

COMMISSIONERS COURT DOCKET
JULY 29, 2013
REGULAR SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 29th day of July, 2013 the Honorable Commissioners Court of Montgomery County, Texas, was duly convened in a Regular Session in the Commissioners Courtroom of the Alan B. Sadler Commissioners Court Building, 501 North Thompson, Conroe, Texas, with the following members of the Court present:

County Judge	Alan B. Sadler
Commissioner, Precinct 1	Mike Meador
Commissioner, Precinct 2	Craig Doyal
Commissioner, Precinct 3	James Noack
Commissioner, Precinct 4	Ed Rinehart
Also County Clerk's Office	Francine Nichols

INVOCATION GIVEN BY JERILYN WILLIAMS.

THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA RECITED.

THE PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG RECITED.

1. COMMISSIONERS COURT AGENDA APPROVED.

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

PROCLAMATION/RESOLUTIONS

Presentation by Tina Solomon, Employee Committee, announcing Eileen Lee, Library, with Employee of the Month for June, and Roy Elizondo, Environmental Health, with Employee of the Month for July.

2. PROCLAMATION APPROVED

Motion by Commissioner Doyal, seconded by Commissioner Noack, to proclaim Wednesday, August 7, 2013 as "Guardian Angel Day" in Montgomery County. Motion carried.

3. MINUTES APPROVED – COMMISSIONERS COURT - COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve Commissioners Court Minutes for the Regular Session held July 15, 2013 and for the Special Session held July 15, 2013, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 9A-H

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

COUNTY AUDITOR – AGENDA ITEMS 9A1-3

A1. PAYMENT OF ACCOUNTS APPROVED, as submitted by the County Auditor.

A2. CONSIDER AND APPROVE THE BUDGET AMENDMENTS FY13:

- a. Building Maintenance: To adjust line items.
- b. Commissioner Precinct 1: To adjust line items.
- c. Commissioner Precinct 2: To adjust line items.
- d. Commissioner Precinct 3: To transfer funds to Constable Precinct 3.
- e. Commissioner Precinct 3: To recognize and allocate revenues.
- f. Commissioner Precinct 4: To adjust line items.
- g. Constable Precinct 3: To transfer funds for VPN.
- h. Constable Precinct 4: To adjust line items.
- i. County Judge: To transfer funds for burial expense.
- j. Debt Service – Road Bonds Series 2004: To correct budget.
- k. District Attorney: to transfer funds for new locks/elevator repair.
- l. Elections Administrator: To adjust line items and transfer funds for VPN.
- m. EMCID/Friendship Center Grant: To correct negative balances in budget.
- n. Information Technology: to transfer funds for Tyler conference (M15/3.11.13).
- o. JP Technology Fund: To recognize & allocate revenue for JP Technology Fund as authorized by CCT M25/07.01.13.
- p. Library Mobile App: To add subscription funds from TSLAC (M9/03.25.13).
- q. Managed Assigned Counsel Program: To adjust line items.
- r. MCCD: To adjust line items for PI for Willis Bldg.
- s. Sheriff: To allocate donation and adjust line items.
- t. Sheriff: To correct negative balances in budget. To adjust line items.
- u. Sheriff/HIDTA Grant: To allocate funds for the High Intensity Drug Trafficking Areas (HIDTA) Grant (M14/07.01.13).
- v. Sheriff – Auto Theft: To adjust line items for Amendment #9.
- w. South County MUD: To balance supply budget to prepaid amount to help billing control, per Sheriff office. Adjust line items.

A3. ACCEPTED INTERIM ARBITRAGE REBATE ANALYSIS for the Montgomery County, Texas, Limited Tax Refunding Bonds, Series 2007.

TREASURER – AGENDA ITEMS 9B1

- B1. APPROVED QUARTERLY INVESTMENT REPORT for the quarter ending June 30, 2013.

TAX ASSESSOR/COLLECTOR – AGENDA ITEMS 9C1

- C1. SUPPLEMENTAL CHANGES ACKNOWLEDGED FROM San Jacinto County Appraisal District for property located in Montgomery County for July 2013.

PURCHASING – AGENDA ITEMS 9D1-8

- D1. ADVERTISING APPROVED for the following bid/proposal:
 - a. Emulsified Recycling Asphalt (Dust Control Oil) – Various Precincts.

- D2. CONTRACTS AWARDED to the following bid(s)
- a. JOHNSON SUPPLY AND BAKER DISTRIBUTING (Project #2013-0049) for HVAC items and miscellaneous supplies – Various Departments.
 - b. INDEPENDENT HARDWARE, INC. (Project #2013-0042) for all purpose locks/miscellaneous supplies – Various Departments.
- D3. RENEWALS APPROVED:
- a. FLEET SAFETY EQUIPMENT, INC. (P.O. #2013029) for additional emergency equipment, expires 10/07/13 – Various Departments.
 - b. CITY OF CONROE (P.O. #2013018) for Interlocal agreement for fleet maintenance services, expires 10/10/13 – District Attorney.
 - c. GT DISTRIBUTORS, INC. (P.O. #2013028) for universal docking station mounting accessories for in-vehicle applications, expires 11/06/13 – Sheriff.
 - d. TEJAS MATERIALS (P.O. #2011098) for drywall, metal studs, acoustical/ceiling items and miscellaneous supplies, expires 11/13/13 – Various Departments.
 - e. ALL AMERICA SALES CORP (P.O. #2012051) for spike systems for law enforcement, expires 11/18/13 – Various Departments.
- D4. CHANGE ORDERS:
- a. Change Order #2, P.O. #2013319 to Dustless Air Filter Co. for commercial A/C filters – Various Departments.
 - b. Change Order #3, P.O. #2011424 to Symphony Diagnostic Services, Inc. dba MobileXUSA for canceling month to month contract for x-ray services effective July 31, 2013 – Sheriff.
 - c. Change Order #4, P.O. #2011294 to A&B Crushed Concrete, LLC for haul services for miscellaneous materials, to change department to include Precinct #2 – Precinct #4.
 - d. Change Order #1, P.O. #2013294 to Linda Breazeale for the cancellation of the above mentioned agreement effective July 22, 2013.
- D5. DISCRETIONARY EXEMPTIONS:
- a. Wavemedia, Inc. – For dark fiber and gigabit Ethernet maintenance – 262.024(a)(7)(A) – Various Departments.
- D6. REQUEST APPROVED for the purchase of one Sharp Copier MX-M453N with accessories in the amount of \$5,207.00 from Sharp Electronics Corporation c/o North Central Service Corporation dba National Joint Powers Alliance (NJPA) through the Interlocal Agreement with BuyBoard Contract #379-11. – Elections.
- D7. PROPOSAL ACKNOWLEDGED from Costello, Inc. to provide Engineering services for wastewater collection system expansion at Precinct #3 office and park facilities with an estimate of \$32,300.00 for the services. Job #2013-184 (Requisition #43505154) – Precinct 3.
- D8. REQUEST APPROVED to declare miscellaneous items as salvage property – 263.151(1) – Forensic Services Department.

COMMISSIONERS – AGENDA ITEMS 9E1

E1. Precinct 1

a. USE AGREEMENTS APPROVED:

1. Lake Conroe Hooks
Select Youth Baseball Practice
West Park Baseball Fields
2. Texas No Fear Baseball
Baseball Practice/Try Outs
Charles Traylor Sports Park Baseball Fields

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9F1-4

F1. Precinct 1

- a. FINAL PLAT APPROVED for Jim Gentry Replat, 0.155 Acres, 2 Lot, Timothy Cude Survey, A-12.
- b. FINAL PLAT APPROVED for Morehead Replat, 0.103 Acres, 1 Lot, Timothy Cude Survey, A-12.

F2. Precinct 2

- a. REQUEST APPROVED from MSEC Enterprises, Inc. to place a 12” PVC water w/20” steel encasement line within the right of way of Honea Egypt Road.

F3. Precinct 3

- a. ROADS ACCEPTED into the one year maintenance period effective July 29, 2013 in Falls at Imperial Oaks, Section 2; 2,221.91 Linear Feet = .42 miles.
- b. REQUEST APPROVED from Qwest Communications to place a fiber optic line within the right of way of Timberloch Place.

F4. Precinct 4

- a. FINAL PLAT APPROVED for Auburn Trails at Oakhurst, Section 9, 14.06 Acres, 58 Lots, Mary Owens League Survey, A-405.
- b. FINAL PLAT APPROVED for Auburn Trails at Oakhurst, Section 10, 9.199 Acres, 38 Lots, Mary Owens League Survey, A-405.
- c. FINAL PLAT APPROVED for Boar’s Run Court, 9.074 Acres, Elijah Votaw Survey, A-584.
- d. STREETS ACCEPTED in Wood Lake Village, Section 1, into the Montgomery County Road Maintenance System and the Bond released.

INFRASTRUCTURE – AGENDA ITEM 9G1

- G1. CHECK ACCEPTED from Mid-south Synergy in the amount of \$59.11. This check represents the capital credit refund for the difference between income and expenses for the year 2011.

COUNTY CLERK – AGENDA ITEM 9H1

- H1. REQUEST APPROVED authorizing the deputation of Aimee Stevens, Deputy County Clerk.

Motion carried.

END OF CONSENT AGENDA

5. RESIGNATION ACCEPTED – MCMHTF ADVISORY BOARD – COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Doyal, to accept the resignation of Mike Meador from the Montgomery County Mental Health Treatment Facility Advisory Board, effective immediately. Motion carried.

6. APPOINTMENT APPROVED – MCMHTF ADVISORY BOARD – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Doyal, to approve the appointment of Mark Bosma to the Montgomery county Mental Health Treatment Facility Advisory Board, effective immediately. Motion carried.

7. APPOINTMENT APPROVED – TOLL ROAD AUTHORITY COMMITTEE/BOARD – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Rinehart, to appoint Craig Doyal to the SB1420 Membership (Toll Road Authority Committee/Board) in connection with SH99 presently under construction. Motion carried.

AGENDA ITEM 11 WAS DISCUSSED AND WILL BE PUT ON THE NEXT COMMISSIONERS COURT AGENDA WITH THE SHERIFF PRESENTING AN ALLOCATION OF PROCEEDS FOR THE EXPANSION OF THE JAIL. THE SHERIFF IS ALSO TO PROVIDE COMMISSIONERS WITH A WEEKLY JAIL COUNT.

8. PAYMENT APPROVED – LAKESIDE BOAT REPAIR – CONSTABLE PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve payment of \$5,001.21 to Lakeside Boat Repair to replace the starboard engine lower unit on whaler 3 unit #8133 parts and labor. To be funded by Contingency. Motion carried.

9. REQUESTS APPROVED – TRANSFER FUNDS - CONSTABLE PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the transfer of the following funds:

- a. \$1,330.00 from account 5511-7570 to account 5511-7391.
- b. \$794.00 from account 5511-7573 to account 5511-7391.

Motion carried.

AGENDA ITEM 13 - FLOOD MITIGATION ASSISTANCE GRANT – EMERGENCY MANAGEMENT:

Judge Sadler moved that the Flood Mitigation Assistance Grant formerly known as the Severe Repetitive Loss Program be approved.

The Motion died for lack of a second.

10. REQUEST APPROVED – JURY DONATIONS – DISTRICT CLERK

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the Resolution and Order for Jury Donations. Motion carried.

11. REQUEST APPROVED – POSITION/CLASS CODE CHANGE – JUVENILE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following position/class code change:

FROM: 57111-2415-7 (Close Position)
TO: 57111-2222-1 (Open New Position)

Motion carried.

12. REQUEST APPROVED – TRANSFER FUNDS – JUVENILE

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the transfer of the existing salary in the amount of \$42,982.70 to the open position. Motion carried.

13. PLAN APPROVED – FIVE YEAR CONSOLIDATED PLAN – COMMUNITY DEVELOPMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Five-Year Consolidated Plan (2013-2017) and authorize actions to implement the Plan. Authorize county Judge to sign documents related to the Plan, its implementation, and acceptance of the Grant, if approved by HUD. Motion carried.

AGENDA ITEMS 17A1-9 [PURCHASING] – NO ACTION.

14. CHANGE ORDER APPROVED – VALLEY RANCH CROSSING EXTENSION – PRECINCT 4

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the Change Order #1, P.O. #2013102 to LJA Engineering, Inc. for Valley Ranch Crossing Extension to add final design and construction phase services in the amount of \$141,630.00. Motion carried.

15. REQUEST APPROVED – TRAINING REIMBURSEMENT – COUNTY COURT AT LAW 3

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a request to use \$2,103.97 from the Court Reporter Service Fund for reimbursements for Court Reporting Continuing Education Hours to maintain State Certifications. Motion carried.

16. REQUESTS APPROVED – PARTIAL ASSIGNMENTS – AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve two Partial Assignments of Land Lease Agreements for the following:

- a. From Carlon Dowell to Jack A. Nelson for 2,352 square feet of land located at the Lone Star Executive Airport.
- b. From Carlon Dowell to Stephen C. Dwyer for 2,378.19 square feet of land and 2,016.15 square feet located at the Lone Star Executive Airport.

Motion carried.

17. PAYMENT APPROVED – KUYKENDAHL ROAD CONSTRUCTION – COMMISSIONERS
– PRECINCT 2

Motion by Commissioner Doyal, seconded by Commissioner Noack, to approve payment to TXDOT in the amount of \$679,885.49 under the Advanced Funding Agreement dated 11/17/03. Project is construction of Kuykendahl Road from Alden Bridge to Crownridge Drive. Funds to be taken from the following:

61302-7340	\$136,606.42
61351-7598582	\$ 12,073.37
613-7340	\$231,205.70
613-7997	<u>\$300,000.00</u>
Total:	\$679,885.49

Motion carried.

18. REQUEST APPROVED – ALLOCATING PROCEEDS – COMMISSIONERS – PRECINCT 4

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve allocating to each Commissioner's budget \$1.5 million dollars from The Joe Corley proceeds. Motion carried.

EXECUTIVE SESSION - THE COURT WILL RECESS FOR EXECUTIVE SESSION 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.

CONSIDER AND DISCUSS DALE B. GRAVES V. TOMBALL REGIONAL MEDICAL CENTER, ET AL; CAUSE NO. 13-0004000 IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION. (SECTION 551.071)

CONSIDER AND DISCUSS THE DISPOSITION OF REAL PROPERTY KNOWN AS THE MONTGOMERY COUNTY MENTAL HEALTH TREATMENT FACILITY LOCATED AT 700 HILBIG, CONROE, TEXAS. (SECTION 551.072)

COMMISSIONERS' COURT RECONVENED.

NO ACTION ON MATTERS IN EXECUTIVE SESSION.

CITIZENS – AGENDA ITEM 25

Bill O'Sullivan – Regarding utilization of Joe Corley sales proceeds.

Jon Baughman – Regarding utilization of Joe Corley sales proceeds.

19. 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 Custodial to remove Julissa Flores, Custodian I, from payroll due to job abandonment, effective July 19, 2013. (No benefits due.)

Request of Custodial to change status of Marylu Lazo, Custodian I, as replacement for Marta Rivera, effective August 3, 2013.

Request of Custodial to place Whitney Ann Lynn, Custodian, on payroll as replacement for Veronica Iracheta, effective July 22, 2013.

Request of Custodial to place Olga Morel, Custodian, on payroll as replacement for Marylu Lazo, effective August 5, 2013.

Request of Custodial to change status of Nallely Elizabeth Ontiveros, Custodian I, as replacement for Maria F. Pineda, effective August 3, 2013.

Request of County Court at Law 2 to accept resignation of Dina F. Hardwick, Probate Investigator, effective August 30, 2013. (9.68 hours or balance vacation.)

Request of Commissioner Precinct 3 to discharge Chandra Gonzalez, Clerk I, effective July 18, 2013. (49.04 or balance vacation, .375 or balance compensatory.)

Request of Constable Precinct 4 to decrease salary of Brian J. Dunn, Deputy, due to transfer as replacement for Eli Rivera, effective July 29, 2013.

Request of Elections to discharge Kara Corder, Temporary Voter Clerk, effective July 12, 2013. (No benefits due.)

Request of Elections to correct PCRf for Stacey Walker, Temporary Voter Clerk, approved in Commissioners Court on July, 15, 2013. New effective PCRf date is August 5, 2013.

Request of Sheriff to reduce salary of Tanya Durrenberger, Clerk IV, due to voluntary demotion, effective July 20, 2013.

Request of Sheriff to transfer Tommy Lopez, Deputy Detention, due to transfer as replacement for Frank Pearson, effective July 27, 2013.

Request of Sheriff to place Courtney Mishoe, Dispatcher, on payroll as replacement for Kimberly Huckaba, effective July 20, 2013.

Request of Sheriff to transfer Frank Pearson, Deputy Patrol, as replacement for Errett Leck, effective July 20, 2013.

Request of Sheriff to transfer Brian Treille, Deputy Warrants, as replacement for Daniel Pena, effective July 13, 2013.

Request of Sheriff to transfer Zachary Vercher, Deputy Patrol District II, as replacement for Justin Burk, effective July 20, 2013.

Request of Sheriff to reduce salary of Eric Ward, Deputy Warrants, due to voluntary demotion as replacement for Tommy Lopez, effective July 27, 2013.

Request of Custodial to place Silvia Vigil, Custodian II, on payroll due to return from Unpaid FMLA/Disability Leave, effective July 18, 2013.

Request of Constable Precinct 3 to discharge Jose Cruz, Jr., Deputy, effective July 11, 2013. (76.40 hours or balance vacation; 6 hours or balance compensation; 48 hours or balance holiday.)

Request of Sheriff to place April Garris, Clerk IV-CJR, on payroll, as replacement for Brand Williams-Fentress, effective July 27, 2013.

Request of Sheriff to place James Searcy, Officer Civilian Detention, on payroll as replacement for Aaron Writtenberry, effective July 27, 2013.

Motion carried.

20. COURT ADJOURN

Motion by Commissioner Meador, seconded by Commissioner Doyal, 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