

COMMISSIONERS COURT DOCKET
August 28, 2018
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 28th day of August, 2018, 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 (entered after Motion #1)
Also County Clerk's Office	Amber Twiddy

INVOCATION GIVEN BY Commissioner Mike Meador.

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.

COMMISSIONER CLARK ENTERED THE COURTROOM.

2. RESOLUTION APPROVED – SACRED SOILS

Motion by Commissioner Noack, seconded by Commissioner Clark, to endorse and celebrate the "Sacred Soils" dedication project by the Friends of the Flag Foundation. This honors the memory of those soldiers who fought in the battles of the War of Texas Independence in 1835 and 1836 and October 2, 2018 is declared a revered day set aside to recognize these brave men. Motion carried.

3. RESOLUTION APPROVED – CELESTE GRAVES DAY

Motion by Commissioner Riley, seconded by Commissioner Meador, to declare Thursday, August 30, 2018 to be set aside to be recognized by all citizens as Celeste Graves Day. Motion carried.

4. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the Minutes from Regular Session of Commissioners Court dated August 14, 2018. Motion carried.

Ignatias Niemczk was recognized to speak, but he stated that he did not need to speak.

5. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 9A-P

Motion by Commissioner Meador, seconded by Commissioner Riley, 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 save and except the items removed from the consent agenda, as follows:

COUNTY AUDITOR – AGENDA ITEMS 9A1-4

- A1. REPORT OF OFFICIALS' FEES ACCEPTED as audited for May 2018.
- A2. BUDGET AMENDMENTS FY2018 APPROVED:
 - a. 410th District Court: To adjust line items.
 - b. Adult Probation: To adjust line items as approved by CJAD and adjust line items.
 - c. Animal Shelter: To adjust line items.
 - d. Building Maintenance: To transfer funds to Building Maintenance for trucks per CC 7.24.18 M4 and transfer funds for Cty Atty buildout CC 07/24/18 M9.
 - e. Commissioner Precinct 1: To adjust line items per CC 07.24.18 M20.
 - f. Commissioner Precinct 2: To recognize revenue from May 2018 Auction, transfer funds from Comm 2 to IT, and adjust line items.
 - g. Constable Precinct 1: To adjust line items, recognize and allocate revenue, and reverse duplicate BA.
 - h. Constable Precinct 3: To transfer funds from Const 3 to IT.
 - i. Constable Precinct 4: To recognize and allocate revenue, allocate funds for the FY 18 Emergency Response Equip Grant as awarded by EMCID M9/08.14.18 and allocate funds for the FY 18 Mini Grant as awarded by EMCID M9/08.14.18.
 - j. County Clerk: To recognize revenue.
 - k. Court Operations: To transfer funds.
 - l. Emergency Management: To adjust line items, adjust line items for Reg Hazmat Team Sustainment, adjust line items for Public Safety Video Initiative, deobligate funds for HSGP-Regional Planners, adjust line items for M&A, adjust line items for Com Prep & Reg Planning, adjust line items for EOC/Reg Tech Sustainment, adjust line items for FR FC Specialized Team Sustain, adjust line items for FR LE Special Response, and adjust line items for Public Safety Video.
 - m. FEMA-DR-4332-TX: To set-up budget for Hurricane Harvey Cat A.
 - n. Fire Marshal: To adjust line items.
 - o. Information Technology: To adjust line items.
 - p. Juvenile Probation: To adjust line items, set up "A" Grant as awarded by TJJD for FY19, adjust line items for cell phone allowance, set up "P" grant as awarded by TJJD for FY 19, and set up FY 18 "W" Grant as awarded by TJJD.

- q. Law Library: To adjust line items.
 - r. Mental Health: To adjust line items for condenser cleaning.
 - s. Sheriff: To adjust line items, adjust line items and transfer funds from SO to Bldg Maint for tables, and transfer funds.
 - t. Sheriff-Auto Theft Yr 25: To set up grant portion of FY19 Auto Theft Year 25 Grant M#3/06.26.18 and set up FY 18 match portion of FY19 Auto Theft Year 25 Grant M#3/06.26.18.
- A3. PAYMENT OF ACCOUNTS APPROVED, as submitted by the County Auditor.
- A4. MONTHLY UNAUDITED FINANCIAL REPORT ACCEPTED for the month of July, 2018.

TREASURER – AGENDA ITEMS 9B1-2

- B1. MONTGOMERY COUNTY INVESTMENT POLICY APPROVED.
- B2. PLEDGED SECURITIES REPORT APROVED for July 2018.

PURCHASING – AGENDA ITEMS 9C1-5

- C1. RENEWAL OPTIONS APPROVED for the following:
 - a. Project #2015-0009 parking lot layout & striping with each of the following vendors: Texas Lone Star Pavement Services, LLC and Stripes & Stops Company, Inc. for Various Departments. (Exercising the fourth of five renewal options)
 - b. Project #2016-0059 book leasing with Brodart Company for Library. (Exercising the second of three renewal options)
 - c. Project #2017-0047 temporary manual labor with FW Services, Inc. dba Pacesetter Personnel Services with price increases for Various Departments. (Exercising the first of three renewal options)
 - d. Project #2014-0065 cement stabilized base with Vulcan Materials Company for Various Precincts. (Exercising the fourth of five renewal options)
 - e. Project #2016-0061 drug/alcohol screening services with Avertest, LLC and include amendment #1 for Various Departments. (Exercising the second of four renewal options)
 - f. Project #2016-0040 service for supplying audio visual materials with Baker and Taylor, LLC for Library. (Exercising the second of three renewal options)
 - g. Project #2017-0064 automotive original equipment manufactured parts with each of the following vendors: John Weisner, Inc. and Gullo Cars of Conroe dba Gullo Ford Conroe for Various Departments. (Exercising the first of three renewal options)
 - h. Project #2017-0067 automotive original equipment manufactured Dodge parts with Demontrond Auto Country for Various Departments. (Exercising the first of three renewal options)
 - i. Project #2010-0085 property, casual, liability, workers compensation and third party administration services with Arthur J. Gallagher Risk Management Services for Risk Management. (6 month extension through 03/31/2019).
- C2. REQUEST APPROVED to utilize the contract for copier equipment and supplies through the BuyBoard contract #537-17 from Sharp Electronics Corporation for Purchasing as authorized by Local Gov't Code §271.102.

- C3. DISCRETIONARY EXEMPTION APPROVED for SS-Dark Fiber and Gigabit Ethernet Maintenance as an item that can be obtained from only one source from Wave Media, Inc. for Various Departments as authorized by Local Gov't Code §262.024(a)(7)(A).
- C4. LIST OF ITEMS SOLD AND CHECK ACCEPTED for items sold through the Montgomery County Online Auction from Rene Bates Auctioneers, Inc. in the amount of \$21,248.70. This includes total sales of \$22,971.57 less auctioneer's fee of \$1,722.87 and items that received no bids will be disposed of by salvage or donation for Various Departments. Check has been forwarded to the Auditor for further processing.
- C5. AWARD APPROVED for Project #18-61 Polyethylene Corrugated Pipe & Culverts to Coburn Supply Company, Inc. for Various Departments.

RISK MANAGEMENT – AGENDA ITEMS 9D1-3

- D1. PAYMENT ACKNOWLEDGED to Lori Betz in the amount of \$1,239.34 in reference to claim #B-18-0039 DOL 06/15/18.
- D2. PAYMENT ACKNOWLEDGED to Metlife Auto & Home as Subrogee for Rachel Myrthil in the amount of \$2,117.30 in reference to claim #A-16-0125 DOL 09/01/16.
- D3. CHANGES, ADDITIONS AND RELEASES APPROVED for the following:

<u>BOND</u>	<u>NAME/DEPT</u>	<u>AMOUNT</u>	<u>ACTION</u>
63753730	Smith, Ralph/Const Pct 5	\$5,000	New
63753856	Siebert, Richard/Const Pct 5	\$5,000	New
63753876	Justice, Daniel/Const Pct 5	\$5,000	New
63753809	Chastun, Jarrod/Const Pct 5	\$5,000	New
63753821	Palmer, Greg/Const Pct 5	\$5,000	New
63753783	Medaris, Larry/Const Pct 5	\$5,000	New
63715263	Garcia, Irvin/Const Pct 4	\$5,000	New/Reserve
63715263	Garcia, Irvin/Const Pct 4		Rider/Correct to Reserve
63753757	Talley, Chris/ Const Pct 5	\$5,000	New
63753058	Raborn, Ronald/Const Pct 5	\$5,000	New
63714830	Sanson, William/Const Pct 1	\$5,000	New/Reserve
63714830	Sanson, William/Const Pct 1		Rider/Correct to Reserve
63735596	Bodden, Robert/Const Pct 5	\$5,000	New
63735596	Bodden, Robert/Const Pct 5		Rider/Correct to Reserve
63753024	Brown, Paul/Const Pct 5	\$5,000	New

COMMISSIONERS – AGENDA ITEMS 9E1-2

- E1. PRECINCT 2

- a. RESOLUTION AND ORDER APPROVED to grant a variance to minimum lot size requirement of on-site sewage facilities rules for property located at 28752 Lakeside Green, Magnolia, Texas 77355 (Lot 19, Block 1 High Meadow Ranch Section 11).

E2. PRECINCT 4

- a. USE AGREEMENT APPROVED with East Montgomery County Improvement District at Ed Rinehart Park for the Fire & Ice Festival on October 6, 2018.
- b. CHECK ACCEPTED in the amount of \$2,253.40 from Meals on Wheels Montgomery County for the purchase of fuel. This check will be deposited into line item 615-7926. Check has been forwarded to the Auditor for further processing.
- c. CHECK ACCEPTED in the amount of \$3,916.71 from the City of Roman Forest for the purchase of fuel. This check will be deposited into line item 615-7926. Check has been forwarded to the Auditor for further processing.
- d. DONATION DEED APPROVED AND ACCEPTED for 7.480 acres in the Wm S. Taylor Survey, A-552 from GT Operating Company, Incorporated and Lone Star Recreation, Incorporated for right-of-way of future North Speed Street. County Judge is authorized to execute the acceptance of the donation deed on behalf of Montgomery County.
- e. ROAD CONSTRUCTION AGREEMENT APPROVED between Montgomery County and GT Operating Company, Incorporated and Lone Star Recreation, Incorporated for construction of North Speed Street. County Judge is authorized to execute the agreement on behalf of Montgomery County.

COMMISSIONERS -- COUNTY ENGINEER -- AGENDA ITEMS 9F1-4

F1. PRECINCT 1

- a. ACCEPTANCE APPROVED of Twin Creeks Road (2,731 feet) located off Womack Cemetery Road upon finding of prescriptive right based on public use.
- b. FINAL PLAT APPROVED of Shepard Hill Reserve; 12.876 acres; John Sadler Survey, A-34 and Samuel Lindley Survey, A-23.

F2. PRECINCT 2

- a. FULLY EXECUTED ADVANCE FUNDING AGREEMENT ACKNOWLEDGED for voluntary local government contributions to transportation improvement projects with no required match on system for CSJ #3050-02-024 with Texas Department of Transportation approved in court July 10, 2018 (9F1a).
- b. FINAL PLAT APPROVED of Walden Ridge; 3.500 acres; Raleigh Rogers Survey, A-33.

F3. PRECINCT 3

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Woodson's Reserve, Section 5.

- b. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Meadows at Imperial Oaks, Section 4.
 - c. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Meadows at Imperial Oaks, Section 6.
 - d. STREET ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD as follows: Imperial Promenade Drive.
 - e. FINAL PLAT APPROVED of Urbanika Box Offices; 0.5181 acres; Esterwall Survey, A-191.
 - f. FINAL PLAT APPROVED of Woodson's Reserve, Section 9; 17.34 acres; Montgomery County School Land Survey, A-351.
- F4. PRECINCT 4
- a. FINAL PLAT APPROVED of Porters Mill, Section 2; 23.480 acres; Ira Milliman Survey, A-340 & Thomas Miller Survey, A-365.
 - b. FINAL PLAT APPROVED of Yarbrough; 7.697 acres; Robert T. Howell Survey, A-254.

HUMAN RESOURCES – AGENDA ITEM 9G1

G1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Animal Control to accept the retirement of Linda Davis, Office Supervisor II, effective August 31, 2018. [149.2156 hours or balance vacation; 40.2216 hours or balance compensatory.]

Request of Animal Shelter to change status of Christian Hutchins, Kennel Technician, effective August 11, 2018. [15.40 hours or balance vacation; 0.375 hours or balance compensatory time.]

Request of Animal Shelter to accept the resignation of Ashlee Hynes, Clinic/Vet Technician, effective July 19, 2018. [29.789 hours or balance vacation; 10.125 hours or balance compensatory time.]

Request of Custodial to place Salomon Antonio Abrego, Custodian, on payroll as replacement for Tiffany Leath, effective August 27, 2018.

Request of Custodial to place Gonzalo Barbosa, Custodian II, on payroll as replacement for Helen Castillo Martinez, effective August 27, 2018.

Request of Custodial to place Jose Manuel Latigo III, Custodian, on payroll as replacement for Debra Thomas, effective August 13, 2018.

Request of Building Maintenance to transfer Mark Fullen, Jr., Maint Tech III, as replacement for Lance Sockwell, effective August 25, 2018.

Request of Commissioner Pct. 1 to promote Debra C. Bailey, Admin Manager II, as replacement for Bonnie Houser, effective August 18, 2018.

Request of Commissioner Pct. 1 to increase salary of William G. Eddinger, Operator III, due to completion of probationary period, effective August 11, 2018.

Request of Commissioner Pct. 1 to transfer Kima N. Scarborough, Adm Assistant I, as replacement for Debra C. Bailey, effective August 20, 2018.

Request of Commissioner Pct. 2 to correct PCR for James Luna, Operator I, from "hired" to "re-hired", and to correct his name, effective July 17, 2018. This PCR was approved in Commissioners' Court on July 24, 2018.

Request of Commissioner Pct. 3 to accept the resignation of Glen Nuinez, Operator I, effective August 10, 2018. [3.08 hours or balance vacation.]

Request of Commissioner Pct. 4 to place Darrell Jones, Operator III, on unpaid FMLA/Disability Leave, effective August 18, 2018.

Request of Commissioner Pct. 4 to transfer Kim Andre Smith, Operator II, as replacement for David Farmer, effective August 11, 2018.

Request of County Clerk to place Betty J. Sanders, Court Clerk II, on payroll as replacement for Melissa Annette Crisp, effective August 20, 2018.

Request of District Attorney to place Brittney M. Aaron, Attorney III, on payroll as replacement for George Alexander Napier, effective September 4, 2018.

Request of District Attorney to place Debra M. Piazza, Legal Assistant I, on unpaid leave of absence, effective August 9, 2018.

Request of District Clerk to increase salary of Karen Cantrell, Court Clerk IV, due to promotion, as replacement for Macie Holmes, effective August 27, 2018.

Request of District Clerk to increase salary of Kelly Hamilton, Court Clerk IV, due to promotion, as replacement for Katrina Blunk, effective August 13, 2018.

Request of Human Resources to place Marlayna Cornell, HR Coordinator, on payroll as replacement for Rosa Contello, effective August 13, 2018.

Request of J.P. #4 to place Macey Nicole Hardin, Court Clerk II, on payroll as replacement for Tammy Rogers, effective August 27, 2018.

Request of Juvenile Probation-Detention to change status of Maya Jabree Bradford, Juvenile Supervision Officer, as replacement for Phernando King, effective August 25, 2018.

Request of Juvenile Probation-Detention to change status of Robert Richmond Generes, Jr., Juvenile Supervision Officer, as replacement for Violet Perkins, effective August 25, 2018.

Request of Juvenile to accept the resignation of Joseph Pryor Ingram, Counselor, effective August 16, 2018. [204.84 hours or balance vacation; 10.50 hours or balance holiday time.]

Request of Library to accept the resignation of Amanda Abright, Reference Librarian, effective August 16, 2018. [47.53 hours or balance vacation.]

Request of Library to place Alicia Cuevas, Shelving Clerk I, on payroll as replacement for Haley Wingate, effective August 14, 2018.

Request of Library to accept the retirement of Linda M. Gambrill, Coordinator-Automation, effective November 30, 2018. [76.185 hours or balance vacation.]

Request of Library to place Sara Saucedo, Reference Librarian, on payroll as replacement for Martin Swenson, effective September 6, 2018.

Request of Recycle Station-Pct. 3 to accept the resignation of Kendall E. Kruchten, Driver-Mosquito, effective August 10, 2018. [No Benefits Due.]

Request of Risk Management to place Christopher Jones, Coordinator-Safety, on payroll as replacement for Roddy Martin II, effective August 14, 2018.

Request of Sheriff to transfer Rudy Almendarez, Sergeant, as replacement for Michael A. Jackson, effective August 25, 2018.

Request of Sheriff to increase salary of Darwn Dale Bible, Jr., due to promotion as replacement for Rudy Almendarez, effective August 25, 2018.

Request of Sheriff to increase salary of David Joseph Borchardt, Sergeant, due to promotion as replacement for Judd Wayne Russell, effective August 25, 2018.

Request of Sheriff to place Xaria Cheatum, Dispatcher, on payroll as replacement for Nancy F. Moyers, effective August 25, 2018.

Request of Sheriff to place Brandy Bice Collins, Officer-Civilian Deten, on unpaid FMLA/ Disability Leave, effective August 1, 2018.

Request of Sheriff to transfer Jesse Glen Fluellen, Sergeant, as replacement for Marvin M. Rogers, effective August 25, 2018.

Request of Sheriff to place Katherine Gregory, Dispatcher, on payroll as replacement for Courtney Diane Mishoe, effective August 25, 2018.

Request of Sheriff to place Harry Holman, Jr., on payroll as replacement for Moamen Mohamed Abdelbaky, effective August 25, 2018.

Request of Sheriff to transfer Michael A. Jackson, Sergeant, as replacement for Jesse Glen Fluellen, effective August 25, 2018.

Request of Sheriff to transfer Stephen Lee Johnson, Sergeant, as replacement for William Joseph Sharman II, effective August 25, 2018.

Request of Sheriff to increase salary of Johnathan Wayne Jordan, Specialist, due to step increase, effective August 25, 2018.

Request of Sheriff to place Ali Kamali, Deputy-Patrol, on payroll as replacement for Jeffrey Herman, effective August 25, 2018.

Request of Sheriff to transfer Lee Erik Knudsen, Deputy-Patrol, as replacement for Darwin Dale Bible, Jr., effective August 25, 2018.

Request of Sheriff to place Zachary Kraft, Deputy-Patrol, on payroll as replacement for Rogelio Vargas III, effective August 25, 2018.

Request of Sheriff to re-hire Robert E. Layman, Deputy-Patrol, as replacement for Max James Fruchtnicht, effective August 25, 2018.

Request of Sheriff to increase salary of Riaco R. Leverston, Deputy, due to step increase, effective August 25, 2018.

Request of Sheriff to place Devin X. Mayes, Deputy, on unpaid leave of absence, effective August 21, 2018.

Request of Sheriff to place Brandon Rogers, Deputy-Patrol, on payroll as replacement for Martin U. Silva, effective August 25, 2018.

Request of Sheriff to transfer Taiwo J. Sekoni, Officer-Civilian Deten, as replacement for Seth William Shields, effective August 25, 2018.

Request of Sheriff to transfer William Joseph Sharman II, Sergeant, as replacement for Kenneth H. Dunlap, effective August 25, 2018.

Request of Sheriff to place Douglas Warren, Deputy-Patrol, on payroll as replacement for James E. Sprayberry, effective August 25, 2018.

Request of Tax Assessor-Collector to place Stormie Flowers, Deputy Specialist I, on payroll as replacement for Elizabeth Ellison, effective August 20, 2018.

ENVIRONMENTAL HEALTH – AGENDA ITEMS 9H1-3

- H1. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 20444 Redbud Drive New Caney, TX 77357. Legal Description tracts 4, 5, 6, and 7 of Redbud Forest (U/R).
- H2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 27070 FM 2090 Splendora, TX 77373. Legal Description is Shady Dale Reserve D.
- H3. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 14688 Tommy Smith Road Conroe, TX 77306; 2.12 AC of CF 2012024611.

COUNTY JUDGE – AGENDA ITEMS 9I1-2

- I1. MODIFICATION APPROVED to incorporate the collective bargaining agreement between Joe Corley Detention Facility, Montgomery ICE Processing Center, Geo Group, Inc., International Union Security, Police and Fire Professionals of American (SPFPA) and its Amalgamated Local 720 effective dates July 1, 2018-June 30, 2021.
- I2. TARGETED EMPLOYEMENT AREA CERTIFICATION LETTERS APPROVED for the following projects: 695 Wedgewood Park, Conroe, Texas 77304; 3380 Wooded Lane, Conroe, Texas 77301; and 6021 Heritage Creek Lane, Conroe, Texas 77304.

SHERIFF – AGENDA ITEMS 9J1-2

- J1. MEMORANDUM OF UNDERSTANDING ACCEPTED between the U.S. Immigration and Customs Enforcement HSI Joint Operations Program and the Montgomery County Sheriff's Office. The additional funding is for overtime and must be used during fiscal year 2018. All benefits will be funded from Sheriff's budget 5601. The allotments are as follows: Gang Investigation (5601521) \$3,007.20 increase; Human Trafficking (TBD) \$2,000.00, and MOCONET (5601730) \$3,000.00 increase.
- J2. DONATION ACCEPTED of one Ghost Gate Opener valued at \$340.99 to the Montgomery County Sheriff's Livestock Unit from Tractor Supply Company, Magnolia, TX.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9K1-3

- K1. PRECINCT 1
 - a. ORDER APPROVED authorizing payment of Special Commissioners Award and payment of Special Commissioners Fees for Parcel 53 of the FM 1097 Project, in the amount of \$21,195.00 into the registry of the Court in which such proceeding was heard, such payment to be made for the benefit and use of the property owners named in such proceeding in eminent domain.

- b. ORDER APPROVED declaring the existence of a public necessity and authorizing the institution of eminent domain proceedings for Parcel 55 of the FM 1097 Expansion Project, owned by Butler Billboards.
- c. ORDER APPROVED declaring the existence of a public necessity and authorizing the institution of eminent domain proceedings for Parcel 82 of the FM 1097 Expansion Project, owned by Erhard Legacy Partners, LTD.

K2. PRECINCT 2

- a. ORDER APPROVED authorizing notice of Public Hearing for Revision of Plat on October 9, 2018 for partial revision to subdivision lots/plats being described as part of Reserve A, Block 1 of Granite Ridge to be known as Granite Ridge, Partial Replat No. 1.
- b. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 60 for the widening of Keenan Cutoff Expansion from Avanti 2854, LLC for the total sum of \$396,363.27 and to accept the deed executed or to be executed by the Owner.
- c. RESOLUTION AND ORDER TO PAY CLOSING COSTS APPROVED for the funding of additional closing costs for the shortage in previous funding relating to the acquisition of Parcel 34 of McCaleb Rd from SignAd, LTD.
- d. ORDER APPROVED authorizing exchange of property with Avanti 2854, LLC and appointing First Assistant County Attorney, as special commissioner to execute any and all documents related thereto on behalf of Montgomery County.
- e. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 2- Mansions Way Road Project from Richard Franco and Darlene Franco for the total sum of \$206,461.75 and to accept the deed executed or to be executed by the Owner.
- f. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 3- Mansions Way Road Project from Richard Franco and Darlene Franco for the total sum of \$273,811.75 and to accept the deed executed or to be executed by the Owner.

K3. PRECINCT 4

- a. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 4 for the widening of Old Houston Road from Keith Allen Peters, Sr. for the total sum of \$1,721.62 and to accept the deed executed or to be executed by the Owner.
- b. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 13 for the widening of Old Houston Road from Gene R. Moody for the total sum of \$41,106.36 and to accept the deed executed or to be executed by the Owner.
- c. ORDER APPROVED authorizing notice of Public Hearing for Revision of Plat on October 9, 2018 for partial revision to subdivision lots/plats being described as Lots 7 and 8, F.M. 1314 Estates to be known as FM 1314 Estates, Partial Replat No. 1.
- d. ORDER APPROVED authorizing notice of Public Hearing for Revision of Plat on October 9, 2018 for partial revision to subdivision lots/plats being

described as Lots 7 and 8, Block 7, Splendor Estates to be known as Splendor Estates, Replat No. 1.

COUNTY ATTORNEY – AGENDA ITEM 9L1

- L1. RESOLUTION AND ORDER APPROVED to approve the settlement offer of \$12,527.60 to be paid to Montgomery County by Broadspire, A Crawford Company in exchange for a full release of all property claims in connection with in the demand letter provided under claim No. A-18-0042. The County Auditor is authorized to accept checks in accordance with the settlement offer contingent upon receipt of a full release of all claims.

COUNTY CLERK – AGENDA ITEM 9M1

- M1. CORRECTION APPROVED to the July 10, 2018 Commissioners Court Minutes as follows:

DID READ:

18. AWARD APPROVED – DECEDENT TRANSPORT SERVICES – VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the award for Project #18-33 RFP – Decedent Transport Services, Storage Services and the disposition of bodies of deceased paupers to Eickenhorst Funeral Services and Darst Funeral Directors. This will allow the contract negotiation with these two firms and contracts will be brought back to court. Motion carried.

SHOULD READ:

18. CONTRACT NEGOTIATION APPROVED – DECEDENT TRANSPORT SERVICES – VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Riley, to authorize contract negotiations for Project #18-33 RFP – Decedent Transport Services, Storage Services and the disposition of bodies of deceased paupers to Eickenhorst Funeral Services and Darst Funeral Directors. This will allow the contract negotiation with these two firms and contracts will be brought back to court. Motion carried

DISTRICT CLERK – AGENDA ITEM 9N1

- N1. DEPUTATIONS APPROVED of the following District Clerk employees:
- a. Katelyn Best
 - b. Elizabeth Siller

GRANTS – AGENDA ITEM 9O1

- O1. REQUEST APPROVED to name Lieutenant Brady Fitzgerald as authorized official for the Edward Byrne Memorial Justice Assistance Grant (JAG) 2018-H3506-TX-DJ. County Judge is authorized to sign letter of authorization.

ELECTIONS – AGENDA ITEM 9P1

- P1. APPOINTMENT APPROVED of election officials for a two year term beginning September 1, 2018 or until replaced as per list on file.

Motion carried.

END OF CONSENT AGENDA

AGENDA ITEM 11D WAS MOVED UP ON THE AGENDA. SEE MOTION 6 FOR COURT ACTION.

6. FUNDING APPROVED – VETERANS MEMORIAL COMMISSION – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve a funding request in the amount of \$100,000.00 for the Montgomery County Memorial Commission and Park. Each Commissioner committed \$25,000.00 from their budget to reach the total amount of \$100,000.00. Motion carried.

AGENDA ITEMS 17B1 AND 17B2 WERE MOVED UP ON THE AGENDA. SEE MOTION 7 FOR COURT ACTION.

7. RESOLUTION AND ORDER APPROVED –INTERLOCAL AGREEMENT– COMMISSIONER PRECINCT 3

NOMINATION APPROVED – HUNTSMAN INTERNATIONAL LLC – COMMISSIONER PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the Interlocal Agreement for Approval of Enterprise Project Nomination of Huntsman International LLC between the City of Houston, Texas and Montgomery County. County Judge is authorized to execute the Agreement on behalf of Montgomery County. Resolution is also approved to nominate Huntsman International LLC to the Office of the Governor Economic Development and Tourism (OOGEDT) through the Economic Development Bank for designation as a Qualified Business and Enterprise Project under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code. Motion carried.

Shannon Sharp addressed the court concerning the designation of State Hwy 242 from Intersection of Highway 59/Interstate 69 to FM 1485 as the Sergeant Stacey Baumgartner Memorial Highway. He read a letter in support of this.

8. RESOLUTION APPROVED – SERGEANT STACEY BAUMGARTNER MEMORIAL HIGHWAY – COMMISSIONER PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Noack, to support the continuous memorial designation of Highway 242 from the intersection of Highway 59/Interstate 69 to the intersection of FM 1485 as the Sergeant Stacey Baumgartner Memorial Highway. There will some cost to the county to put up the signage, but an amount was not discussed. Motion carried.

CITIZENS – AGENDA ITEM 10

Citizens will address the court at the time the agenda item is presented.

9. ALLOCATION APPROVED – PROCEEDS FROM 2015 ROAD BOND – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Meador, to pay for projects with bond funds as the projects are let instead of dividing between Commissioners. Each Commissioner will end up with full amount allocated previously. Motion carried.

10. RESOLUTION AND ORDER APPROVED – MCAD BOARD OF DIRECTORS – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Noack, to nominate Jimmy Beathard as candidate to the Montgomery Central Appraisal District, Board of Directors. Motion carried.

11. RESOLUTION APPROVED – PROPERTY TAX RELIEF – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Noack, to call upon all Montgomery County taxing jurisdictions to take appropriate steps and to join the county's effort in providing meaningful consistent relief to the county's property taxpayers through reductions in spending, tax rate cuts, or other appropriate measures. The County also urges the Texas Legislature to enact meaningful school finance reform and ensure districts have adequate state support to enable property tax relief at the local level. Motion carried.

12. REQUEST APPROVED – NEW DEPUTY POSITIONS – SHERIFF

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve ten new deputy positions for FY2019. The \$1.3 million in total funding for salary, benefits, and operational expenses will be funded from the Sheriff's Unused Salary Expenses from FY2018. Commissioner Meador and Commissioner Clark voted "NO". Motion carried.

13. REQUEST APPROVED – FUNDING SHORTAGE – SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve using \$245,000.00 from the FY2018 Unused Salary Expenses to fund the projected shortage in the Jail Pharmacy Budget Line. Motion carried. (The Clerk did not receive a copy of the chart passed out during court.)

14. ORDER APPROVED – ELECTION DAY POLLING LOCATION – ELECTIONS

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve changing Election Day Polling Location for the November 6, 2018 for election precinct 35. Motion carried.

15. CONTRACT APPROVED – SURVEYING SERVICES – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the contract for Surveying Services for Rogers Road from business Park Drive to the Walker County line (excluding the Manner's Property) with ESOR Consulting Engineers, Inc. in the amount of \$61,891.25 for Precinct 1. Motion carried.

16. CONTRACT APPROVED – ENGINEERING AND DESIGN SERVICES – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the contract for Engineering and Design Services for the realignment of Rogers Road at Little Caney Creek Tributaries from LJA Engineering, Inc. in the amount of \$149,952.00 for Precinct 1. Motion carried.

COMMISSIONER MEADOR LEFT THE COURTROOM.

17. AWARD APPROVED – JURY SYSTEMS – DISTRICT CLERK

Motion by Commissioner Clark, seconded by Commissioner Riley, to approve the award for Project #18.67-RFP-Processing, printing, and mailing of jury systems to Variverge, LLC for District Clerk. Motion carried.

Bill O'Sullivan addressed the court concerning the ERP software. He stated the system is not what the county should be looking at. He stated the amount of the purchase should be presented to the people as well as the advantages of this particular system.

Eric Yollick also addressed the court concerning the ERP software. He stated the system will be a bigger loss to the tax payers than the 249 toll road. He stated the county needs a good accounting system, but does not need a giant ERP. He presented a golden hammer to Stephanie Davenport and Phyllis Martin.

COMMISSIONER MEADOR RETURNED TO THE COURTROOM.

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

18. AWARD APPROVED – ERP SOFTWARE – VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the award for Project #2016-0038 RFP-ERP Software and Implementation Service to Infor Public Sector, Inc. Commissioner Noack and Commissioner Clark voted “No”. Motion carried.

19. REQUEST APPROVED – CONTRACT NEGOTIATIONS – RISK MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Meador, to authorize contract negotiations with the highest evaluated respondent for Project #18-55 Third Party Claims Administration Services for the Montgomery County Medical, Cafeteria Plan, and an optional fully-insured group health plan with Boon Chapman. Motion carried.

20. INTERAGENCY COOPERATION CONTRACT APPROVED – CRIME LABORATORY SERVICES – DISTRICT ATTORNEY

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the Interagency Cooperation Contract between Montgomery County and Department of Public Safety (DPS) as per Texas Government Code Chapter 791 for Crime Laboratory Services in the amount of \$300,946.55 to be effective 10-01-2018 thru 09-30-2019 for District Attorney. Motion carried.

21. ENGINEERING SERVICES AGREEMENT APPROVED – ROAD BOND PROJECTS – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve On-Call Engineering Services for Road Bond Projects with RPS Infrastructure, Inc. for Precinct 3. Motion carried.

22. GRANT APPLICATION APPROVED – PETSMART CHARITIES – ANIMAL SHELTER

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the Spay/Neuter Petsmart Charities Grant Application for the Animal Shelter in the amount of \$72,000.00 with no match required. Aaron Johnson is authorized to submit grant application electronically on behalf of Montgomery County. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 16A1: CONSIDER THE PARTIAL REVISION OF PART OF RESERVE “A”. HILLTOP VILLAGE SUBDIVISION, TO BE KNOWN AS KIDS WORLD LEARNING CENTER.

THE PUBLIC HEARING ON AGENDA ITEM 16B1 WAS DEFERRED.

AGENDA ITEM 16B1: CONSIDER ABANDONMENT OF ALL OR A PORTION OF OLD HARDIN STORE ROAD BEGINNING AT ITS INTERSECTION WITH

HARDIN STORE ROAD AND TERMINATING AT ITS INTERSECTION WITH
RAILROAD RIGHT-OF-WAY.

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

23. FINAL PLAT APPROVED – KIDS WORLD LEARNING CENTER – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the
Final Plat of Kids World Learning Center; 2.548 acres; Jacob Eberly Survey, A-195 and
Uriah Springer Survey A-532. Motion carried.

COMMISSIONER RILEY LEFT THE COURTROOM.

24. REQUEST APPROVED – POSITION CHANGES – COMMISSIONER PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Clark, to close position
612-4030-505(Part-time Clerk) and open position 455-3972-504 (Court Clerk II), annual
salary is \$30,160 plus benefits and transfer \$2,900.00 in salary, \$221.85 in FICA, and
\$355.83 in retirement. This will be funded by associated 612 accounts. Motion carried.

25. RESOLUTION APPROVED – FUNDING COMMITMENT – PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve
Resolution in support and funding commitment for Houston-Galveston Area Council
Transportation Improvement Program submittals within Montgomery County Precinct 4.
Motion carried.

COMMISSIONER RILEY RETURNED TO THE COURTROOM.

AGENDA ITEM 19A WAS MOVED UP IN THE AGENDA. SEE MOTION #23 FOR COURT
ACTION.

26. MONTGOMERY COUNTY EMPLOYEE BENEFIT PLAN ACCEPTED – 2018 –
RISK MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Meador, to accept the 2018
Montgomery County Employee Benefit Plan Document Amendments. Motion carried.

**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.**

EXECUTIVE SESSION – AGENDA ITEM 20A: CONSIDER AND DISCUSS
PROPERTY DAMAGE DEMAND BY TRAVIS MORGAN. (SECTION
551.071)

COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT.

NO ACTION NECESSARY ON THE ITEM DISCUSSED IN EXECUTIVE SESSION.

CITIZENS – AGENDA ITEM 22

Bill O’Sullivan addressed the court concerning the Animal Shelter. He complimented
Commissioner Noack for putting up the funds for air conditioning for an Animal Control truck.

Jay Sittleburg addressed the court concerning the political environment and the passing of
Senator John McCain. He encouraged those to take a lesson from John McCain’s playbook.

Walter Boyd addressed the court on various subjects including the candidates for County Judge, various political events in the County, and commented on a presentation Sheriff Henderson had made.

Darrel Palmer addressed the court concerning the Dredging Detention & Gates Initiative. He encouraged the court to pursue projects while the Army Corp of Engineers are in the area.

MISCELLANEOUS – AGENDA ITEM 23

Commissioner Noack asked if there was any way to include language in the ERP contract that will hold the vendor accountable if the vendor goes beyond the 24-26 month implementation period.

The county attorney's office stated that they believe that has already been addressed.

27. COURT ADJOURNS

Motion by Commissioner Noack, seconded by Commissioner Clark, 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

Graig Doyal
COUNTY JUDGE

