

COMMISSIONERS' COURT DOCKET, OCTOBER 30, 2006  
SPECIAL SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 30<sup>th</sup> day of October, 2006, the Honorable Commissioners' Court of Montgomery County, Texas, was duly convened in a Special Session in the Commissioners' Courtroom of the Montgomery County Courthouse Annex, Conroe, Texas, with the following Members of the Court present:

County Judge,	Alan "Barb" Sadler
Commissioner,	Precinct #1 - Mike Meador
Commissioner,	Precinct #2 - Craig Doyal
Commissioner,	Precinct #3 - Ed Chance
Commissioner,	Precinct #4 - Ed Rinehart
Also -	Stacey Wilson, County Clerk's Office

INVOCATION GIVEN BY DAVID WALKER, COUNTY ATTORNEY

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1. COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 6A - REPRESENTATIVES FROM THE UNIVERSITY OF TEXAS MEDICAL BRANCH PRESENTED COMMISSIONERS' COURT WITH A WREATH IN HONOR OF BREAST CANCER AWARENESS MONTH

2. PROCLAMATION APPROVED - TEXAS ASSOCIATION OF HOME CARE

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to designate November, 2006 as "Home Care Month in Texas", as per Proclamation on file. Motion carried.

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

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for October 16, 2006, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8M

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

COUNTY AUDITOR - AGENDA ITEMS 8A

a. ACCOUNTS approved, as submitted by the County Auditor.

b. BUDGET AMENDMENTS approved, as presented by the County Auditor:

FY 2006

1. Animal Control - to recognize and allocate proceeds of lease with Ford Motor Credit for 9 vehicles (Motion #10/11-29-05)
2. Animal Shelter - to recognize/allocate revenue
3. Capital Project-Cert. Obligation 2006 - to recognize and allocate remaining premium on sale of Certificates of Obligation 2006

4. Commissioner, Pct. #1 - to recognize and allocate proceeds of lease with Wells Fargo for purchase of 3 vehicles (Motion #29/02-06-06)
5. Commissioner, Pct. #2 - to transfer funds for mosquito spraying
6. Commissioner, Pct. #2 - to recognize/allocate reimbursement
7. Commissioner, Pct. #3 - to transfer funds for patrol of Spring Creek Greenway for pay periods 09/08/06 and 09/22/06
8. Commissioner, Pct. #3 - to recognize/allocate reimbursements
9. Commissioner, Pct. #3 - to recognize/allocate reimbursements and vending machine commission
10. Commissioner, Pct. #3 - to recognize/allocate reimbursement
11. Constable, Pct. #1 - to adjust line items
12. Constable, Pct. #3 - to transfer funds for release 317445
13. Constable, Pct. #4 - to transfer funds for PO 27500187
14. Constable, Pct. #4 - to recognize/allocate reimbursement
15. Constable, Pct. #5 - to transfer funds for Sept. '06 D.A.R.E. fuel usage and release 317407
16. Constable, Pct. #5 - to recognize/allocate reimbursements
17. Contingency - to transfer funds to cover shortage
18. Contingency - to transfer funds to fund Sept. '06 security and to fund shortage
19. County Auditor - to adjust line items
20. Court Operations - to recognize/allocate revenue to fund shortage
21. District Attorney - to recognize/allocate juror donations
22. Elections Administrator - to transfer funds for release 317458
23. Justice of the Peace, Pct. #2 - to transfer funds to cover release 317414
24. Juvenile Probation - to transfer funds to cover utilities
25. Risk Management - to transfer funds for damage claim
26. Risk Management - to recognize/allocate reimbursements for damage claims
27. Risk Management - to transfer funds for damage claim
28. Sheriff - to adjust line items and recognize/allocate reimbursements
29. Sheriff - to transfer funds to cover benefits
30. Sheriff - to recognize/allocate reimbursement and transfer cold case overtime
31. Sheriff - to transfer funds to cover shortage and to cover PO 27500305
32. Sheriff - to transfer funds for release 317669
33. Sheriff - to recognize/allocate reimbursements
34. Sheriff - to recognize/allocate donation and transfer funds to cover shortage
35. Various - to adjust line items and to recognize/allocate revenue
36. Various - to transfer funds to cover shortages

## FY 2007

1. Airport - to recognize and allocate grant award for RAMP project - FY 2007
2. Animal Shelter - to recognize/allocate revenue
3. Emergency Management/Tech Study Grant - to allocate grant from TECQ/HGAC for technical study of debris reduction sites (accepted 09/25/06; Motion #44)
4. Commissioner, Pct. #4 - to adjust line items and recognize/allocate reimbursements
5. Contingency - to recognize/allocate revenue
6. District Clerk - to adjust line items
7. Juvenile Probation - to adjust line items and recognize/allocate donation
8. Juvenile Probation - to recognize/allocate donations
9. Sheriff - to adjust line items
10. Sheriff - to adjust line items and transfer funds to build cabinets
11. Tax Assessor/Collector - to recognize/allocate revenue

as per Budget Amendments on file.

## COUNTY TREASURER - AGENDA ITEMS 8B

- a. INVESTMENT REPORT approved, for the week of October 16 - 20, 2006, as per Report on file.

AGENDA ITEM 8B-2 - INVESTMENT REPORT FOR WEEK OF OCTOBER 23 - 27, 2006 -  
REMOVED FROM AGENDA

- b. PLEDGES AND/OR RELEASE OF COLLATERAL approved, as follows:
1. Pledge of Security - Woodforest National Bank, Cusip #31359MGJ6, par value \$5,000,000
  2. Release of Security - Woodforest National Bank, Cusip #31359MLH4, par value \$5,000,000
  3. Pledge of Security - Amegy Bank, Cusip #31282VAC9, par value \$1,035,700
  4. Pledge of Security - Amegy Bank, Cusip #312968JS0, par value \$1,650,000
- as per Report on file.
- c. CORRECTED REPORT approved, for Statement of Balances for August, 2006, as per Corrected Report on file.
- d. REPORT approved, for Statement of Balances for September, 2006, as per Report on file.
- e. REPORT approved, for Statement of Balances for October, 2005 through September, 2006, as per Report on file.
- f. QUARTERLY INVESTMENT REPORT approved, for quarter ending September 30, 2006, as per Report on file.
- g. REQUEST approved, for Robert Hirsch with Piper Jaffray & Company, to do business with Montgomery County as Broker, as recommended by Investment Committee, as per Request on file.

#### PURCHASING DEPARTMENT - AGENDA ITEMS 8C

- a. AUTHORIZATION TO ADVERTISE approved, for the following bids/proposals:
1. Concession stand for West Montgomery County Park in Precinct #1 - County Parks
  2. Heavy/light equipment rental - Various Departments
  3. RFP/Q Inmate Dental Service - Sheriff's Office
  4. Vehicle loaner/motorist assistance program - Various Departments
- b. RENEWAL CONTRACTS approved, as follows:
1. GTM Services, Inc. - PO #2006111 - for services for pumping out sewer and kitchen grease tanks - Sheriff's Department/Jail
  2. Omnibase Services, Inc. - PO #2004168 - for interlocal agreement for partnership to assist with the implementation of the FTA Program - Collections Department
  3. Texas Department of Public Safety - PO #2004167 - for interlocal agreement to implement the provisions of Texas Transportation Code Chapter 706 - Collections Department
  4. Southeast Texas Forensic Center, Inc. - PO #2004190 & #2004190X - for forensic services - Various Justice of the Peace
  5. Miller Uniforms & Emblems, Inc. - PO #2003320 - for purchase of new uniforms - Sheriff's Department
  6. Dealers Electrical Supply, Co. - PO #2006214 - for electrical items/ miscellaneous supplies/picked up & delivered - Various Departments
  7. Waste Management - PO #2006170 - for containerized commercial solid waste disposal service - Various Departments - 7% increase on all items on current contract
  8. Hardco Pest Control - PO #2005128 - for pest control service - Various Departments
  9. Hughes Supply Company - PO #2006213 - for plumbing items/ miscellaneous supplies/delivery only - Various Departments
  10. Moore Supply Company - PO #2006212 - for plumbing items/ miscellaneous supplies/picked-up only - Various Departments
  11. Hamilton/Lummus, LTD. - PO #2006088 - for miscellaneous maintenance and new construction - Various Departments

12. Diamond Commercial Construction, Inc. - PO #2006089 - for miscellaneous maintenance and new construction - Various Departments
13. Fairweather Group, L.L.C. - PO #2006090 - for miscellaneous maintenance and new construction - Various Departments
14. Dr. Gayle Fletcher, DDS, PA - PO #2005030 - for inmate dental service - Jail - month to month
15. Waste Management - PO #2005160 & #2005160X - for collection & disposal of recyclable materials and products - Precinct #4 - changes noted in file

as per Memo on file.

- c. REQUEST approved, that "Labor to remove limbs from right of ways/county roads in Montgomery County - Various Departments" be renamed "Labor for tree and tree limb removal service from R-O-W/County roads in Montgomery County - Various Precincts". (No paperwork)
- d. REQUEST approved, that "Processing, printing & mailing of jury summons - District Clerk" be renamed "RFP/Q Processing, printing & mailing of jury summons - District Clerk". (No paperwork)
- e. CHECK accepted, from Mardi Gras Amusement, in the amount of \$29,200.00, for the purchase of eight-liner machines, as per Memo on file. (No check submitted to the County Clerk's Office)
- f. CHANGE ORDER #5 approved, PO #2006243, to Unifirst Corp., to reflect changes to the contract for uniform rental and services, as per Change Order on file.
- g. CHANGE ORDER #1 approved, PO #2007043, to Terracon Consultants, Inc., to reflect that environmental services for 1.8 acre Tri County Mental Health Crisis Stabilization Unit should be for CDBG/Precinct #1 instead of CDBG/Precinct #2, as per Change Order on file.
- h. CHANGE ORDER #4 approved, PO #2004441, to Choices Adolescent Treatment Center, to reflect changes to the contract for residential placement/Juvenile Services, as per Change Order on file.
- i. CHANGE ORDER #3 approved, PO #2005121, to Phoenix Houses of Texas, Inc., to reflect changes to the contract for residential placement/Juvenile Services, as per Change Order on file.
- j. CHANGE ORDER #2 approved, PO #2006055, to Montgomery County Youth Services, to reflect changes to the contract for residential placement/ Juvenile Services, as per Change Order on file.
- k. CHANGE ORDER #1 approved, PO #2006584, to Webster Veterinary Supply, Inc., to reflect changes to the contract for veterinary supplies, as per Change Order on file.
- l. CHANGE ORDER #1 approved, PO #2006604, to Strouhal Tire Recapping Plant, Inc., to reflect changes to the contract for tires and tubes/delivered and picked-up, as per Change Order on file.
- m. CHANGE ORDER #2 approved, PO #2006611, to WaveMedia, Inc., to reflect changes to the contract for sole source - dark fiber and gigabit ethernet maintenance, as per Change Order on file.
- n. SOLE SOURCE CONTINUATION approved, for the purchase of eSlate voting equipment/parts/supplies for Elections, purchased from Hart Intercivic, as per Request on file.
- o. PERFORMANCE AND PAYMENT BONDS approved, from Timberline Flooring, for carpet tiles/cove base (deliver and install) at the Malcolm Purvis Library, each in the amount of \$40,784.00, as per Bonds on file.

- p. CHANGE ORDER #2 approved, PO #2006086, to Property Acquisition Services, Inc., to read "Right-of-way acquisition services for the widening of FM 1314 - Precinct #4 (Montgomery County Transportation Program)", as per Change Order on file.
- q. CHANGE ORDER #2 approved, PO #2006320, to Property Acquisition Services, Inc., to read "Driveway Permitting Assistance for Loop 494 to Kidd Cemetery Road - Precinct #4 (Montgomery County Transportation Program)", as per Change Order on file.

#### BUDGET DEPARTMENT - AGENDA ITEM 8D

- a. RECEIPT acknowledged, of the "Montgomery County Expenditure Status Summary" and the "Montgomery County Expenditure Status Summary - Sheriff", as of October 25, 2006, as per Report on file.

#### RISK MANAGEMENT - AGENDA ITEMS 8E

- a. PAYMENT acknowledged, to Munday Collision Center, in the amount of \$134.34, referencing Claim A-06-0080; date of incident 07/19/06.
- b. PAYMENT acknowledged, to CRM City Fellowship Church, in the amount of \$1,875.00, referencing Claim B-06-0099; date of incident 07/28/06.
- c. REVISIONS approved, to the Montgomery County Employee Benefit Plan, effective January 1, 2007, as per Plan on file.
- d. REQUEST approved, for the addition of an Employee Assistant Program (E.A.P) for the employees and retirees of Montgomery County, as recommended by the Purchasing Agent.
- e. REQUEST approved, to raise the Medical Reimbursement Plan (M.R.P) limit of \$2,500.00 to \$4,500.00 for an annual maximum election.
- f. REQUEST approved, for participation in the County Choice Silver 2007 Retiree Medical Program sponsored by Texas Association of Counties, for eligible retirees age 65 and over.
- g. REQUEST approved, for the County Choice Silver Retiree Medical Plan/ High Plan Option with no Rx benefits, underwritten by Aetna Life Insurance Company.
- h. REQUEST approved, for mandatory participation in the County Choice Silver Retiree Medical Program for all eligible retirees and dependents of those retirees age 65 and over and who are currently covered under the Montgomery County Employee Benefit Plan.
- i. AUTHORIZATION approved, for the Assistant Director of Risk Management to sign all necessary documents on behalf of Montgomery County to allow participation in the County Choice Silver Retiree Medical Plan.

As per Memo on file for items a, b & d - i.

#### COMMISSIONER, PRECINCT #4 - AGENDA ITEM 8F

- a. PETITIONS approved, for acceptance of Squire Road, from Sherwood Drive (S) to Sherwood Drive (N), into the Montgomery County Road Maintenance System, as per Petitions on file.

#### COMMISSIONERS - COUNTY ATTORNEY - ROAD AND BRIDGES

#### COMMISSIONER, PRECINCT #1 - AGENDA ITEM 8G-1

- a. ORDER approved, to authorize the purchase of right of way known as Parcel NW-3, in the amount of \$10,500.00 from Norman and Jennifer Stewart, for the Lone Star Parkway Project, as per Order on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEM 8G-2

- a. ORDER approved, to acknowledge receipt of replacement Maintenance Bond with Surety for the account of Lakes of Magnolia, as per Order on file.
- b. ORDER approved, allowing partial lot conveyance without a replat for Lot 131 of Woodlane Forest Subdivision, Section 2, as per Order on file.

COMMISSIONER, PRECINCT #3 - AGENDA ITEM 8G-3

- a. PUBLIC HEARING DATE set, for December 4, 2006, to consider the partial replat of Reserve "C" and the replat of Reserve "D" of Park at Research Forest, to be known as Turing in Research Forest, as per Notice on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEM 8G-4

- a. ORDER approved, allowing partial lot conveyance without a replat for Lot 1 of Pickering Road Acres, as per Order on file.
- b. ORDER approved, to acknowledge receipt of Check No. 0095664177, in the amount of \$1.00 from Kevin Johnson, for lease of part of Lot 6 and all of Lots 7 and 8 in Caney Lake Park Extension 3, as per Order on file. (Check forwarded to County Treasurer for further processing)

COMMISSIONERS - COUNTY ENGINEER

COMMISSIONER, PRECINCT #2 - AGENDA ITEM 8H-1

- a. FINAL PLAT approved, for The Woodlands - College Park, Section 16, consisting of 2 lots, as per Plat on file.
- b. ROADS acknowledged, in Grand Lake Estates, Section 4, which have been built to Montgomery County standards and have completed the one year maintenance period. Also, to release the Bond, as per Request on file. (Roads are private and will not be maintained by Montgomery County)

COMMISSIONER, PRECINCT #4 - AGENDA ITEM 8H-2

- a. FINAL PLAT approved, for Chanay Lane Street Dedication, as per Plat on file.
- b. FINAL PLAT approved, for Montgomery Creek Ranch, Section 2, consisting of 99 lots, as per Plat on file.
- c. PUBLIC HEARING DATE set, for November 13, 2006, to consider placing a Stop sign at North Fork and North Country Drive in the North Country Subdivision, as per Request on file.

PARKS DEPARTMENT - AGENDA ITEM 8I

- a. USE AGREEMENTS approved, as follows:
  - 1. Yahweh Street Ministries - Court House Plaza
  - 2. Yahweh Street Ministries - Court House Plaza
  - 3. Lay Apostolate Ministry - Commissioners' Court Building Lobby
  - 4. West Montgomery Girls Softball - Magnolia Softball Fields
  - 5. The Texas Blaze - Magnolia Softball Fields

as per Agreements on file.

SHERIFF'S DEPARTMENT - AGENDA ITEM 8J

- a. TRANSFER approved, of \$780.54 from 5601-5000-6 to 5601-5005-3, as per Memo on file.

## VETERANS SERVICE OFFICE - AGENDA ITEM 8K

- a. APPOINTMENT approved, of Karen Thompson to Assistant Veterans County Service Officer, to be effective November 1, 2006, as per Request on file.

## CONSTABLE, PRECINCT #3 - AGENDA ITEMS 8L

- a. TRANSFER approved, of \$4,995.00 from Contingency to Position 5531-7815-1, to bring position up to 90% of midpoint. (No paperwork)
- b. CERTIFICATION PAY approved, for Position 5531-5910-07. (No paperwork)

## CONSTABLE, PRECINCT #2 - AGENDA ITEM 8M

- a. DONATION accepted, from P.L.E.A.S.E., in the amount of \$1,399.00, to be added to Constable, Pct. #2 (5521) budget line item 73573, as per Request on file.

Motion carried.

END OF CONSENT AGENDA

## 5. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Variance to install an aerobic septic system in the flood plain for Eddings Signature Homes at 27306 East Benders Landing, Spring, 77386, as per Variance on file. Motion carried.

## 6. VARIANCE APPROVED - AEROBIC SEPTIC SYSTEM - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the Variance to install an aerobic septic system in the flood plain for Luis Mata at 18813 Deer Glen, Conroe, 77302, as per Variance on file. Motion carried.

## 7. REQUEST APPROVED - EQUALIZE SALARIES - JUSTICE OF THE PEACE, PCT. #3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following adjustments to equalize salaries for clerks in the same grade level:

- a. Move \$429.73 from position 457-3972-3 to position 457-3972-1
- b. Move \$429.73 from position 457-3972-3 to position 457-3972-5

as per Request on file. Motion carried.

## 8. REQUEST APPROVED - LIBRARY CLOSING - LIBRARY DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve closing the Malcolm Purvis Library from November 13 through November 18, 2006, for carpet installation, as per Request on file. Motion carried.

## 9. FUNDING APPROVED - PROFESSIONAL RELOCATION SERVICES - LIBRARY DEPARTMENT

Motion by Judge Sadler, seconded by Commissioner Meador, to approve funding for professional relocation services to move the existing collection and some furnishings from the R.B. Tullis Branch Library, in the amount of \$7,840.00, as per Request on file. Motion carried.

## 10. REQUEST APPROVED - LIBRARY CLOSING - LIBRARY DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve closing the existing R.B. Tullis Branch Library for the amount of time needed to move and prepare for the opening of the new R.B. Tullis Branch Library, as per Request on file. Motion carried.

## 11. GRANT ACCEPTED - CDBG DISASTER RECOVERY GRANT - CDBG

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept the CDBG Disaster Recovery Grant from the Community Development Block Grant State Program, Office of Rural Community Affairs. Also, to authorize the County Judge to sign the Grant Contract and related documents, as per Grant on file. Motion carried.

## 12. GRANT ACCEPTED - 2006 COMMUNITY DEVELOPMENT BLOCK GRANT - CDBG

Motion by Commissioner Doyal, seconded by Commissioner Meador, to accept the 2006 Community Development Block Grant from the U.S. Department of Housing and Urban Development. Also, to authorize the County Judge to sign the Funding Approval/Agreement Contract and related documents, as per Agreement on file. Motion carried.

## 13. GRANT ACCEPTED - 2006 HOME INVESTMENT PARTNERSHIP GRANT - CDBG

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept the 2006 Home Investment Partnership Grant from the U.S. Department of Housing and Urban Development. Also, to authorize the County Judge to sign the Fund Approval/Agreement Contract and related documents, as per Agreement on file. Motion carried.

## 14. SOCIAL SERVICE CONTRACTS APPROVED - SUB-RECIPIENTS OF CDBG FUNDS - CDBG

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the following Social Service Contracts, for sub-recipients of CDBG Funds for 2006:

- a. Society of Samaritans
- b. Montgomery County Women's Center
- c. Montgomery County Food Bank
- d. Montgomery County Youth Services
- e. South County Community Clinic, Inc.

as per Contracts on file. Motion carried.

## 15. SCHEDULE OF EVENTS APPROVED - ISSUANCE OF REFUNDING BONDS - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve adopting the tentative Schedule of Events in connection with the issuance of refunding bonds, as per Schedule on file. Also, to authorize moving ahead with negotiating the contract with professionals that will be assisting the County with the bonds, with the addition of Regions Bank, for paying agent services. Motion carried.

## 16. GRANT ACCEPTED - TEXAS TRAFFIC SAFETY PROGRAM - SHERIFF'S DEPARTMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept the Texas Traffic Safety Program, Step-Impaired Driving Mobilization Grant, to be effective December 13, 2006 through September 30, 2007, as per Grant on file. Motion carried.

## AGENDA ITEMS 15A - 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15 &amp; 16 - RECOMMENDATIONS AND CONTRACTS - DEFERRED

## 17. PROPOSAL APPROVED - EMPLOYEE ASSISTANCE PROGRAM - RISK MANAGEMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Proposal, (opened September 25, 2006), for an Employee Assistance Program, to Deer Oaks EAP Services, as per Proposal on file. Motion carried. (Contract to follow at a later date)

## 18. CHECK ACCEPTED - SALE OF USED ANIMAL CONTROL TRUCKS - ANIMAL CONTROL

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept Check #8781 in the amount of \$30,912.92, from Rene Bates Auctioneers, Inc., for the sale of used animal control trucks (to be deposited into Contingency), as per Request on file. Motion carried. (No check submitted to the County Clerk's office)



19. RECOMMENDATION AND CONTRACT APPROVED - CONCESSION STAND - COUNTY PARKS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened October 17, 2006), for a concession stand at the Charles Traylor Memorial Park in Precinct #1, to Ballard Construction Company, in the amount of \$225,623.00, as per Contract on file. Motion carried.

20. MODIFICATION TO CONTRACT APPROVED - CONCESSION STAND - COUNTY PARKS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Modification After Award to the Contract for a concession stand at the Charles Traylor Memorial Park, to reduce the completion time from 180 calendar days to 90 calendar days, as per Memo on file. Motion carried.

21. RECOMMENDATION AND CONTRACT APPROVED - CONSTRUCTION OF LONE STAR PARKWAY - PCT. #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to award the bid, (opened October 19, 2006), for construction of the Lone Star Parkway to Kingsley Constructors, Inc., in the amount of \$2,909,663.25, as per Contract on file. Motion carried.

22. MODIFICATION TO CONTRACT APPROVED - CONSTRUCTION OF LONE STAR PARKWAY - PCT. #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a Modification After Award to the Contract for construction of the Lone Star Parkway, for the addition of an item and the increase and decrease of some quantities listed in original bid, which increases the contract total by \$21,477.50, as per Memo on file. Motion carried.

23. RECOMMENDATION AND CONTRACT APPROVED - OLD SORTERS ROAD EXTENSION CONSTRUCTION - PCT. #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to award the bid, (opened October 25, 2006), for Old Sorters Road Extension construction, to Rebel Contractors, Inc., in the amount of \$1,041,222.00, as per Contract on file. Motion carried.

24. CHANGE ORDER #1 APPROVED - TRAFFIC SIGNAL INSTALLATION FLINTRIDGE DR./CARLTON WOODS DR. - PCT. #3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Change Order #1, PO #2006341, to Third Coast Services, Inc., to install an additional sidewalk at Woodlands Parkway and Forest Gate and at Woodlands Parkway and Carlton Woods, as well as an additional 100 feet of 2" SCD80 PVC Bore, for a price increase of \$4,800.00, as per Change Order on file. Motion carried.

25. PURCHASES APPROVED - TRACTORS AND MOWERS - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Purchase of two (2) new Holland Cab Tractors at \$42,524.22 each and two (2) Alamo Hydraulic Boom Mowers at \$50,456.92 each, from Lansdowne-Moody Company, L.P., with a \$1,513.71 H-GAC fee, for a total of \$102,427.55. Purchases to be made through existing H-GAC contract, with financing to follow at a later date, as per Request on file. Motion carried.

26. INTERLOCAL AGREEMENT APPROVED - CITY OF MAGNOLIA - PURCHASING DEPARTMENT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Interlocal Agreement between Montgomery County and the City of Magnolia, for use of the countywide Debris Management Plan for preparedness in dealing with removal of disaster-generated debris from public property and public right-of-ways, as per Agreement on file. Motion carried.

## 27. CHANGE ORDER #1 APPROVED - ENGINEERING SERVICES - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Change Order #1, PO #2006175, to Turner, Collie & Braden, Inc., to include a revised scope of work and fee schedule for engineering services for Fish Creek Thoroughfare improvements, for a price decrease of \$361,443.75, as per Change Order on file. Motion carried.

## 28. CHANGE ORDER #1 APPROVED - ARCHITECTURAL PLANNING AND DESIGN SERVICES - COUNTY PARKS

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Change Order #1, PO #2006552, to Di Stefano/Santopetro Architects, Inc., to include ADA plan reviews in the architectural planning and design services for two (2) steel framed concession stands in county parks in Willis and Montgomery, for a price increase of \$850.00, as per Change Order on file. Motion carried.

## 29. CHANGE ORDER #1 APPROVED - CONCRETE ROAD REPAIR - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Change Order #1, PO #2006567, to JM Sales & Service for nine (9) drain inlet repairs and one (1) manhole repair/adjustment, for a price increase of \$3,800.00, as per Change Order on file. Motion carried.

## 30. CHANGE ORDER #1 APPROVED - DRIVEWAY PERMITTING ASSISTANCE - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Change Order #1, PO #2006320, to Property Acquisition Services, Inc., to include acquiring up to thirty (30) construction sewer easements and obtaining current title information for driveway permitting assistance for Loop 494 to Kidd Cemetery Road (Montgomery County Transportation Program), for a price increase of \$48,500.00, as per Change Order on file. Motion carried.

## 31. AGREEMENT APPROVED - RIGHT OF WAY PROCUREMENT - PRECINCT #2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the modified FM 1488 Right of Way Procurement Agreement with TXDOT, from west of FM 149 to east of FM 149, as per Agreement on file. Motion carried.

## 32. CHANGE ORDER #1 APPROVED - RIGHT OF WAY ACQUISITION SERVICES - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Change Order #1, PO #2006086, to Property Acquisition Services, Inc., to include acquiring and relocating parcels and providing condemnation support, driveway permitting and property management for right of way acquisition services for the widening of FM 1314 (Montgomery County Transportation Program), for a fee of \$229,000.00, as per Change Order on file. Motion carried.

## 33. INTERLOCAL AGREEMENT APPROVED - TARRANT COUNTY - PURCHASING DEPARTMENT

Motion by Commissioner Chance seconded by Commissioner Doyal, to approve the Interlocal Agreement between Montgomery County and Tarrant County for membership in the Tarrant County Cooperative Purchasing Association, as per Agreement on file. Motion carried.

## 34. RATE SCHEDULE APPROVED - ON-CALL ENGINEERING AND PROFESSIONAL SERVICES - PRECINCT #1

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the proposed billing rate schedule from Carter & Burgess, Inc., for on-call engineering and professional services to be used on an as needed basis, as per Schedule on file. Motion carried.

35. CHANGE ORDER #1 APPROVED - OLD SORTERS ROAD CONSTRUCTION - PRECINCT #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Change Order #1 to Rebel Contractors, Inc., for the Old Sorters Road Construction Project, for an additional \$65,780.00 to cover the over run of dirt by 6,578 c.y. per cross section measure, as per Request on file. Motion carried. (Paperwork to follow at a later date)

36. TAX ABATEMENT AGREEMENT APPROVED - AIB SPRING I, LLC - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Tax Abatement Agreement between Montgomery County and AIB Spring I, LLC, for the granting of a tax abatement pertaining to use of property in Precinct #3, as per Agreement on file. Motion carried.

37. ORDER APPROVED - WASTE MANAGEMENT, INC. PROJECT - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Order with respect to the Waste Management, Inc. Project, for County approval of the local portion of the water and waste water utility project, to be financed with Industrial Revenue Bonds following a public hearing. Also, to authorize the County Judge to execute same, as per Order on file. Motion carried.

38. INTERLOCAL AGREEMENT - EMERGENCY COMMUNICATION DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Interlocal Agreement between Montgomery County and the Montgomery County Emergency Communication District, for the sharing of costs related to the District's Communication Centers, as per Interlocal Agreement on file. Motion carried.

39. INTERLOCAL AGREEMENT - EMERGENCY COMMUNICATION DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the Interlocal Agreement between Montgomery County and the Montgomery County Emergency Communication District, for call-talking/dispatch services, as per Interlocal Agreement on file. Motion carried.

PUBLIC HEARING - AGENDA ITEM 18A - PARTIAL REPLAT OF GLENEAGLES, SECTION 1 AND 2, TO BE KNOWN AS JACK IN THE BOX

Steve Stepro, a resident of South Gleneagles, addressed the Court with his objections to the above property being re-platted as a business.

Commissioner Rinehart and Commissioner Chance responded that because the property was not restricted, they could not deny the replat.

40. PARTIAL REPLAT APPROVED - GLENEAGLES SECTIONS 1 & 2 - COMMISSIONER, PCT. #4

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Partial Replat of Gleneagles, Sections 1 & 2, to be known as Jack in the Box No. 4713. Motion carried. (No paperwork)

41. GRANT APPLICATION APPROVED - "AUNTIE LITTER" - COMMISSIONER, PCT. #1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Grant Application to H-GAC for FY07 Supplemental Solid Waste Grant/"Auntie Litter" Education Program, as per Grant Application on file. Motion carried.

AGENDA ITEM 19B-1 - CHANGE ORDER #1 FOR OLD SORTERS ROAD CONSTRUCTION PROJECT - MOVED TO PURCHASING - SEE MOTION #35 FOR COURT ACTION

42. REQUEST APPROVED - RESERVATION OF MUNICIPAL UTILITY DISTRICT - COMMISSIONER, PCT. #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the reservation of the name "South Montgomery County Municipal Utility District No. 1" to Allen Boone Humphries Robinson LLP, for a new municipal utility district in Montgomery County, as per Request on file. Motion carried.

AGENDA ITEM 21A - THERE WERE NO CITIZENS PRESENT TO ADDRESS TODAY'S COURT SESSION

43. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

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

request of 359<sup>th</sup> District Court to correct the payroll change request for Yvonne Bailes, Briefing Attorney, to reflect 24.68 vacation hours due

request of Airport Director to increase the salary of Larry Hooker, P/T Unicom Operator, effective September 23, 2006

request of Airport Director to increase the salary of Charles Proctor, P/T Unicom Operator, effective September 23, 2006

request of Airport Director to increase the salary of Joseph Stolte, P/T Unicom Operator, effective September 23, 2006

request of Airport Director to increase the salary of Carl Swenson, P/T Unicom Operator, effective September 23, 2006

request of Airport Director to increase the salary of Ernest Vicchio, P/T Unicom Operator, effective September 23, 2006

request of Animal Control to accept the resignation of Kelli Copeland, Deputy Director, effective October 13, 2006, with 231.3196 vacation hours and 16 holiday hours due

request of Building Maintenance to accept the retirement of Linda Cheshire, Administrative Assistant I, effective October 31, 2006, with 160.74 vacation hours, 3.70 sick hours (grandfathered) and 35.615 comp hours due

request of Building Maintenance to promote Peggy Klink from Clerk IV to Administrative Assistant I, (replacement for Linda Cheshire), effective November 4, 2006

request of Collections to discharge Erika Herrera Castillo, Collection Specialist, effective October 19, 2006

request of Commissioner, Pct. #3 to discharge Steven Hodel, Mosquito Driver, effective October 13, 2006

request of Commissioner, Pct. #4 to increase the salary of Michael Weems, Operator I, effective September 23, 2006, due to merit increase

request of Constable, Pct. #2 to accept the resignation of Christy Williams, Clerk III, effective November 3, 2006, with 88.57 vacation hours and 1.76 comp hours due

request of Constable, Pct. #3 to correct the payroll change request for Katie Allison, Deputy, to remove additional certification pay, effective October 1, 2006

request of Constable, Pct. #3 to correct the payroll change request for Brant Finley, Deputy, to remove certification pay, effective October 1, 2006

request of Constable, Pct. #3 to correct the payroll change request for Charles Lowrie, Captain, effective September 23, 2006

request of Constable, Pct. #3 to correct the payroll change request for Rick McDougald, Deputy, to add certification pay, effective September 11, 2006

request of Constable, Pct. #4 to correct the payroll change request for Ricky Warwick, Sergeant, effective October 14, 2006

request of Custodial Director to place Karla Davis, Custodian P/T, on payroll, (replacement for Yolanda Gomez), effective November 6, 2006

request of Custodial Director to accept the resignation of Yolanda Gomez, Custodian P/T, effective October 18, 2006

request of County Clerk to bridge the time of Sandra Bonds, Clerk II, effective November 4, 2006

request of County Clerk to accept the resignation of Theresa Parrish, Clerk II, effective October 13, 2006, with 3.08 vacation hours due

request of District Attorney to place Breanna Frost, Clerk II, on payroll, (replacement for Lindsey Smith), effective October 30, 2006

request of District Attorney to accept the resignation of Lindsey Smith, Clerk II, effective October 27, 2006, with 94.11 vacation hours and 2.50 comp hours due

request of District Attorney to change the status of Lauren Townsend, Court Clerk IV, from 40-hour to 30-hour week, effective October 23, 2006

request of District Clerk to discharge Latricia Lewis, P/T Clerk, effective October 13, 2006

request of District Clerk to accept the resignation of Monica Vian, P/T Clerk, effective September 28, 2006

request of Environmental Health Director to correct the payroll change request for Philip Moore, Associate Director of Solid Waste & Nuisance Abatement, to reflect Grade 13, as re-evaluated by HR

request of Extension Agent to accept the resignation of Connie Hibner, 4-H Program Assistant, effective October 13, 2006

request of Justice of the Peace, Pct. #1 to bridge the time of Brandie Lopez, Administrative Assistant I, effective October 20, 2006

request of Justice of the Peace, Pct. #3 to increase the salary of Shauntae Burcl, Court Clerk II, effective November 4, 2006, due to merit increase

request of Justice of the Peace, Pct. #3 to increase the salary of Margarita Villarreal, Court Clerk II, effective November 4, 2006, due to merit increase

request of Juvenile Probation Director to accept the resignation of Michael Brocato, Juvenile Probation Officer, effective October 19, 2006, with 227.235 vacation hours and .50 comp hours due

request of Juvenile Probation Director to accept the resignation of Pamela Glauser, Clerk II, effective November 2, 2006, with 31.44 vacation hours due

request of Juvenile Probation Director to discharge Staci Lewis, Substitute Detention Officer, effective October 21, 2006

request of Juvenile Probation Director to change the department of Debora McFall from #5711824 to #571164, effective October 21, 2006

request of Juvenile Probation Director to discharge Mandolyn Pete, Substitute Detention Officer, effective October 21, 2006

request of Juvenile Probation Director to accept the resignation of Verna Singleton, Officer-Advisor, effective October 24, 2006, with 26.91 vacation hours and 4.50 comp hours due

request of Juvenile Probation Director to change the department of Heather Sutton from #5711 to 5711824, effective October 21, 2006

request of Library Director to promote Adrian Chaney, Library Assistant II, (replacement for Timothy Smith), effective November 6, 2006

request of Library Director to accept the resignation of Maureen Flower, Library Assistant IV, effective January 31, 2007, with 144.77 vacation hours due

request of Library Director to place Nadine Goudy, Library Assistant II, on payroll, effective November 6, 2006

request of Library Director to place Alicia Johnson, Library Assistant II, on payroll, effective October 30, 2006

request of Purchasing Agent to promote Kristina Colville from Buyer I to Buyer III, (replacement for Kelly Vidal), effective October 16, 2006

request of Sheriff's Department to place Aubrey Allen, Officer-Civilian Detention, on payroll, (replacement for John Lumpkin), effective October 28, 2006

request of Sheriff's Department to place John Berg, Deputy-Patrol District III, on payroll, effective October 28, 2006

request of Sheriff's Department to accept the resignation of Kimberly Brown, Coordinator-Shift/Dispatch, effective October 27, 2006, with 50.3 vacation hours, 218.01 comp hours and 2.25 holiday hours due

request of Sheriff's Department to place Donald Fiaschetti, Officer-Civilian Detention, on payroll, (replacement for Jason Dujardin), effective October 28, 2006

request of Sheriff's Department to place James Ford, Officer-Civilian Detention, on payroll, (replacement for Bartley Hayden), effective November 18, 2006

request of Sheriff's Department to place Ryan Garman, Officer-Civilian Detention, on payroll, (replacement for Connie Hibner), effective October 28, 2006

request of Sheriff's Department to place Robert Gray, Officer-Civilian Detention, on payroll, (replacement for Christine Johnson), effective October 28, 2006

request of Sheriff's Department to place Michael Jackson, Deputy-Patrol, on payroll, effective October 28, 2006

request of Sheriff's Department to promote Stephen Johnson from Deputy-Detention to Corporal-Detention, effective October 21, 2006

request of Sheriff's Department to promote James Lollar from Officer-Civilian Detention to Deputy-Patrol District I, effective November 4, 2006

request of Sheriff's Department to promote Henry Lowe from Officer-Civilian Detention to Deputy-Patrol District V, effective November 4, 2006

request of Sheriff's Department to place Audrey Mellon, Officer-Civilian Detention, on payroll, (replacement for Audrey Terrell), effective October 28, 2006

request of Sheriff's Department to promote Joshua Parker from Dispatcher to Deputy-Patrol District III, (replacement for George Salazar), effective October 28, 2006

request of Sheriff's Department to transfer Casey Parks from Deputy-Patrol Town Center to Deputy-Woodlands, (replacement for Christopher Tate), effective October 28, 2006

request of Sheriff's Department to promote Bradley Phelan from Officer-Civilian Detention to Deputy-Patrol District III, effective November 4, 2006

request of Sheriff's Department to transfer Mandy Pieper from Detective to Detective-SIU, (replacement for David Womack), effective October 14, 2006

request of Sheriff's Department to place Joshua Reed, Officer-Civilian Detention, on payroll, (replacement for Kenneth Wakefield), effective October 28, 2006

request of Sheriff's Department to place Fadi Rizk, Deputy-Patrol District IV, on payroll, effective October 21, 2006

request of Sheriff's Department to place Herman Suarez, Deputy-Patrol District IV, on payroll, (replacement for Mark Hendon), effective October 28, 2006

request of Sheriff's Department to promote Steven Swilling from Deputy-Patrol District III to Corporal-Patrol District V, (replacement for Eric Hoffman), effective October 21, 2006

request of Sheriff's Department to transfer David Wallace from Deputy-Patrol District I to Deputy-Woodlands, (replacement for Christopher Holcomb), effective October 28, 2006

request of Tax Assessor/Collector to increase the salary of Jessica Ellis, Deputy Specialist I, effective November 4, 2006, due to probation period completed

request of Tax Assessor/Collector to increase the salary of Sonja Hennigan, Deputy Specialist II, effective November 4, 2006, due to probation period completed

request of Tax Assessor/Collector to promote Karen Kelly from Deputy Specialist I to Deputy Specialist II, effective November 4, 2006

request of Tax Assessor/Collector to promote Eileen Mast from Deputy Specialist I to Deputy Specialist II, effective November 4, 2006

request of Tax Assessor/Collector to increase the salary of Carrie Rogers, Deputy Specialist I, effective November 4, 2006, due to probation period completed

request of Tax Assessor/Collector to promote Misty Stansel, Deputy Specialist IV/Relief Manager, effective November 4, 2006

request of Tax Assessor/Collector to promote Susan Whiddon from Deputy Specialist III to Deputy Specialist IV, effective November 4, 2006

as per Payroll Change Requests on file. Motion carried.

44. COURT ADJOURNED

Motion by Commissioner Chance, seconded by Judge Sadler, that this Session of Court be adjourned. Motion carried.

The above and foregoing Minutes were read and approved by the Court.

ATTEST:

Mark Turnbull, County Clerk  
Ex-Officio Clerk - Commissioners' Court  
Montgomery County, Texas

BY: \_\_\_\_\_  
COUNTY CLERK

\_\_\_\_\_  
COUNTY JUDGE