

FEB 14 2017

COMMISSIONERS COURT DOCKET  
January 24, 2017  
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 24<sup>th</sup> day of January, 2017, 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 Jerilyn Williams

THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA WAS LED BY JIMMY EDWARDS III AND RECITED.

THE PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG WAS LED BY JIMMY EDWARDS III AND RECITED.

1. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the Minutes from Regular Session of Commissioners Court dated January 10, 2017. Motion carried.

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

Motion by Commissioner Meador, seconded by Commissioner Riley, to unanimously approve all actions, items, resolutions and authorizations shown on the Consent Agenda and County Judge is appointed and authorized to sign any contracts, approvals and other documents in connection with any items shown on the Consent Agenda, as follows:

COUNTY AUDITOR – AGENDA ITEMS 8A1-5

A1. CASH COUNT AND DEPOSIT FINDINGS REPORT ACCEPTED for Qtr 1, FY 17 for the following:

- |                            |                                    |
|----------------------------|------------------------------------|
| • Airport                  | • Drug Court                       |
| • Animal Control           | • Elections                        |
| • Animal Shelter           | • Fire Marshal                     |
| • Commissioner, Precinct 1 | • Forensics                        |
| • Commissioner, Precinct 2 | • Justice of the Peace, Precinct 1 |
| • Commissioner, Precinct 3 | • Justice of the Peace, Precinct 2 |
| • Commissioner, Precinct 4 | • Justice of the Peace, Precinct 3 |
| • Constable, Precinct 1    | • Justice of the Peace, Precinct 4 |
| • Constable, Precinct 2    | • Justice of the Peace, Precinct 5 |
| • Constable, Precinct 3    | • Juvenile Justice Center          |
| • Constable, Precinct 4    | • Law Library                      |
| • Constable, Precinct 5    | • Lone Star Convention Center      |

- County Clerk
- District Attorney Pre-Trial
- District Clerk
- 284<sup>th</sup> District Court
- 359<sup>th</sup> District Court
- Memorial Library System
- Permits Division
- Sheriff's Office
- Tax Office
- Treasurer

A2. BUDGET AMENDMENTS FY16 APPROVED:

- a. ARRA/TxDOT 3050-02-016: To adjust line items and adjust line items for additional match.
- b. Juvenile Probation: To recognize and allocate FY15 revenue, carryover funds from FY15, recognize and allocate revenue, and adjust line items.
- c. Memorial Library: To recognize and allocate FY16 ILL Grant Revenue.

A3. BUDGET AMENDMENTS FY17 APPROVED:

- a. Various: To correct encumbrance carryover budget amendment approved M2/12.20.16 and allocate proceeds from 11/18/16 auction.
- b. Commissioner Precinct 2: To adjust line items.
- c. Commissioner Precinct 3: To recognize and allocate revenue and adjust line items.
- d. Commissioner Precinct 4: To recognize and allocate revenue.
- e. Constable Precinct 1: To recognize and allocate revenue.
- f. Constable Precinct 3: Enc carryover Fy16.
- g. Constable Precinct 5: To transfer funds for two Livestock deputies transferred from Constable Pct 5 to the Sheriff's Department as approved M6/12.20.16.
- h. County Auditor: To transfer funds for build.
- i. County Clerk: To adjust line items.
- j. County Court at Law Two: To transfer funds for two VPN tokens and transfer funds for VPN token.
- k. CP Road Bonds 2016A: To recognize and allocate bond proceeds for Road Bonds 2016.
- l. Debt Service-Refunding Bonds Series 2016: To recognize and allocate bond proceeds for Refunding Bonds 2016A.
- m. District Attorney: To transfer funds for 5 VPN tokens.
- n. Fire Marshal: To recognize revenue to pay Claim No. A-16-0039 as approved M2/12.20.16.
- o. Juvenile Probation: To transfer funds for VPN tokens.
- p. Law Library: To transfer funds for VPN token.

- q. MCCC: To adjust line items, adjust line items per amendment to Consolidated Action Plan M19/08.23.16, adjust line items per amendment to Consolidated Action Plan M13/11.08.16, recognize and allocate PI received for Willis Building (PI-1.1), Lonestar Building (PI-1.2), Magnolia Building (PI-2.1), Mag Medical Building (PI-2.2), and Splendora Building (PI-4.1), and recognize and allocate FY 16 excess PI from Magnolia Medical Clinic.
  - r. Memorial Library: To recognize and allocate revenue for the General Gift Account and the Genealogy/Ron Jackson Gift Account.
  - s. Purchasing: To transfer funds for contract as approved M4/01.10.17.
  - t. Sheriff: To reverse unneeded budget amendment correction approved M3/10.25.16, adjust line items, and adjust line items related to the reorganization of the Montgomery County Sheriff's Office as approved M2/12.20.16.
  - u. Sheriff/STEP IDM (DWI): To recognize and allocate FY 2017 STEP-IDM Grant from TxDOT M1/12.13.16.
- A4. PAYMENT OF ACCOUNTS APPROVED, as submitted by the County Auditor.
- A5. CHAPTER 59 ASSET FORFEITURES REPORT ACCEPTED.

TAX ASSESSOR/COLLECTOR – AGENDA ITEMS 8B1-2

- B1. TAX ASSESSOR-COLLECTOR'S COMPLIANCE ACKNOWLEDGED with SB546 reporting requirements pursuant to Texas Tax Code Section 6.231 (d).
- B2. MONTHLY TAX COLLECTION REPORT ACCEPTED for the month ending December 31, 2016.

PURCHASING – AGENDA ITEMS 8C1-10

- C1. RENEWALS AWARDED:
  - a. Roads/crack seal services with Texas Lone Star Pavement Services on a month to month basis for Various Departments.
  - b. Acrylic electronic cuttable film with 3M for Various Departments. (Exercising the fifth of five renewal options)
  - c. Fire and security systems and monitoring services through the Interlocal Agreement with Buyboard contract #493-15 with Stanley Convergent Security Solutions for Various Departments. (Exercising the second of two renewal options)
  - d. Maintenance, repair and operations supplies and related services through the Interlocal Agreement with the Region 4 Education Service Center/TCPN contract #R142104 with Lowes Home Centers, LLC for Various Departments. (Exercising the third of five renewal options)
  - e. Electrical items and miscellaneous supplies with each of the following vendors: Consolidated Electrical Distributors, Inc., Anixter, Inc. DbA Anixter Power Solutions, LLC and Crawford Electric Supply Co., Inc. for Various Departments. (Exercising the fourth of five renewal options)
  - f. Household hazardous waste collection, transportation and disposal service through the Interlocal Agreement with HGAC contract #HGAC-CE-12-116 with Stericycle Environmental Solutions, Inc. and include 3.5% price increase and cancel existing month to month contract for Various Departments.

- g. Products and related services through the Department of Information Resources contract # DIR-SDD-1951 with Dell Marketing, LP and add amendment #8 through 04/09/17 for Various Departments.
- C2. MISCELLANEOUS ITEMS APPROVED for the next online auction with Rene Bates Auctioneers, Inc. for Various Departments.
- C3. REQUEST APPROVED to declare miscellaneous items as salvage as authorized by Local Government Code §263.152 for Various Departments.
- C4. REQUEST APPROVED to reject and re-advertise project #2017-0023, used passenger bus for Precinct 2.
- C5. CORRECTION APPROVED of Renewal for elevator equipment, service, repair, and related services through the Region 4 Education Service Center contract #R150801 with Thyssenkrupp Elevator Corporation and include the following changes previously approved in Commissioner's Court 12/20/16 for Various Departments:
  - Changes to renewal did read: For an overall price increase of 3.00%
  - Changes to renewal should read: For an overall price increase of 3.45%
- C6. CANCELTION APPROVED of the contract for network equipment through the Department of Information Resources contract #DIR-TSO-2671 with Graybar Electric Co., Inc. due to non-compliance of contract terms and conditions per the State of Texas effective 01/05/17 for IT.
- C7. CHANGE ORDERS APPROVED:
  - a. CO #2 to Triple B Services, LLP for Rayford Road at IH-45 Intersection Improvements to include additional asphalt work and manhole adjustment to existing contract and to extend contract time by one day in the amount of \$3,200.00 for Precinct 3.
  - b. CO #2 to Miller Uniforms and Emblems, Inc. for new uniforms to include miscellaneous items to existing contract for Various Law Enforcement Departments.
  - c. CO #7 to Aramark Correctional Services, LLC for jail food services to increase jail meal to \$0.90 and to increase juvenile meal to \$2.38 for a total increase of 2.81% for Various Departments.
- C8. CONTRACTS APPROVED for the following:
  - a. Technology products & services through the Interlocal Agreement with Choice Partners contract #15/006MP-15 with Phonoscope Enterprises Group, LLC and include the name change to Phonoscope, Inc. effective 01/01/17 for Various Departments.
- C9. DISCRETIONARY EXEMPTIONS APPROVED:
  - a. Playaway, Playaway View, Playaway Bookpacks, Playaway Launchpad and Playaway Lock with Findaway World, LLC for Library.
  - b. Reference books and multimedia with Worldbook, Inc. for Library.
  - c. Mack Parts only with Cleveland Mack Sales, Inc. dba Performance Truck for Various Precincts.
- C10. INTERLOCAL AGREEMENT APPROVED for goods and services with the Conroe Independent School District for Various Departments.

RISK MANAGEMENT – AGENDA ITEM 8D1

D1. CHANGES, ADDITIONS AND RELEASES APPROVED for the following:

<u>BOND</u>	<u>NAME/DEPT</u>	<u>AMOUNT</u>	<u>ACTION</u>
	Robin, Jennifer/410th District Court		Oath Of Office
	Robin, Jennifer/410th District Court		Statement Of Officer
	Gilbert, Tracy/418th District Court		Oath Of Office
	Gilbert, Tracy/418th District Court		Statement Of Officer
	Maginnis, Patricia/435th District Court		Oath Of Office
	Maginnis, Patricia/435th District Court		Statement Of Officer
	Ligon, Brett/District Attorney		Oath Of Office
	Ligon, Brett/District Attorney		Statement Of Officer
	Grant, Phil/9th District Court		Oath Of Office
	Grant, Phil/9th District Court		Statement Of Officer
	Overstreet, Scharlene/418th District Court		Oath Of Office
	Overstreet, Scharlene/418th District Court		Statement Of Officer
	Martin, Phyllis/County Auditor		Additional Oath Of Office
71590585	McRae, Tammy/Tax Assessor		Rider-Change Effective Date
15345310	McRae, Tammy/Tax Assessor		Rider-Change Effective Date
62265010	Diehl, Deborah/Constable Pct. 2	\$5,000	Renew/Cont Cert
62619236	Sullivan, Jarod/Constable Pct. 4	\$5,000	Renew/ Cont Cert
62628014	Young, Linda/Constable Pct. 2	\$5,000	Renew/Cont Cert

COMMISSIONERS – AGENDA ITEMS 8E1-2

E1. PRECINCT 1

- a. USE AGREEMENT APPROVED with Texas Rakers, select baseball team to use the baseball fields at the West Montgomery Park for practices as scheduled by Montgomery Little League through December 2017.
- b. USE AGREEMENT APPROVED with Willis Cyclones select baseball team to use the baseball fields at Charles Traylor Park for practices as scheduled by Willis Youth Athletic Association.
- c. REQUEST APPROVED for the following transfers:

- Transfer \$6,479.96 (\$6,000.00 for salary and \$479.96 for cell phone allowance) from 612-8555-1 (Admin. Manager II) to 612-4213-1 (Admin. Assistant I) and establish a cell phone allowance at \$18.46 per pay period.
- Transfer \$6,479.96 (\$6,000.00 for salary and \$479.96 for cell phone allowance) from 612-8555-1 (Admin. Manager II) to 612-4213-2 (Admin. Assistant I) and establish a cell phone allowance at \$18.46 per pay period.

E2. PRECINCT 4

- CHECK ACCEPTED in the amount of \$589.69 from the Montgomery County Committee on Aging, Inc. for the purchase of fuel. This is to be deposited into line item No. 615-7926. Check has been forwarded to the Auditor for further processing.
- CHECK ACCEPTED in the amount of \$2,919.88 from the Montgomery County Emergency Services District No. 7 for the purchase of fuel. This is to be deposited into line item No. 615-7926. Check has been forwarded to the Auditor for further processing.
- USE AGREEMENT APPROVED with Splendora Area Softball Association to use the softball fields at Ipes Park for practices as scheduled through December 31, 2017.
- USE AGREEMENT APPROVED with Dual Threat Prospects Baseball to use the baseball fields at A.V. "Bull" Sallas Park and Ed Rinehart Park for practices as scheduled by EMCSA through December 31, 2017.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 8F1-3

F1. PRECINCT 2

- FINAL PLAT APPROVED of Woodforest Section 64; 30.48 acres; James Hodge Survey, A-19.

F2. PRECINCT 3

- REQUEST APPROVED to acknowledge that the roads in Benders Landing, Section 2 Partial Replat No. 1 have been built to county standards and completed the one year maintenance period. The bond is released. These roads are private and will not be maintained by Montgomery County.

F3. PRECINCT 4

- STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Harpers Preserve, Section 9, effective January 24, 2017.

HUMAN RESOURCES – AGENDA ITEM 8G1

H1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Airport to promote Kevin Scott Isaacks Jr., Maintenance Tech III, as replacement for Kenneth W. Lewis, effective February 1, 2017.

Request of Airport to place Christopher W. Lewis, Temporary Maintenance Tech I, on payroll, effective January 27, 2017.

Request of Airport to change status of Christopher W. Lewis, Maintenance Tech I, from Temp to Full-time as replacement for Kevin Isaacks, effective February 1, 2017.

Request of Animal Shelter to increase salary of Carlton Branham, Kennel Technician, due to completion of probationary period, effective January 14, 2017.

Request of Animal Shelter to place Roy Collins, Maintenance Tech II, on payroll, effective January 16, 2017.

Request of Animal Shelter to accept the resignation of Morgan Howell, Clinic Technician, effective January 21, 2017. [18.48 hours or balance vacation; 37.125 hours or balance compensatory time; 20.00 hours or balance holiday]

Request of Animal Shelter to accept the resignation of Jessica Laguna, Clinic Technician, effective January 21, 2017. [18.48 hours or balance vacation; 63.625 hours or balance compensatory; 33.50 hours or balance holiday]

Request of Animal Shelter to place Anne Marie Meyers, Vet Technician, on payroll as replacement for Holli Hankamer, effective January 13, 2017.

Request of Animal Shelter to accept the resignation of Danielle Pittman, Kennel Technician, effective January 6, 2017. [No benefits due]

Request of Animal Shelter to promote Preston White, Vet Technician, effective December 31, 2016.

Request of Commissioner Precinct 1 to increase salary of Shane M. Mosley, Laborer, due to completion of probationary period, effective January 23, 2017.

Request of Constable Precinct 1 to transfer Cody Bryant, Deputy, from Sub Unit SJRA to Constable Pct. 1 as replacement for James Manning III, effective January 14, 2017.

Request of Constable Precinct 1 to transfer Kayce Bucks, Administrative Manager II, from Sheriff, effective January 23, 2017.

Request of Constable Precinct 1 to place Don Fullen, Captain, on payroll as replacement for Russell Fincher, effective January 3, 2017.

Request of Constable Precinct 1 to transfer James Manning III, Deputy, from Constable Pct 1 to Sub Unit SJRA as replacement for Cody Bryant, effective January 14, 2017.

Request of Constable Precinct 1 to transfer Billy L. Burnett Jr., Deputy from Constable Pct 1 to Sub Unit WISD, as replacement for Kevin Wolf, effective January 7, 2017.

Request of Constable Precinct 3 to place James Sumner, Lieutenant-Constable, on payroll, effective January 7, 2017.

Request of Constable Precinct 3 to transfer Kevin Wolf, Deputy Constable, from Constable Pct 1 WISD Sub Unit to Constable Pct 3 Spring Creek UD, as replacement for Jimmy A. Denton III, effective January 7, 2017.

Request of Constable Precinct 4 to accept the resignation of Bryan Skero, Deputy, effective January 29, 2017. [206.16 hours or balance vacation; 263.75 hours or balance compensatory time; 40.00 hours or balance holiday]

Request of Constable Precinct 5 to accept the retirement of Lillian Morrison, Clerk IV, effective January 31, 2017. [217.685 hours or balance vacation]

Request of District Clerk to place Jennifer Carlton, Court Clerk IV, on payroll due to Return from Unpaid FMLA/Disability Leave, effective December 22, 2016.

Request of District Clerk to place Kelsey Padgett, Office Supervisor I, on Unpaid FMLA/Disability Leave, effective January 10, 2017.

Request of District Clerk to place Megan Shiflett, Part-time Clerk, on payroll as replacement for Dixie Webb, effective January 17, 2017.

Request of Elections to increase salary of Barbara Jean Ray, Voter Clerk, due to increased responsibilities and promotion to EV Judge, effective January 28, 2017.

Request of Forensic Services to place Alexander Palermo, Forensic Lab Tech I, on payroll as replacement for Taylor Nichols, effective January 9, 2017.

Request of Juvenile to place Nikki Marie Blackburn, Juvenile Probation Officer, on payroll due to Return from Unpaid FMLA/Disability Leave, effective January 11, 2017.

Request of Juvenile to discharge Keandra Lashay Hamilton, Juvenile Supervision Officer, effective January 9, 2017. Is not eligible for re-hire. [33.69 hours or balance vacation; 3.00 hours or balance compensatory time; 35.90 hours or balance holiday]

Request of Juvenile to place Mary Copeland Kipness, Juvenile Supervision Officer-JJAEP, on payroll as replacement for Kourtney Steptoe, effective January 17, 2017.

Request of Juvenile to place Courtney Elizabeth Tazelaar, Counselor, on payroll as replacement for Maria Zavala, effective January 17, 2017.

Request of Library to accept the retirement of Barbara Murphy Appleby, Branch Manager, effective February 28, 2017. [211.37 hours or balance vacation]

Request of Library to accept the retirement of Patricia R. Bicknell, Reference Librarian, effective January 31, 2017. [187.685 hours or balance vacation]

Request of Sheriff to place Christopher Campbell, Officer Civilian Detention, on payroll as replacement for Jacob Rodgers, effective January 14, 2017.

Request of Sheriff to place Sean Cyr, Officer Civilian Detention, on payroll as replacement for Danielle Kutz, effective January 14, 2017.

Request of Sheriff to promote Christina Lumpkin, Technician Property & Evidence, effective January 7, 2017.

Request of Sheriff to decrease salary of Matthew McCord, Deputy-Patrol, due to an error made in FY 2017 STEP increase to 4 year deputy, effective January 14, 2017.

Request of Sheriff to place Courtney Moore, Clerk IV-Records, on payroll as replacement for Zakiya Ramos, effective January 14, 2017.

Request of Sheriff to promote Elvinas Polatovas, Deputy Detention, on payroll as replacement for Wilson Shotwell, effective January 14, 2017.

Request of Sheriff to place Steven Sapio, Jr., Officer Civilian Detention, on payroll as replacement for Sara Vradenburg, effective January 14, 2017.

Request of Sheriff to promote Bennie Spaulding Jr., Manager-Inventory Control, effective January 14, 2017.

Request of Sheriff to place Donna Vallie, Clerk IV-Records, on payroll as replacement for Rhonie Long, effective January 7, 2017.

Request of Sheriff to correct PCR of Allison Allen, Captain Patrol, approved 1-10-2017, to be effective January 1, 2017.

Request of Sheriff to correct PCR of David Dottei, Lieutenant Patrol, approved 1-10-2017, to be effective January 1, 2017.



Request of Sheriff to accept the resignation of Christopher Peckne, Sergeant-Patrol, effective January 28, 2017. [76.88 hours or balance vacation; 87.38 hours or balance compensatory; 16.00 hours or balance holiday]

Request of Tax Assessor-Collector to promote Dee Ann Adams, Deputy Specialist III, due to employee meeting educational and tenure requirements, effective February 11, 2017.

#### ENVIRONMENTAL HEALTH – AGENDA ITEMS 8H1-3

- H1. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year floodplain located at 26707 South Creek Magnolia, Texas, 77354.
- H2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year floodplain located at 7606 Lake Creek Circle Montgomery, Texas 77316.
- H3. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year floodplain located at 18434 Rolling Hills Drive, Porter, Texas 77365.

#### SHERIFF – AGENDA ITEMS 8I1-3

- I1. ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE AGREEMENT ACCEPTED between the Department of Justice and the Montgomery County Sheriff's Office. The agreement is for FY2017 and associated benefits will be funded by 5601.75985. This is for SW-TXE-0332 Noble Virtue in the amount of \$5,000.00.
- I2. MEMORANDUM OF UNDERSTANDING ACCEPTED between the US Immigration and Customs Enforcement HSI Joint Operations Program and the Montgomery County Sheriff's Office. The overtime funding is for FY2017 and as listed below. All benefits will be funded from 5601-75985.
  - Gang Investigation \$10,000.00
  - MOCONET Task Force \$22,000.00
- I3. REQUEST APPROVED to use the facility on Timberloch Place by Various Montgomery County Law Enforcement personnel on February 8-10<sup>th</sup> for training exercises. Sheriff Rand Henderson or his designee is authorized to execute any documents necessary related to the same. There is no cost to the County for the use of the facilities.

#### COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 8J1-2

- J1. PRECINCT 1
  - a. ORDER APPROVED authorizing the Grant of a sanitary sewer easement to the Geo Group, Inc. County Judge is authorized and directed to sign any papers including the easement document and the County Clerk has recorded the Sewer Easement in the Official Public Records under Clerk's file number 2017-006643.
- J2. PRECINCT 2
  - a. CORRECTED RESOLUTION AND ORDER TO PAY APPROVED to rescind Motion #4 (J2b) approved January 10, 2017, approve the Memorandum of Agreement for the acquisition of Parcel 30C as well as the purchase from McCaleb Plaza, LLC in the amount of \$238,034.75. Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Closing Statement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 61301-7487 to

Old Republic Title for the benefit of McCaleb Plaza, LLC in the amount stated above.

J3.     PRECINCT 3

- a. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 2 of the expansion of Rayford Road from Eric Arriola and Diana Arriola in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Eric Arriola and Diana Arriola in the amount listed above.
- b. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 3 of the expansion of Rayford Road from Maria Loreda in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Maria Loreda in the amount listed above.
- c. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 5 of the expansion of Rayford Road from Laura Alguera in the amount of \$1,400.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Laura Alguera in the amount listed above.
- d. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 6 of the expansion of Rayford Road from Celestina Dominguez and Juan Morales in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Celestina Dominguez and Juan Morales in the amount listed above.
- e. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 21 of the expansion of Rayford Road from Le V. Dang and Mai T. Ngo in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Le V. Dang and Mai T. Ngo in the amount listed above.
- f. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 23 of the expansion of Rayford Road from Sandro Vazquez in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Sandro Vazquez in the amount listed above.
- g. RESOLUTION AND ORDER TO PAY APPROVED for payment of fixed moving expenses in connection with the acquisition of Parcel 5 Lot 26 of the expansion of Rayford Road from Alberto Barradas and Nancy Vasquez Osorio in the amount of \$1,600.00. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Alberto Barradas and Nancy Vasquez Osorio in the amount listed above.
- h. ORDER APPROVED declaring the existence of a public necessity and authorizing the institution of eminent domain proceedings for the Rayford

Road Expansion Project for Parcel 33 being 0.02 acre (700 sq. ft.) parcel situated in the Montgomery County School Land Survey, A-350.

- i. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 54 of the expansion of Rayford Road from Shops at Rayford Crossing, LLC for the total sum of \$32,225.00. The Rule 11 Agreement letter is approved and Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Rule 11 Agreement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Shops at Rayford Crossing, LLC in the amount stated above.
- j. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 56 of the expansion of Rayford Road from Parkway/Rayford 42, LP for the total sum of \$32,225.00. The Rule 11 Agreement letter is approved and Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Rule 11 Agreement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Parkway/Rayford 42, LP in the amount stated above.
- k. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 57 of the expansion of Rayford Road from Parkway/Rayford 42, LP for the total sum of \$24,075.00. The Rule 11 Agreement letter is approved and Judge Doyal and/or B.D. Griffin are authorized to approve the deed and execute the Rule 11 Agreement and all other documents necessary. The County Auditor and Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to Parkway/Rayford 42, LP in the amount stated above.

COUNTY ATTORNEY – AGENDA ITEMS 8K1-3

- K1. MODIFICATION NO. 8 OF INTERGOVERNMENTAL AGREEMENT (IGA) APPROVED with The United States Marshals Service for the Montgomery County Joe Corley Detention Facility reflecting recent wage determination 2015-5324 Revision 1, dated 1/6/2016.
- K2. MODIFICATION NO. 8 OF INTERGOVERNMENTAL AGREEMENT (IGA) APPROVED with The United States Marshals Service for the Montgomery County Joe Corley Detention Facility to adjust the current per diem rate of \$62.46 to \$63.07 to reflect the annual department labor wage determination 2015-5234 Revision 1, dated 1/6/2016.
- K3. RESOLUTION AND ORDER APPROVED for the settlement of Claim No.:A-16-0119. Montgomery County will pay \$6,264.12 payable to Cody and Destiny Lucas and \$2,073.56 payable to S&B Storage in exchange for a full and final release of claims for property damage. The funds shall be paid from line item 613-7657.

DISTRICT CLERK – AGENDA ITEM 8L1

- L1. CONTRACT (NO. 17-C0058) APPROVED with the Office of the Attorney General of the State of Texas State Case Registry/Local Customer Service. An Incident Response Plan is adopted to address security breaches of the Child Support Registry Database and County Judge is authorized to execute the contract and any other necessary and related documents on behalf of Montgomery County.

CONROE-NORTH HOUSTON REGIONAL AIRPORT – AGENDA ITEM 8M1

- M1. ASSIGNMENT OF LAND LEASE AGREEMENT WITH CONSENT OF LESSOR APPROVED between Mike S. Brown and Rick L. and Vicki L. Neu for parcel 12-D-3 being 4074 square feet out of a 0.925 acre tract of land at the Conroe-North Houston Regional Airport.

COMMUNITY DEVELOPMENT – AGENDA ITEM 8N1

- N1. REQUEST APPROVED to authorize County Judge to execute 2016 CDBG, Home, and HESG Public Service Grant Agreement between Montgomery County and the following non-profit agencies: Montgomery County Committee on Aging, Inc. dba Meals on Wheels Montgomery County (CDBG); Society of Saint Vincent De Paul (CDBG); Montgomery County Children's Advocacy Center, Inc. dba Children's Safe Harbor (CDBG); Easter Seals of Greater Houston, Inc. (Home); and Montgomery County Youth Services (HESG).

BUILDING MAINTENANCE – AGENDA ITEM 8O1

- O1. REQUEST APPROVED to acknowledge and accept the Montgomery County Sheriff's Warehouse Project Report and incentive check no. 6413636 in the amount of \$1,200.14 from the Entergy Texas Citysmart Program. The funds will be deposited into Contingency. Check has been forwarded to the Auditor for further processing.

VETERANS SERVICE – AGENDA ITEM 8P1

- P1. REQUEST APPROVED of the following position changes: closing position 405-4213-1 (Admin Assistant 1) and open 405-4700-2 (Assistant Veterans Service Officer) and transfer \$39,635.43 to the new position with no change to salary at this time.

Motion carried.

**END OF CONSENT AGENDA**

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3. COMMISSIONERS COURT AGENDA APPROVED.

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

CITIZENS – AGENDA ITEM 9

Rigby Owen Jr. addressed the Court concerning the Montgomery County War Memorial Park. He would like the County to partner with the City of Conroe to move the park to a location that is more accessible.

Kelli Cook addressed the Court concerning the Lone Star Groundwater Conservation District appointment. She would like new representation on the board and suggested Jill Savory and Webb Melder and supports the resolution to have the members of the district elected.

Stacy Buick also addressed the Court concerning the Lone Star Groundwater Conservation District appointments. She would like to see new appointees with a new perspective because she believes a change is necessary.

Bill O'Sullivan addressed the Court concerning ethics. He believes the agenda review meeting is along the lines of a chain quorum and the Court needs to stay away from that or even the appearance of that.

District Attorney Brett Ligon also addressed the Court concerning ethics. He would like the Court members to disinvolve with outside business interests and not let pride get in the way. He stated the appearance of impropriety if often what will get people investigated.

AGENDA ITEM 10A – ALLEN CLARK, DIRECTOR OF TRANSPORTATION PLANNING WITH HGAC, MADE A PRESENTATION CONCERNING THE SAFE CLEAR TOWING PROGRAM. HE GAVE A PROGRAM OVERVIEW, OPERATION, CRITERIA, AND THE STEPS TO TAKE AS WELL AS ISSUES REGARDING THE EXPANSION OF THE PROGRAM.

THE COURT ASKED MANY QUESTION CONCERNING THE PROGRAM.

NO ACTION WAS TAKEN BY THE COURT ON THIS ITEM.

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

COMMISSIONER MEADOR READ STATEMENT A CONCERNING VETERANS MEMORIAL COMMISSION (VMC) AND A NEW VETERANS MEMORIAL PARK.

FORMER COUNTY JUDGE JIMMIE C. EDWARDS III MADE A PRESENTATION TO THE COURT CONCERNING THE MONTGOMERY COUNTY WAR MEMORIAL PARK

SEE MOTION #4 FOR COURT ACTION.

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

4. PARK DECOMMISSIONED – MONTGOMERY COUNTY WAR MEMORIAL PARK  
– COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Clark to move forward to decommission the Montgomery County War Memorial Park and accept the resolution from the Veterans Memorial Commission (VMC). Motion carried.

THE COURT DISCUSSED THE APPOINTMENT TO THE LONE STAR GROUNDWATER CONSERVATION DISTRICT. EACH MEMBER STATED THEIR CHOICES FOR THE APPOINTMENT AS FOLLOWS:

COMMISSIONER MEADOR STATED THE FOLLOWING NAMES: JILL SAVORY, RANDY COUNCIL, & WEBB MELDER, BUT DID NOT HAVE A NAME IN PARTICULAR TO SUBMIT.

COMMISSIONER RILEY: JACK CURTSINGER AND MIKE WINKLER

JUDGE DOYAL: RANDY COUNCIL

COMMISSIONER NOACK: DANE CANTWELL AND WEBB MELDER

COMMISSIONER CLARK: JACK CURTSINGER, WEBB MELDER, AND ROBERT SECREST

THE COURT DISCUSSED THE NOMINEES AND NAMED THE FOLLOWING INDIVIDUALS JACK CURTSINGER, RANDY COUNCIL, MIKE WINKLER, DANE CANTWELL, WEBB MELDER, ROBERT SECREST, AND JILL SAVORY AS POTENTIAL CANDIDATES.

SEE MOTION #5 FOR COURT ACTION.

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

5. WORKSHOP APPROVED – APPOINTMENT TO LONE STAR GROUNDWATER CONSERVATION DISTRICT – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Clark, to have a workshop following the Commissioners Court meeting on February 14, 2017 to interview the candidates for the appointment to the Lone Star Groundwater Conservation District. Each member of court will bring one name from those named during the discussion to be interviewed. Motion carried.

6. RESOLUTION APPROVED – DIRECT ELECTION OF THE BOARD OF DIRECTORS FOR THE LONE STAR GROUNDWATER CONSERVATION DISTRICT – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve a Resolution calling upon the Texas legislature to amend the District Act and any other relevant governing laws on the Lone Star Groundwater Conservation District to provide for the direct election of the members to the District's board of directors. A copy of the resolution will be forwarded to each member of the legislature. Motion carried.

THE COURT RECOGNIZED COUNCILMAN DUANE HAM AND HE ADDRESSED THE COURT IN REGARDS TO THE LONE STAR GROUNDWATER CONSERVATION DISTRICT. HE THANKED THE COURT FOR WORKING ON THE ISSUE WITH THE LONE STAR GROUNDWATER CONSERVATION DISTRICT.

AGENDA ITEM 10E WAS DISCUSSED BY MEMBERS OF THE COUNTY ATTORNEY'S OFFICE, DISTRICT ATTORNEY, AND MEMBERS OF THE COURT.

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

7. ETHICS POLICY ADOPTED – COUNTY JUDGE

Motion by Commissioner Clark, seconded by Commissioner Meador, to adopt an Ethics Policy for Montgomery County. A committee will be formed comprised of five members of the public and they will review any ethics complaints and determine whether there is a violation. County Judge and Commissioners will appoint two members, while the County Auditor, Purchasing Department and Human Resources Department will nominate three members of the public per department (a total of 9 individuals) with the Court members choosing one of the nominees from each department to comprise the five-person committee. The Ethics Committee decisions must be unanimous. The accused will have a right to appeal. Updates and implementation procedures will be brought back to court at later dates. Motion carried.

8. REQUEST APPROVED – EXTEND CURE PERIOD – TAX ASSESSOR/COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Clark, to extend the cure period to the abatement by 30 days in order to allow Jyoti Americas, LLC to bring their account into compliance. Motion carried.

9. REVISIONS APPROVED – RABIES CONTROL AND ANIMAL RESTRAINT ORDINANCE – ANIMAL SHELTER

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the revisions to the Montgomery County Rabies Control and Animal Restraint Ordinance. Motion carried.

10. REQUEST APPROVED – POSITION CHANGES – FORENSIC SERVICES

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the position changes as follows: Close position 6303-2605-1 (Forensic Assistant) and open

position 6303-2601-2 (Forensic Lab Tech) and transfer \$40,029.08 from 6303-2605-1 to 6303-2601-2 and transfer \$3,845.87 from position 6303-2608-1 (director quality assurance) to 6303-2601-2 for a total salary of \$43,875.01 for the Forensic Lab Tech. This will not increase the Fiscal Year 2017 Budget. Motion carried.

11. DONATION APPROVED – DRUG DETECTION K-9 – CONSTABLE PRECINCT 5

Motion by Commissioner Riley, seconded by Commissioner Noack, to approve the donation of one drug detection K-9 and a two weeks handlers course from Spring Creek K-9. The total value of this is \$11,000.00. Motion carried.

12. REQUEST APPROVED – K-9 STIPEND – CONSTABLE PRECINCT 5

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve a K-9 stipend in the amount of \$6,500.00 plus benefits per year for a deputy that will be assigned a new donated K-9. This will be funded from Commissioner Precinct 2 budget. Motion carried.

13. REQUEST APPROVED – FEE FOR COURSE MATERIALS – MENTAL HEALTH COURT SERVICES

REQUEST APPROVED –FEES AUTHORIZATION – MENTAL HEALTH COURT SERVICES

REQUEST APPROVED – AUTHORIZE CARRYOVER – MENTAL HEALTH COURT SERVICES.

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve charging participants in the Anger Management Classes provided by Mental Health Court Services a \$10.00 fee for course materials, authorize and apply those fees to the Mental Health Court Services budget for purchase of additional supplies, and authorize carryover of unspent funding of those fees into future fiscal years. Motion carried.

14. REQUEST APPROVED – REDUCE SPACE REQUIREMENTS – CONROE-NORTH HOUSTON REGIONAL AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Noack, to amend section 9.2.4 of the minimum standards for commercial aeronautical activities at the Conroe-North Houston Regional Airport to reduce the minimum aviation space required for the provision of aircraft maintenance and repair services from 4,800 square feet to 3,900 square feet in order to permit such service in hangars that otherwise meet the minimum standards. Motion carried.

COMMISSIONER MEADOR LEFT THE COURTROOM.

15. AWARDS APPROVED – VARIOUS – MCCD AND VARIOUS DEPARTMENTS

Motion by Commissioner Riley, seconded by Commissioner Clark, to approve the awards for the following:

- CSP-Empowerment Resource Center-Remodel Warehouse to Diamond Commercial Construction, Inc. in the amount of \$1,098,800.00 for MCCD.
- RFP-Paper Recycling and document destruction services to Tascon Industries, Inc. for Various Departments.

Motion carried.

16. DISCRETIONARY EXEMPTION APPROVED – APEX INNOVATIONS, INC – EMERGENCY MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Clark, to grant a discretionary exemption for an item that can only be obtained from one source as authorized by Local Government Code §262.024(a)(7) for the following:

- Annual hosting/maintenance and user support for data management licenses for the Uasi/i-Info Communications for Texas H.A.R.I.S. Network with Apex Innovations, Inc. through the Alliance for Community Solutions in the amount of \$81,500.00 to be funded by 2016-UASI EOC Sustainment Grant for Emergency Management.

Motion carried.

17. DISCRETIONARY EXEMPTION GRANTED – PERSONAL OR PROFESSIONAL SERVICES – RISK MANAGEMENT

Motion by Commissioner Clark, seconded by Commissioner Noack, to grant a discretionary exemption for a personal or professional services, and the agreement for property and casualty insurance program third party administration services, as authorized by Local Government Code §262.024(a)(4) for the following:

- Third party administrative services for property, casualty, liability and workers compensation program with York Risk Services Group, Inc. first month/data conversion to be pre-paid. Funds from workers compensation for Risk Management

Motion carried.

COMMISSIONER MEADOR RETURNED TO THE COURTROOM.

18. REQUEST APPROVED – INTERNAL COMPLIANCE PROGRAM CERTIFICATION FORM – PURCHASING

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve the Internal Compliance Program Certification Form from TxDOT and County Judge or his designee is authorized to execute all necessary documents. Motion carried.

19. REQUEST APPROVED – CONFIRMATION OF SALE – COUNTY ATTORNEY – REAL PROPERTY – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to confirm the sale of 2.658 acres in C.F. Baumlín Survey, A-105, Montgomery County to Legacy Capital Ventures, LLC pursuant to auction held on January 11, 2017 for the amount of \$22,758.00. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM18A1: CONSIDER AND APPROVE THE REVISION TO ALL OF STEVEN BARRIER MINOR PLAT AND 6.093 ACRES IN THE MARY CORNER SURVEY, ABSTRACT 9, TO BE KNOWN AS STEVEN BARRIER REPLAT NO. 1.

AGENDA ITEM 18B1: CONSIDER AND APPROVE THE FOLLOWING AMENDMENT TO SECTION TWO, PARAGRAPH I.B.3. OF THE MONTGOMERY COUNTY SUBDIVISION RULES AND REGULATIONS TO READ AS FOLLOWS:

SUBDIVISION FEE - A BASE FEE OF \$200.00, PLUS \$30.00 PER LOT, PLUS \$30.00 PER ACRE IN RESERVE, PLUS \$50.00 PER ACRE OF RIGHT OF WAY BEING DEDICATED IN A STREET DEDICATION PLAT; PLUS RECORDING FEES, RECORD MANAGEMENT FEES, SECURITY FEES OR OTHER FEES AS REQUIRED BY THE MONTGOMERY COUNTY



CLERK.

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

20. REQUEST APPROVED – AMENDMENT TO THE MONTGOMERY COUNTY SUBDIVISION RULES AND REGULATIONS – ALL PRECINCTS

Motion by Commissioner Clark, seconded by Commissioner Riley, to approve the amendment to Section Two, Paragraph I.B.3. of the Montgomery County Subdivision Rules and Regulations to read as follows:

Subdivision fee - A base fee of \$200.00, plus \$30.00 per lot, plus \$30.00 per acre in reserve, plus \$50.00 per acre of right of way being dedicated in a street dedication plat; plus recording fees, record management fees, security fees or other fees as required by the Montgomery County Clerk.

Motion carried.

21. RE-APPOINTMENTS APPROVED – AIRPORT ADVISORY BOARD – COMMISSIONER – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to re-appoint Gary Yount, Barkley Spikes, and Randy Martin for another term to the Airport Advisory Board. Motion carried.

22. AMENDMENT APPROVED – LEASE AGREEMENT – COMMISSIONER – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve an Amendment to Lease Agreement for the Montgomery County Fairgrounds relating to funding for repairs to the roof and relocation of the HVAC system to the exhibition buildings to be funded with previously issued certificates of obligation. Motion carried.

23. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

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

Request of Commissioner Precinct 1 to increase salary of Susan Bingham, Adm Assistant I, due to merit increase, effective January 16, 2017.

Request of Commissioner Precinct 1 to increase salary of Debra C. Bailey, Adm Assistant I, due to merit increase, effective January 16, 2017.

Motion carried.

AGENDA ITEM 22A – CONSIDER AND DISCUSS CASE NO. 15-09-10156-CV (284<sup>th</sup> JUDICIAL DISTRICT COURT OF MONTGOMERY COUNTY) DAVID LANOUE v. MONTGOMERY COUNTY, TEXAS. (SECTION 551.071)

THE COURT DID NOT RECESS FOR EXECUTIVE SESSION.

THE COUNTY ATTORNEY GAVE AN UPDATE ON THAT ITEM. HE STATED THAT UNDER THAT CAUSE NUMBER THE COUNTY HAD APPEALED ON GROUNDS OF IMMUNITY AND THE JUDGEMENT HAD BEEN REVERSED.

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

CITIZENS – AGENDA ITEM 24

Eric Yollick presented a “golden sledgehammer” to Judge Doyal and Commissioner Riley in regards to the TX-249 extension.

Bill O’Sullivan addressed the court concerning the Woodlands Parkway Extension and Mansions Way. He was concerned the County bought rights-of way that cannot be used.

Judge Doyal directed Mr. O’Sullivan to speak to Mark Mooney with the County Engineer for an update on those items.

Jessica Shorten addressed the court concerning the Ethics Committee. She asked if the court would consider a citizens committee that would appoint someone from each precinct to oversee ethic commissions.

MISCELLANEOUS – AGENDA ITEM 25 – NO OTHER ITEMS LISTED

24. 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

Greg Doyal  
COUNTY JUDGE

