

COMMISSIONERS COURT DOCKET
September 2, 2015
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 2nd day of September, 2015, the Honorable Commissioners Court of Montgomery County, Texas, was duly convened in a Regular Session in the Commissioners Courtroom of the Alan B. Sadler Commissioners Court Building, 501 North Thompson, Conroe, Texas, with the following members of the Court present:

County Judge	Craig Doyal
Commissioner, Precinct 1	Mike Meador
Commissioner, Precinct 2	Charlie Riley
Commissioner, Precinct 3	James Noack
Commissioner, Precinct 4	Jim Clark
Also County Clerk's Office	Amber Twiddy

INVOCATION GIVEN BY Commissioner James Noack

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

EMPLOYEE OF THE MONTH FOR AUGUST, 2015 WAS PRESENTED BY BRETT LIGON AND VINCE SANTINI TO GALE ECHOLS, DISTRICT ATTORNEY'S OFFICE.

EMPLOYEE OF THE MONTH FOR SEPTEMBER, 2015 WAS PRESENTED BY SCOTT SMITH TO KENNY LEWIS, AIRPORT.

AGENDA ITEM 8F1 – CONSIDER AND APPROVE ORDER TO RELEASE LIEN AND ACKNOWLEDGE RECEIPT OF CHECK FOR 24077 F.M.1488 NEW CANEY, TEXAS WAS REMOVED.

AGENDA ITEM 8I1 – CONSIDER AND TAKE ACTION ON MANAGEMENT AND OPERATIONS AGREEMENT WITH CORRECT CARE, LLC WAS REMOVED.

2. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 8A-I

Motion by Commissioner Meador, seconded by Commissioner Noack, to unanimously approve all actions, items, resolutions and authorizations shown on the Consent Agenda and County Judge is appointed and authorized to sign any contracts, approvals and other documents in connection with any items shown on the Consent Agenda, with the exception of Agenda Items 8F1 and 8I1 which were removed, as follows:

COUNTY AUDITOR – AGENDA ITEMS 8A1-2

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

A2. BUDGET AMENDMENTS FY2015 APPROVED:

- a. Various: To fund benefits for STEP increases throughout FY 2015.
- b. 418th District Court-Court Reporter: To adjust line items.
- c. ARRA/TXDOT: To recognize reimbursement for Jacobs invoice for TXDOT Grant 3050-02-016 (M23b/07.14.03)
- d. Commissioner Precinct 1: To recognize and allocate revenue.
- e. Commissioner Precinct 2: To adjust line items.
- f. Commissioner Precinct 3: To adjust line items.
- g. Constable Precinct 3: To recognize and allocate revenue.
- h. Constable Precinct 5: To recognize and allocate revenue.
- i. County Clerk Records Mgmt Fund: To recognize and allocate revenue as approved M21/08.11.15.
- j. Court Operations: To adjust line items.
- k. Court Reporter Service Fund: To recognize and allocate revenue.
- l. District Attorney/ Domestic Violence Grant FY16: To set up DA Domestic Violence Prosecutor Grant as awarded by CJD Application and approved M14/02.23.15.
- m. Information Technology: To adjust line items.
- n. Juvenile: To set up "A" and "P" Grant and adjust line items.
- o. MCCD: To recognize and allocate PI received for Willis Building (PI-1.1), Lonestar Building (PI-1.2), Magnolia Building (PI-2.1), Magnolia Medical Building (PI-2.2), and Splendor Building (PI-4.1).
- p. MC Toll Road Authority: To set up budget for Toll Road Authority Projects and set up Grant with TXDOT for streams and wetlands mitigation for SH249 Project (M27/02.09.15).
- q. Risk Management: To adjust line items.
- r. Sheriff: To adjust line items.
- s. Sheriff- Auto Theft: To set up grant portion of FY 16 Auto Theft Year 22 Grant (M20/08.11.15).
- t. Sheriff MOCONET: To set up SO MOCONET (M8/08.11.15).
- u. Sheriff OCDETF-Delta Link: To reclass unused benefits for OCDETF-Delta Link Contract.

PURCHASING – AGENDA ITEMS 8B1-18

- B1. PAYMENT AND PERFORMANCE BONDS APPROVED from Rebel Contractors, Inc. in the amount of \$190,240.00 for Old Kentucky Farms Drainage Improvements for Engineering/Precinct 2.

- B2. DISCRETIONARY EXEMPTION APPROVED from OCLC Online Computer Library Center, Inc. for online computer library center services for the Library. §262.024(a)(7)(A)
- B3. CHANGE ORDER NO. 3 APPROVED to Miller Uniforms and Emblems, Inc. for new uniforms to add various items to existing contract for Various Departments.
- B4. ADVERTISING APPROVED for Containerized Commercial Solid Waste Disposal Service for Various Departments.
- B5. ADVERTISING APPROVED for Residential Home Repairs/Remodel for MCCD.
- B6. PURCHASED APPROVED of one (1) 2015 Chevrolet Crew Cab Short Box LS from Gunn Chevrolet, LTD through the Interlocal Agreement with BuyBoard Contract #430-13, in the amount of \$29,792.85 for Precinct 2.
- B7. LIST APPROVED AND CHECK ACCEPTED from Rene Bates Auctioneers for items sold through the Montgomery County Online Auction held 07/28/15, in the amount of \$63,641.82.
- B8. RENEWAL APPROVED with Cleveland Asphalt Products for emulsified asphalt for in place recycling and dust control for an additional one year term for Various Precincts.
- B9. RENEWAL APPROVED with Northwest Pest Control, Inc. for Mosquito Spraying Services on a month to month basis effective 09/09/15 for Various Precincts.
- B10. RENEWAL APPROVED with Strategy 7 Corporation for Hardware (IBM) Maintenance and Software (AIX) Support for an additional one year term for IT.
- B11. RENEWAL APPROVED with City of Conroe for Fleet Maintenance Service for an additional one year term for District Attorney.
- B12. RENEWAL APPROVED with Tejas Materials for Drywall/Metal Studs/Acoustical Ceiling Items and Miscellaneous Supplies for an additional one year term for Various Departments.
- B13. RENEWAL APPROVED with Rebel Contractors, Inc. for concrete road repair for existing road and replacing concrete curbs for an additional one year term for Various Precincts.
- B14. RENEWAL APPROVED with Correctional Healthcare Companies for Medical Services for Inmates of the Montgomery County Jail for an additional one year term for Sheriff's Office.
- B15. RENEWAL APPROVED with Inland Environments, LTD (which will now serve as primary vendor) for demolition and site clearing (Davis Bacon) for an additional one year term for Various Departments.
- B16. RENEWAL APPROVED with Corrections Software Solutions for probation tracking software for an additional one year term for Adult Probation.
- B17. REQUEST APPROVED to declare miscellaneous items as salvage for Various Departments.
- B18. PERFORMANCE BOND APPROVED from Correctional Healthcare Companies, in the amount of \$1,960,404.90 for medical services for inmates of the Montgomery County Jail for Sheriff's Office.

COMMISSIONERS – AGENDA ITEM 8C1

C1. PRECINCT 1

- a. USE AGREEMENT APPROVED with H&R MFG and Supply, Inc. to use a softball field at Charles Traylor Sports Park as scheduled through WGSA on September 19, 2015.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 8D1-3

D1. PRECINCT 2

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in The Meadows at Jacobs Reserve, Section 5; total length of roads 2,583.51 linear feet, effective September 2, 2015.
- b. REQUEST APPROVED from Woodland Oaks Utility to install an 8 inch Sanitary Sewer Line within the right of way of Woodland Oaks Drive.

D2. PRECINCT 3

- a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Harmony Springs due to completion of the one year maintenance period; total length of roads 6,480.77 linear feet and bond is released.

D3. PRECINCT 4

- a. FINAL PLAT APPROVED for Woodridge Forest, Section 7; 8.546 acres; H.T. & B.R.R. Co. Survey, A-283.

HUMAN RESOURCES – AGENDA ITEM 8E1

E1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of 2nd Administrative Judicial Region to increase salary of Rebecca Brite, Administrative Assistant II, due to increase being reimbursed 100% through interlocal agreement with 2nd Region, effective September 1, 2015.

Request of 2nd Administrative Judicial Region to increase salary of Melanie Sipes, Administrative Assistant II, due to increase being reimbursed 100% through interlocal agreement with 2nd Region, effective September 1, 2015.

Request of Commissioner Precinct 4 to transfer Tracy M. Willett, Manager Field Operations, as replacement for Tracey C. Stilley, effective August 24, 2015.

Request of District Attorney to remove Rochelle L. Guiton, Attorney III, from payroll due to Unpaid FMLA/Disability Leave, effective August 21, 2015.

Request of Justice of the Peace Precinct 4 to place Diann Seals, Court Clerk II, on payroll as replacement for Tammy Rogers, effective September 14, 2015.

Request of Juvenile to remove Reginald Dawayne Bernard, Juvenile Probation Officer, from payroll due to Unpaid FMLA/Disability Leave, effective August 25, 2015.

Request of Juvenile to transfer Charles Bonner, Mechanic, into new position, effective August 29, 2015.

Request of Library to place Catherine Marshall, Library Assistant II, on payroll as replacement for Kaylee Castanon, effective August 25, 2015.

Request of Sheriff to accept the resignation of Andrew Besong, Officer Civilian Detention, effective September 2, 2015. [101.66 hours or balance vacation; 72.39 hours or balance compensatory; 24.00 hours or balance holiday.]

Request of Sheriff to transfer Dewey Bonner, from Sergeant Detention to Sergeant Patrol District IV, as replacement for Timothy Holifield, effective August 29, 2015.

Request of Sheriff to accept the resignation of Kyle Campos, Officer Civilian Detention, effective September 5, 2015. [71.81 hours or balance vacation; 144.05 hours or balance compensatory; 44.50 hours or balance holiday.]

Request of Sheriff to accept the resignation of Ashley Guth, Clerk IV, effective September 4, 2015. [77.60 hours or balance vacation; 0.39 hours or balance compensatory.]

Request of Sheriff to place Tyler Head, Officer Civilian Detention, on payroll as replacement for Adriel Perez, effective September 5, 2015.

Request of Sheriff to change position of Timothy Bryan Holifield, Sergeant Patrol, effective August 29, 2015.

Request of Sheriff to place Mylissa Hopkins, Dispatcher, on payroll as replacement for Holly Wallis, effective August 29, 2015.

Request of Sheriff to accept the resignation of Biff Knight, Deputy Patrol, effective September 4, 2015. [166.54 hours or balance vacation; 80.50 hours or balance compensatory; 16.00 hours or balance holiday.]

Request of Sheriff to accept the resignation of Kimberly Odom, Dispatcher, effective August 23, 2015. [43.80 hours or balance vacation; 113.00 hours or balance compensatory; 33.23 hours or balance holiday.]

Request of Sheriff to accept the resignation of Andrew M. Strong, Officer Civilian Detention, effective September 2, 2015. [80.08 hours or balance vacation; 72.00 hours or balance compensatory; 48.00 hours or balance holiday.]

Request of Constable Precinct 4 to place Jennifer Cardozo, Clerk II, on payroll, effective August 31, 2015.

Request of County Auditor to accept the resignation of Kristi L. Wharton, Accts Payable Asst, effective August 28, 2015. [59.58 hours or balance vacation.]

ENVIRONMENTAL HEALTH – AGENDA ITEM 8F1

AGENDA ITEM 8F1 – CONSIDER AND APPROVE ORDER TO RELEASE LIEN AND ACKNOWLEDGE RECEIPT OF CHECK FOR 24077 F.M.1488 NEW CANEY, TEXAS WAS REMOVED.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 8G1-2

G1. PRECINCT 1

- a. ORDER APPROVED to acknowledge receipt of check, in the amount of \$6,000.00 from Claude A. Sutton and Michael A. Pierce and release the lien.

G2. PRECINCT 4

- a. ORDER APPROVED to acknowledge receipt of check No. 3192 in the amount of \$9.00 from R.L. and Faye Worrell for lease of property described as lots 416 and 417, Tanglewood Manor, Precinct 4.

COUNTY ATTORNEY – AGENDA ITEM 8H1

- H1. RENEWAL CONTRACTS APPROVED with the Texas Department of Family and Protective Services for funding for the County to provide legal and child welfare services necessary for child protection. Judge Doyal is authorized to execute all related documents.

COUNTY ATTORNEY – MENTAL HEALTH TREATMENT FACILITY – AGENDA ITEM 8I1

AGENDA ITEM 8I1 – CONSIDER AND TAKE ACTION ON MANAGEMENT AND OPERATIONS AGREEMENT WITH CORRECT CARE, LLC WAS REMOVED.

Motion carried.

END OF CONSENT AGENDA

AGENDA ITEM 9 – CITIZENS – NO CITIZENS ADDRESSED THE COURT AT THIS TIME.

3. NOTICE APPROVED – TERMINATION OF FINANCIAL ADVISORY AGREEMENT – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the Notice of Termination of Agreement for Financial Advisory Services with Frost Bank. Motion carried.

4. FINANCIAL ADVISORY CONTRACT APPROVED – BOSC, INC. – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve a Financial Advisory Contract with Bosc, Inc. Motion carried.

JOHN ROBUCK WITH BOSC MADE A PRESENTATION TO THE COURT CONCERNING THE IMPACT OF \$280 MILLION ROAD BOND ON COUNTY DEBT as outlined on Bond Election Summary on file.

AGEND ITEM 10E – CONSIDER, DISCUSS, AND TAKE ACTION ON RECOMMENDATIONS FROM THE MONTGOMERY COUNTY SALARY GRIEVANCE COMMITTEE WAS DEFERRED.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 10E – CONSIDER AND ADOPT THE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015.

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

5. REQUEST APPROVED – ADOPT BUDGET – COUNTY JUDGE
Motion by Commissioner Meador, seconded by Commissioner Noack, to adopt the Montgomery County Texas Budget for the Fiscal Year Ending September 30, 2016.
Motion carried.
6. RESOLUTION AND ORDER APPROVED – TAX RATE FOR M&O – TAX ASSESSOR/COLLECTOR
Motion by Commissioner Noack, seconded by Commissioner Riley, to set by Resolution and Order the 2015 Ad Valorem Tax Rate for Maintenance and Operations at 0.4033/\$100. Motion carried.
7. RESOLUTION AND ORDER APPROVED – TAX RATE FOR DEBT SERVICE – TAX ASSESSOR/ COLLECTOR
Motion by Commissioner Noack, seconded by Commissioner Clark, to set by Resolution and Order the 2015 Ad Valorem Tax Rate for Debt Service at 0.0734/\$100. Motion carried.
8. REQUEST APPROVED – VERBALIZATION OF STATEMENT – TAX RATE INCREASE – TAX ASSESSOR/COLLECTOR

The following was read verbatim by Judge Doyal:

“I move that the property tax rate be increased by the adoption of a tax rate of \$0.4767/\$100, which is effectively a 8.32 percent increase in the tax rate”.

Seconded by Commissioner Riley. Motion carried.

9. RESOLUTION AND ORDER APPROVED – ALLOCATING 2015 AD VALOREM ADOPTED TAX RATE – TAX ASSESSOR-COLLECTOR
Motion by Commissioner Meador, seconded by Commissioner Noack, to approve a Resolution and Order allocating and fixing the 2015 Ad Valorem Adopted Tax Rate for specific purposes as follows:
 - \$0.3547/\$100 for the General Fund,
 - \$0.0486/\$100 for the Road and Bridge fund and
 - \$0.0734/\$100 for the Debt Service Fund.

Motion carried.

10. FUNDING APPROVED – PURCHASE OF 2 VEHICLES AND EQUIPMENT – CONSTABLE PRECINCT 3
Motion by Commissioner Noack, seconded by Commissioner Meador, to approve funding in the amount of \$103,113.03 for the immediate purchase of two vehicles and equipment for two new positions awarded for the 2016 budget year. This purchase will be funded by Precinct 3 Major Projects for the immediate purchase, but that line item will be reimbursed October 1, 2015 by the funds previously approved during budget hearings.
Motion carried.

CONSTABLE GABLE ALSO ADDRESSED THE COURT CONCERNING AN OVERTIME PROGRAM TO DOUBLE UP MONTGOMERY COUNTY LAW ENFORCEMENT FOR SAFETY REASONS. THIS WAS NOT ON THE AGENDA THEREFORE NO ACTION COULD BE TAKEN.

11. FUNDING APPROVED – PURCHASE OF 2 VEHICLES AND EQUIPMENT – CONSTABLE PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Noack, to approve funding for the immediate purchase of two vehicles and equipment for the new Deputy positions awarded for the 2016 Budget Year. Commissioner Clark volunteered to have this taken out of his budget with the understanding that it would be reimbursed October 1, 2015. Motion carried.

12. CHECK ACCEPTED – E-CYCLE – DISTRICT ATTORNEY

Motion by Commissioner Riley, seconded by Commissioner Noack, to accept a check from E-cycle in the amount of \$15.00. These funds are from an approved county cell phone recycling program and should be deposited into 4351-7423 (Mobile Telephone). Motion carried.

13. CARRY-OVER APPROVED – NEW GENERATOR – BUILDING MAINTENANCE

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the carry-over of any and all balances remaining in line items 510-7350, 510-735411 and 510-7390 to be deposited into a designated account to be used towards the purchase and installation of a secondary generator and transfer switch at 302 Simonton to provide back-up power to 301 N. Thompson. This is in conjunction with funding from Information Technology. Motion carried.

14. CARRY-OVER APPROVED – SECOND GENERATOR AND UPS – INFORMATION TECHNOLOGY

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the carry forward of the FY2015 balance in line items 503-74209109 and 503-74209209 to the FY2016 Budget for the purpose of addressing backup power for 301 N. Thompson. This will include a second generator and/or additional Uninterruptable power supply (UPS) and is in conjunction with funding from Building Maintenance as approved in prior motion. Motion carried.

15. TRANSFER OF FUNDS APPROVED – COMMISSIONER PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the transfer of \$5,865.65 salary and associated benefits from Position 612-3203-500 (Operator III) to Position 612-3203-5 (Operator III) to be effective 08/21/2015. Motion carried.

16. NEW POSITION OPENED – COMMISSIONER PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve opening New Position 612-4213-1 (Admin Assistant 1) and transfer \$37,315.20 salary and associated benefits from Position 612-3201-2 to be effective September 8, 2015. 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, ARTICLES 551.071, 551.074

EXECUTIVE SESSION – AGENDA ITEM 18A: DISCUSS CAUSE NO. 12-06-06779-CV; NANCY BARROW, ET AL V STEVEN JACKSON IN THE 359TH DISTRICT COURT OF MONTGOMERY COUNTY, TEXAS.

AGENDA ITEM 18B – DISCUSS AND DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION AND DUTIES OF SELECTED PUBLIC EMPLOYEES.

COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT.

17. RESOLUTION AND ORDER APPROVED – CAUSE NO. 12-06-06779-CV –
DISCLAIMER OF INTEREST

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve a Resolution and Order authorizing the County Attorney to File a Disclaimer of Interest in Cause No. 12-06-06779-CV, styled Nancy Barrow, et al v. Steven Jackson, et al in the 359th District Court of the State of Texas which has been transferred to the County Court at Law No. 2 of Montgomery County, Texas. This will disclaim the interest, if any of Montgomery County in and to the portion of the property at issue of the Lawsuit and obtain dismissal of Montgomery County from the Lawsuit. Motion carried.

AGENDA ITEM 22 – MISCELLANEOUS

COUNTY ATTORNEY ADDRESSED THE COURT CONCERNING THE CONTRACT FOR THE ANIMAL SHELTER AND GAVE AN ESTIMATED TIMELINE ON BID PROCESS FOR A NEW CONTRACT FOR THE ANIMAL SHELTER.

18. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

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

Request of Commissioner Precinct 1 to transfer Debra C. Bailey, Administrative Asst 1, from JP1 to Commissioner Pct 1, effective September 8, 2015.

Request of Commissioner Precinct 1 to transfer Tracey C. Stilley, Operator III, from Commissioner Precinct 4 to Commissioner Precinct 1 as replacement for Dennis Stewart, effective August 21, 2015.

CITIZENS – AGENDA ITEM 21

Tonya Bohannon addressed the court concerning the contract for the Animal Shelter. She asked them to not use a for profit group for Shelter Management.

Deidra Robbins thanked the Court for rescinding the contract with Care Corporation.

Felecha Freeman also addressed the court concerning the contract for the Animal Shelter and that she does not want a for profit group running the shelter.

19. COURT ADJOURNS

Motion by Commissioner Noack, seconded by Commissioner Meador, to adjourn this session of Court. Motion carried.

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

ATTEST:

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



BY:

Mark Turnbull

COUNTY CLERK

Craig Doyal

COUNTY JUDGE