

COMMISSIONERS COURT DOCKET
MARCH 28, 2017
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 28th 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 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
RECITED.

THE PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG RECITED.

1. COMMISSIONERS COURT AGENDA APPROVED.

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

2. PROCLAMATION APPROVED – MONTGOMERY COUNTY FAIR WEEK

Motion by Commissioner Meador, seconded by Commissioner Riley, to proclaim March 31, 2017 through April 9, 2017 as Montgomery County Fair Days and urge all Montgomery County citizens to participate in the scheduled activities and programs. Motion carried.

3. RESOLUTION APPROVED – MONTGOMERY COUNTY HOSPITAL DISTRICT APRIL POOL DAY

Motion by Commissioner Noack, seconded by Commissioner Meador, to declare April 1, 2017 as April Pool's Day and encourage all residents to be knowledgeable about and proactive to prevent drownings. Motion carried.

4. PROCLAMATION APPROVED – NATIONAL PUBLIC SAFETY
TELECOMMUNICATORS WEEK

PROCLAMATION APPROVED – MONTGOMERY COUNTY
TELECOMMUNICATORS WEEK

Motion by Commissioner Noack, seconded by Commissioner Meador, to proclaim April 9-15, 2017 as National Public Telecommunicators Week and April 9-15, 2017 as Montgomery County Telecommunicators Week. Motion carried.

5. PROCLAMATION APPROVED – NATIONAL CRIME VICTIMS' RIGHTS WEEK

Motion by Commissioner Clark, seconded by Commissioner Noack, to proclaim the week of April 2-8, 2017 as Crime Victims' Rights week. Motion carried.

AGENDA ITEM 7F – MONTGOMERY COUNTY EMPLOYEES COMMITTEE

JERILYN WILLIAMS PRESENTED RUBY CHANDLER OF THE LIBRARY WITH EMPLOYEE OF THE MONTH FOR MARCH, 2017.

6. REQUEST APPROVED – 2017 WALK ACROSS TEXAS

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the resolution read from Texas A&M Agrilife Extension recognizing the Montgomery County Walk Across Texas Community Challenge and encourages participation throughout. The County Clerk did not receive a resolution for this item. Motion carried.

7. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the Minutes from Regular Session of Commissioners Court dated March 14, 2017. Motion carried.

AGENDA ITEM 9H1 WAS MOVED TO THE OPEN SESSION. SEE MOTION 9 FOR COURT ACTION.

8. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 9 A-J

Motion by Commissioner Riley, seconded by Commissioner Meador, to unanimously approve all actions, items, resolutions and authorizations shown on the Consent Agenda and County Judge or Commissioner Precinct 1 Mike Meador are appointed and authorized to sign any contracts, approvals and other documents in connection with any items shown on the Consent Agenda with the exception of Agenda Item 9H1, which was moved to the Open Agenda, as follows:

COUNTY AUDITOR – AGENDA ITEMS 9A1-2

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

A2. BUDGET AMENDMENTS FY2017 APPROVED:

- a. Various: To recognize and allocate revenues M3/03.14.17.
- b. Airport: To fund three cell phone allowances as approved M12/02.28.17 and adjust line items.
- c. Animal Shelter: To adjust line items.
- d. Civic Center Complex: To recognize revenue to fund replacing the existing fire alarm and evacuation control panels as approved M14/02.28.17 and adjust line items to fund upgrade of one of the restroom facilities at the Montgomery County Fairgrounds as approved M13/02.28.17.
- e. Commissioner Precinct 1: To transfer funds for K-9 SUV equipment and fund position increase as approved M13/03.14.17.
- f. Commissioner Precinct 3: To reallocate revenue.
- g. Constable Precinct 1: To recognize and allocate revenue.
- h. Constable Precinct 3: To recognize and allocate revenue M3/03.14.17.
- i. Constable Precinct 4: To transfer funds for reimbursement of estray expense as approved M9/02.28.17.

- j. Constable Precinct 5: To recognize and allocate revenues.
- k. County Attorney: To recognize and allocate revenue.
- l. County/District Court Technology Fund: To fund improvements to the Overflow Courtroom (Old 410th) as approved M3/02.28.17.
- m. County Extension: To recognize and allocate revenue.
- n. County Judge: To transfer funds for purchase of laptop.
- o. County Treasurer: To return funds to General Fund after position changes as approved M9/03.14.17.
- p. Court Guardianship: To recognize and allocate revenue.
- q. District Attorney: To transfer funds for VPN token and to recognize and allocate revenue from ARAMCO Associated Company to the District Attorney as approved M6/03.14.17.
- r. FEMA-DR-4269-TX: To adj line items for Tetra Tech DAC CAT A, Tetra Tech DAC CAT B, and Tetra Tech DAC CAT C.
- s. Fire Marshal: To recognize and allocate revenues.
- t. Justice Court Technology: To adjust line items and recognize and allocate revenue to fund technology purchases for Justice of the Peace Pct 3 as approved M3/03.14.17.
- u. Juvenile Probation: To recognize and allocate reimbursement received National School Lunch Program for Feb/17, correct carryover for NSLP SY15/16 to SY16/17, and transfer funds for position change as approved M7/03.14.17.
- v. MCCD: To rec & allocate revenue for MC Homeless Coalition M3/03.14.17
- w. MCTRA: To adjust line items per Commissioners' Court M5/02.28.17 and recognize and allocate toll revenue February 2017.
- x. Permits: To transfer funds for desk and cabinets build out.
- y. Purchasing: To adjust line items.
- z. Sheriff: To adjust line items, reopen Jail K9 position, set up budgets in new cost centers due to Sheriff reorganization, adjust budgets due to moving vacant positions between different cost centers for Sheriff reorganization, and adjust budgets between different cost centers due to Sheriff reorganization.

TAX ASSESSOR/COLLECTOR – AGENDA ITEM 9B1

- B1. REFUND APPROVED due to overpayment for account 00.5799.00.04000 pursuant to section 31.11, (c-1) of the Texas Property Tax Code.

PURCHASING – AGENDA ITEMS 9C1-9

- C1. RENEWALS APPROVED for the following:

- a. Travel service with Corporate Travel Planners, Inc. for Various Departments. (Exercising the first of three renewal options)
 - b. Computer peripherals with GHA Technologies, Inc. for Various Departments. (Exercising the fifth of five renewal options)
 - c. Electronic monitoring equipment and services with Sentinel Offender Services, LLC for Various Departments. (Exercising the second of two renewal options)
 - d. Internet service provider with each of the following vendors: Wavemedia, Inc. and Consolidated Communications of Texas for Various Departments. (Exercising the fourth of five renewal options)
 - e. Parts for tractors and mowers picked up and delivered with each of the following vendors: Landsdowne Moody, Co., Inc. and Brookside Equipment Sales, Inc. for Various Departments. (Exercising the fourth of four renewal options)
 - f. Technology products and services through the Interlocal Agreement with Choice Partners contract #15/006MP-15 a division of Harris County Department of Education with Phonoscope, Inc. for Various Departments. (Exercising the second of four renewal options) Local Government Code §271.102(a)
 - g. Haul services for miscellaneous materials with Tommy L. Baker for Various Precincts. (Exercising the first of three renewal options)
 - h. Additional crushed concrete with a price change for crushed concrete at \$19.00 a ton with A & B Crushed Concrete, LLC for Precinct 4. (Exercising the second of two renewal options)
- C2. ADVERTISING APPROVED for the following:
- a. Pre-engineered metal buildings (materials only) and related supplies for Various Departments.
 - b. Printing of miscellaneous forms for Various Departments.
 - c. RFP - Inmate Healthcare Services for the Montgomery County Jail for Sheriff's Office.
 - d. RFQ - Financing rate for various items for Various Departments.
- C3. MISCELLANEOUS ITEMS APPROVED as salvage for Various Departments. Local Government Code §263.152.
- C4. REQUEST APPROVED to reject the award for fencing installation (Labor Only) at Montgomery County Fire Marshal Facility for Emergency Management. This was previously approved in Commissioners Court 11/08/16.
- C5. AWARDS APPROVED for the following:
- a. Diamond Commercial Construction, Inc. - Valued engineered (VE) alternates #11 and #12 in the amount of \$30,584.00 for CSP - Empowerment Resource Center - remodel of warehouse for MCCD. Base contract previously awarded in Commissioners Court 01/24/17.
 - b. Southland Medical, LLC - Forensic and miscellaneous medical supplies for Various Departments.
- C6. DISCRETIONARY EXEMPTIONS APPROVED:
- a. Law books and subscriptions as an item that can be obtained from one source from West Publishing Corporation dba West A Thomson Reuters Business for Various Departments. Local Government Code §262.024(a)(7)(B)

- b. Continuation of attorney services to renew as a personal or professional service from Kemp Smith Law, LLP. Local Gov't Code 262.024(a)(4)

C7. CONTRACTS APPROVED for the following:

- a. Technology products & services through the Interlocal Agreement with Choice Partners contract #15/006MP-13 a division of Harris County Department of Education (HCDE) from NWN Corporation for Various Departments. Local Gov't Code §271.102(a)
- b. Signal cabinets, signal controllers and software purchases through the Interlocal Agreement with the City of Cedar Park, Texas IFB #12-004-216-SH-181 from McCain, Inc. for Various Departments. Local Gov't Code §271.102(a)
- c. Commercial washers and dryers through the Interlocal Agreement with Buyboard contract #518-16 with Scott Equipment, Inc. for Various Departments and the purchase of one washer in the amount of \$11,550.00 for Animal Shelter. Local Gov't Code §271.102(a)

C8. CANCELTION OF CONTRACTS APPROVED for the following:

- a. Veterinarian services on an as needed basis with Dr. Katie Crabbe, DVM effective 04/11/17 for Animal Shelter.
- b. Forensic services medical and miscellaneous supplies on a month to month basis with Southland Medical, LLC for Various Departments.

C9. CHANGE ORDERS APPROVED:

- a. CO #1 to Arborleaf Engineering & Surveying, Inc. for engineering services for airport access road to add additional land surveying services to the existing contract in the amount of \$1,850.00 for Precinct 1.
- b. CO #1 to Triple B Services, LLP for airport connector construction to add additional unit items for project construction and to add additional 30 days to original contract time for a total amount of \$38,244.10 for Precinct 1.
- c. CO #1 to Third Coast Services, LLC for traffic signal installation for Fish Creek at Woodforest Parkway South to reimburse Mid-South Synergy for the construction cost of the electric service meter in the amount of \$1,167.11 for Precinct 2.
- d. CO #1 to Geotest Engineering, Inc. for geotechnical investigation services for airport perimeter road to replace the original alignment passing through the landfill in the amount of \$7,785.00 and add boring where necessary for an additional amount of \$3,600.00 for Precinct 1.

COMMISSIONERS – AGENDA ITEMS 9D1-3

D1. PRECINCT 2

- a. RESIGNATION ACCEPTED of Kevin Bass from the ESD #3(Emergency Service District) Board of Commissioners effective March 14, 2017.

D2. PRECINCT 3

- a. ANNUAL FINANCIAL AUDIT REPORT ACCEPTED for ESD #4 (Emergency Service District) with fiscal year ending September 30, 2016.

D3. PRECINCT 4

- a. USE AGREEMENT APPROVED with Plum Grove Assembly of God to use the park at Tram Park for an Easter Egg Hunt on April 15, 2017.

- b. RESTITUTION CHECK APPROVED in the amount of \$6.00 from Montgomery County Texas Dept. of Community Supervision & Corrections. This will be deposited into line item 615.7914. Check has been forwarded to the auditor for further processing.
- c. CHECKS ACCEPTED in the total amount of \$2,306.70 from the City of Roman Forest for the purchase of fuel. This will be deposited into line item No. 615-7926. Checks have been forwarded to the Auditor for further processing.
- d. CHECK ACCEPTED in the amount of \$712.78 from Montgomery County Committee on Aging, Inc. This will be deposited into line item 615-7926. Check has been forwarded to the Auditor for further processing.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9E1-3

E1. PRECINCT 2

- a. FINAL PLAT APPROVED for Fosters Ridge, Section 7; 30.368 acres; James Hodge Survey, A-19.
- b. FINAL PLAT APPROVED for Fosters Ridge, Section 9; 18.344 acres; James Hodge Survey, A-19.

E2. PRECINCT 3

- a. PUBLIC HEARING DATE SET for April 25, 2017 to establish a 25 MPH School Zone for time period 7:15-9:00 A.M. and 3:00-4:30 P.M. on Rayford Road from 375 feet west of Discovery Creek to 550 feet east of Waterbend Cove.
- b. FINAL PLAT APPROVED for Wrights Landing at Legends Trace, Section 3; 34.26 acres; Montgomery County School Land Survey, A-350.
- c. FINAL PLAT APPROVED for CSNC; 0.9548 acre; John Taylor Survey, A-547.
- d. REQUEST APPROVED to acknowledge that the roads in Canyon Lakes at Spring Trails, Section 1 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.

E3. PRECINCT 4

- a. PUBLIC HEARING DATE SET for April 25, 2017 to establish all way stop sign control at the Soaring Woods Drive and Mountain Air Drive intersection.
- b. FINAL PLAT APPROVED for Linda Estate; 0.7243 acre; N.S. Schmidt Survey, A-699.
- c. FINAL PLAT APPROVED for Forest Trace West, Section One; 12.614 acres; William B. Bridges Survey, A-73.
- d. FINAL PLAT APPROVED for Ponderosa Pines, Section One; 13.971 acres; Richard Peebles Survey, A-414.

HUMAN RESOURCES – AGENDA ITEM 9F1

F1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Animal Shelter to place Jerome Camilleri, Maintenance Tech II, on payroll as replacement for Roy Collins, effective March 20, 2017.

Request of Animal Shelter to place Ryan Payton, Clinic Technician, on payroll as replacement for Morgan Howell, effective March 20, 2017.

Request of Animal Shelter to increase salary of Preston White, Vet Technician, due to completion of probationary period, effective March 11, 2017.

Request of Animal Shelter to discharge Donna Wilson, Kennel Technician, effective March 6, 2017. [No benefits due]

Request of Animal Shelter to change status of Tristen Wright, Kennel Technician, from part-time to full-time as replacement for Donna Wilson, effective March 11, 2017.

Request of Custodial to accept the resignation of Vanessa Aguilar, Custodian, effective March 23, 2017. [No benefits due]

Request of Custodial to accept the resignation of Lorena Diaz, Custodian I, effective March 7, 2017. [41.965 hours or balance vacation; 71.63 hours or balance compensatory time]

Request of Custodial to accept the resignation of Darrian J. Scott, Custodian I, effective March 24, 2017. [No benefits due]

Request of Commissioner Precinct 1 to accept the resignation of Sherry Phillips, Part-time Clerk, effective March 10, 2017. [No benefits due]

Request of Commissioner Precinct 1 to change status of John D. Seigle, Park Attendant, from part-time to full-time as replacement for Tim Adamik, effective May 2, 2017.

Request of County Clerk to increase salary of Joseph P. Monreal, Clerk II, due to completion of probationary period, effective March 25, 2017.

Request of District Clerk to change status of Elizabeth Casso, Court Clerk II, from part-time to full-time as replacement for Brandi Clement, effective March 13, 2017.

Request of Elections to lay off Marlene Martin, Voter Clerk, effective March 13, 2017. [No benefits due]

Request of Elections to lay off Julie Whitlock, Voter Clerk, effective March 13, 2017. [No benefits due]

Request of Emergency Management to promote Darren Hess, Director Homeland Security/Emergency Management, effective March 11, 2017.

Request of Information Technology to remove Linda Swaboda, Clerk III, from payroll, effective March 10, 2017. (Deceased) [6.365 hours or balance vacation]

Request of Justice of the Peace Precinct 3 to place Cassandra Carnabuci, Court Clerk II, on payroll as replacement for Judy Lisea, effective March 20, 2017.

Request of Juvenile to transfer Stephan J. Paras, Juvenile Probation Officer Assistant, as replacement for Rochan Morgan Jr., effective March 25, 2017.

Request of Library to place Ashley Elizabeth Blair, Library Assistant II, on payroll due to return from Unpaid FMLA/Disability Leave, effective March 15, 2017.

Request of Library to change status of Claire Denise Castanon, Library Assistant II, as replacement for Sheila Seay, effective April 8, 2017.

Request of Library to accept the resignation of Ruby Denissa Castro, Library Assistant II, effective March 24, 2017. [4.70 hours or balance vacation]

Request of Library to transfer David L. Hopper, Shelving Clerk I, as replacement for Stephanie Pauley, effective March 20, 2017.

Request of Library to place Adela Martinez-Wright, Shelving Clerk I, on payroll as replacement for Adria Brown, effective March 23, 2017.

Request of Library to accept the resignation of Bridget M. Minchuk, Shelving Clerk I, effective March 31, 2017. [No benefits due]

Request of Library to accept the resignation of Tina M. Mol, Library Assistant II, effective March 4, 2017. [No benefits due]

Request of Library to accept the resignation of Stephanie K. Pauley, Shelving Clerk I, effective March 18, 2017. [No benefits due]

Request of Library to change status of Sheila Marie Seay, Library Assistant II, as replacement for Claire Castanon, effective April 8, 2017.

Request of Sheriff to accept the retirement of Brent A. Akin, Detective (D6), effective April 30, 2017. [246.17 hours or balance vacation; 308.00 hours or balance compensatory time]

Request of Sheriff to promote Stephen Benjamin Clough, Deputy-Detention, as replacement for John Gregory, effective March 11, 2017.

Request of Sheriff to accept the retirement of David L. Dottei, Lieutenant-Patrol, effective March 31, 2017. [186.85 hours or balance vacation; 87.50 hours or balance compensatory time]

Request Sheriff to promote Jason C. Hopper, Corporal, as replacement for David Borchardt, effective April 8, 2017.

Request of Sheriff to place Deborah Phalen, Clerk IV, on payroll as replacement for Tosha Hyde, effective March 18, 2017.

Request of Sheriff to place Regina Pressler, Clerk IV-Records, on payroll as replacement for Camara McWashington, effective March 25, 2017.

Request of Sheriff to transfer Kenith Wayne See, Officer Civilian Detention, as replacement for Jeremy Smith, effective March 11, 2017.

Request of Sheriff to transfer Jeremy Caleb Smith, Officer-Civilian Detention, as replacement for Kenith See, effective March 11, 2017.

Request of Sheriff to accept the resignation of Gary Frederick Tyneway Jr., Officer-Civilian Detention, effective March 26, 2017. [61.92 hours or balance vacation; 250.50 hours or balance compensatory time; 56.00 hours or balance holiday]

Request of Sheriff to place Pamela Wolfenberger, Temporary Data Clerk, on payroll as replacement for Christina Lumpkin, effective March 20, 2017.

Request of Tax Assessor-Collector to discharge Jessica Ellis, Deputy Specialist IV, effective March 21, 2017. Not eligible for re-hire. [4.62 hours or balance vacation]

Request of Tax Assessor-Collector to promote Whitney Hair, Deputy Specialist II, due to employee meeting educational and tenure requirements, effective April 8, 2017.

Request of Traffic Operations to place Paul Lightfoot, Signal Technician I, on payroll as replacement for Paul Dupre, effective March 13, 2017.

ENVIRONMENTAL HEALTH – AGENDA ITEMS 9G1-3

- G1. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 10845 River Drive Conroe, TX 77385.
- G2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 23962 Spring Branch Point, New Caney, TX 77357.
- G3. ORDER APPROVED to release lien and acknowledge receipt of check as payment in full of assessment lien to recover cost to the county for demolition of a public nuisance. The total cost of the lien has been met for the property located at 18877 Caterpillar Court, Porter, Texas 77365. The County Clerk did not receive a check for this item, but was furnished a copy of the check the Auditor had already received.

COUNTY JUDGE – AGENDA ITEMS 9H1-2

AGENDA ITEM 9H1 WAS MOVED TO THE OPEN SESSION. SEE MOTION 9 FOR COURT ACTION.

- H2. USE AGREEMENT APPROVED with Conroe Downtown Area Association to use the Main Courthouse steps on Friday, May 5, 2017 beginning at approximately 3:30 p.m. to sell tickets for Conroe Americana Music Festival which is sponsored by City of Conroe, Conroe Visitors Bureau, Conroe Chamber of Commerce, and Southern Star.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9I1-3

II. PRECINCT 2

- a. ORDER APPROVED declaring the existence of 249 public necessity and authorizing the institution of eminent domain proceedings for 4.663 acres of land situated in the Joseph House Survey, A-20 for the construction of 249 detention pond. The County Attorney is authorized and directed to initiate condemnation proceedings in a court of appropriate jurisdiction to acquire such Right of Way for 249 Detention Pond.
- b. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 1 of the expansion of Sendera Ranch Drive from Warren Bruce Sellers a/k/a Warren B. Sellers for the total sum of \$6,154.36. 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 6134014.75985827 to Old Republic Title Company of Conroe for the benefit of Warren Bruce Sellers a/k/a Warren B. Sellers in the amount stated above.
- c. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 24 of the expansion of McCaleb Road from Randy E. Malouf and Gina Malouf for the total sum of \$179,441.36. 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 6134014.75985827.RD 2000010 to Old Republic Title for the benefit of Randy E. Malouf and Gina Malouf in the amount stated above.

12. PRECINCT 3

- a. ORDER APPROVED authorizing payment of Special Commissioner Fees for Parcel 57 of the Rayford Road Project and acknowledging Amended Order of Dismissal in Cause #16-09-10593. 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.
- b. ORDER APPROVED authorizing payment of Special Commissioners Award and payment of Special Commissioners Fees for Parcel 60 of the Rayford Road Project in the proceedings under Cause No. 17-01-00491. The County Treasurer and County Auditor are authorized and directed to make payment to the Special Commissioner in such cause, payable to the individuals and in the amounts set out in the Award of Special Commissioners and Court Order Conditionally Granting Writ of Possession as on file.

13. PRECINCT 4

- a. ORDER APPROVED authorizing sale of 1.195 acres of real property in the Williams Wills Survey, A-594 to the City of Splendora. County Judge is authorized to execute the special warranty deed on behalf of Montgomery County.

COUNTY ATTORNEY – AGENDA ITEMS 9J1-2

- J1. RESOLUTION AND ORDER APPROVED supporting the need for the Montgomery County Attorney to defend, on behalf of Montgomery County, Tommy Gage, Joseph Sclider and Alton Neely in the lawsuit filed under Cause No. 4:17-cv-810 and styled Israel Curtis v. Donald Sowell, Tommy Gage, Joseph Sclider, David Cook, Alton Neely, Tuck McLain Grimes County Texas and Montgomery County Texas. 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.
- J2. RESOLUTION AND ORDER APPROVED agreeing to the settlement of the claim of EMC Insurance for Tommie Vaughn Motors, Inc. The County will pay \$5,732.40 in exchange for a general release of all claims and indemnity agreement. The settlement funds shall be paid from Fire Marshall Inspection Fees.

Motion carried.

END OF CONSENT AGENDA

9. REQUEST APPROVED – EB-5 DESIGNATION – COUNTY JUDGE

Motion by Commissioner Riley, seconded by Commissioner Clark, to approve and authorize County Judge to sign EB-5 Designation of Targeted Employment Area. Commissioner Noack abstained from the vote. Motion carried.

CITIZENS – AGENDA ITEM 10

Bill O'Sullivan addressed the court concerning the elimination of the Treasurer's Office. He does not like the way financials are handled within the county and would like an accountant to do an annual independent audited certified financial report.

John Wertz addressed the court concerning the 20% homestead exemption and a disabled resident exemption. He also addressed the elimination of the County Treasurer's Office and the reorganization of County Departments.

Eric Yollick presented Gene DeForest with a 15 year service pin.

10. REQUEST APPROVED – FUNDING FOR VETERANS MEMORIAL PARK – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve funding for the creation of the Veterans Memorial Park to be located in the City of Conroe. The funding will be as follows:

Commissioner Precinct 1-\$15,000.00 for the initial request then he also put in an additional \$10,000.00 to make up the difference from Commissioner Precinct 3.

Commissioners Precinct 2 and 4- \$15,000.00 each.

Commissioner Precinct 3- \$5,000.00 personally and pledged to raise an additional \$10,000.00 for the total of \$15,000.00.

Motion carried.

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

11. APPOINTMENTS APPROVED – ETHICS COMMITTEE – COUNTY JUDGE

Motion by Commissioner Riley, seconded by Commissioner Meador, to appoint Dorothy Woodall and Larry Foerster to the Ethics Committee as the appointed member from Commissioners Court. Commissioner Noack and Commissioner Clark voted "No". Motion carried.

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

12. APPOINTMENT APPROVED – ETHICS COMMITTEE – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Noack, to appoint Kelli Cooper to the Ethics Committee as the appointed member nominated by the Purchasing Department. Motion carried.

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

13. APPOINTMENT APPROVED – ETHICS COMMITTEE – COUNTY JUDGE

Motion by Commissioner Riley, seconded by Commissioner Noack, to appoint Dale Inman to the Ethics Committee as the appointed member nominated by the Auditor. Motion carried.

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

14. APPOINTMENT APPROVED – ETHICS COMMITTEE – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Clark, to appoint Matthew Koppleman to the Ethics Committee as the appointed member nominated by Human Resources. Motion carried.

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

15. REQUEST APPROVED – FENCE AND SHED – CONSTABLE PRECINCT 2

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the building of a fence and a shed to house a boat that was donated to Constable Precinct 2 in Commissioners Court on July 12, 2016. The shed materials will cost \$7,826.00 and will be funded by the Constable Precinct 2 Forfeiture fund. The fencing will cost \$31,644.00 and will be funded with either COs or the Capital Improvement Fund. Commissioner Noack voted "No". Motion carried.

THE COURT HAD A MOMENT OF SILENCE FOR REPRESENTATIVE MARK KEOUGH.

16. CHECK ACCEPTED – TEXANS UNITED FOR FREEDOM – CONSTABLE PRECINCT 5

Motion by Commissioner Riley, seconded by Commissioner Noack, to accept a check in the amount of \$2,500.00 from Texans United for Freedom. The funds will be placed into 5551-7390. Motion carried.

17. BANK RESOLUTION APPROVED – FIRST FINANCIAL BANK – DISTRICT ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve First Financial Bank Resolution and account agreement for District Attorney's office. Signatories are authorized to add signatures and account information after the documents are executed by Commissioners Court. Motion carried.

AGENDA ITEM 15A – CONSIDER AND APPROVE THE FY2018 BUDGET PACKET WAS DEFERRED.

AGENDA ITEM 15B – COUNTY AUDITOR FILED INTO RECORD REPORTS REQUESTED BY MEMBERS OF THE COMMISSIONERS COURT. THE REPORTS ARE AS FOLLOWS: BUDGET MODELS FOR VARIOUS REDUCTIONS IN SPENDING; ANALYSIS OF COMMISSIONER PRECINCT SPENDING; EXPENDITURE STATUS REPORT FOR LINE ITEM 7481 (ASSOCIATION DUES).

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

18. REPORT ACCEPTED – COMPREHENSIVE ANNUAL FINANCIAL REPORT – COUNTY AUDITOR

Motion by Commissioner Noack, seconded by Commissioner Clark, to accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2016. Motion carried.

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

COMMISSIONER MEADOR LEFT THE COURTROOM

19. REQUEST APPROVED – ADOPTION FEES – ANIMAL SHELTER

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve authorizing the Montgomery County Animal Shelter Director or his/her designee to set

the shelter animal adoption fee at the rate of \$0.00 to \$80.00 to stimulate adoptions and to waive or reduce other fees as necessary and appropriate. Motion carried.

COMMISSIONER MEADOR RETURNED.

20. REQUEST APPROVED – TRAVEL PAYMENT – ANIMAL SHELTER

REQUEST APPROVED – TRAVEL PAYMENT – ANIMAL SHELTER

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve the travel payment requisition for employee #013023 in the amount of \$458.50 and employee #012900 in the amount of \$666.07. These were returned by the auditor because it exceeded the 60 day time limit. Commissioner Noack voted "No". Motion carried.

21. REQUEST APPROVED – POSITION CHANGES – ANIMAL SHELTER

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

- Open position 6331-2721-4 Clinic Tech
- Open position 6331-2721-5 Clinic Tech
- Open position 6331-2721-6 Clinic Tech
- Open position 6331-2721-7 Clinic Tech
- Open position 6331-2721-8 Clinic Tech
- Close position 6331-2720-1 Vet Tech and transfer salary of \$29,865.06 and associated benefits to 6331-2721-4 Clinic Tech
- Close position 6331-2720-2 Vet Tech and transfer salary of \$29,780.00 and associated benefits to 6331-2721-5 Clinic Tech
- Close position 6331-2720-3 Vet Tech and transfer salary of \$29,780.00 and associated benefits to 6331-2721-6 Clinic Tech
- Close position 6331-2720-4 Vet Tech and transfer salary of \$29,780.00 and associated benefits to 6331-2721-7 Clinic Tech
- Close position 6331-2720-5 Vet Tech and transfer salary of \$29,780.00 and associated benefits to 6331-2721-8 Clinic Tech
- Transfer salary and associated benefits of \$1,334.94 to 6331-2721-4 Clinic Tech and \$1,420.00 to 6331-2721-5 Clinic Tech from 6331-2721-1 Clinic Tech
- Transfer salary and associated benefits of \$1,420.00 to 6331-2721-6 Clinic Tech and \$1,420.00 to 6331-2721-7 Clinic Tech from 6331-2721-2 Clinic Tech
- Transfer salary and associated benefits of \$1,420.00 to 6331-2721-8 Clinic Tech from 6331-2721-3 Clinic Tech
- Rename positions 6331-2721-1 through 6331-2721-8 to Clinic/Vet Tech

Motion carried.

AGENDA ITEM 18A WAS MOVED UP IN THE AGENDA.

COMMISSIONER NOACK LEFT THE COURTROOM, BUT RETURNED BEFORE THE MOTION WAS VOTED ON.

22. AGREEMENT APPROVED – TAX ABATEMENT – COUNTY ATTORNEY – REAL PROPERTY – PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve the Tax Abatement Agreement with National Wire, Sala Real Estate, and Romi Equipment, LLC. Motion carried.

23. CONTRACTS APPROVED – ENGINEERING AND SURVEYING SERVICES – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the contracts with the following highly qualified provider per Government Code Chapter 2254:

- a. Engineering services for the widening of northbound lanes on Birnham Woods Drive from north of Fuller Bluff Drive to north of Elan Boulevard with Fisher & Arnold, Inc. for a total maximum sum of \$299,936.00 for Precinct 3.
- b. Engineering and surveying services for the widening of Elan Boulevard from Aldine Westfield Road to Birnham Woods Drive with Pierce, Goodwin, Alexander and Linville, Inc. dba PGAL for a total maximum sum of \$188,727.90 for Precinct 3.

Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 19A1: CONSIDER AND APPROVE THE REVISION TO ALL OF LOTS 1, 2, AND 3 OF BLOCK 2, AND ALL OF RESTRICTED RESERVE "B" OF WOODSON'S RESERVE SECTION 8, A SUBDIVISION WHICH MAP OR PLAT THEREOF IS RECORDED IN CABINET Z, SHEETS 4135 AND 4136 OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, TO BE KNOWN AS WOODSON'S RESERVE SECTION 8, PARTIAL REPLAT NO. 1.

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

24. FINAL PLAT APPROVED – WOODSONS RESERVE SECTION 8 PARTIAL REPLAT NO. 1 – COUNTY ENGINEER – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the Final plat of Woodson's Reserve, Section 8 Partial Replat No. 1; 1.7519 acres; Montgomery County School Land Survey, A-351. Motion carried.

25. MOTION FAILED – REORGANIZATION OF COUNTY DEPARTMENTS – COMMISSIONER PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to rescind a Resolution and Order passed on January 26, 2015 and reorganize County Department to report to Commissioners Court. Commissioner Meador, Commissioner Riley, and Judge Doyal voted "No". Motion failed.

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

AGENDA ITEM 21A2 – CONSIDER, DISCUSS AND TAKE ACTION ON NOMINATION OF MISTY PERINNE TO THE ETHICS COMMITTEE WAS DISCUSSED EARLIER IN COURT.

26. RESOLUTION AND ORDER APPROVED – HOMESTEAD EXEMPTION – COMMISSIONER PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Riley, to adopt an exemption from taxation by Montgomery County of 20% of the appraised value of the residential homestead pursuant to Section 11.13(n) of the Texas Tax Code for the tax year beginning January 1, 2017. Commissioner Meador voted "No". Motion carried.

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

27. RESOLUTION AND ORDER APPROVED – DISABLED RESIDENT EXEMPTION – COMMISSIONER PRECINCT 3

Motion by Commissioner Riley, seconded by Commissioner Noack, to adopt an exemption from taxation by Montgomery County of a portion of the appraised value of the residential homestead of a disabled person pursuant to Section 11.13(d) of the Texas Tax Code in the amount of \$35,000.00 of the appraised value of qualifying residential homestead properties as previously set by the County for the tax year beginning January 1, 2017. Motion carried.

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

AGENDA ITEM 21A5 – CONSIDER AND DISCUSS BUDGET COMMITTEE UPDATE WAS DISCUSSED EARLIER IN COURT.

AGENDA ITEM 21A6 – CONSIDER, DISCUSS AND TAKE ACTION ON SEEKING A CONSTITUTIONAL AMENDMENT TO ELIMINATE THE OFFICE OF THE MONTGOMERY COUNTY TREASURER WAS DEFERRED UNTIL BUDGET HEARINGS.

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 and 551.074.

EXECUTIVE SESSION – AGENDA ITEM 22A: DISCUSS AND DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION AND DUTIES OF SELECTED PUBLIC EMPLOYEES. (SECTION 551.074)

EXECUTIVE SESSION – AGENDA ITEM 22B: CONSIDER AND DISCUSS CASE NO. 4:17-CV-00881 (USDC - S.D.TEX.) FREEDOM FROM RELIGION FOUNDATION, INC., JANE DOE, JOHN ROE, AND JANE NOE V. JUDGE WAYNE MACK. (SECTION 551.071)

COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT WITH THE EXCEPTION OF COMMISSIONER MIKE MEADOR.

AGENDA ITEM 23 – NO ACTION NECESSARY ON THE ITEMS DISCUSSED IN EXECUTIVE SESSION

CITIZENS – AGENDA ITEM 24

Bill O'Sullivan addressed the court concerning Jones Forest. He read a statement from State Senator Brandon Creighton regarding a post made about Jones Forest development. He also addressed the budget and formulas used to adjust for inflation.

Eric Yollick thanked Bill O'Sullivan and Senator Creighton for the clarification on the Jones Forest situation. He also thanked Commissioner Riley for voting in favor of the 20% homestead exemption. He presented a "golden hammer" to Phyllis Martin for auditing practices.

John Wertz thanked the court for approving the 20% homestead exemption. He also thanked Kelli Cook for bringing this issue up and encouraged the court to look into an over 65 exemption.

AGENDA ITEM 25 – MISCELLANEOUS – COMMISSIONER NOACK THANKED COMMISSIONER RILEY FOR RESEARCHING THE EXEMPTION AND COMING BACK TO COURT IN SUPPORT OF IT.

COMMISSIONER RILEY ALSO SPOKE CONCERNING THE EXEMPTION.

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

28. COURT ADJOURNS

Motion by Commissioner Clark, 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

Angela

COUNTY JUDGE

