

COMMISSIONERS COURT DOCKET
NOVEMBER 17, 2020
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 17th day of November, 2020, 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	Mark Keough
Commissioner, Precinct 1	Mike Meador
Commissioner, Precinct 2	Charlie Riley
Commissioner, Precinct 3	James Noack
Commissioner, Precinct 4	James Metts
Also County Clerk's Office	Beverley Hinds

INVOCATION GIVEN BY Judge Keough.

THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA RECITED.

THE PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG RECITED.

1. COMMISSIONERS COURT AGENDA APPROVED.

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

CITIZENS – AGENDA ITEM 7

No citizens spoke at this time.

AGENDA ITEM 8E1 WAS MOVED TO THE OPEN SESSION. SEE MOTION 3 FOR COURT ACTION.

AGENDA ITEM 8D3 WAS DEFERRED.

AGENDA ITEM 8K4a WAS DEFERRED.

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

Motion by Commissioner Noack, seconded by Commissioner Metts, to unanimously approve all actions, items, resolutions and authorizations shown on the Consent Agenda and County Judge is appointed and authorized to sign any contracts, approvals and other documents in connection with any items shown on the Consent Agenda save and except the items removed from the consent agenda, as follows:

COUNTY AUDITOR – AGENDA ITEMS 8A1-6

- A1. PAYMENT OF ACCOUNTS APPROVED, as submitted by the County Auditor.
- A2. REQUEST APPROVED by Justice of the Peace Precinct 3 to use an amount not to exceed \$4,900 from the Justice of the Peace Technology Funds.
- A3. REQUEST APPROVED by Justice of the Peace Precinct 4 to use an amount not to exceed \$4,900 from the Justice of the Peace Technology Fund.
- A4. REPORT ACCEPTED that complies with Local Government Code Section 114.024.
- A5. REPORT ACCEPTED that complies with Local Government Code Section 114.023.
- A6. REPORT ACCEPTED that complies with Local Government Code Section 114.025.

BUDGET OFFICE – AGENDA ITEMS 8B1-7

- B1. REQUEST APPROVED authorizing transfer, adjustment, and amendments for special revenue departments and general fund departments for Fiscal Year 2020.
- B2. REQUEST APPROVED authorizing transfer, adjustment, and amendments for special revenue departments and general fund departments for Fiscal Year 2021.
- B3. REQUEST APPROVED authorizing the line item transfers and adjustments for Fiscal Year 2020 Budget according to Budget Policy.
- B4. REQUEST APPROVED authorizing the line item transfers and adjustments for Fiscal Year 2021 Budget according to Budget Policy.
- B5. REQUEST APPROVED authorizing adjustments and amendments for Grant Departments for Fiscal Years 2020 and 2021.

- B6. PREVIOUS ACTIONS TAKEN MEMORIALIZED on changes to the Fiscal Year 2021 Budget in prior Commissioners Court meetings.
- B7. PREVIOUS ACTIONS TAKEN MEMORIALIZED on changes to the Fiscal Year 2020 Budget in prior Commissioners Court meetings.

TREASURER – AGENDA ITEMS 8C1-2

- C1. REQUEST APPROVED to accept a donation of \$1336.50 to the Animal Shelter from the PetFinder Foundation to be deposited into project DN0001 Animal Shelter Donation. County Clerk did not receive this check.
- C2. REQUEST APPROVED to accept the Monthly Treasurer Report for October 2020, including:
 - 1. Monthly Statement of Balances for October 2020
 - 2. Monthly Investment Report for October 2020
 - 3. MCTRA Investment Report for October 2020
 - 4. Interest Summary Report for October 2020
 - 5. Investments Matured Report for the week ending October 23, 2020
 - 6. Investments Matured Report for the week ending October 30, 2020
 - 7. Debt Report (Reported and Maintained by Auditor's Office)
 - 8. Check Register for October 2020

TAX ASSESSOR/COLLECTOR – AGENDA ITEMS 8D1-3

- D1. REQUEST APPROVED to accept the Annual County Collections Report for October 1, 2019 - September 30, 2020.
- D2. REQUEST APPROVED to accept the monthly Tax Collection Report for the month ending October 2020.

AGENDA ITEM 8D3 WAS DEFERRED.

PURCHASING – AGENDA ITEMS 8E1-4

AGENDA ITEM 8E1 WAS MOVED TO THE OPEN SESSION. SEE MOTION 3 FOR COURT ACTION.

- E2. CHANGE ORDERS APPROVED for the following:
 - a. CO #3 to Main Lane Industries, Ltd., for Project #20-08 – IH-45 Woodlands Parkway Traffic Signalization and Robinson Road Widening (Project “B”) for NW Ramp MBGF, NE Ramp addition, NE Ramp MBGF removal and 3' curb

install, quantity overruns for an increase in the amount of \$156,816.72 for Commissioner Precinct 3.

- b. CO #1 to MHC Software for Project #2016-0038 ERP Software and Implementation Services to add additional licenses, remote implementation services and software maintenance in the amount of \$7,200 for various departments.

E3. RENEWAL OPTIONS APPROVED for Project #2016-0061 Drug/Alcohol Screening Services with Avertest, LLC, for various departments.

E4. DISCRETIONARY EXEMPTIONS APPROVED for HDPE boxes as an item that can be obtained from only one source from Plastix Plus, LLC for Sheriff's Office. Local Gov't Code 262.024(a)(7)(A).

DISTRICT ATTORNEY – AGENDA ITEM 8F1

- F1. CONTRACT APPROVED between Immigration and Customs Enforcement for the reimbursement of joint operating expenses from the Treasury Forfeiture Fund. This agreement is for FY 2021 and associated benefits will be funded from 5100-710110. Montgomery County District Attorney Brett Ligon is authorized to sign and execute any and all related documents.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 8G1-2

G1. PRECINCT 1

- a. REQUEST APPROVED to acknowledge that the roads in Summerchase, Section 2 have been built to county standards and have completed the one-year maintenance period. The bond is released. These roads are private and will not be maintained by Montgomery County.
- b. FINAL PLAT APPROVED of Cedar Hill, Section 1; 20.447 Acres; Jose Maria De La Garza Survey; A-15.

G2. PRECINCT 4

- a. STREETS ACCEPTED in Lakewood Trails into the one-year maintenance period.
- b. STREETS ACCEPTED in Tavola, Section 28 into the one-year maintenance period.

HUMAN RESOURCES – AGENDA ITEM 8H1

- H1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Custodial to place Nathen House, Custodian, on payroll as replacement for Rosalinda Velasquez, effective November 9, 2020.

Request of Custodial to discharge Rena James, Custodian, effective November 6, 2020. [No benefits due].

Request of Custodial to place James Spencer, Custodian I, on payroll as replacement for Kyle Blunk, effective November 9, 2020.

Request of County Court at Law #1 to increase salary of Dennis Watson, Ct-At-Law Judge, effective September 1, 2019.

Request of County Court at Law #3 to increase salary of Patrice McDonald, Ct-At-Law Judge, effective September 1, 2019.

Request of County Court at Law #4 to increase salary of Mary Ann Turner, Ct-At-Law Judge, effective September 1, 2019.

Request of Commissioner Precinct 1 to increase salary of Andrew A. Burke, Laborer, due to completion of probationary period, effective October 17, 2020.

Request of Commissioner Precinct 1 to increase salary of Magellen G. Leyva, Mechanic III, due to completion of probationary period, effective October 17, 2020.

Request of Commissioner Precinct 2 to discharge Ricky Potter, Operator I, effective November 6, 2020. [3.08 hours or balance vacation].

Request of Commissioner Precinct 3 to place Juan Chavez Espinoza, Laborer, on payroll as replacement for James Tumbleson, effective November 9, 2020.

Request of Commissioner Precinct 3 to place Kenneth Mendiola, Jr., Laborer, on payroll effective November 9, 2020.

Request of Commissioner Precinct 4 to increase salary of Raymond George, Mechanic I, due to merit increase, effective November 16, 2020.

Request of Constable Precinct 2 to transfer Jason Smith, Operations Deputy, effective November 14, 2020.

Request of Constable Precinct 3 to place Donald Ethredge, Deputy-Constable, on Unpaid FMLA/Disability Leave, effective October 31, 2020.

Request of Constable 5 to increase salary of Paul Brown, Sergeant Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Joshua Carley, Lieutenant Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Jarrod Chastun, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Tamara Crabtree, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Jessica Edelman, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Thomas Fox, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Calvin Johnson, Jr., Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of John Jones, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Daniel Justice, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of William Masden, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Larry Medearis, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Jeremy Park, Sergeant Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Teresa Perkins, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Charles Ringler Jr., Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Richard Seibert Jr., Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Ralph Smith, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Mark Stepanski, Deputy Constable, due to step increase, effective November 14, 2020.

Request of Constable 5 to increase salary of Chris Tally, Deputy Constable, due to step increase, effective November 14, 2020.

Request of County Attorney to correct start date of Stephanie J. Razo, Attorney I, to December 1, 2020.

Request of Auditor to place Juliana Gaetz, General Ledger Assnt, on payroll as replacement for Tim Krier, effective November 10, 2020.

Request of Auditor to discharge Federico Ollivier, Accts Payable Asst, effective November 9, 2020. [67.82 hours or balance vacation].

Request of Auditor to place Chelsea Racine Rhodes, Receptionist/Data Entry, on payroll due to return from Unpaid FMLA/Disability Leave, effective November 9, 2020.

Request of District Attorney to place Lora Ciborowski Beckman, Attorney III, on payroll due to return from Unpaid FMLA/Disability Leave, effective December 1, 2020.

Request of District Attorney to bridge time of Shannon Jackson, Legal Assistant I, for revised leave anniversary date of 03/09/2017, effective November 4, 2020.

Request of Fire Marshall to place Paul Standford, Fire Inspector, on payroll as replacement for Doug Sanguedolce, effective November 21, 2020.

Request of Information Technology to place Damien Tijerina, Systems Admin III, on payroll as replacement for Phillip Crawford, effective November 30, 2020.

Request of JP4 to place Stacie Reed, Court Clerk III, on payroll as replacement for Syble Eaves, effective November 16, 2020.

Request of Juvenile to accept the resignation of Ryan Keith Gilstrap, Juvenile Supervision Officer Substitute, effective November 5, 2020. Is not eligible for re-hire. [No benefits due].

Request of Juvenile to discharge Eraneshia Ja'myce Mims, Juvenile Supervision Officer Substitute, effective November 6, 2020. Is not eligible for re-hire. [No benefits due].

Request of Recycle Station Pct.1 to increase salary of Matthew R. Dodd, Recycle Technician, due to completion of probationary period, effective October 17, 2020.

Request of Sheriff to increase salary of Tina Louise Birch, Deputy, due to step increase, effective November 14, 2020.

Request of Sheriff to place Candace Brooke Calico, Dispatcher, on payroll, due to return from Unpaid FMLA/Disability Leave, effective September 19, 2020.

Request of Sheriff to accept the resignation of Christopher Crisp, Jr., Officer Civilian Deten, effective November 13, 2020. [4.04 hours or balance vacation; 0.02 hours or balance comp; 8.50 hours or balance holiday].

Request of Sheriff to transfer Richard D. Jackson, Deputy, as replacement for Nathan G. Kern, effective November 14, 2020.

Request of Sheriff to promote Randy G. Lewis, Sergeant, as replacement for Howard Lee Smith III, effective November 14, 2020.

Request of Sheriff to place Tucker Miller III, Officer Civilian Deten, on Unpaid Leave of Absence, effective October 18, 2020.

Request of Sheriff to accept the resignation of James Anthony Russell, Admin Manager I, effective November 20, 2020. [75.15 hours or balance vacation; 8.00 hours or balance holiday].

Request of Sheriff to transfer Howard Lee Smith III, Sergeant, as replacement for Jake-Paul Gonzales, effective November 14, 2020.

Request of Sheriff to place Jennifer Rose Stringer, Tech I/Property Evidence, on Unpaid FMLA/Disability Leave, effective October 20, 2020.

Request of Sheriff to promote Charles Sullivent, Sergeant, as replacement for David Joseph Borchardt, effective November 14, 2020.

Request of Sheriff to increase salary of Scott Andrew Vautrain, Officer Civil Det II, due to completion of certification requirements, effective November 14, 2020.

Request of Sheriff to transfer Larry Kevin Williams, Sergeant, effective November 14, 2020.

Request of Sheriff to promote Savannah Claire Wroski, Sergeant, as replacement for Larry Kevin Williams, effective November 14, 2020.

Request of County Court at Law #5 to increase salary of Keith Stewart, CT-at-Law Judge, effective October 1, 2020.

COUNTY JUDGE – AGENDA ITEMS 8I1-2

- II. REQUEST APPROVED to approve and ratify application for a Texas Historical Commission Marker in the Tamina Community Park.

- I2. REQUEST APPROVED to accept fully executed Interlocal agreements from Conroe, Willis, Montgomery, Magnolia, Splendora and New Caney ISD's.

JUSTICE OF THE PEACE PRECINCT 2 – AGENDA ITEM 8J1

- J1. REQUEST APPROVED to accept the Monthly Collection Report for October 2020.

COUNTY ATTORNEY – AGENDA ITEMS 8K1-4

K1. PRECINCT 1

- a. REQUEST APPROVED for reimbursement agreement between Montgomery County and Entergy Texas, Inc. for the relocation of certain electric facilities for the widening of FM 1097.

K2. PRECINCT 2

- a. AGREEMENT APPROVED between the County and Magnolia Reserve, LLC authorizing improvements in the right of way of Wildflower Court and Hidden Bend Loop located in Magnolia Reserve Section 2.

K3. PRECINCT 3

- a. REQUEST APPROVED to approve First Amendment to License Agreement between the County and Texas Feral Hog Control, LLC. Commissioner James Noack, or his designee is authorized to sign said agreement on behalf of Montgomery County.
- b. REQUEST APPROVED for Storm Sewer Easement Agreement between Montgomery County, Texas and John W. Cook relating to 0.459 acre (2,407 s.f.) storm sewer easement in the C.F. Baumlin Survey, A-105, Montgomery County, Texas.
- c. ORDER APPROVED to confirm, and ratify the fully executed Agreement between Montgomery County and Splendora, LLC, the parent company of HCMB, LLC for the Sale and Purchase of Mitigation Credits. Commissioner James Noack, or his designee, are authorized to sign said Agreement on behalf of Montgomery County, Texas.

AGENDA ITEM 8K4a WAS DEFERRED.

CONROE-NORTH HOUSTON REGIONAL AIRPORT – AGENDA ITEM 8L1

- L1. REQUEST APPROVED for Consent of Partial Assignment of Land Lease from Keven Dowell to JK Classic Aviation, LLC for Hangar C5 containing .033 acres

of land and Hangar B1 containing .033 acres of land at the Conroe North Houston Regional Airport.

CONSTABLE PRECINCT 1 – AGENDA ITEM 8M1

- M1. REQUEST APPROVED for the Memorandum of Understanding between the U.S. Immigration and Customs enforcement HSI Joint Operations program and the Montgomery County Constable Precinct 1 office. Budget line 7100-790920 to cover match associated with contract.

CONSTABLE PRECINCT 4 – AGENDA ITEM 8N1

- N1. REQUEST APPROVED for the Memorandum of Understanding between the U.S. Immigration and Customs enforcement HSI Joint Operations program and the Montgomery County Constable Precinct 4 office. Budget line 7400-790920 to cover match associated with contract.

COMMUNITY DEVELOPMENT – AGENDA ITEMS 8O1-2

- O1. REQUEST APPROVED to authorize County Judge Mark J. Keough to execute the FY2020 HESG and CDBG Grant Agreements between Montgomery County and the following non-profit agencies:

Emergency Solutions Grants Program (HESG)

- Humble Area Assistance Ministries (HAAM)

Community Development Block Grant Program (CDBG)

- Society of Saint Vincent De Paul

- O2. REQUEST APPROVED for amendments to the FY2020 Consolidated Action Plan, and Judge Keough is authorized to sign and implement amendments including payments and reclassification of Community Development budget as submitted.

Motion carried.

END OF CONSENT AGENDA

3. AWARD APPROVED – PURCHASING

Motion by Commissioner Noack, seconded by Commissioner Metts, to approve the award for Project #21-08 Kuykendahl Road Widening Lake Woodlands Drive to Research Forest Drive to WadeCon LLP for Commissioner Precinct 3. Motion carried.

4. REQUEST APPROVED – CARRY-OVER FUNDS – BUDGET

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the carry-over of funds in the amount of \$200,000.00 from FY2020 budget to FY2021 Budget for Court Operations. This is for invoices signed by the Judges in FY2021 but for FY2020 judicial/legal activity. Motion carried.

THE COURT RECESSED FOR EXECUTIVE SESSION PURSUANT TO ONE OR MORE OF THE FOLLOWING PROVISIONS OF THE TEXAS GOVERNMENT CODE, TO WIT: CHAPTER 551, SUB-CHAPTER D, ARTICLE 551.071.

EXECUTIVE SESSION – AGENDA ITEM 15A: CONSULTATION WITH ATTORNEY regarding claim no. B-18-0072, date of incident August 31, 2018. (Section 551.071).

EXECUTIVE SESSION – AGENDA ITEM 15B: CONSULTATION WITH ATTORNEY regarding the liability related to CARES Act expenditures. (Section 551.071)

COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT.

NO ACTION NECESSARY ON THE ITEMS DISCUSSED IN EXECUTIVE SESSION.

AGENDA ITEM 10B WAS MOVED TO BE HEARD BEFORE AGENDA ITEM 10A.

5. REIMBURSEMENT AGREEMENTS APPROVED FOR SCHOOLS – EMERGENCY MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Riley, to authorize the Office of Emergency Management to facilitate addendum to current reimbursement agreements with Conroe, New Caney, Splendora, Willis, Magnolia and Montgomery ISD's. Commissioners Court determined the amount of reimbursement for each addendum to be \$200 per child. After some discussion and a suggestion by Commissioner Riley to raise the amount to \$260 per child, Commissioner Noack amended his motion to accept the \$260 per child, and Commissioner Riley seconded it. This will be in addition to the \$40 per child previously determined in a prior court. County Judge Mark J. Keough is authorized to execute all agreements and effectuate the same. Funding for this program will come from CARES Act Funds. Motion carried.

6. REQUEST APPROVED – VACCINE MEDICAL SUPPLIES – EMERGENCY MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Riley, to authorize the Office of Emergency Management to purchase medical supplies from Bound Tree in an amount not to exceed \$1,490,000. These items will be used to distribute and administer vaccines to the public who elect to take the COVID vaccine in the coming months. Funds shall come from CARES Act Funds. Motion carried.

7. ORDER APPROVED – ELECTION RETURNS – ELECTIONS

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the Order to Canvass the Returns and Declare the Results of the November 3, 2020 General Election. Motion carried.

8. AWARDS APPROVED – PURCHASING

Motion by Commissioner Meador, seconded by Commissioner Metts, to approve the following awards:

1. Project #21-10 RFP Lead Based Paint Inspections and Other Services for Montgomery County, Texas Lead Hazard Control Program for MCCD to Integrity.
2. Project #21-01 RFP Lease and Development of Fuel Station on Approximately +/- .16 Acre of Property with lease contract to follow for Conroe-North Houston Regional Airport to Galaxy FBO Holdings, LLC.
3. Project #21-02 Rogers Road Reconstruction and Widening for Commissioner Precinct 1 to WadeCon LLC. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 13A1: CONSIDER AND APPROVE Order Authorizing Cancellation of The Refuge in Willis, Section 1.

AGENDA ITEM 13B1: CONSIDER AND APPROVE the partial revision of Lot 31 of Hidden Acres Section 2, to be known as Hidden Acres Section 2 Partial Replat No. 1. The purpose of the proposed partial replat is to create 2 residential lots.

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

9. ORDER APPROVED – SUBDIVISION CANCELLATION – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the Order Authorizing Cancellation of The Refuge in Willis, Section 1. The land within the boundaries will be reestablished as acreage as it existed before the subdivision, and the Tax Assessor shall assess the property as if it had never been subdivided pursuant to Section 232.008 of the Texas Local Government Code. Judge Keough voted "aye"; Commissioner Meador voted "aye"; Commissioner Noack voted "aye"; Commissioner Riley voted "aye"; Commissioner Metts voted "aye". Motion carried.

AGENDA ITEM 14A1 – PRESENTATION – PRECINCT 3

Commissioner Noack gave an update on the status of road bond projects in Precinct 3. All projects that were proposed to be done with the road bond funds have been started and/or completed, along with a few other projects that were done as well. NOTE: DISCUSSION IN FULL CAN BE HEARD ON AUDIO OF MINUTES ON THE COUNTY WEBSITE.

AGENDA ITEM 15 WAS MOVED UP IN THE AGENDA AND DISCUSSED AFTER MOTION 4.

AGENDA ITEM 16 WAS MOVED TO BE AFTER MOTION 4 – NO ACTION NECESSARY.

CITIZENS – AGENDA ITEM 17

No Citizens spoke at this time.

MISCELLANEOUS – AGENDA ITEM 18 – NO OTHER ITEMS LISTED

10. COURT ADJOURNS

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

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

ATTEST:

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

BY: Mark Turnbull
COUNTY CLERK

[Signature]
COUNTY JUDGE

