

COMMISSIONERS COURT DOCKET  
MARCH 14, 2017  
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 14<sup>th</sup> day of March, 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 4	Jim Clark (Not present for Motions 1-3)
Also County Clerk's Office	Amber Twiddy

ABSENT:

Commissioner, Precinct 3	James Noack
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COMMISSIONER CLARK WAS NOT PRESENT AT THE BEGINNING OF COURT, BUT ENTERED THE COURTROOM AFTER MOTION 3.

INVOCATION GIVEN BY Gregory Parker

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

2. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the Minutes from Regular Session of Commissioners Court dated February 28, 2017. Motion carried.

3. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS A-S

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 8A1-6

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

A2. BUDGET AMENDMENTS FY2016 APPROVED:

- Elections: To adjust line items and allocate revenue.
- Sheriff Commissary: To recognize and allocate revenue.

- c. Sheriff-Jail: To adjust line items.

A3. BUDGET AMENDMENTS FY2017 APPROVED:

- a. Various: To recognize and allocate revenue.
- b. 9<sup>th</sup> District Court: To adjust line items.
- c. Certificates of Obligation 2012: To allocate funds for Fair Association project. M22/01.24.17.
- d. Commissioner Precinct 1: To transfer funds for desk build out for JP 1 Montgomery Office.
- e. Commissioner Precinct 3: To recognize and allocate revenue.
- f. Constable Precinct 1: To adjust line items for funding provided for purchase and removal of graphics as approved M12/02.14.17 and recognize and allocate revenue M3/02.14.17.
- g. Constable Precinct 4: To recognize and allocate revenue, allocate funds as awarded by HSI M8/02.28.17.
- h. Constable Precinct 5: To recognize and allocate revenue M3/02.14.17.
- i. District Attorney: To transfer funds for purchase of laptop.
- j. Emergency Management: To adjust line items for PO 55171964 and PO 55171968 and adjust line items.
- k. Fire Marshal: To recognize revenue to pay Claim No. A-16-0039 as approved M33/02.14.17 and adjust line items.
- l. Information Technology: To adjust line items.
- m. Justice Court Technology Fund: To recognize and allocate revenue to fund technology purchases for Justice of the Peace Pct 5 as approved M3/02.14.17 and recognize and allocate revenue to fund expenses related to court clerks attending technology-related training as approved M3/02.14.17.
- n. MCCD: To 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 adjust line items.
- o. MCTRA: To recognize and allocate toll revenue December 2016 and January 2017.
- p. Memorial Library: To recognize and allocate revenue for the General Gift Account.
- q. Sheriff: To transfer funds for Sheriff's office addition, close Jail K9 position and reallocate funds, close Jail maintenance tech position and reallocate funds and adjust line items to set up overtime budgets in new cost centers.
- r. Sheriff/HIDTA Grant YR 8: To allocate funds for the High Intensity Drug Trafficking Areas (HIDTA) MDS Grant M5/02.14.17.

- s. Sheriff/HIDTA MOCONET Yr 8: To allocate funds for the High Intensity Drug Trafficking Areas (HIDTA) MOCONET Grant M5/02.14.17.
- t. Sheriff/Homeland Security: To recognize and allocate revenue M3/02.14.17.
- u. Tax Assessor/Collector: To recognize revenue for purchase of cargo van.
- A4. REQUEST APPROVED by Justice of the Peace Precinct 3 to use \$4,108.09 from Justice Court Technology Fund to purchase a computer to be used by the bailiff.
- A5. COMPLETED AUDIT ACCEPTED for September 26, 2016-November 23, 2016 for Elections in regards to Voter Clerk Correction of Training Hours.
- A6. REPORT OF OFFICIALS' FEES ACCEPTED as audited for January, 2017.

TREASURER – AGENDA ITEMS 8B1-3

- B1. WOODFOREST BANK RESOLUTIONS AND ACCOUNT AGREEMENTS APPROVED for Sheriff's Office and County Auditor. The authorized signatories will add signatures and account information after documents are executed by Commissioners Court.
- B2. MONTHLY INVESTMENT REPORT APPROVED for February, 2017.
- B3. MONTHLY PLEDGED SECURITIES REPORT APPROVED for February, 2017.

TAX ASSESSOR/COLLECTOR – AGENDA ITEM 8C1

- C1. MONTHLY TAX COLLECTION REPORT ACCEPTED for month ending February 28, 2017.

PURCHASING – AGENDA ITEMS 8D1-8

- D1. MISCELLANEOUS ITEMS APPROVED for the next online auction with Rene Bates Auctioneers, Inc. for Various Departments.
- D2. CHANGE ORDERS APPROVED:
  - a. CO #3 to A All Animal Control of North Houston, LLC for exterminating/pest control services to add two additional locations to the existing contract for Various Departments.
  - b. CO #2 to Weisser Engineering Company for surveying and mapping services for Keenan Cut-Off Road to add additional fees to the right of entry permit in the amount of \$2,075.00 for Precinct 2.
- D3. RENEWALS AWARDED:
  - a. Rehabilitation of roads with Smith and Company for Various Precincts. (Exercising the fifth of five renewal options)
  - b. Contract for services with Language Line Services, Inc. through the Department of Information Resources contract #DIR-TSO-2549 and include amendment #2 for Various Departments. (Exercising the second of two renewal options)
  - c. Continuation book service with Baker and Taylor, LLC for Library. (Exercising the first of three renewal options)
  - d. Lawn maintenance services with Silversand Services, Inc. for Conroe-North Houston Regional Airport and the Lone Star Convention and Expo Center. (Exercising the third of five renewal options)

- e. Products and related services with Barcodes, LLC dba Barcode, Inc. through the General Services Administration contract #GS-35f-0429P for Various Departments. (Exercising the second of three renewal options)
- f. Inmate telephone system maintenance with Telephone Data & Sound and change the using department from Purchasing to Various Departments. (Exercising the fifth of five renewal options)
- g. New furniture with each of the following vendors: Contract Resource Group, LLC, Hitouch Business Services, LLC dba My Office Products, LLC, and Workspace Resource, Inc. for Various Departments. (Exercising the third of five renewals options)

D4. DISCRETIONARY EXEMPTIONS APPROVED:

- a. Environmental consulting services as a personal or professional service from Bay Environmental, Inc. for Building Maintenance. Local Gov't Code §262.024(a)(4)
- b. Vehicle equipment repairs (parts and labor) as vehicle and equipment repairs from each of the following vendors: Cleveland Mack Sales, Inc. dba Performance Truck, N.C. Eagle Services, Inc., Associated Supply Co., Inc., Landsdowne-Moody Co., LP and Mustang Machinery Company, LTD for Various Departments. Local Gov't Code §262.024(a)(11)
- c. Caterpillar engine and earth moving products as an item that can be obtained from only one source including captive replacement parts or components for equipment from Mustang Machinery Company, LTD for Various Precincts. Local Gov't Code §262.024(a)(7D)

D5. CONTRACTS APPROVED for the following:

- a. CSP #16-07-02 - maintenance, repair and operations joc through the Interlocal Agreement with Conroe Independent School District from each of the following vendors: Alpha Diamond Electric, Inc. dba Diamond Electric and Ally Roofing Services, LLC for Various Departments. Local Gov't Code §271.102(a)
- b. Instructional materials, classroom/teaching supplies & equipment through the Interlocal Agreement with Buyboard contract #487-15 From Brodart Company for Library. Local Gov't Code §271.102(a)

D6. MISCELLANEOUS ITEMS APPROVED as salvage for Various Departments. Local Gov't Code §263.152.

D7. REQUEST APPROVED for the cancelation of the contract for Risk Management Services with Dennis McMahon effective 3/31/17 for Risk Management.

D8. REQUEST APPROVED of the name change for the permission to advertise project title previously approved in Commissioners' Court 10/25/17 from Alford Road Bridge Replacement at Log Gully to Alford Road Bridge Replacement for Precinct 2.

RISK MANAGEMENT – AGENDA ITEM 8E1

E1. CHANGES, ADDITIONS AND RELEASES APPROVED for the following:

<u>BOND</u>	<u>NAME/DEPT</u>	<u>AMOUNT</u>	<u>ACTION</u>
61936929	Baker, Michelle/Const Pct 3	\$5,000	Renew/Cont Cert
14952797	Gage, Ollie Nell/Const Pct 1	\$5,000	Reserve/Cont Cert
61960842	Dunn, Brian/Const Pct 4	\$5,000	Renew/Cont Cert

24754805	Hoffmeyer, Christopher/Const Pct 3	\$5,000	Renew/Cont Cert
62306437	Valerio IV, Pedro/Const Pct 3	\$5,000	Renew/Cont Cert
15101519	Vogel, Richard/Const Pct 3	\$5,000	Renew/Cont Cert

COMMISSIONERS – AGENDA ITEMS 8F1-2

F1. PRECINCT 2

- a. REQUEST APPROVED for the acceptance of Vallie Road into the County Maintenance System 1400 feet from the existing County maintained line.

F2. PRECINCT 4

- a. CHECK ACCEPTED in the amount of \$798.98 from Montgomery County Emergency Services District No. 7 for the purchase of fuel. This check will be deposited into line item No. 615-7926. Check has been sent to the Auditor for further processing.
- b. USE AGREEMENT APPROVED with Splendora Youth Baseball Association to use the baseball fields at Ipes Park for practices as scheduled through December 31, 2017.
- c. USE AGREEMENT APPROVED with East Montgomery County Sports Association to use the Baseball/Soccer/Softball/Football Fields at Ed Rinehart Park and A. V. "Bull" Sallas Park for practices as scheduled through December 31, 2017.
- d. USE AGREEMENT APPROVED with Texas Fire Select Softball to use the softball fields at A.V. "Bull" Sallas Park for practices as scheduled through December 31, 2017.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 8G1-4

G1. PRECINCT 1

- a. REQUEST APPROVED to acknowledge that the roads in The Estates, 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.

G2. PRECINCT 2

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Woodforest, Section 72.
- b. FINAL PLAT APPROVED of Deerbourn Active Sports Park; 71.717 acres; James Hodge Survey, A-19 and Archibald Hodge Survey, A-18.
- c. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Woodforest, Section 62.
- d. REQUEST APPROVED to acknowledge that the roads in Woodtrace, Section 5A 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.
- e. REQUEST APPROVED to acknowledge that the roads in Woodtrace, Section 5B 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.

G3. PRECINCT 3

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Falls at Imperial Oaks, Section 22.
- b. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD for Woodlands Village of Sterling Ridge, Section 89.
- c. FINAL PLAT APPROVED of Waterbend Cove Development; 1.528 acres; Montgomery County School Land Survey, A-351.
- d. FINAL PLAT APPROVED of Birnham Woods Marketplace; 26.85 acres; Montgomery County School Land Survey, A-350 and A-351.

G4. PRECINCT 4

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD for Brookwood Forest, Section 4.
- b. FINAL PLAT APPROVED for Somerset Shores Crossing at Tintagel Lane Street Dedication; 0.2801 acre; Mary Owens Survey, A-405.
- c. FINAL PLAT APPROVED for Kings Mills, Section 12; 16.531 acres; Mary Owens Survey, A-405.

HUMAN RESOURCES – AGENDA ITEM 8H1

H1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Airport to place James M. Brown, Assistant Airport Director, on payroll, effective February 27, 2017.

Request of Airport to add cell phone allowance for Donald Foy Edwards, Maintenance Tech III, effective March 4, 2017.

Request of Airport to add cell phone allowance for Kevin Scott Isaacks Jr., Maintenance Tech III, effective March 4, 2017.

Request of Airport to add cell phone allowance for Christopher W. Lewis, Maintenance Tech I, effective March 4, 2017.

Request of Animal Shelter to discharge Amy Anderson, Volunteer Coordinator, effective February 25, 2017. [27.72 hours or balance vacation; 73.50 hours or balance compensatory time; 47.00 hours or balance holiday]

Request of Animal Shelter to accept the resignation of Tammy Richey, Rescue Coordinator, effective March 10, 2017. [30.80 hours or balance vacation; 8.00 hours or balance compensatory time; 18.00 hours or balance holiday]

Request of Animal Shelter to place Tristen Wright, Kennel Technician, on payroll as replacement for a pooled position, effective February 28, 2017.

Request of Custodial to place Gamaliel Agosto Arrelo, Custodian, on payroll as replacement for Canidce Wilhite, effective March 6, 2017.

Request of Custodial to promote Ann Cheatham, Custodian I, as replacement for Daniel Hernandez-Rosas, effective March 6, 2017.

Request of Custodial to discharge Judy Everett, Custodian I, effective February 23, 2017.  
[No benefits due]

Request of Custodial to accept the resignation of Daniel Hernandez-Rosas, Custodian I, effective March 3, 2017. [23.00 hours or balance vacation; 2.51 hours or balance compensatory time]

Request of Custodial to accept the resignation of Estella Montes, Custodian, effective March 9, 2017. [No benefits due]

Request of Building Maintenance to transfer Roy Collins, Maint Tech II, as replacement for Aristeo Cuevas, effective March 11, 2017.

Request of Building Maintenance to change position of Aristeo Cuevas, Maint Tech II, as replacement for Mark Fullen, effective March 11, 2017.

Request of Building Maintenance to promote Mark Fullen, Maint Tech III, as replacement for Jeff Clark, effective March 11, 2017.

Request of Building Maintenance to increase salary of Edward Grayson Jr., Maint Tech III, due to completion of probationary period, effective March 5, 2017.

Request of Constable Precinct 1 to place Michael Alexander, Deputy-Constable, on payroll as replacement for James Doug Wrentz, effective March 6, 2017.

Request of Constable Precinct 3 to correct effective date of PCR for Christopher S. Carolan, Deputy Constable, to February 25, 2017.

Request of Constable Precinct 4 to accept the resignation of Robert Jeffrey Buchanan, Deputy-Constable, effective March 6, 2017. [132.645 hours or balance vacation; 135.00 hours or balance compensatory time; 52.00 hours or balance holiday]

Request of County Attorney to accept the retirement of Michelle Black, Legal Assistant II, effective March 31, 2017. [69.87 hours or balance vacation]

Request of County Auditor to place Tiffany Ward, Accts Payable Asst, on payroll as replacement for Victoria Christian, effective March 20, 2017.

Request of County Clerk to place Brittney A. Vargas, Clerk II, on payroll as replacement for Paula Tate, effective March 31, 2017.

Request of District Attorney to place Lindsay N. Buckholts, Court Clerk IV, on payroll as replacement for Jennifer D. Ellisor, effective March 6, 2017.

Request of District Attorney to increase salary of Adam Scott Burris, Court Clerk IV, due to approval in Commissioners Court on 02/28/2017, effective March 11, 2017.

Request of District Attorney to increase salary of Christopher Carlton, Court Clerk IV, due to approval in Commissioners Court on 02/28/2017, effective March 11, 2017.

Request of District Attorney to increase salary of Jane M. Hanisee Coord-Victim Assistance, due to approval in Commissioners Court on 02/28/2017, effective March 11, 2017.

Request of District Attorney to place Tara L. Oliphant, Investigator II, on payroll due to Return from Unpaid FMLA/Disability Leave, effective March 6, 2017.

Request of District Attorney to promote Melody Michelle Pena, Legal Assistant II, due to approval in Commissioners Court on 02/28/2017, effective March 11, 2017.

Request of District Attorney to transfer Jason K. Salter, Investigator II, from Sheriff, as replacement for Deborah Kelly Renee Fortune, effective February 25, 2017.

Request of District Clerk to accept the resignation of Brandi Clement, Court Clerk II, effective March 10, 2017. [42.28 hours or balance vacation]

Request of District Clerk to increase salary of Linda Haywood, Court Clerk IV, due to completion of probationary period, effective March 13, 2017.

Request of District Clerk to place Amanda Hernandez, Court Clerk II, on payroll due to Return from Unpaid FMLA/Disability Leave, effective March 15, 2017.

Request of District Clerk to increase salary of Dixie Webb, Court Clerk II, due to completion of probationary period, effective March 20, 2017.

Request of Elections to accept the resignation of Kristie Defenbaugh, Voter Clerk, effective February 28, 2017. [No benefits due]

Request of Elections to accept the resignation of Dianne Emler, Voter Clerk, effective February 28, 2017.

Request of Elections to accept the resignation of Carole Kennedy, Voter Clerk, effective February 28, 2017. [No benefits due]

Request of Elections to accept the resignation of Charles Resen, Voter Clerk, effective February 28, 2017. [No benefits due]

Request of Elections to accept the resignation of Karen Resen, Voter Clerk, effective February 28, 2017. [No benefits due]

Request of Elections to accept the resignation of Barbara Schoen, Voter Clerk, effective February 22, 2017. [No benefits due]

Request of Extension Agents to accept the resignation of Joshua Merillat, Extension Program Assistant, effective March 3, 2017. [120.56 hours or balance vacation]

Request of Library to place Amber Cathey, Library Assistant II-Childrens, on payroll as replacement for Megan Young, effective March 7, 2017.

Request of Library to accept the resignation of Dara May Neyland, Library Assistant II, effective March 1, 2017. [No benefits due]

Request of Purchasing to place Mireya Sanchez, Clerk IV, on Unpaid FMLA/Disability Leave, effective February 23, 2017.

Request of Purchasing to place Mireya Sanchez, Clerk IV, on payroll due to Return from Unpaid FMLA/Disability Leave, effective March 6, 2017.

Request of Sheriff to accept the resignation of Anthony S. Cammarata, Mechanic I, effective February 28, 2017. [No benefits due]

Request of Sheriff to transfer Kevin Michael Collignon, Deputy-Patrol (D6), as replacement for Eric Wagner, effective March 11, 2017.

Request of Sheriff to accept the retirement of William Scott Coskrey, Supervisor-Jail Maint, effective March 31, 2017. [194.61 hours or balance vacation; 225.00 hours or balance compensatory time]

Request of Sheriff to place Connie Garcia, Clerk IV, on payroll as replacement for Kimberly Mayfield, effective March 11, 2017.



Request of Sheriff to place Christopher R. Haines, Mechanic III, on payroll as replacement for Nicholas Gilsdorf, effective March 4, 2017.

Request of Sheriff to place Lillian Jimenez, Officer-Civilian Deten, on payroll as replacement for Cristian Perez, effective March 4, 2017.

Request of Sheriff to place Luis Jimenez, Officer-Civilian Deten, on payroll as replacement for Shawn Yates, effective March 4, 2017.

Request of Sheriff to accept the retirement of Margie Ann Kindle, Clerk IV, effective March 31, 2017. [194.615 hours or balance vacation; 160.85 hours or balance compensatory time; 24.00 hours or balance holiday]

Request of Sheriff to place Octavio Lopez Jr., Officer-Civilian Deten, on payroll as replacement for Adam Wright, effective March 4, 2017.

Request of Sheriff to transfer Karen A. Martinez, Deputy (D3), to Sheriff-Patrol East, effective February 25, 2017.

Request of Sheriff to place Andrew Morgan, Deputy (D3), on payroll as replacement for Aaron Lamphier, effective March 4, 2017.

Request of Sheriff to transfer Alfonso Plascencia Jr., Officer Civilian Deten, as replacement for Bennie Spaulding Jr., effective March 4, 2017.

Request of Sheriff to transfer Lucille Nyeba Saah, Officer-Civilian Deten, as replacement for Cassandra Strong, effective March 4, 2017.

Request of Sheriff to place Samuel Smith, Deputy-Patrol, on payroll as replacement for Dana Smark, effective March 4, 2017.

Request of Sheriff to transfer Eric P. Wagner, Deputy (D1), as replacement for Kevin Collignon, effective March 11, 2017.

Request of Sheriff to accept the retirement of Keith A. Winford, Detective (D3), effective March 31, 2017. [198.475 hours or balance vacation; 401.98 hours or balance compensatory time]

#### ENVIRONMENTAL HEALTH – AGENDA ITEMS 8I1-4

- I1. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 16659 Springfield Drive, Conroe, Texas 77302.
- I2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 15107 Wildwood Trace, Magnolia, Texas 77354.
- I3. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 10680 River Drive, Conroe, Texas 77385.
- I4. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 200 Sherbrook Circle, Conroe, Texas 77385.

#### SHERIFF – AGENDA ITEM 8J1

- J1. FUNDING ACCEPTED in the amount of \$41,387.78 from the Law Enforcement Office Standards and Education (LEOSE) account in support of the MCSO Continuing Education of Licensed Personnel. These funds will be allocated to 56018-741811. Check has been forwarded to the Auditor for further processing.

#### COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 8K1-2

K1. PRECINCT 2

- a. RESOLUTION AND ORDER TO PAY MOVING AND RELOCATION EXPENSE APPROVED for the relocation acquisition , purchase and funding of the moving and relocation expense for Parcel 11 of the Nichols Sawmill Road Project for the total sum of \$40,497.19. The County Auditor and Treasurer are authorized to issue payment to John L. Nichols.

K2. PRECINCT 3

- a. RESOLUTION AND ORDER APPROVED to ratify and confirm the sale of 2.658 acres in the C.F. Baumlin Survey, A-15 to Legacy Capital Ventures, LLC by B. D. Griffin, Special Commissioner. Check is accepted in the amount of \$22,758.00 from Stewart Title and the Special Warranty deed is authorized and ratified. Check has been forwarded to the Auditor for further processing.
- b. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 33 of the expansion of Rayford Road from Peterson Legends Ranch Investors, LP for the total sum of \$16,860.78. The Memorandum of Agreement is approved and 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 6154014-75985827 and project code RD300018 to WFG National Title Co. for the benefit of Peterson Legends Ranch Investors, LP in the amount stated above.
- c. ORDER APPROVED authorizing payment of Special Commissioner Fess for Parcel 54 of the Rayford Road Project and acknowledging Amended Order of Dismissal in Cause #16-09-10532. The County Treasurer and County Auditor are authorized and directed to make payment to the Special Commissioner as stated in the Amended Order of Dismissal.
- d. ORDER APPROVED authorizing payment of Special Commissioner Fess for Parcel 56 of the Rayford Road Project and acknowledging Amended Order of Dismissal in Cause #16-09-10532. The County Treasurer and County Auditor are authorized and directed to make payment to the Special Commissioner as stated in the Amended Order of Dismissal.

COUNTY ATTORNEY – AGENDA ITEMS 8L1-4

- L1. UPDATES APPROVED to the Code of Ethics.
- L2. APPROVAL OF MODIFICATION #P00019 RATIFIED relating to wage determination to contract #DRIOGSA-08-0030A with Immigration and Customs Enforcement.
- L3. RESOLUTION AND ORDER APPROVED supporting the need for the Montgomery County Attorney to defend, the lawsuit filed under Cause No. 17-02-01847 and styled Daniel Hlebowicz and Lindsey Hlebowicz v. Montgomery County. The County Attorney is authorized to incur expenses as necessary for the proper defense and negotiation of said case and funding of said expenses are authorized from the Risk Management budget with the approval of the Director of Risk Management or designee.
- L4. RESOLUTION AND ORDER APPROVED to agree and accept the terms and conditions of the Release and Indemnification Agreement on file for an incident that occurred on February 22, 2016 at Woodlands Parkway and Falconwing Drive. Glenda Roesner, Richard Roesner and Brittany Roesner agree to pay the

County \$15,855.00 in settlement of property damage. County Judge is authorized to sign the agreement on behalf of Montgomery County.

DISTRICT CLERK – AGENDA ITEMS 8M1-2

- M1. DEPUTATION APPROVED of District Clerk Employee, Nichol Johnson.
- M2. CONTRACT ACCEPTED AND RECORDED for Contract No. 17-C0058 with the Office of the Attorney General of the State of Texas State Case Registry/Local Customer Service.

CONROE-NORTH HOUSTON REGIONAL AIRPORT – AGENDA ITEM 8N1

- N1. CONSENT TO ASSIGNMENT OF INTEREST IN LAND LEASE AGREEMENT APPROVED between Shane Davis and Harry Jay Adams for 2730 Sq. Ft known as parcel 12-C-3 in the Conroe-North Houston Regional Airport.

CONSTABLE PRECINCT 1 – AGENDA ITEM 8O1

- O1. DONATION ACCEPTED of two ICOM VHF Radios from Laketree Property Owners Association, Inc. to aid in search and rescue missions. The donor estimated the value at \$450.00.

CONSTABLE PRECINCT 2 – AGENDA ITEM 8P1

- P1. RACIAL PROFILING REPORT APPROVED from Constable Precinct 2 for the 2016 year.

CONSTABLE PRECINCT 3 – AGENDA ITEMS 8Q1-3

- Q1. DONATION ACCEPTED in the amount of \$5,000.00 from Barry Donoho to be used towards the purchase of cell phone software. This will be allocated to budget line 5531.7390. Check has been forwarded to the Auditor for further processing.
- Q2. DONATION ACCEPTED in the amount of \$9,349.00 from Leonard Buzz to be used toward the purchase of cell phone software. This will be allocated to budget line 5531.7390. Check has been forwarded to the Auditor for further processing.
- Q3. DONATION ACCEPTED in the amount of \$2,500.00 from Montgomery County Crime Stoppers, Inc. to be used toward the purchase of cell phone software. This will be allocated to budget line 5531.7390. Check has been forwarded to the Auditor for further processing.

CONSTABLE PRECINCT 4 – AGENDA ITEM 8R1

- R1. FUNDING ACCEPTED in the amount of \$2,273.22 from the Law Enforcement Office Standards and Education (LEOSE) account for Continuing Education of Licensed Personnel. This will be allocated to 5541.74181. Check has been forwarded to the Auditor for further processing.

COMMUNITY DEVELOPMENT – AGENDA ITEMS 8S1-3

- S1. REQUEST APPROVED to authorize County Judge to execute the FY2016 HESG Grant Agreement between Montgomery County and Salvation Army Conroe Corps.
- S2. REQUEST APPROVED to execute an assignment and assumption of lease from Brazos Valley Community Action Agency, Inc. to Brazos Valley Community Action Programs for space at the North Montgomery County Community Center.

This was previously approved in Commissioners Court on 2/14/2017, but the contract was not ready for signatures.

- S3. CHECK ACCEPTED in the amount of \$30,584.00 from the Montgomery County Homeless Coalition for the project of remodeling the former food bank building for the use of the E3 Center as a homelessness intervention initiative. The funds will cover the following; Alt 11-add steel support for accordion door in classroom 1 & 2 in the amount of \$2,849.00 and Alt 12-add woodfold manual accordion door in the amount of \$27,735.00. This will be deposited into line item 64297-4364. Check has been forwarded to the Auditor for further processing.

Motion carried.

#### **END OF CONSENT AGENDA**

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COMMISSIONER CLARK ENTERED THE COURTROOM.

#### **CITIZENS – AGENDA ITEM 9**

Eric Yollick took a photo of the members of court and presented that photo and frame to the clerk.

Bill O'Sullivan addressed the court concerning the reorganization of the Treasurer's office and believes that members of the court should recuse themselves from voting on issues concerning family members. He also spoke of the upcoming open meetings trial.

Evan Besong read a prepared statement as a representative of Precinct 3. He stated that he does not believe an elected official should re-organize in the middle of the year and that Judge Doyal should recuse himself from the vote due to the employment of his daughter and the wife of his campaign manager is the Treasurer.

#### **4. REQUEST APPROVED – PORTRAIT OF COURT MEMBERS – COUNTY JUDGE**

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve a portrait of Commissioners Court members to be taken in 2017 and every four years thereafter. The picture of the court will be placed in Commissioners Courtroom continuing the gallery for future generations. This will be funded with Contingency. Commissioner Clark stated that he will pay for 1/5 of the cost of the portrait. Motion carried.

AGENDA ITEM 10B – JUDGE DOYAL GAVE AN UPDATE ON THE SEARCH FOR A PURCHASING DIRECTOR. THE APPLICANTS WILL BE NARROWED DOWN AND BROUGHT BEFORE COURT.

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

#### **5. GRANT APPLICATION APPROVED – MEDICAL EXAMINER-CORONER SYSTEM GRANT – FORENSIC SERVICES**

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the grant application to National Institute of Justice for strengthening of the Medical Examiner-Coroner System Grant in the amount of \$58,660.00 which included a \$700.00 match for the forensics department. Dr. Pinneri is authorized to submit this electronically on behalf of the county. The \$700.00 match will need to be included into the FY18 budget. Motion carried.

AGENDA ITEM 12A – CONSIDER AND APPROVE NOT SWEEPING UNUSED SALARY AND BENEFIT FUNDING WAS DEFERRED.

AGENDA ITEM 12B – CONSTABLE PRECINCT 3 MADE A PRESENTATION REGARDING THE STRATEGIC VISION AND FUTURE GOALS OF THE CONSTABLE PRECINCT 3 OFFICE.

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

6. DONATION ACCEPTED – ARAMCO – DISTRICT ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Clark, to accept a donation from Aramco Associated Company to the Montgomery County District Attorney in the amount of \$25,000.00 to finance adequate and effective prosecution, crime prevention, or rehabilitation programs in the county or district approved and administered by the District Attorney. Specifically, funds will be used for Drug Court, Veterans Court, DWI Court, Investigator and Prosecutor Training, and equipment for DA Investigators. These funds will be placed in a District Attorney restricted line for FY17 and any unused funds will be carried over to FY 18. Check has been forwarded to the Auditor for further processing. Motion carried.

7. FUND TRANSFER APPROVED – JUVENILE PROBATION

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve a transfer of \$4,599.05 from 57111.2467.18 (Juvenile Supervision Officer) to 5711.4042.1 (Juvenile Probation Officer Assistant). The funds are available and will not increase the budget. Motion carried.

8. REQUEST APPROVED – NEW POSITION – JUVENILE PROBATION

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the creation of position 5711.5920.600 (Pooled Contract Deputy). The funding will be from 57111.2467.13 (Juvenile Supervision Officer) in the amount of \$5,880.00 from 57111.2467.17 (Juvenile Supervision Officer) in the amount of \$1,007.00 and from 57111.8544.1 (Deputy Director) in the amount of \$11,313.00. These funds are available and will not increase the budget. Motion carried.

AGENDA ITEM 15A – COUNTY AUDITOR PRESENTED THE FOLLOWING REPORTS INTO RECORD: SCHEDULE OF REVENUES BY TYPE-FISCAL YEAR 2017; UNSPENT BUDGET ANALYSIS-FISCAL YEARS 2012-THROUGH 2016; VACANT POSITIONS REPORT AS OF FEBRUARY 6, 2017 AND AVAILABLE CERTIFICATES OF OBLIGATIONS-SERIES 2012.

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

9. REQUEST APPROVED – POSITION CHANGES – COUNTY TREASURER

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the following position changes:

- Close Position 497.4213.1 (Adm Assistant I)
- Close Position 497.8550.1 (Admin Manager I)
- Open Position 497.4426.1 (Deputy Treasurer) and set annual budgeted salary to \$72,900.00
- Transfer \$64,758.11 salary (plus benefits) from 497.8550.1 to 497.4426.1 and transfer \$8,141.89 salary (plus benefits) from 497.4213.1 to 497.4426.1
- Open Position 497.4280.500 (Part-Time Accountant) and set annual budgeted salary to \$18,293.60, set salary to \$17.59/hour for 20 hours/week
- Transfer \$18,293.60 salary (plus benefits) from 497.4213.1 to 497.4280.500

The remaining \$17,101.56 annual salary plus \$14,404.03 annual benefits from position

497.4213.1 to be returned to the general fund. These changes will be effective March 14, 2017. Commissioner Clark voted "No". Motion carried.

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

10. CONTRACT APPROVED – ENGINEERING DESIGN SERVICES – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the contracts with the following highly qualified provider per government code chapter 2254:

- Engineering design services for bridge at Shepard Hill Road with Zarinkelk Engineering Services, Inc. for a total maximum sum of \$70,000.00 for Precinct 1.
- Engineering design services for bridge at Calvary Road with Zarinkelk Engineering Services, Inc. for a total maximum sum of \$80,000.00 for Precinct 1.

Motion carried.

11. RESOLUTION AND ORDER APPROVED – B.A.S.S. LLC – COUNTY ATTORNEY – REAL PROPERTY

Motion by Commissioner Meador, seconded by Commissioner Riley, to accept the use agreement between Montgomery County and B.A.S.S., LLC according to the terms agreed upon. County Judge is authorized to enter into and sign the Use Agreement between Montgomery County and B.A.S.S., LLC for the 2017 Geico Bassmaster Classic fishing tournament. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 19A1: CONSIDER PETITION BY JEFFREY B. HOFFART TO ABANDON A PORTION OF COUNTY ROAD RIGHT OF WAY KNOWN AS PORTER ROAD IN THE JACOB SHANNON SURVEY, A-35, MONTGOMERY COUNTY TEXAS.

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

12. ORDER APPROVED – PORTER ROAD – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve an Order closing, abandoning, discontinuing and vacating a portion of Porter Road in the Jacob Shannon Survey, A-35, Precinct 1. Motion carried.

13. REQUEST APPROVED – POSITION CHANGE – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the following position change: Increase salary for position 6121-1604-2-(Park Attendant) from \$30,893.41 to \$31,200.00. The funding for \$306.59 annual salary plus benefits from 6121-7340. Motion carried.

AGENDA ITEM 20B1 – CONSIDER DISCUSS AND TAKE ACTION ON RETURNING COUNTY ADMINISTRATIVE/MANAGEMENT STRUCTURES BACK UNDER THE ENTIRE COURT WAS REMOVED.

EXECUTIVE SESSION WAS DEEMED UNNECESSARY AT THIS TIME.

14. RESOLUTION AND ORDER APPROVED – GARDERE WYNNE SEWELL LLP – EXECUTIVE SESSION

Motion by Commissioner Clark, seconded by Commissioner Meador, to authorize litigation against Fiat Chrysler Automobiles NV, FCA US LLC and other parties and approve the engagement letter of Gardere Wynne Sewell LLP to represent Montgomery County. County Judge is authorized to sign the Professional Services Agreement with Gardere on behalf of Montgomery County as per Resolution and Order on file. Motion carried.

CITIZENS – AGENDA ITEM 23

Sherry Shorten addressed the court concerning CO funds and urged the court to use those funds to retire debt. She also stated that re-encumbered funds should be used within a reasonable amount of time.

Eric Yollick presented a “golden hammer” to Commissioner Meador for the use of the phrase “unfunded state mandates” in regards to funding of jail, court system, probation department and district attorney office.

MISCELLANEOUS – AGENDA ITEM 24 – NO OTHER ITEMS LISTED

15. COURT ADJOURNS

Motion by Commissioner Riley, 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

