Const. Pct. 5	\$5000	new
61145309	George Greener/Const. Pct. 5	\$5000	new

COMMISSIONERS - AGENDA ITEM 9F

PRECINCT 1

- T. EASEMENT AGREEMENT APPROVED for 0.10 acres out of Tract 23 of the Nancy Lynch Survey from Alton Hughes.

PRECINCT 3

- U. ROADS ACCEPTED in Imperial Oaks Park, Section 17, into the County road maintenance system, and bond released.
- V. PUBLIC HEARING DATE OF 11.21.11 APPROVED for the following:
 1. Changing speed limit in Forest Village Subdivision to 20 mph.

2. Installing a 4-way stop at the intersection of Waterway Avenue and Waterway Square Place.

PRECINCT 4

- W. CHECK ACCEPTED in the amount of \$2426.58 from City of Roman Forest for the purchase of fuel for the month of August, 2011. (check forwarded to Auditor for further processing)

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

PRECINCT 2

- X. ORDER APPROVED accepting warranty deed for Parcel 39 of The Woodlands Parkway Extension Project and authorizing the County Judge to sign.

PRECINCT 4

- Y. ORDER APPROVED accepting donation of real property from New Caney Independent School District to be used as right of way in Precinct 4 and authorizing County Judge to sign.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9H

PRECINCT 2

- Z. FINAL PLAT APPROVED for Plantation Plaza, 40.06 acres, C. Stewart Survey, A-476.
- AA. FINAL PLAT APPROVED for Woodforest, Section 14, 16.005 acres, Archibald Hodge Survey, A-18.
- BB. ROADS ACCEPTED in Holly Terrace at Jacobs Reserve, Section 1, into the one year maintenance period.
- CC. ROADS ACCEPTED in The Reserve at Autumnwood, Section 1, into the one year maintenance period.

PRECINCT 4

- DD. FINAL PLAT APPROVED for Timberland Central, Section 1, 20.226 acres, 39 lots, Augustus V. Sharp Survey, A-481.

ENVIRONMENTAL HEALTH – AGENDA ITEMS 9I

- EE. VARIANCE APPROVED to install an aerobic on-site system in the 100-year floodplain located at 28202 Eagle Cove, Magnolia, Texas 77355.

ELECTIONS - AGENDA ITEMS 9J

- FF. REVISED APPOINTMENT OF ELECTION OFFICIALS APPROVED for the November 8, 2011 Joint Election.

CONSTABLE PRECINCT 1 - AGENDA ITEMS 9K

- GG. CHAPTER 59 ASSET FORFEITURE REPORT FOR CONSTABLE PCT. 1 APPROVED for 2011 to the Attorney General.

COUNTY JUDGE – AGENDA ITEM 9L

HH. USE AGREEMENTS APPROVED as follows:

1. Josie Silvas - Resident Garage Sale - Constable Pct. 1 parking lot.
2. Moms Helping Moms Texas - Christmas Store - Annex on Friendship Drive, Magnolia.

COUNTY ATTORNEY – AGENDA ITEMS 9M

- II. CHECK ACCEPTED in the amount of \$10,000.00 from Safeco Insurance Company of America for the settlement of claims in Cause # 11-01-00240-CV, Montgomery County, Texas v. Safeco Insurance Company of America. (check forwarded to Auditor for further processing)
- JJ. CONSENT GRANTED to Condominium Declaration related to Magnolia Trails in Precinct 2.

Motion carried.

END OF CONSENT AGENDA

6. LAW LIBRARY MANAGER APPROVED - PRISCILLA STREIGHTOFF - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve Priscilla Streightoff as the Law Library Manager. This new position will be funded from the Law Library Revenue Fund 221. Motion carried.

7. REPRESENTATIVE TO HGAC GENERAL ASSEMBLY APPROVED - CRAIG DOYAL - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the appointment of Commissioner Craig Doyal as representative to the Houston-Galveston Area Council General Assembly, and delegate, Board of Directors for year 2012. Motion carried.

8. ALTERNATE REPRESENTATIVE TO HGAC GENERAL ASSEMBLY APPROVED - MIKE MEADOR - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the appointment of Commissioner Mike Meador as alternate representative to the Houston-Galveston Area Council General Assembly, and alternate, Board of Directors for year 2012. Motion carried.

9. ALTERNATES TO HGAC GENERAL ASSEMBLY APPROVED - ED RINEHART AND ED CHANCE - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve Commissioners Ed Chance and Ed Rinehart as alternates to the HGAC General Assembly for year 2012. Motion carried.

10. TRANSFER APPROVED - INMATE GROCERY EXPENSE - SHERIFF

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve a transfer of \$42,000 to 5121-7341 for inmate grocery expense in the 2011 Jail Budget with funds to be taken from 5121-7440 in the 2011 Jail Budget. Motion carried.

11. REQUEST APPROVED - CARRY OVER UNSPENT 2011 FUNDS - SHERIFF

Motion by Commissioner Doyal, seconded by Judge Sadler, to approve the following carrying over of 2011 unspent funds:

1. Line item 5601-7390 in the amount of \$101,799 for the necessary purchases of Tasers and equipment unfunded in the 2012 budget.
2. Line item 5601-757021 to 560163-7422 Radio Expense in the amount of \$63,127.16 for budget year 2012.
3. Line item 560163-7422 Radio Expense 2011 funds in the amount of \$115,515.36 to the 2012 budget year to assist in the purchase of a software package for the MC Radio Shop through the HGAC which includes the software, installation, barcode scanners and one year maintenance support.

Motion carried.

12. REQUEST APPROVED - ADJUSTING INVESTIGATOR POSITIONS - DISTRICT ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve changes in Investigator positions as follows:

1. Open position number 4351-7802-15 - Investigator II.
2. Close position number 4351-7807-1 - Investigator Analyst
3. Transfer all funds from position number 4351-7807-1 to position number 4351-7802-15.

Motion carried.

13. PRE-TRIAL DIVERSION AND EXPENDITURE BUDGETS APPROVED - DISTRICT ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Pre-Trial Diversion Revenue and Expenditure budgets, placing \$58,060.37 in line item 43513-7390 and \$3000.00 in line item 43513-7462. Motion carried.

14. TRANSFER APPROVED - SALARY FUNDS - CONSTABLE PCT. 5

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the transfer of budget salary funds in the amount of \$2081.94 from 5551-5910-2 to 5551-5910-500. Motion carried.

15. CHECK ACCEPTED - SOLAR PROJECT INCENTIVE - INFRASTRUCTURE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept an incentive check in the amount of \$87,500.00 from Frontier Associates LLC for Montgomery County implementing the use of solar energy as a means to reduce grid energy consumption at the Tullis Library and the Administration Building located in downtown Conroe. Motion carried. (check forwarded to Auditor for further processing)

16. MOTION TO DEFER AGENDA ITEM 14B - INFRASTRUCTURE

Motion by Judge Sadler, seconded by Commissioner Meador, to defer Agenda Item 14B until after Executive Session. Motion carried.

17. 2011 FUNDING GRANT AGREEMENT APPROVED - HUD - COMMUNITY DEVELOPMENT

Motion by Meador, seconded by Commissioner Doyal, to approve the 2011 Funding Grant Agreement between HUD and Montgomery County that incorporates the CDBG Entitlement Agreement, the Home Investment Partnerships Agreement, Emergency Shelter Grant, and the funding approvals for the CDBG form HUD-7082, home form HUD 40093, and ESG form. Motion carried.

18. PERFORMANCE INDICATOR REPORT ACCEPTED - MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept the Performance Indicator Report for the month ended 09.30.11, as required by the agreement between Montgomery County and Texas Department of State Health Services and recommended by the MCMHTF Advisory Board. Motion carried.

19. APPOINTMENT APPROVED - INTERIM DIRECTOR OF NURSING - MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the appointment of Pamela Wilson as Interim Director of Nursing until such time as Ivy Armstrong's license is recognized by the State of Texas. Motion carried.

20. APPOINTMENT APPROVED - INTERIM MEDICAL DIRECTOR - MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the appointment of Barbara Moore, MD for the position of Interim Medical Director to replace Ernest Kendrick, MD who has resigned his position. Motion carried.

21. REVISED ORGANIZATIONAL TABLE APPROVED - MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the revised Organizational Table for MCMHTF, as recommended by the Advisory Board. Motion carried.

22. REVISED SECLUSION AND RESTRAINT USE POLICY APPROVED - MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the revised seclusion and restraint use policy as recommended by the MCMHTF Advisory Board. Motion carried.

23. GRANT APPLICATION APPROVED - FY 2012 FORMULA GRANT - INDIGENT DEFENSE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the FY 2012 Indigent Defense Formula Grant Application and Resolution. Motion carried.

24. TRANSFER OF FUNDS APPROVED - MARKETING ITEMS - AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve transferring \$1875.00 from 6291-7351 to 6291-7431 to fund marketing items for the Airport's exhibit at the 2012 National Aviation Association's Aircraft Schedulers and Dispatchers Conference, January 15-18, 2012. Motion carried.

25. TRANSFER APPROVED - SALARY FUNDS - JUVENILE PROBATION

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the transfer of \$8200.00 from 5711-2415-8 to 5711-2222-1 . Motion carried.

AGENDA ITEMS 20A1-16, 20B – PURCHASING DEPARTMENT

RECOMMENDATIONS AND CONTRACTS DEFERRED – AGENDA ITEMS 20A1-3, 20A5-6, 20A11-16

26. CONTRACTS AWARDED - 20A4, 20A7-10 - PURCHASING

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

- A. Brock's Logging, Inc. - Sale of Timber (project #2011-0051) - Lone Star Executive Airport.
- B. Central Police Supply, Inc. - Duty Gear and Accessories (project #2011-0086) - Various Departments.
- C. Fleet Safety Equipment, Inc. - Emergency Equipment - Prisoner Cages (project #2011-0090) - Various Departments.
- D. All America Sales Corporation - Spike System for Law Enforcement (project #2011-0096) - Various Departments.
- E. Gullo Ford - New Vehicles (project #2011-0097) - Two ¾-ton 4x2 single cab pickup trucks in the amount of \$17,799.00 each for a total amount of \$35,598.00; and one 2012 1-ton 4x2 crew cab pickup truck in the amount of \$21,596.10 for a grand total amount of \$57,194.10 - Various Departments.

Motion carried.

27. DISCRETIONARY EXEMPTION APPROVED - FIRE FIGHTER ACCOUNTABILITY SYSTEM - PURCHASING

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a discretionary exemption for a Fire Fighter Accountability System from Grace Industries, Inc. funded through the 2010 UASI Grant in the amount of \$484,555.60 - sole source - Emergency Management/Fire Marshal. Motion carried.

28. RULES AND REGULATIONS FOR USE OF LONE STAR EXECUTIVE AIRPORT APPROVED - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Rules and Regulations for the use of the Lone Star Executive Airport. Motion carried.

29. ACCESS EASEMENT APPROVED - KINDER MORGAN - WEST MONTGOMERY COUNTY PARK - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve an access easement for Kinder Morgan for the purpose of ingress and egress at the West Montgomery County Park in Precinct 1 through 12.31.11. Motion carried.

30. NOTICE OF INTENT FOR STORM WATER DISCHARGES APPROVED - AIRPORT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a Notice of Intent for storm water discharges associated with industrial activity at the Lone star Executive Airport, and authorize the County Judge to execute same. Motion carried.

AGENDA ITEM 21D - DEFERRED - COUNTY ATTORNEY

31. PURCHASE APPROVED - 2.063 ACRES - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the purchase of 2.063 acres of land located on Business Park Drive in Willis, Texas and authorize Commissioner Mike Meador to execute the appropriate purchase documents related to said purchase. Motion carried.

32. INTERLOCAL AGREEMENT APPROVED - MADISON COUNTY - POSTMORTEM EXAMINATIONS - FORENSICS DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve an Interlocal Agreement approved with Madison County for performance of postmortem examinations by Montgomery County Forensic Services Department. Motion carried.

AGENDA ITEM 21G - SEE MOTION #3

33. MEMORANDUM OF UNDERSTANDING APPROVED - SPLENDORA I.S.D. - HURRICANE DOLLY AND IKE GRANT PROGRAM - COUNTY ATTORNEY CONTRACT REVIEW COMMITTEE

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve a Memorandum of Understanding between Montgomery County and Splendora I.S.D. related to the 2008 Supplemental Disaster Recovery Fund: Hurricane Dolly and Ike Grant Program. Motion carried.

PUBLIC HEARING - CONSIDER ESTABLISHING A 20 MPH SPEED LIMIT IN THE VILLAGE OF DECKER OAKS SUBDIVISION - NO ONE APPEARED FOR DISCUSSION

34. SPEED LIMIT APPROVED - VILLAGE OF DECKER OAKS - PRECINCT 2

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve a speed limit of 20 mph throughout the Village of Decker Oaks Subdivision. Motion carried.

EXECUTIVE SESSION – AGENDA ITEMS 24A-D

THE COURT RECESSED FOR EXECUTIVE SESSION PURSUANT TO ONE OR MORE OF THE FOLLOWING PROVISIONS OF THE TEXAS GOVERNMENT CODE, TO WIT: CHAPTER 551, SUB-CHAPTER D, ARTICLE 551.071.

COURT RECONVENED WITH ALL MEMBERS PRESENT

35. TERMINATION OF DIRECTOR OF OFFICE OF COURT ADMINISTRATION APPROVED - EXECUTIVE SESSION

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the termination of Steven G. Michkowski, PhD, Director of the Office of Court Administration, effective 10.24.11. The Court agreed that Mr. Michkowski would be paid through 10.24.11. Motion carried.

36. RESOLUTION APPROVED - RETAIN COUNSEL - CAUSE #11-09-09904-CV - EXECUTIVE SESSION

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve retention of the Law Offices of Viada & Strayer as counsel for Anthony Bautista and Keith Underwood in connection with the lawsuit filed under Cause No. 11-09-09904-CV, and styled Ricky Dale Lankford v. Anthony Bautista, Keith Underwood, and the Center for the Performing Arts at The Woodlands. Motion carried.

37. PROJECT FUNDING SOURCE CONFIRMED - CERTIFICATES OF OBLIGATION - INFRASTRUCTURE

Motion by Judge Sadler, seconded by Commissioner Meador, to name Series 2011 Certificates of Obligation as the initial funding source for projects discussed during the 2012 budget hearings, and authorizing the County Auditor to use those funds for the projects listed on the document on file. Motion carried.

CITIZENS – AGENDA ITEM 26A

GINGER RUSSELL addressed her concerns about Smart Grid electrical meters and the personal information that may be broadcast by their transmissions. She wants the County to prevent the installation of such meters. The County Attorney's Office will investigate whether the Court has any authority in this matter.

38. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

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

Request of Building Maintenance to place Aristeo Cuevas, Facility/Grounds Worker, on payroll as replacement for Adolfo Rangel, effective 10.17.11.

Request of Collections to accept the resignation of Larry Charles Harding, Collection Specialist I, effective 10.07.11. (52.06 hours or balance of vacation)

Request of County Clerk to accept the resignation of Courtney Rodriguez, Clerk II, effective 09.30.11. (no benefits due)

Request of District Attorney to increase the salary of Echo Estelle Coleman, Attorney II, due to move to grant funded Domestic Violence Prosecutor position, effective 10.03.11.

Request of District Attorney to increase the salary of Morgan Elizabeth Dahse, Attorney II, due to position change as replacement for Vincenzo Santini, effective 10.03.11.

Request of District Attorney to increase the salary of Jason Ryan Horn, Attorney II, due to position change as replacement for Echo Coleman, effective 10.03.11.

Request of District Attorney to increase the salary of Amanda Nicole Lanning, Attorney I, due to position change as replacement for Morgan Dahse, effective 10.03.11.

Request of District Attorney to place Adam Cole McLane, Attorney I, on payroll as replacement for Shanna Redwine, effective 10.03.11.

Request of District Attorney to increase the salary of Vincenzo J. Santini, Attorney II, due to position change as replacement for Jason Horn, effective 10.03.11.

Request of Environmental Health to increase the salary of Ashley Elizabeth Guth, Collection specialist I, due to job re-evaluation, effective 10.15.11.

Request of Environmental Health to increase the salary of April Escareno Kelldorf, Clerk IV, due to job re-evaluation, effective 10.15.11.

Request of Environmental Health to increase the salary of Aundrea Leigh Lindsey, Coordinator-Permits, due to job re-evaluation, effective 10.15.11.

Request of Environmental Health to increase the salary of Eduardo Nava, Collection Specialist I, due to job re-evaluation, effective 10.15.11.

Request of Environmental Health to increase the salary of Judy A. Rachal, Clerk IV, due to job re-evaluation, effective 10.15.11.

Request of Environmental Health to increase the salary of Kelly Sue Wilks, Clerk IV, due to job re-evaluation, effective 10.15.11.

Request of Justice of the Peace Pct. 1 to place Michelle Woolery, Court Clerk II, on payroll as replacement for Jo Alexander, effective 10.17.11.

Request of Justice of the Peace Pct. 2 to place Shelley A. Jackson, Court Clerk II, on payroll as replacement for Natkita R. Grisham, effective 10.31.11.

Request of Justice of the Peace Pct. 2 to place Brittney N. Sklar, Court Clerk II, on payroll as replacement for Tori Lowe, effective 10.31.11.

Request of Juvenile to place Patrick Brennan, Juvenile Supervision Officer - Substitute, on payroll effective 10.16.11.

Request of Juvenile to increase the salary of William Kyle Carr, Juvenile Supervision Officer, due to status change as replacement for Jessie Saldana, effective 10.15.11.

Request of Juvenile to place Sitillia Ashley Davis, Juvenile Probation Officer, on payroll as replacement for Kyriea Kana, effective 10.16.11.

Request of Juvenile to discharge Olufunke Eluyera, Juvenile Supervision Officer - Substitute, effective 10.07.11. Not eligible for re-hire. (no benefits due)

Request of Juvenile to place Thomas J. Gilmer III, Juvenile Supervision Officer - Substitute, on payroll effective 10.16.11.

Request of Juvenile to increase the salary of Jorge Hernandez, Juvenile Supervision Officer, due to status change as replacement for Sarah Taylor Little, effective 10.15.11.

Request of Juvenile to accept the resignation of Glen Hilton, Counselor, effective 10.10.11. (no benefits due)

Request of Juvenile to place Priscilla Jandres, Juvenile Probation Officer, on unpaid FMLA/disability leave, effective 10.11.11.

Request of Juvenile to increase the salary of Cecil A. Patterson, Superintendent - Juvenile Detention, due to promotion and transfer as replacement for Michael Countz, effective 10.15.11.

Request of Juvenile to increase the salary of Edlecia Pierson, Juvenile Probation Officer, due to promotion and transfer as replacement for Courtney West, effective 10.15.11.

Request of Juvenile to place Jeffery Quintanilla, Juvenile Supervision Officer - JJAEP, on payroll due to re-hire as replacement for Edlecia Pierson, effective 10.17.11.

Request of Juvenile to increase the salary of Courtney West, Assistant Supervisor - Juvenile Probation, due to promotion as replacement for Carrie Yanez, effective 10.15.11.

Request of Juvenile to increase the salary of Carrie Jacobs Yanez, Supervisor - Probation, due to promotion and transfer as replacement for Cecil Patterson, effective 10.15.11.

Request of Library to place Pamela Lipsey Finney, Reference Librarian, on payroll due to return from unpaid FMLA/disability leave, effective 10.11.11.

Request of Library to increase the salary of Virginia Henderson, Library Assistant II, due to status change as replacement for Lauren Evans, effective 10.24.11.

Request of Library to accept the resignation of George W. Phillips, Shelving Clerk I, effective 09.23.11. (no benefits due)

Request of Managed Assigned Counsel to increase the salary of Irma Dunmire, Administrative Assistant I, due to transfer into new position, effective 10.24.11.

Request of Sheriff to increase the salary of Federico Cano, Deputy-SWAT, due to STEP increase, effective 10.29.11.

Request of Sheriff to increase the salary of Christopher Carswell, Deputy-Detention, due to STEP increase, effective 11.12.11.

Request of Sheriff to increase the salary of Kimberly Christensen, Deputy-Patrol, due to STEP increase, effective 10.15.11.

Request of Sheriff to increase the salary of Tanya Durrenberger, Coordinator-Records, due to promotion as replacement for Mary Katherine Perry, effective 10.08.11.

Request of Sheriff to increase the salary of Craig Favorat, Deputy-Patrol, due to STEP increase, effective 10.29.11.

Request of Sheriff to place Anna Flake, Clerk IV, on payroll to fill new position, effective 10.08.11.

Request of Sheriff to increase the salary of Gary Fruge, Jr., Deputy-Patrol, due to STEP increase, effective 10.29.11.

Request of Sheriff to increase the salary of Stephen Gaudern, Deputy-Detention, due to STEP increase, effective 10.15.11.

Request of Sheriff to increase the salary of Jason Hodges, Deputy-Patrol, due to STEP increase effective 10.15.11.

Request of Sheriff to increase the salary of Stephen Johnson, Sergeant-Detention, due to STEP increase, effective 11.12.11.

Request of Sheriff to transfer Michael Jones, Deputy-Bailiff, as replacement for Ronald Mericle, effective 10.01.11.

Request of Sheriff to increase the salary of Nicole Keltch, Coordinator - Victim Assistance, due to promotion to fill new position, effective 10.08.11.

Request of Sheriff to discharge Bilhah Merino, Dispatcher, effective 09.28.11. (no benefits due)

Request of Sheriff to increase the salary of Kevin Pickerill, Deputy-Patrol, due to addition of Masters Certificate Pay, effective 10.01.11.

Request of Sheriff to increase the salary of Kerri Sample, Deputy-Detention, due to STEP increase, effective 10.15.11.

Request of Sheriff to accept the resignation of John Stamper, Deputy-Detention, effective 10.28.11. (80.86 hours or balance of vacation, 7.76 hours or balance of compensatory time, 16 hours or balance of holiday time)

Request of Sheriff to increase the salary of Andrew Swank, Corporal-Patrol, due to STEP increase, effective 10.15.11.

Request of Sheriff to place Deborah Thompson, Clerk IV, on payroll due to re-hire as replacement for Tanya Durrenberger, effective 10.08.11.

Request of Sheriff to accept the resignation of David Womack, Sergeant-Detectives, effective 10.10.11. (222.26 hours or balance of vacation, 20 hours or balance of compensatory time)

Request of Sheriff to place Riley Zapf, Medic, on payroll as replacement for Grant Gardner, effective 10.08.11.

Request of Tax Office to increase the salary of Tracy Lynn Clements, Deputy Specialist II, due to completion of 1 year experience requirement, effective 10.15.11.

Request of Tax Office to increase the salary of Connie Fuller, Deputy Specialist I, due to completion of probationary period, effective 10.15.11.

Request of Tax Office to increase the salary of Ryan McKinnies, Relief Manager-Tax, due to completion of probationary period, effective 10.15.11.

Request of County Clerk to place Tracey Wallbank, Clerk II, on payroll effective 10.24.11.

Request of County Engineer to increase the salary of Richard L. Muenchausen, Engineer I, due to transfer as replacement for Christy Weldon, effective 10.24.11.

Request of Sheriff to place Shane Holtz, Officer-Civilian Detention, on payroll as replacement for Nicole Keltch, effective 10.15.11.

Request of Sheriff to place Jeffery Lackey, Jr., Officer-Civilian Detention, on payroll as replacement for Andrew Fauver, effective 10.22.11.

Request of Sheriff to place Barbara Rene, Officer-Civilian Detention, on payroll as replacement for Vicki Etheredge, effective 10.22.11.

Request of Sheriff to place Mary Kay Siemon, Officer-Civilian Detention, on payroll as replacement for Zachary Winford, effective 10.22.11.

Request of Sheriff to accept the resignation of Jeanette Williams, Clerk IV, effective 10.13.11. (29.775 hours or balance of vacation, 9.25 hours or balance of compensatory time)

Motion carried.

39. COURT ADJOURNED

Motion by Commissioner Meador, seconded by Commissioner Chance, to adjourn this session of court . 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