

COMMISSIONERS COURT DOCKET  
DECEMBER 20, 2016  
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the day of December 20<sup>th</sup>, 2016, 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	Craig Doyal
Commissioner, Precinct 1	Mike Meador
Commissioner, Precinct 2	Charlie Riley
Commissioner, Precinct 3	James Noack
Commissioner, Precinct 4	Jim Clark
Also County Clerk's Office	Amber Twiddy

INVOCATION GIVEN BY Judge Wayne Mack

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

AGENDA ITEM 7H1 NO. 15 WAS MOVED FROM THE CONSENT AGENDA TO THE OPEN AGENDA. SEE MOTION #3 FOR COURT ACTION.

2. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 7A-O

Motion by Commissioner Noack, seconded by Commissioner Meador, to unanimously approve all actions, items, resolutions and authorizations shown on the Consent Agenda and County Judge is appointed and authorized to sign any contracts, approvals and other documents in connection with any items shown on the Consent Agenda, with the exception of Agenda Item 7H1 No. 15, which was moved to the Open Agenda as follows:

COUNTY AUDITOR – AGENDA ITEMS 7A1-6

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

A2. BUDGET AMENDMENTS FY16 APPROVED:

a. FEMA-DR-4272-TX: To set-up additional budget for Cat C PW materials (CAT-C-PW).

b. Juv Just Alt ED Prg-P/17: To adjust line items.

c. Memorial Library: To recognize and allocate revenue for General Gift Account and the Genealogy/Ron Jackson Gift Account.

d. Sheriff: To recognize and allocate revenue.

A3. BUDGET AMENDMENTS FY17 APPROVED:

- a. Various: To carryover funds for FY16 encumbrances.
- b. Animal Shelter: To adjust line items.
- c. Commissioner Precinct 3: To recognize and allocate revenue and adjust line items.
- d. Constable Precinct 1: To recognize and allocate revenue and adjust budget lines.
- e. Historical Commission: To recognize and allocate revenues.
- f. Juvenile Probation: To adjust line items and recognize and allocate reimbursement received National School Lunch Program for Nov/16.
- g. Memorial Library: To recognize and allocate revenue for General Gift Account and the Genealogy/Ron Jackson Gift Account and adjust line items.
- h. Sheriff: To adjust line items.
- i. Sheriff-Auto Theft YR-23: To adjust line items to correct initial BA.

A4. ORDER ACKNOWLEDGED appointing Phyllis L. Martin to the position of County Auditor, effective January 1, 2017.

A5. RESOLUTION AND ORDER APPROVED to authorize activities by the Montgomery County Sheriff related to the restructure of the office, to be effective January 1, 2017.

A6. AMENDMENT APPROVED to the contract with BLX Group for arbitrage rebate compliance services for the following:

- a. Montgomery County, Texas  
Unlimited Tax Road Bonds, Series 2016a
- b. Montgomery County, Texas  
Limited Tax Refunding Bonds, Series 2016a

and the County Judge is authorized to sign.

TREASURER – AGENDA ITEMS 7B1-2

B1. PLEDGED SECURITIES REPORT APPROVED for November 2016.

B2. MONTHLY INVESTMENT REPORT APPROVED for November 2016.

TAX ASSESSOR/COLLECTOR – AGENDA ITEM 7C1

C1. MONTHLY TAX COLLECTION REPORT ACCEPTED for month ending November 30, 2016.

PURCHASING – AGENDA ITEMS 7D1-6

D1. REQUEST APPROVED to declare miscellaneous items as salvage as authorized by Local Government Code §263.152 for Various Departments.

D2. ADVERTISING APPROVED for the following bids/proposals:

- a. Mowing right-of-ways for Precinct 1.
- b. Crack seal service for Various Departments.

D3. CHANGE ORDERS APPROVED:

- a. CO #3 to Thyssenkrupp Elevator Corporation for elevator equipment, service, repair and related services through the Interlocal Agreement with Region 4 Education Service Center/TCPN contract #R150801 for an overall price increase of 3% effective 01/01/17 for Various Departments.
- b. CO #1 for new vehicles to add additional option for item: AV2-12.1" integrated display to 2017 Dodge Charger PPV from Mockingbird Automotive, LLC dba Lovefield DCJR in the amount of \$2,100.00 and from Grapevine DCJ, LLC in the amount of \$1,994.00 for Various Departments.
- c. CO #5 for exterminating/pest control services from Ecosource Pest Control, Inc. dba Pestmaster Services of North Houston for an overall price increase of 25% and the name change to A All Animal Control for Various Departments.
- d. CO #1 for new vehicles from Gullo Cars of Conroe ILP. dba Gullo Ford of Conroe to add dual wheels option to 2017 F-350 in the amount of \$1,538.00 for Various Departments.

D4. DISCRETIONARY EXEMPTIONS APPROVED FOR AN item that can be obtained from only one source as authorized by local government code §262.024(a)(7) for:

- a. Tasers and taser accessories from Taser International, Inc. for Various Departments

D5. RENEWALS AWARDED:

- a. Traffic signal parts with Traffic Parts, Inc. for Various Departments. (Exercising the fourth of four renewal options)
- b. Collection of urine samples with Davis Investigation Services, LLC for Various Departments. (Exercising the third of four renewal options)
- c. Additional tree and tree limb removal from right-of-ways, county roads and county buildings in Montgomery County with Good Morrow Land Services, LLC for Various Precincts/Departments. (Exercising the fourth of five renewal options)
- d. Commercial water wells with Weisinger Incorporated for Various Departments. (Exercising the fifth of five renewal options)
- e. Household hazardous waste collection, transportation and disposal services through the Interlocal Agreement with HGAC Contract #CE-2012-08-001 with Stericycle Environmental Solutions, Inc. on a month to month basis for Various Departments.
- f. Automotive original equipment manufactured parts for Ford and Chevrolet with Buckalew Chevrolet, LP and Gullo Ford of Conroe and include the name change to Gullo Cars of Conroe, ILP dba Gullo Ford of Conroe on a month to month basis for Various Departments.
- g. Prisoner extradition services with Texas Prisoner Transportation Services for Sheriff's Department. (Exercising the third of four renewal options)

D6. DISCRETIONARY EXEMPTIONS APPROVED for a personal or professional service as authorized by Local Government Code §262.024(a)(4) for the following:

- a. Residential services with Azleway, Inc. for Juvenile.

RISK MANAGEMENT – AGENDA ITEMS 7E1

- E1. RECOMMENDATIONS AND RENEWALS OF SERVICE PROVIDERS APPROVED for Montgomery County Employee Benefit Plan for 2017 Benefit Plan Year as presented in the letter dated December 12, 2016 from Boon-Chapman Benefit Administrators, Trustee for the Plan.

COMMISSIONERS – AGENDA ITEMS 7F1-5

F1. PRECINCT 1

- a. RE-APPOINTMENTS APPROVED of Hugh Rozier, Jr., Donald Prescott and Steve Weisinger to the MCESD#1 Board of Commissioners for a 2-year term ending December 31, 2018.
- b. RE-APPOINTMENTS APPROVED of James Sibley, Henry Green, and Lonnie Clover to the MCESD #2 Board of Commissioners for a 2-year term ending December 31, 2018.

F2. PRECINCT 2

- a. RE-APPOINTMENTS APPROVED of Marjanna Russell and Greg Holcombe to the MCESD #3 Board of Commissioners for a 2-year term ending December 31, 2018.
- b. RE-APPOINTMENTS APPROVED of Dwight Arnold, Johnnie Bryant, and Buck Carraway to the MCESD #10 Board of Commissioners for a 2-year term ending December 31, 2018.
- c. USE AGREEMENT APPROVED for Magnolia High School Baseball Boosters Diamond Club and Montgomery County Precinct 2 Sports Fields.

F3. PRECINCT 3

- a. RE-APPOINTMENTS APPROVED of George Biernesser and John Rodriguez to the MCESD #8 Board of Commissioners for a 2-year term ending December 31, 2018.
- b. RE-APPOINTMENT APPROVED of James Cox and James Waters to the MCESD #14 Board of Commissioners for a 2-year term ending December 31, 2018.
- c. REQUEST APPROVED to transfer positions 614-4213-1 (ADM Assistant I) and 614-4810-4 (Foreman) to the Sheriff's Department and transfer all needed salary and benefits for the remainder of the Fiscal Year 2017.
- d. APPOINTMENT APPROVED of Nancy Heinz as Housing Commissioner for the Montgomery County Housing Authority open seat previously filled by the late Rosemary Roe.

F4. PRECINCT 4

- a. RE-APPOINTMENTS APPROVED of John Kelley and Larry Trout to the MCESD #6 Board of Commissioners for a 2-year term ending December 31, 2018.
- b. RE-APPOINTMENTS APPROVED of James Berry and Charles Coburn to the MCESD #12 Board of Commissioners for a 2-year term ending December 31, 2018.

- c. RE-APPOINTMENTS APPROVED of Barry Welch and Wesley Swanson to the MCESD #7 Board of Commissioners for a 2-year term ending December 31, 2018.
- d. EAST MONTGOMERY COUNTY IMPROVEMENT GRANT ACCEPTED in the amount of \$5,000.00 for electronic equipment for the EMC Senior Center. The Agreement was signed on December 8, 2016. Check has been forwarded to the Auditor for further processing.
- e. CHECK ACCEPTED in the amount of \$1,047.25 from City of Roman Forest for the purchase of Fuel. This is to be deposited into line item No. 615-7926. Check has been forwarded to the Auditor for further processing.

F5. PRECINCTS 2 AND 4

- a. RE-APPOINTMENTS APPROVED of Roxann McDaniel, Raymond Veit and Mark Abbey to the MCESD #4 Board of Commissioners for a 2-year term ending December 31, 2018.
- b. RE-APPOINTMENTS APPROVED of Lois Clancy and Paul Babb to the MCESD #9 Board of Commissioners for a 2-year term ending December 31, 2018.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 7G1-3

G1. PRECINCT 2

- a. CHANGE ORDER NUMBER 17 APPROVED to the Advanced Funding Agreement with TxDOT dated 11/17/03 in the amount of \$5,853.75. This project is the construction of Kuykendahl from Alden Bridge Drive to Crownridge Drive.
- b. FINAL PLAT APPROVED of Denali Wilderness Parkway Dedication Plat; 2.842 acres; James Hodge Survey, A-19.
- c. FINAL PLAT APPROVED of Woodforest, Section 72; 12.232 acres; Thomas Curry Survey, A-136.

G2. PRECINCT 2

- a. REQUEST APPROVED to acknowledge that the roads in Allegro at Harmony, Section 1 have been built to county standards and have completed the one year maintenance period and the bond is released. These roads are private and will not be maintained by Montgomery County.
- b. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Allegro at Harmony, Section 2 and bond is released.
- c. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Harmony Central Sector, Section 1 and bond is released.
- d. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Falls at Imperial Oaks, Section 16 and bond is released.

G3. ALL PRECINCTS

- a. PUBLIC HEARING DATE SET for January 24, 2017 to consider and approve the following amendment to Section Two, Paragraph I.B.3 of the Montgomery County Subdivision Rules and Regulation to read as follows:

1. Subdivision fee - a base fee of \$200.00, plus \$30.00 per lot, plus \$30.00 per acre in reserve, plus \$50.00 per acre of right of way being dedicated in a street dedication plat; plus
2. Recording fees, record management fees, security fees or other fees as required by the Montgomery County Clerk.

HUMAN RESOURCES – AGENDA ITEM 7H1

AGENDA ITEM 7H1 NO. 15 WAS MOVED TO THE OPEN AGENDA. SEE MOTION 3 FOR COURT ACTION.

H1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of 410<sup>th</sup> District Court to place Leslie Broz, Court Administrator, on payroll as replacement for Cathy Ansley, effective January 1, 2017.

Request of 410<sup>th</sup> District Court to transfer Jill Driscoll, Court Reporter, from 418<sup>th</sup> District Court as replacement for Robin Cooksey, effective January 1, 2017.

Request of 410<sup>th</sup> District Court to place Mona Jones, Court Coordinator II, on payroll as replacement for Vickie Warner, effective January 1, 2017.

Request of 410<sup>th</sup> District Court to place Jennifer Robin, District Judge, on payroll as replacement for K. Michael Mayes, effective January 1, 2017.

Request of 410<sup>th</sup> District Court to discharge Vickie Warner, Court Coordinator II, effective December 31, 2016. [124.115 hours or balance vacation; 4.75 hours or balance compensatory time]

Request of 410<sup>th</sup> District Court to place Charles Scott Wonderly, Staff Attorney, on payroll, effective January 1, 2017.

Request of 418<sup>th</sup> District Court to accept the resignation of Jennifer Robin, Associate Judge-Family Law, effective December 31, 2016.

Request of Airport to accept the retirement of Kenneth W. Lewis, Maintenance Tech III, effective January 31, 2017. [211.175 hours or balance vacation; 98.00 hours or balance compensatory time]

Request of Animal Shelter to accept the resignation of Todd Bryan Hayden, Director-Animal Shelter, effective December 11, 2016. [50.52 hours or balance vacation; 24.00 hours or balance holiday time]

Request of Animal Shelter to place Charles Jackson, Director-Animal Shelter, on payroll as replacement for Todd Hayden, effective December 12, 2016.

Request of County Court at Law 2 to promote Kristen Bays, Staff Attorney, effective December 13, 2016. This position was approved in Commissioners Court 12/13/16.

Request of Commissioner Precinct 1 to transfer Timothy L. Adamik, Operator 1, as replacement for Edward Grayson, effective January 2, 2017.

Request of Commissioner Precinct 2 to promote Elechia Davis, Superintendent, effective December 17, 2016.

Request of Commissioner Precinct 2 to increase salary of Javier Morales, Recycle Technician, due to merit increase, effective December 17, 2016.

Request of County Auditor to discharge Steven R. Pittman, Internal Audit Assnt, effective December 7, 2016. [61.60 hours or balance vacation]

Request of County Clerk to transfer Cathy A. Ansley, Court Clerk II, from 410<sup>th</sup> District Court as replacement for Amanda L. Daigle, effective January 1, 2017.

Request of Elections to increase salary of Estela Sanchez, Voter Clerk, due to an increase of responsibilities, effective December 19, 2016.

Request of Juvenile to accept the resignation of Jessica Lynn Jerrell, Juvenile Probation Officer, effective December 16, 2016. [90.925 hours or balance vacation; 0.755 hours or balance compensatory]

Request of Juvenile to change status of Tre Anthony Scott, Juvenile Supervision Officer, from part-time to full-time as replacement for Rebecca Owen, effective December 17, 2016.

Request of Sheriff to place Francisco Cortez, Officer Civilian Detention, on payroll as replacement for Megan Beckham, effective December 17, 2016.

Request of Sheriff to promote Kenneth Ladarrell Culbreath, Chief Deputy-Sheriff, as replacement for William Randall McDaniel, effective January 1, 2017.

Request of Sheriff to accept the retirement of Thomas Duroy Jr., Detective, effective January 31, 2017. [276.68 hours or balance vacation; 480.00 hours or balance compensatory time; 16.00 hours or balance holiday]

Request of Sheriff to demote Andrew W. Eason, Lieutenant-Detention, as replacement for Johnny C. Myrick, effective January 1, 2017.

Request of Sheriff to place Sarah Greenmyer, Officer Civilian Detention, on payroll, as replacement for Lauren Funderburk, effective December 17, 2016.

Request of Sheriff to promote Damon W. Hall, Captain-Sheriff, as replacement for Peggy A. Frankhouser, effective January 1, 2017.

Request of Sheriff to accept the retirement of Ronnie Silvio, Captain-Sheriff, effective December 31, 2016. [3.08 hours or balance vacation]

Request of Sheriff to accept the resignation of Brannock Snellgrove, Officer Civilian Detention, effective December 27, 2016. [24.11 hours or balance vacation; 149.43 hours or balance compensatory time; 24.00 hours or balance holiday time]

Request of Sheriff to accept the resignation of James Traylor, Officer Civilian Detention, effective December 30, 2016. [110.40 hours or balance vacation; 311.97 hours or balance compensatory time; 24.00 hours or balance holiday]

#### ENVIRONMENTAL HEALTH – AGENDA ITEMS 7I1-3

- I1. ORDER APPROVED to release lien and acknowledge receipt of check as payment in full of assessment lien to recover cost to the County for demolition of a public nuisance for property located at 33215 Sweetgum Lane, Magnolia, Texas 77354. The total cost of the lien has been met. Check has been forwarded to the Auditor for further processing.
- I2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 503 Goodson Loop Pinehurst, Texas, 77362.
- I3. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 16936 Pioneer Trail Conroe, Texas 77302.

#### COUNTY JUDGE – AGENDA ITEM 7J1

- J1. CONTINUATION CERTIFICATE APPROVED of the Treasurer's Bond for ESD #14 James Waters, ESD Treasurer.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 7K1-3

K1. PRECINCT 1

- a. PURCHASE AND SALE AGREEMENT APPROVED between Montgomery County and Grandview Property Owners Association, Inc. for acquisition of 0.0367 acres of land out of restricted reserve "A" of Grandview, Section one for right-of-way extension.
- b. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of 0.0367 acre out of Restricted Reserve "A", Grandview, Section 1, from the Grandview Property Owners Association Inc. for the total sum of \$38,000.00. Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Closing Statement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 6124014-75985827 to Old Republic Title for the benefit of Grandview Property Owners Association Inc. in the amount stated above.

K2. PRECINCT 2

- a. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 2 of the expansion of Sendera Ranch Drive from Sendera Ranch Property Owners Association, Inc. for the total sum of \$2,588.36. The Memorandum of Agreement is approved and Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Closing Statement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 61301-7487 to Old Republic Title for the benefit of Sendera Ranch Property Owners Association, Inc. in the amount stated above.
- b. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 3 of the expansion of McCaleb Road from Robert Eugene Jacobs, Thomas Wayne Jacobs and Larry Don Jacobs, Trustee of The Jacobs 2012 Descendants Trust for the total sum of \$27,535.36. The Memorandum of Agreement is approved and Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Closing Statement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 61301-7487 to Old Republic Title for the benefit of Robert Eugene Jacobs, Thomas Wayne Jacobs and Larry Don Jacobs, Trustee of The Jacobs 2012 Descendants Trust in the amount stated above.
- c. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 19 of the expansion of McCaleb Road from Robert E. Truly and Kaye K. Truly as trustees of the Robert E. Truly and Kaye K. Truly Revocable Living Trust for the total sum of \$207,328.36. The Memorandum of Agreement is approved and Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Closing Statement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 61301-7487 to Old Republic Title for the benefit of Robert E. Truly and Kaye K. Truly as trustees of the Robert E. Truly and Kaye K. Truly Revocable Living Trust in the amount stated above.

K3. PRECINCT 3



- a. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 9 of the expansion of Rayford Road to Santos Sanchez in the amount of \$1,400.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Santos Sanchez in the amount listed above.
- b. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 25 of the expansion of Rayford Road to Ciro Santes in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Ciro Santes in the amount listed above.
- c. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 27 of the expansion of Rayford Road to Israel Avila Bermudez in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Israel Avila Bermudez in the amount listed above.
- d. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 31 of the expansion of Rayford Road to Elmer Hernandez and Delmis Mendez in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Elmer Hernandez and Delmis Mendez in the amount listed above.
- e. RESOLUTION AND ORDER TO PAY APPROVED for payment of actual moving expenses in connection with the acquisition of Parcel 45 of the expansion of Rayford Road to Johnson Storage & Moving Co. in the amount of \$26,021.77. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Johnson Storage & Moving Co. in the amount listed above.
- f. ORDER APPROVED authorizing payment of Special Commissioners Award and Payment of Special Commissioners Fees for Parcel 22 of the Rayford Road Project in the proceedings under Cause No. 16-09-10514 for the acquisition of Parcel 22 of the Rayford Road Project. The County Treasurer and County Auditor are authorized and directed to make payment of \$27,000.00 into the registry of the court in which the proceeding was heard and authorized and directed to make payment to the Special Commissioners in such cause payable to the individuals and in the amounts set out in the Award of Specials Commissioners and Court Order conditionally granting Writ of Possession on file.
- g. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 29 of the expansion of Rayford Road from Mexican Medical, Inc. for the total sum of \$18,484.78. The Memorandum of Agreement is approved and Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Closing Statement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to WFG National Title Co. for the benefit of Mexican Medical Inc. in the amount stated above.
- h. PURCHASE AND SALE AGREEMENT APPROVED between Montgomery County and Grand Oaks Partners, LLC for purchase of revised parcels 25, 26, and 27 of the Rayford Road Expansion Project.

COUNTY ATTORNEY – AGENDA ITEMS 9L1-3

- L1. RESOLUTION AND ORDER APPROVED to authorize the submission of a request to TxDOT to transfer all access management authority over driveway on highway right of ways approvals relating to state highways from Montgomery County to Texas Department of Transportation and eliminate local review of applications pursuant to section 203.031 of the Transportation Code and Title 43 Texas Administrative Code §11.56. County Judge is authorized to execute the necessary documents related to said request.
- L2. AMENDMENT APPROVED to Intergovernmental Agreement (IGA) for the Montgomery County Joe Corley Detention Facility reflecting recent wage determination.
- L3. RESOLUTION AND ORDER APPROVED for the settlement of the claim AmTrust North America-Dallas as agent for Security National Insurance Company. Montgomery County will pay \$10,535.00 in exchange for a full and final release of claims for property damage. This will be funded from Fire Marshall Inspection Fees.

CONROE NORTH HOUSTON REGIONAL AIRPORT – AGENDA ITEM 7M1

- M1. ASSIGNMENT APPROVED of 0.120 acres of land with Consent of Lessor by and between William B. and Nancy C. Hawkins and Stacken LLC.

CONSTABLE PRECINCT 5 – AGENDA ITEM 7N1

- N1. RESOLUTION AND ORDER APPROVED for the donation of the unclaimed donkey that Precinct 5 is holding to Henry's Home Horse & Human Sanctuary pursuant to Texas Local Government Code §263.152(a)(4).

COMMUNITY DEVELOPMENT – AGENDA ITEM 7O1-2

- O1. REQUEST APPROVED to authorize County Judge to execute the FY2016 CDBG Grant Agreement between Montgomery County and Montgomery County Homeless Coalition.
- O2. 2015 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) APPROVED.

Motion carried.

**END OF CONSENT AGENDA**

CONSTABLE PRECINCT 5, DAVID HILL, ADDRESSED THE COURT CONCERNING THE HIRING OF DEANNE RILEY IN HIS OFFICE.

NOTE: DISCUSSION IN FULL CAN BE HEARD ON AUDIO OF MINUTES ON THE COUNTY WEBSITE.

3. PAYROLL CHANGE REQUEST FORM APPROVED – DEANNE RILEY – CONSTABLE PRECINCT 5

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the Payroll Change Request Form of Deanne Riley as Admin Manager I, for Constable Precinct 5 to be effective January 1, 2017. Commissioner Riley recused himself from the vote and Commissioner Noack voted "No". Motion carried.

CITIZENS – AGENDA ITEM 8

Eric Yollick addressed the Court concerning Agenda Item 20. He asked three members of the court to recuse themselves from the vote for various reasons.

Bill O'Sullivan addressed the court concerning the Animal Shelter. He wanted to make the court aware that the spay and neuters are still behind at the shelter.

Steve Toth addressed the court concerning ethic reform. He was concerned about ethic violations of the court and would like the court to re-establish trust with the public.

4. CONDITIONAL APPROVAL ACCEPTED – FEMA – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Clark, to accept the conditional approval from FEMA for a hazard mitigation planning grant in the amount of \$90,568 with 25% local match of \$30,189.00 that can be provided in cash or in kind. County Judge is authorized to commit Montgomery County to the Hazard Mitigation Planning Process, the local match, and to sign any and all documents necessary to effectuate same. Motion carried.

5. REQUEST APPROVED – NAME CHANGE – EMERGENCY MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the name change for Emergency Management from Office of Emergency Management to Montgomery County Office of Homeland Security and Emergency Management. Motion carried.

6. REQUEST APPROVED – REALLOCATION OF LIVESTOCK DEPUTY POSITIONS – SHERIFF

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the reallocation of all salary, benefits, operational, and capital funds awarded during the 2016 Budget Hearings relating to the livestock deputy positions within Constables 4 and 5 to the Sheriff's 5601 Budget effective January 1, 2017. Motion carried.

7. POSITION APPROVED – LIEUTENANT – CONSTABLE PRECINCT 3

Motion by Commissioner Clark, seconded by Commissioner Noack, to approve the creation of position 5531-6022-3 (Lieutenant) to be slotted in the STEP Plan with 16+ years of service. This will be funded with Contingency in the prorated amount of \$94,601.63 for the remainder of the fiscal year. Only the position was approved in court and a vehicle will be provided by the Sheriff's Office. Commissioner Meador voted "No". Motion carried.

8. REQUEST APPROVED – EMCID COMMUNITY GRANT – CONSTABLE PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Noack, to approve the EMCID Community Grant (Mini-grant) Agreement and funding of \$10,000.00 (No match) for the replacement of motors for the rescue airboat and inflatable boat. The Application was approved in Commissioners Court on August 23, 2016. Motion carried.

9. REQUEST APPROVED – VARIOUS EQUIPMENT – CONROE-NORTH HOUSTON REGIONAL AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve funding the purchase of a laptop computer and the monthly cost of a MIFI wireless device. The computer and wireless device will be used for collection of Customs clearing user fees by credit card. Funding for these items will be transferred from Customs Construction to Customs Operations in the amounts of \$1,564.26 and \$342.09. Motion carried.

10. REQUEST APPROVED – TEMPORARY POSITION – CONROE-NORTH HOUSTON REGIONAL AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve opening position 6291.5705.700 Temporary Maintenance Tech I effective 12/31/16 and closing 1/31/17 for a total of 176 hours at a salary of \$16.20 per hour at a cost of \$2,851.20 (Plus benefits). This will be funded by a transfer of funds from the vacant Assistant Airport Director salary. Commissioner Noack voted "No". Motion carried.

COMMISSIONER MEADOR LEFT THE COURTROOM.

11. REQUEST APPROVED – TRAVEL PAYMENT REQUISITION – ADULT PROBATION

Motion by Commissioner Clark, seconded by Commissioner Riley, to approve the travel payment requisition for employee #10488 in the amount of \$175.50. The request was returned because it exceeded the 60-day time limit at no fault of the employee. This is not paid with County Funds and the State does not have a time limit for reimbursement of travel expenses. Commissioner Noack voted "No". Motion Carried.

COMMISSIONER MEADOR RETURNED TO THE COURTROOM.

12. GRANT ACCEPTED – PETCO FOUNDATION – ANIMAL SHELTER

Motion by Commissioner Noack, seconded by Commissioner Clark, to accept a grant from the Petco Foundation in the amount of \$25,000.00 and this will be used within the guidelines of the grant application. It was stated that they would like to target spay and neuter in the zip codes that need it the most. Motion carried.

13. REQUEST APPROVED – DONATION FEES – ANIMAL SHELTER

Motion by Commissioner Noack, seconded by Commissioner Clark, to authorize the Montgomery County Animal Shelter Director to accept donations for adoption fees. Motion carried.

14. REQUEST APPROVED – GSA SCHEDULE 84 CONTRACT – EMERGENCY MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve authorizing the use of GSA Schedule 84 Contract #GS-07F-5965P Total Solutions for Law Enforcement, security, facilities management, fire rescue, clothing, marine craft and emergency disaster response for the purchase of tactical integration course in the amount of \$96,224.42 from Atlantic Diving Supply, Inc. for Emergency Management. Motion carried.

15. AGREEMENT APPROVED – GRAND OAKS PARTNERS, LLC – COUNTY ATTORNEY – REAL PROPERTY – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the agreement for exchange of properties between Montgomery County and Grand Oaks Partners, LLC as per agreement on file. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 19A1: RECONVENE PUBLIC HEARING RECESSED ON DECEMBER 10, 2016 TO CONSIDER AND APPROVE THE PARTIAL REVISION TO ALL OF A 20.3926 ACRE TRACT, AND ALL OF A 0.1274 ACRE TRACT IN THE A.W. SPRINGER SURVEY, A-490, ALSO BEING A PARTIAL REPLAT OF A PORTION OF LOTS 27, 28 AND 35, AND ALL OF LOTS 29-34, BLOCK 2, AND A PORTION OF LOTS 60 AND 61, BLOCK 3, AND A PORTION OF WHITE OAK DRIVE AND OAK ARBOR DRIVE IN LAKEWOOD ESTATES, SECTION ONE, TO BE KNOWN AS THE FOUNTAINS AT JACOBS RESERVE SECTION TWO.

The County Attorney's office still has not received any information from the HOA.

THERE BEING NO COMMENTS FROM THE PUBLIC, THE PUBLIC HEARING WAS CONCLUDED AND COMMISSIONERS COURT RECONVENED.

THE COURT RECESSED FOR A SESSION OF THE MONTGOMERY COUNTY TOLL ROAD AUTHORITY

16. CHANGE ORDER APPROVED – HALFF ASSOCIATES, INC – MONTGOMERY COUNTY TOLL ROAD AUTHORITY

Motion by Director Meador, seconded by Director Riley, to approve Change Order #1 to Halff Associates, Inc. for general engineering consultant services for SH-249 for additional scope of work to provide right-of-way acquisition assistance, subsurface utility engineering, storm drain design, offsite detention pond analysis and design, and additional coordination efforts with TxDOT for design build contract for a total amount of \$358,000.00 and to add an additional 300 days to contract. Director Noack voted "No". Motion carried.

NOTE: DISCUSSION IN FULL CAN BE HEARD ON AUDIO OF MINUTES ON THE COUNTY WEBSITE.

MONTGOMERY COUNTY TOLL ROAD AUTHORITY ADJOURNED AND COMMISSIONERS COURT RECONVENED.

17. REQUEST APPROVED – REPAIRS TO EXHIBITION BUILDING – COMMISSIONER – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve funding for repairs to the roof and relocation of the HVAC system to the exhibition 2 building at the Montgomery County Fairgrounds. This is not to exceed \$80,000.00 and will be funded with Capital Improvement Funds. Motion carried.

18. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the following Payroll Change Request Forms:

Request of Sheriff to transfer Chad Jamieson, Foreman, from Commissioner Precinct 3 to Sheriff, effective January 1, 2017.

Request of Sheriff to transfer Jo Dell Whitehead, Admin Assist I, from Commissioner Precinct 3 to Sheriff, effective January 1, 2017.

Motion carried.

AGENDA ITEM 23A – B.D GRIFFIN WITH THE COUNTY ATTORNEY'S OFFICE STATED THAT THE ONLY THING NECESSARY FROM EXECUTIVE SESSION TO SIGN A RESOLUTION AND ORDER SO IT WAS NOT NECESSARY TO ADJOURN FOR EXECUTIVE SESSION.

CITIZENS – AGENDA ITEM 25

Bruce Reiser addressed the court concerning an ethics plan. He urged the Judge to take action on creating an ethics program plan for the County.

AGENDA ITEM 23A WAS READDRESSSED AT THIS TIME BECAUSE A MOTION WAS NOT MADE PREVIOUSLY.

19. RESOLUTION AND ORDER APPROVED – CLAIM D-14-0128

Motion by Commissioner Clark, seconded by Commissioner Noack, to approve a Resolution and Order supporting the need for the Montgomery County Attorney to defend on behalf of Montgomery County, the lawsuit filed under Cause No. 4:16-CV-3626 and styled Daniel Dobbs v. Montgomery County et al; in the District Court for the Southern District of Texas-Houston Division. The County Attorney is authorized to incur expenses as necessary for the proper defense and negotiation of said case with funding of said expenses from the Risk Management budget with approval of the Director of Risk Management or designee. Motion carried.

AGENDA ITEM 25 – CITIZENS PORTION BEGAN AGAIN

Eric Yollick addressed County Spending. He believes the process is going too slowly and he is putting together a Citizens Budget Committee with representatives from each precinct.

AGENDA ITEM 26 – MISCELLANEOUS

Judge Doyal invited those in attendance to a Christmas Open House in the Judge's Office and he wished everyone a Merry Christmas.

He also gave a review of the year and addressed some county highlights from the year. He also urged people to take pride in the County and look for the positive.

20. COURT ADJOURNS

Motion by Commissioner Meador, seconded by Commissioner Noack, 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: Mark Turnbull  
COUNTY CLERK

Craig Doyal  
COUNTY JUDGE

