

COMMISSIONERS' COURT DOCKET FEBRUARY 22, 2010  
SPECIAL SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 22<sup>nd</sup> day of February, 2010, 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 -	Aimie Kemp, County Clerk's Office

INVOCATION GIVEN BY CRAIG DOYAL COMMISSIONER PRECINCT 2

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

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

1. COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 7A - LITERACY DAY PROCLAMATION/RESOLUTION - REMOVED FROM AGENDA.

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

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners' Court Minutes for February 8, 2010, as presented by the County Clerk. Motion carried.

3. CONSENT AGENDA APPROVED - AGENDA ITEMS 9A THRU 9O

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

COUNTY AUDITOR - AGENDA ITEMS 9A

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

b. BUDGET AMENDMENTS FY2009 approved, as follows:

1. Commissioner Pct 2 - Suspense - to recognize & allocate pass-through revenue for Commissioner Pct 2 - Stone Ranch Development.

as per Budget Amendments on file.

c. BUDGET AMENDMENTS FY2010 approved, as follows:

1. 435<sup>th</sup> District Court - to adjust line items.
2. Animal Shelter - to recognize and allocate revenue.
3. Building Maintenance - to fund new Maint. Tech III position (M12/01.25.10).
4. Building Maintenance - to adjust line items.
5. CDBG-Disaster Recovery GR - to adjust line items.
6. CDBG/\$1.826 Mil - Year 12 - to adjust line items (Oct 09-Jan 10).
7. Commissioner Pct 2 - to adjust line items.
8. Commissioner Pct 2 - to adjust line items.
9. Commissioner Pct 3 - to recognize and allocate reimbursement.
10. Commissioner Pct 3 - to adjust line items.
11. Commissioner Pct 4 - to recognize and allocate reimbursements.
12. Commissioner Pct 4 - to adjust line items.
13. Constable Pct 1 - to recognize and allocate reimbursements.
14. Constable Pct 4 - to recognize and allocate proceeds from online survey.
15. County Clerk - to recognize and allocate revenue.
16. County Treasurer - to transfer funds for release 381825.
17. Drug Court - to recognize and allocate revenue for January 2010 (MRT Books).
18. Fire Marshal - to transfer funds for VPN token.
19. LIRAP - Local Initiat Grant - to recognize and allocate FY10 Grant Agreement with TCEQ for LIRAP Local Initiative Project (M28/02.08.10).
20. Purchasing Agent - to transfer funds for VPN token.
21. Risk Management - to recognize and allocate restitution.
22. Risk Management - to transfer funds for damage claims.
23. Sheriff - to adjust line items.
24. Sheriff - to recognize and allocate reimbursement.
25. Sheriff - to fund Spring Creek Greenway Patrol for PR 01/29/10.

as per Budget Amendments on file.

TREASURER - AGENDA ITEMS 9B

- a. WEEKLY INVESTMENT REPORT approved, for Week of December 28, 2009 - January 1, 2010 (inadvertently left off previous agenda), as per Report on file.

AGENDA ITEM 9B-2 - WEEKLY INVESTMENT REPORT FOR WEEK OF FEBRUARY 15-19, 2010 - REMOVED FROM AGENDA.

AGENDA ITEM 9B-3 - PLEDGES AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA..

d. CERTIFICATIONS PRESENTED TO MARTHA GUSTAVSEN acknowledged, as follows:

1. Public Funds Investment Act - 28 Hours
2. CTAT Continuing Education - 30 Hours
3. County Investment Officer - 10 Hours

as per Certifications on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEM 9C

- a. MONTHLY TAX COLLECTION REPORT accepted, for Month ending January 31, 2010, as per Report on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 9D

- a. AUTHORIZATION TO ADVERTISE approved, for the following bids/proposals:
1. RFP/Q Extension of Fiber Network - Northstar Advanced Transportation System - Pct. #3
  2. Service for supplying audio/visual materials - Library
- b. PURCHASE approved, of eleven (11) new radar units in the amount of \$13,493.81 through the HGAC Interlocal Agreement and Kustom Signals - Sheriff's Office, as per Contract Pricing Worksheet on file.
- c. CHANGE ORDERS approved, as follows:
1. CHANGE ORDER #2, P.O. #2009487 to Diamond Commercial Construction, Inc. for Design Build of Administration Building - Pct. #2, for changes with a price increase of \$16,901.50, as per Change Order on file.
  2. CHANGE ORDER #9, P.O. #2007363 to Hassell Construction, Inc. for Construction of the Widening of Non-Freeway Facility consisting of Grading, Base, Structures, Drainage, Concrete Pavement, Storm Sewer, Pavement Markings, Signing and Signals, etc. Widening to four (4) lane divided from Kidd Cemetery Road to Loop 494 on FM 1485 - Pct. #4 (MCTP), for changes with a price increase of \$7,135.40, as per Change Order on file.
- d. LIST approved, of miscellaneous items and vehicles for the next on-line auction - Various Departments, as per List on file.
- e. DISCRETIONARY EXEMPTION(S) approved, as per Local Government Code Section 262.024:
1. Professional services from Michael Baker Jr., Inc. to prepare a Wetland Delineation Report and a Hydrogeomorphic Interim Assessment for the Dawnwood Road expansion, for a fee of \$19,496.50 - Pct. #3
  2. Professional services from Corrigan Consulting, Inc. for a Wetland Delineation for the Spring Creek In-Lieu-Fee Program Area for a fee of \$21,600.00 - Pct. #3
- as per Discretionary Exemptions on file.
- f. PROPOSAL approved, from Berg Oliver Associates, Inc. for professional services for a Wetland Delineation and HGM Model for the Spring Acres Mitigation Site - Pct. #3, for a fee of \$10,800.00, as per Proposal on file.

#### RISK MANAGEMENT - AGENDA ITEMS 9E

- a. PAYMENT acknowledged and recorded, to Tommy's Paint and Body in the amount of \$1,535.87 in reference to CLAIM #A-10-0024. Date of accident: 01/14/10, as per Memo on file.
- b. PAYMENT acknowledged and recorded, to Chad Berkstresser in the amount of \$1,097.92 in reference to CLAIM #A-10-0019. Date of accident: 12/02/09, as per Memo on file.
- c. OFFICIAL BONDS AND OATHS approved, as follows:
1. Raymond J. Kelly - Reserve Deputy Constable Precinct #3 - Bond #14331527 - Renewal
  2. Amber M. Gladden - Reserve Deputy Constable Precinct #2 - Bond #24753917 - New

as per Bonds on file.

COMMISSIONERS - AGENDA ITEMS 9F

a. PRECINCT 3

1. ROADS accepted, into the one year maintenance period as follows:

a. Forest Village Section 4

as per Memo on file.

2. DIRECTIONAL MONUMENT approved, on Waterway Avenue at Woodlands Parkway, as per Memo and Plan on file.

3. ORDER approved, authorizing First Amendment to Lease Agreement between the Woodlands Land Development Company, L.P. and Montgomery County for additional hike and bike trails in the George Mitchell Preserve on the Spring Creek Greenway and Ed Chance appointed Special Commissioner to sign amendment, as per Order on file.

b. PRECINCT 4

1. CHECK accepted, Check #35430, in the amount of \$377.10, from the Montgomery County Committee on Aging dba The Friendship Center for fuel used for the month of January, 2010 to be deposited into account 615.7357. (Check forwarded to County Treasurer for further handling).

PARKS - AGENDA ITEMS 9G

a. USE AGREEMENTS approved, as follows:

1. Montgomery Girls Softball Association (MGSA)  
West Montgomery County Park - Precinct #1

2. Texas Youth Soccer Association (TYSA)  
Montgomery Soccer Club  
West Montgomery County Park - Precinct #1

3. Willis High School Softball  
Charles Traylor Memorial Park - Precinct #1

as per Use Agreements on file.

COMMISSIONERS - COUNTY ATTORNEY - ROAD AND BRIDGES - AGENDA ITEMS 9H

a. PRECINCT 1

1. ORDER approved, allowing partial lot conveyance without a replat for Lot 18A, Block 2, Walden on Lake Conroe, Section Fourteen (14), as per Order on file.

b. PRECINCT 2

1. ORDER approved, acknowledging receipt of Check No. 1677 in the amount of

\$1.00 from Tommy R. Hoffart for lease of real property described as Lots 4,13,14, and 15, Block 12, and Lots 9 and 10, Block 15, Spring Creek Forest Section Four (4), as per Order on file. (Check forwarded to County Treasurer for further handling).

2. ORDER approved, acknowledging receipt of Check No. 4116 in the amount of \$5.00 from Jacque Carter for lease of real property described as tract five (5) and south ½ of tract eight (8), Glenmont Estates Section One (1), as per Order on file. (Check forwarded to County Treasurer for further handling).

c. PRECINCT 4

1. ORDER approved, acknowledging receipt of continuation certificate for Timber Switch Section Five (5), as per Order and Continuation Certificate on file.

2. ORDER approved, acknowledging receipt of Check No. 1034 in the amount of \$9.00 from R.L. and Faye Worrell for lease of real property described as Lots 416 and 417, Tanglewood Manor, as per Order on file. (Check forwarded to County Treasurer for further handling).

COMMISSIONERS - COUNTY ENGINEER - AGENDA ITEMS 9I

a. PRECINCT 1

1. FINAL PLAT approved, for Carson and Case Park, as per Plat on file.

b. PRECINCT 3

1. UTILITY PERMIT approved, from Trunkline Gas Company, LLC to place a 24" steel high pressure natural gas line within the right of way of Legends Link Drive, as per Permit on file.

2. UTILITY PERMIT approved, from Trunkline Gas Company, LLC to place a 24" steel high pressure natural gas line within the right of way of East Benders Landing Blvd, as per Permit on file.

3. UTILITY PERMIT approved, from Trunkline Gas Company, LLC to place a 24" steel high pressure natural gas line within the right of way of Riley Fuzzel, as per Permit on file.

COUNTY CLERK - AGENDA ITEM 9J

a. DEPUTATION approved, of the following:

1. Deborah Walker

as per Deputation on file.

ENVIRONMENTAL HEALTH - AGENDA ITEM 9K

a. VARIANCE REQUEST approved, to install an aerobic on-site system in the 100-year floodplain located at 19029 Lincoln Street, New Caney, Texas 77357, as per Request on file.

LIBRARY - AGENDA ITEM 9L

a. CHECK accepted, for \$250.00 from the Wal-Mart Foundation and funds deposited into the Library System's Memorial Gift Account, Line Item #6511-7392, as per Memo on file. (Check forwarded to County Treasurer for further handling).

CONSTABLE PRECINCT 2 - AGENDA ITEM 9M

a. 2009 RACIAL PROFILE REPORT accepted and approved, as per Report on file.

INFRASTRUCTURE - AGENDA ITEMS 9N

a. RESOLUTION(S) FOR CLAIMS approved, from Fairweather Group, LLC. for the Montgomery County Jail Renovation, as per Order to Pay on file.

b. RESOLUTION(S) FOR CLAIMS approved, from Fairweather Group, LLC. for the Spring Creek Community/Nature Center, as per Order to Pay on file.

COUNTY ATTORNEY - AGENDA ITEMS 9O

a. RESOLUTION AND ORDER executed, for incurment of expenses in re: The claims of Theresa Miaoulis and Jimmy Miaoulis against Montgomery County, Texas, et al, in connection with Cause Nos. 09-12-12216-CV and 09-12-12217-CV, styled The State of Texas vs. \$120,878.10 U.S. Currency; in the 9<sup>th</sup> Judicial District Court of Montgomery County, Texas; Claim No. D-10-0026, as per Resolution and Order on file.

b. AMENDMENT approved, to Tax Abatement Agreement with Tetra Technologies, Inc. , as per Amendment on file.

c. RATIFICATION approved, of notification of contract termination of Manatron, Inc., as per Resolution and Order & Letter on file.

d. BLANKET RIGHT-OF-WAY INSTRUMENT approved, with Entergy Texas, Inc. for utility services to the Montgomery County Mental Health Treatment Facility to be located at 700 Hilbig in Conroe, Texas, as per Right of Way Instrument on file.

e. RECORD COMPLETION, acknowledged and recorded of Engagement Agreement with Axis Environmental Services, Inc. as approved and authorized in Motion #30 on February 8, 2010, approving retention of expert witness and authorizing funding source for same in connection with State Office of Administrative Hearing (SOAH) Contested Case Docket Nos. 582-07-2673 and 582-07-2674 and TCEQ Docket Nos. 2007-0204-WDW and 2007-0362-IHW as per Engagement Letter on file.

Motion carried.

END OF CONSENT AGENDA

---

4. REQUEST APPROVED - SUBMISSION OF LETTER OF INTENT - 284<sup>TH</sup> JUDICIAL DISTRICT COURT

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the submission of a Letter of Intent to the Texas Task Force on Indigent Defense for a discretionary grant to develop programs and processes:

- a. to identify indigent criminal defendants with mental health issues; and
- b. to provide training for attorneys representing these defendants

as per Memo on file. Motion carried.

5. REQUEST APPROVED - DAY CARE CENTER FIRE CODE - COMMISSIONER PRECINCT 4

Motion by Judge Sadler, seconded by Commissioner Rinehart, to suspend 2006 Fire Code regulations until further review and to keep 2002 Regulations in effect. Motion carried. (No paperwork).

AGENDA ITEM 26B2 - MOTION #5 (NO PAPERWORK).

6. GRANT APPLICATION SUBMISSION APPROVED - TRUANCY PREVENTION PROJECT - JUSTICE OF THE PEACE PRECINCT 4

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the submission of a grant application for the East Montgomery County Truancy Prevention Project for continuation of the use of the A.I.M. Program by the court in future years, as per Resolution and Order & Application on file. Motion carried.

7. GRANT APPLICATION APPROVED - PORTABLE FORENSIC LASER SYSTEM - SHERIFF

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Grant Application for the Portable Forensic Laser System for Field Use Project in the amount of \$45,200 with no matching funds. This grant is through the Criminal Justice Division of Texas and administered through HGAC, as per Resolution & Grant Application on file. Motion carried.

AGENDA ITEM 12B - DONATION - SHERIFF'S ACADEMY ALUMNI ASSOCIATION - SHERIFF - DEFERRED

8. REQUEST APPROVED - NEW RESERVE - CONSTABLE PRECINCT 2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the new Reserve for the Constable Precinct 2 Department as follows:

Amber M. Gladden

as per Memo on file. Motion carried.

9. GRANT APPLICATION APPROVED - EQUIPMENT PROJECT - CONSTABLE PRECINCT 2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the grant application for the Constable Precinct 2 Equipment Project to the Criminal Justice Division of the Governor's Office and the accompanying resolution. There are no matching funds required by Montgomery County, as per Grant Application on file. Motion carried.

10. RESOLUTION APPROVED - TRAFFIC SAFETY INITIATIVE - CONSTABLE PRECINCT 5

Motion by Commissioner Meador, seconded by Judge Sadler, to approve the Montgomery County Resolution to approve submission of grant application for the Montgomery County

Precinct 5 Traffic Safety Initiative. This application is to be sent to the Office of Governor, Criminal Justice Division, as per Resolution on file. Motion carried.

11. REQUEST APPROVED - POSITION CLOSING/OPENING & TRANSFER OF FUNDS - INFORMATION TECHNOLOGY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve closing position System Administrator II 505-5510-3 and open System Administrator III 503-5512-3. Transfer of funds approved from position 503-5510-3 to position 503-5512-3. This will not impact the current or future budgets. Human Resources has reviewed and approved the change, as per Memo on file. Motion carried.

12. REQUEST APPROVED - TRANSFER OF FUNDS/SALARY - BUILDING MAINTENANCE

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the following:

a. Transfer of funds to correct fund positions:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$797.16	510-5725-09	510-5725-08
\$199.42	510-5725-02	510-5725-08

This transfer does not increase the approved salary budget.

b. Transfer of budgeted salary to fund the position involved in a promotion:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$2,233.92	510-5701-01	510-9999-999

This transfer does not increase the approved salary budget.

as per Memos on file. Motion carried.

13. REQUEST APPROVED - ADDITION OF ONE NEW POSITION - BUILDING MAINTENANCE

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the addition of one (1) new position: HVAC and Control Manager, to Building Maintenance Budget for 2010.

Salary - \$65,000.00  
Auto Allowance - \$10,000.00

PDQ Questionnaire has been reviewed and approved by Human Resources, as per Memo on file. Motion carried. Funding from Contingency. Commissioner Doyal opposed.

14. REQUEST APPROVED - VOTING LOCATION/TIME CHANGES - ELECTIONS

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve change to main early voting location in Conroe and order early voting times and locations for the April 13, 2010 Primary Runoff, May 8, 2010 Joint Election, and November 2, 2010 General Election, as per Order & Memos on file. Motion carried.

15. REQUEST APPROVED - FONSI AND RROF - COMMUNITY DEVELOPMENT



Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the submission of the FONSI and RROF to TDHCA to request draw downs on the grant funds for the Hurricane Ike Disaster Assistance Program, and County Judge authorized to execute related documents, as per Resolution & Fonsi on file. Motion carried.

AGENDA ITEM 19A - TRANSFER OF FUNDS - DISTRICT ATTORNEY - DEFERRED

16. GRANT APPROVED - SPECIALIZED SEXUAL ASSAULT INVESTIGATOR - DISTRICT ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve District Attorney Specialized Sexual Assault Investigator Grant, as per Resolution and Application on file. Motion carried.

17. REQUEST APPROVED - USE OF FUNDS-JP PCT 2 - AUDITOR

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve request from Justice of Peace Pct. 2 to use \$39,505.49 from the Justice Technology Fund, as per Memo on file. Motion carried.

RECOMMENDATIONS AND CONTRACTS - AGENDA ITEMS 21A-1-6,8-9, 12-17 - PURCHASING - DEFERRED

RECOMMENDATION AND CONTRACT - AGENDA ITEM 21A-7 - MODULAR HOMES - MCCD - PROJECT #2010-0025 - REJECT & RE-ADVERTISE

18. RECOMMENDATIONS AND CONTRACTS APPROVED - PURCHASING

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the following recommendations and contracts:

- a. RFP/Q for a Provider for Individual Faithful Performance Bonds and Notary Bonds - Risk Management, awarded to Soules Insurance Agency, Inc.
- b. Upgrade of Door Controls and Panels at Jail Facility - Sheriff's Office - Project #2010-0047, awarded to Willo Products Company, Inc. in the amount of \$649,940.00
- c. Lead Inspector/Risk Assessor - MCCD - Project #2009-0046, awarded to L. Richard Womack

as per Recommendations and Contracts on file. Motion carried.

19. PURCHASE APPROVED - IN-CAR VIDEO SYSTEMS - PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the purchase of ten (10) in-car video systems in the amount of \$68,822.27 through the HGAC Interlocal Agreement and Coban Technologies, Inc. - Sheriff's Office, as per Contract Pricing Worksheet on file. Motion carried.

## 20. PROPOSAL APPROVED - SH 242 RAMP RELOCATION CONSTRUCTION - PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the proposal from LJA Engineering & Surveying, Inc. for construction phase services for SH 242 ramp relocation at IH 45 for a fee not to exceed \$30,000.00 - Pct. #3, as per Proposal on file. Motion carried.

## 21. DISCRETIONARY EXEMPTIONS APPROVED - ENTERGY GULF STATES, INC. - PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following discretionary exemptions as per Texas Local Government Code Section 262.024:

a. Utility relocation (transmission) from Entergy Gulf States, Inc. for SH 242 ramp relocation at IH 45 for a fee of \$2,020,646.00 - Engineering/Pct. #3 (MCTP)

b. Utility relocation (distribution) from Entergy Gulf States, Inc. for SH 242 ramp relocation at IH 45 for a fee of \$117,416.92 - Engineering/Pct. #3 (MCTP)

as per Discretionary Exemptions on file. Motion carried.

## 22. PURCHASE ACKNOWLEDGED - 250KW GENERATORS - PURCHASING

Motion by Commissioner Doyal, seconded by Commissioner Meador, to acknowledge the purchase of two (2) 250KW generators Generac model MPS-MG250 from Waukesha-Pearce Industries, in the amount of \$170,412.00, through the Interlocal Agreement with HGAC, Contract #GE02-10 for the Sheriff Fleet Operations and Training Academy, funds to be taken out of the 2007 UASI Grant - Emergency Management, as per Contract Pricing Worksheet on file. Motion carried.

## 23. PURCHASE ACKNOWLEDGED - LIBERATOR HYDRAULIC RESCUE SYSTEM - PURCHASING

Motion by Commissioner Meador, seconded by Commissioner Doyal, to acknowledge the purchase of a Liberator Hydraulic Rescue System, in the amount of \$89,688.32, from Patriot3 through the GSA Schedule 84 as per Local Government Code Section 271.103, Federal Supply Sources, funding to be taken out of the 2007 UASI Grant - Emergency Management, as per Quotation on file. Motion carried.

## 24. RESOLUTION AND ORDER APPROVED - COPIER EQUIPMENT - PURCHASING

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Resolution and Order for the Master Equipment Lease Purchase Agreement, which was approved in Commissioners' Court on October 26, 2009 for copier equipment for the County, as per Resolution and Order on file. Motion carried.

## 25. RESOLUTION AND ORDER APPROVED - ANCILLARY COURTROOM/JURY ASSEMBLY ROOM - COUNTY ATTORNEY

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve Resolution and Order designating an ancillary courtroom/jury assembly room at 301 N. Thompson, Suite 202, in Conroe, Texas, as per Resolution on file. Motion carried.

## 26. INTERLOCAL AGREEMENT APPROVED - ESD NO. 4 - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve Interlocal Agreement between Emergency Service District No. 4 and Montgomery County for the loan of radios purchased with grant funds, and provide access to Montgomery County's new radio system, as per Interlocal Agreement on file. Motion carried.

27. CHAPTER 520, SUB-CHAPTER E ADOPTED - TEXAS TRANSPORTATION CODE - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to adopt Chapter 520, Sub-Chapter E of the Texas Transportation Code, and a collaboration authorized between the County Attorney's office and the Tax Office to draft appropriate guidelines in accordance thereto, as per Resolution and Order on file. Motion carried.

28. RECEIPT OF LETTER ACKNOWLEDGED - ESD NO. 8 - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to acknowledge receipt of Letter from Emergency Service District No. 8 in Montgomery County notifying the court of election orders concerning the adoption of property tax increase or imposition of sales and use tax, as per Letter on file. Motion carried.

29. AMENDMENT TO OCCUPANCY AGREEMENTS APPROVED - NORTH MONTGOMERY COUNTY COMMUNITY DEV. CENTER - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve amendment to occupancy agreement between Montgomery County, Texas, and the following tenants of the North Montgomery County Community Development Center to extend the term of occupancy under the existing terms and conditions of original agreements:

- a. Access Builds Children;
- b. Children's Advocacy Center d/b/a Children's Safe Harbor;
- c. Montgomery County Emergency Assistance; and
- d. The Friendship Center

as per Amendments on file. Motion carried.

30. PUBLIC HEARINGS APPROVED - COMMISSIONER PRECINCT 3

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

- a. Replat of Vannevar in Research Forest, to be known as Founders Reserve, as per Plat on file.
- b. Placement of multi-way stop signs at the intersection of Northridge Forest Drive and

Tremont Park Lane

as per Plat and Stop Sign Warrant Study on file. Motion carried.

31. REQUEST APPROVED - SOIL AND WATER CONSERVATION DISTRICT NO. 452 - PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve request by Montgomery County Soil and Water Conservation District No. 452 annual funding in the amount of \$15,000.00, as per Request on file. Motion carried.

32. PROPOSAL APPROVED - PINWOOD VILLAGE R-O-W AND ACQUISITION SERVICES - PRECINCT 4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the proposal from Property Acquisition Services, Inc. to provide Right-of-Way and Acquisition Services for Pinewood Village in the amount of \$6,000.00 in Montgomery County, Precinct 4, as per Proposal on file. Motion carried.

AGENDA ITEM 26B-2 - EXISTING DAY CARE CENTER FIRE CODE DISCUSSION - SEE MOTION #5 FOR COURT ACTION.

EXECUTIVE SESSION

The Court recessed into Executive Session in the County Judge's Chambers to discuss matters pursuant to one or more of the following Provisions of the Texas Government Code, to wit: Chapter 551, Sub-Chapter D:

1. Consider and discuss Cause No. H-07-3814, styled Paul Alexander Burns vs. Honorable K. Michael Mayes, in an official capacity, Montgomery County, Texas and John Does, Individually, and in an official capacity; in the United States District Court for the Southern District of Texas - Houston Division; Claim No. B-07-0102
2. Consider, discuss, and take action on appointment of Commissioners to the Montgomery County Civil Service Commission

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT

33. COMMISSIONERS APPOINTED - CIVIL SERVICE COMMISSION - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Chance, to appoint Billy R. Bowman, Charles E. Lowrie, and Patrick O'Shaughnessy as Commissioners to the Montgomery County Civil Service Commission. Motion carried. (No paperwork).

AGENDA ITEM 29 - CITIZENS - THERE WERE NO CITIZENS PRESENT WHO WISHED TO ADDRESS COMMISSIONERS' COURT.

34. PAYROLL CHANGE REQUEST FORMS APPROVED - HUMAN RESOURCES

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following payroll change requests:

request of Bldg Custodial Services to accept the resignation of Alice Wilcoxson, Custodian (part-time), effective February 10, 2010

request of Bldg Maintenance to promote Jason LaFitte, from Maintenance Tech II to Maintenance Tech III, (replacement for Ed Battenfield), effective February 20, 2010

request of Bldg Maintenance to increase the salary of Daniel Rangel, Facility/Grounds

Worker, probationary period completed, effective February 20, 2010

request of Bldg Maintenance to place Stephen Walker, Maintenance Tech II/Plumber, on payroll, (replacement for Joshua Hudson), effective February 16, 2010

request of Commissioner Pct 3 to increase the salary of Cesar Juarez, Operator I, probationary period completed, effective January 23, 2010

request of Constable Pct 4 to bridge time for James E. Cox, Deputy, new leave anniversary date 11-2-2000, effective February 9, 2010

request of County Auditor to promote Melissa Bentley, from Grant Reporting Accountant to Financial Analyst, (replacement for Angela Blocker), effective February 20, 2010

request of County Auditor to promote Angela Blocker, from Financial Analyst to Budget/Fin Rep Supervisor, (replacement for Chrysanthi Garner), effective February 20, 2010

request of County Auditor to accept the resignation of Chrysanthi Garner, Budget/Fin Rep Supervisor, with 85.32 vacation hours due, effective February 19, 2010

request of County Auditor to increase the salary of Betty Lovin, Accounts Payable Assistant, job re-evaluated, effective February 20, 2010

request of County Auditor to change status of Shelby Rushing, from Part-Time Clerk to Accounts Payable Clerk, (replacement for Amanda Vance), effective February 20, 2010

request of County Auditor to promote Amanda Vance, from Accounts Payable Assistant to Grant Reporting Assistant, (replacement for Melissa Bentley), effective February 20, 2010

request of County Clerk to increase the salary of Deborah Walker, Bookkeeper, probationary period completed, effective February 22, 2010

request of County Treasurer to accept the resignation of Bobby Joe Light, Asst Investment Officer, with 43.09 vacation hours due, effective February 19, 2010

request of District Clerk to place Erica DeForest, Court Clerk II, on payroll, (replacement for Gina Hernandez), effective February 16, 2010

request of Elections to increase the salary of Cherry Fessenden, Temporary Voter Clerk, increased responsibilities, effective February 8, 2010

request of Elections to increase the salary of Roy Gideon, Temporary Voter Clerk, increased responsibilities, effective February 8, 2010

request of Elections to increase the salary of June Hinkle, Temporary Voter Clerk, increased responsibilities, effective February 8, 2010

request of Elections to increase the salary of Melva Linton, Temporary Voter Clerk, increased responsibilities, effective February 8, 2010

request of Elections to increase the salary of Jerry Taylor, Temporary Voter Clerk, increased responsibilities, effective February 8, 2010

request of Environmental Health to promote Richard Jordan, from Environmental Investigator I to Environmental Investigator II, (replacement for Frank Green), effective February 22, 2010

request of Homeland Security to transfer Gilberto Martinez III, from Supervisor Student

Advisor to CERT Coordinator, effective February 22, 2010

request of Information Technology to promote Robert Powell, Jr., from System Administrator II to System Administrator III, effective February 1, 2010

request of Sheriff to place Brian Aguilar, Deputy - Woodlands Township, on payroll, new contract, effective February 27, 2010

request of Sheriff to promote Laura Breitenstein, from Clerk IV to Administrative Assistant I, (replacement for Connie Hass), effective February 20, 2010

request of Sheriff to transfer Oliver Coward, from Deputy - Patrol District #1 to Deputy - Walden Patrol District #5, (replacement for Christopher Hoffmeyer), effective February 27, 2010

request of Sheriff to promote Brady Fitzgerald, from Sgt Woodlands Township to Lieutenant - Patrol District #2, (replacement for Andrew Eason), effective February 13, 2010

request of Sheriff to increase the salary of Christina Harper, Deputy - Detention, STEP increase, effective March 6, 2010

request of Sheriff to place John Lawless, Deputy - Patrol District #3, on payroll, (replacement for Juan Chapa), effective February 27, 2010

request of Sheriff to accept the resignation of Emily Nagy, Medic, with 23.88 vacation hours due, 29.26 comp hours due, and 48 holiday hours due, effective February 2, 2010

request of Sheriff to place Daniel Pena, Deputy - Walden Patrol District #5, on payroll, (replacement for Justin Wilkerson), effective February 27, 2010

request of Sheriff to increase the salary of Erin Porrecca, Coord - Shift/Dispatch, probationary period completed, effective November 14, 2009

request of Sheriff to place Christopher Robertson, Deputy - Patrol District #1, on payroll, (replacement for Oliver Coward), effective February 27, 2010

request of Sheriff to place Todd Schmaltz, Deputy - Woodlands Township, on payroll, effective February 27, 2010

request of Sheriff to place Roy Underwood, Deputy - Woodlands Township, on payroll, effective February 27, 2010

request of Sheriff to place Dennis Ward, Deputy - Patrol, on payroll, (replacement for John Niquette), effective February 6, 2010

request of Sheriff to transfer Justin Wilkerson, from Deputy - Patrol District #1 to Deputy - Woodlands Township, effective February 27, 2010

request of Tax Assessor/Collector to accept the retirement of Susan Dodson, Accounting Manager, with 187.515 vacation hours due, effective April 30, 2010

request of Tax Assessor/Collector to discharge Susan Whiddon, Deputy Specialist III, with 173.47 vacation hours due, and .495 comp hours due, effective February 10, 2010

request of Civic Center Complex to discharge Joey Ward, Facility Worker/Grounds Maintenance, effective February 17, 2010

request of County Engineer to place Rick Wong, P.E., Traffic Operations Manger, on payroll,

new position, effective March 1, 2010

request of County Engineer to allow for auto allowance for Rick Wong, P.E., Traffic Operations Manager, effective March 1, 2010

as per Payroll Change Request Forms on file. Motion carried.

35. COURT ADJOURNED

Motion by Commissioner Chance, seconded by Commissioner Doyal, 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