

#2 8A

MAR 19 2019

COMMISSIONERS COURT DOCKET  
FEBRUARY 26, 2019  
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 26<sup>th</sup> day of February, 2019, the Honorable Commissioners Court of Montgomery County, Texas, was duly convened in a Regular Session in the Commissioners Courtroom of the Alan B. Sadler Commissioners Court Building, 501 North Thompson, Conroe, Texas, with the following members of the Court present:

|                            |               |
|----------------------------|---------------|
| County Judge               | Mark Keough   |
| Commissioner, Precinct 1   | Mike Meador   |
| Commissioner, Precinct 2   | Charlie Riley |
| Commissioner, Precinct 3   | James Noack   |
| Commissioner, Precinct 4   | James Metts   |
| Also County Clerk's Office | Amber Twiddy  |

INVOCATION GIVEN BY Jon Paul Bouche

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 Metts, to approve Commissioners Court Agenda for discussion and necessary action. Motion carried.

MONTGOMERY COUNTY EMPLOYEES COMMITTEE PRESENTED EMPLOYEE OF THE MONTH TO BUSHRA KHAN, WITH THE COUNTY ATTORNEY'S OFFICE FOR THE MONTH OF FEBRUARY, 2019.

2. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the Minutes from Regular Session of Commissioners Court dated February 12, 2019. Motion carried.

3. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 9A-V

Motion by Commissioner Noack, 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 save and except the items removed from the consent agenda, as follows:

COUNTY AUDITOR – AGENDA ITEMS 9A1-3

A1. REPORT ACCEPTED that complies with Local Government Code Section 14.024.

A2. REPORT ACCEPTED that complies with Local Government Code Section 14.025.

A3. COMPLETED AUDITES ACCEPTED for the following:

- Commissioner Precinct 4 Exit Audit- J. Clark
- County Auditor Exit Audit- P. Martin
- County Judge Exit Audit- C. Doyal
- County Treasurer Exit Audit- S. Davenport
- District Clerk Exit Audit - B. Adamick
- District Judge Exit Audit- C. Wood
- Justice of the Peace Pct 3 Exit Audit -E. Connelly
- Justice of the Peace Pct 4 Exit Audit -J. Metts

BUDGET OFFICE – AGENDA ITEMS 9B1-4

- B1. ADJUSTMENTS AND AMENDMENTS APPROVED AND AUTHORIZED for the Grant Departments.
- B2. TRANSFER, ADJUSTMENTS, AND AMENDMENTS APPROVED AND AUTHORIZED for Special Revenue Departments.
- B3. LINE ITEM TRANSFERS AND ADJUSTMENTS APPROVED AND AUTHORIZED for FY2019 budget according to budget policy.
- B4. PREVIOUS ACTIONS TAKEN ON CHANGES MEMORIALIZED for the Fiscal Year 2019 budget in prior Commissioners Court.

TREASURER – AGENDA ITEMS 9C1-8

- C1. MONTHLY STATEMENT OF BALANCES REPORT APPROVED for January 2019.
- C2. MONTHLY INVESTMENT REPORT APPROVED for January 2019.
- C3. COUNTY TREASURER'S DECLARATION OF COMPLIANCE AND RECORDS MANAGEMENT POLICY STATEMENT ACKNOWLEDGED designating Melanie Bush as the Official Records Management Officer for the County Treasurer's Office.
- C4. MONTHLY REPORT OF PLEDGES SECURITIES REPORT APPROVED for 01-31-19.
- C5. PLEDGE-RELEASE OF DEPOSITORY COLLATERAL ACCEPTED for 02-19-19.
- C6. PLEDGE-RELEASE OF DEPOSITORY COLLATERAL ACCEPTED for 02-08-19.
- C7. REPORT OF INVESTMENTS MATURED ACCEPTED for 02-08-19.
- C8. REPORT OF INVESTMENTS PURCHASED ACCEPTED for 02-08-19.

TAX ASSESSOR/COLLECTOR – AGENDA ITEM 9D1

- D1. MONTHLY TAX COLLECTION REPORT ACCEPTED for month ending January 2019.

PURCHASING – AGENDA ITEMS 9E1-5

- E1. ADVERTISING APPROVED for the following:
  - a. Project #19-22 RFP 457 Deferred Compensation Program.
  - b. Project #19-23 Fish Creek Thoroughfare/McCaleb Overpass II for Precinct 2.
  - c. Project #19-24 Keenan Cutoff Overpass for Precinct 2.

E2. RENEWALS OPTIONS APPROVED:

- a. Licensed Software Implementation and Professional Services with Tyler Technologies for IT.
- b. Project #2016-0035 Haul Services for Miscellaneous Materials with Tommy Baker for various precincts (exercising the third of three renewal options).
- c. Project #2016-0030 Automotive and Heavy Truck Body Repair Service with Tommy's Paint and Body, Inc. dba Tommy's Wrecker Service for Risk Management (exercising the third of four renewal options).

E3. CHANGE ORDERS APPROVED:

- a. Amendment #1 to KDM Acquisition Services, Inc. for Right-Of-Way Acquisition and Related Support Services for the Extension of Mansions Way for an increase of \$15,800.00 for Precinct 2.

E4. DISCRETIONARY EXEMPTIONS APPROVED:

- a. Environmental Consulting Services as a personal or professional service on an as needed basis from Bay Environmental, Inc. for various departments. Local Gov't Code §262.024(a)(4).
- b. Sentinel Intrusion Prevention Systems as an item that can be obtained from only one source from Econet.com, Inc. dba Sentinel Intrusion Prevention Systems for IT. Local Gov't Code §262.024(a)(7)(A).
- c. Utility Services as an item that can be obtained from only one source from the following utilized vendors, Entergy, NRG/Reliant, Sam Houston Electric Coop/SHECO, Mid South Synergy, City of Conroe, City of Magnolia, City of Oak Ridge North, City of Splendora, City of Willis, Dobbin Plantersville WSC, Lake South Water Supply, MC MUD #16, MC MUD #8, MC MUD #94, New Caney MUD, Old Tamina Water Supply, Pinehurst Decker Prairie, Quadvest, Southern MCUD, The Woodlands Joint Power Agency, CenterPoint Energy, AT&T, Inc., Consolidated Communications of Texas, Central Telephone Co of Texas dba Centurylink, and Frontier Communications Corporation for various departments. Local Gov't Code §262.024(a)(7)(C).
- d. Contract for Citation Filing Services as an item that can be obtained from only one source in the amount of \$7,500.00 per Justice Court for annual total of \$30,000.00 from Graves Humphries Stahl, Ltd for various JPs and authorize funding from Justice Court Technology Fund. Local Gov't Code §262.024(a)(7)(A).

E5. CHECK ACKNOWLEDGED from Rene Bates auctioneers, Inc. in the amount of \$74,800.35, which includes sales of \$80,865.24 less auctioneer's fee of \$6,064.89 from the Montgomery County Auction. Surplus items that received no bids will be disposed of by salvage or donation for Various Departments. The County Clerk's office did not receive a check for this item.

RISK MANAGEMENT – AGENDA ITEMS 9F1-2

F1. PAYMENT ACKNOWLEDGED to Bridget Pizzi and Brayden Rooney in the amount of \$344.66 in reference to Claim #B-19-0011 DOL 01/13/19.

F2. CHANGES, ADDITIONS AND RELEASES APPROVED for the following:

| <u>BOND</u> | <u>NAME/DEPT</u>           | <u>AMOUNT</u> | <u>ACTION</u>   |
|-------------|----------------------------|---------------|-----------------|
| 15101519    | Vogel, Richard/Const Pct 3 | \$5,000       | Renew/Cont Cert |

|          |                                    |         |                 |
|----------|------------------------------------|---------|-----------------|
| 61585941 | Baxter, Thomas III/Fire Marshal    | \$5,000 | Renew/Cont Cert |
| 24754738 | Wright, Jody/ DA                   | \$5,000 | Renew/Cont Cert |
| 24754805 | Hoffmeyer, Christopher/Const Pct 3 | \$5,000 | Renew/Cont Cert |
| 63623271 | Croft, James/Const Pct 1           | \$5,000 | New             |

COMMISSIONERS – AGENDA ITEMS 9G1-3

G1. PRECINCT 1

- a. REQUEST APPROVED of the name Montgomery County Municipal Utility District No. 179 for use by the law firm Allen Boone Humphries Robinson LLP.
- b. USE AGREEMENT APPROVED with Conroe Area Youth Baseball to use the baseball fields at Gene Campbell Sports Complex through December 31, 2019.

G2. PRECINCT 2

- a. RESOLUTION APPROVED to designate the route identified by the Texas Department of Transportation as the FM 1488 Relief Route, dated October 25, 2018 in their current study as the preferred route for the FM 1488 Relief Route.
- b. REQUEST APPROVED of the name Montgomery County Municipal Utility District No. 180 for use by the law firm Allen Boone Humphries Robinson LLP.

G3. PRECINCT 4

- a. CHECK APPROVED from Montgomery County ESD #7 in the amount of \$716.16 for the purchase of fuel. This check will be deposited into line item number 615-7926. Check has been forwarded to the Auditor for further processing.
- b. CHECK APPROVED from City of Roman Forest in the amount of \$1,495.43 for the purchase of fuel. This check will be deposited into line item number 615-7926. Check has been forwarded to the Auditor for further processing.
- c. USE AGREEMENT APPROVED with East Montgomery County Sports Authority to use the football/baseball/softball fields at A.V. "Bull" Sallas Park for practices as scheduled now through December 31, 2019.
- d. USE AGREEMENT APPROVED with East Montgomery County Sports Association to use the baseball/softball fields at Ed Rinehart Park for practices as scheduled now through December 31, 2019.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9H1-3

H1. PRECINCT 2

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Mostyn Manor, Section 7.
- b. FINAL PLAT APPROVED of Pine Island at Woodforest, Section 3; 7.75 acres; John Sealy Survey, A-759.

- c. FINAL PLAT APPROVED of Alders at Magnolia Circle Addition; 10.524 acres; Dickson Garrett Survey, A-225.

H2. PRECINCT 3

- a. PUBLIC HEARING DATE SET for March 19, 2019 to establish a no parking zone and placement of "No Parking, Standing, Stopping" "7:15 - 8:30 A.M. 2:45 - 3:45 P.M." "Mon - Fri" signs on both sides of Oakwood Park Lane.
- b. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Woodson's Reserve, Section 11.
- c. FINAL PLAT APPROVED of Dosey Doe; 1.73 acres; C. Esterwall Survey, A-191.
- d. FINAL PLAT APPROVED of Harmony Village, Section 10; 14.86 acres; Montgomery County School Land Survey, A-351.

H3. PRECINCT 4

- a. FINAL PLAT APPROVED of Tavola, Section 19; 13.720 acres; A.P. Frederick Survey, A-211.

HUMAN RESOURCES – AGENDA ITEM 911

11. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Airport Maintenance to place Joshua Blocker, Maintenance Tech III, on payroll as replacement for Donald Edwards, effective February 19, 2019.

Request of Animal Control to place Angela S. Haltom, Office Supervisor II, on payroll as replacement for Linda Davis, effective February 15, 2019.

Request of Animal Shelter to place Sydney Tate Daubendiek, Animal Care Technician, on payroll as replacement for Aaron De Noble, effective February 13, 2019.

Request of Animal Shelter to discharge Aaron De Noble, Animal Care Technician, effective February 4, 2019. [6.16 hours or balance vacation].

Request of Animal Shelter to discharge Allison Hubbard, Animal Care Technician, effective February 14, 2019. [15.40 hours or balance vacation; 15.25 hours or balance holiday].

Request of Animal Shelter to place Courtney Mayes, Clinic/Vet Technician, on payroll as replacement for Samantha Root, effective February 20, 2019.

Request of Animal Shelter to discharge Kyle Moorhead, Animal Care Technician, effective February 10, 2019. [No benefits due].

Request of Animal Shelter to discharge Anne Marie Myers, Clinic/Vet Technician, effective February 14, 2019. [62.32 hours or balance vacation; 44.25 hours or balance compensatory; 8.00 hours or balance holiday].

Request of Animal Shelter to accept the resignation of Samantha Root, Clinic/Vet Technician, effective February 12, 2019.

Request of Animal Shelter to place Devin Short, Animal Care Technician, on payroll as replacement for Rebecca Russell, effective February 23, 2019.

Request of Animal Shelter to accept the resignation of Tonya Todd, Clerk III, effective February 12, 2019. [No benefits due].

Request of Custodial to place Nelson Bonilla Gavarrete, Custodian, on payroll as replacement for Pablo Fernandez, effective February 25, 2019.

Request of Custodial to place Thomas Dearman, Custodian II, on payroll as replacement for Ramiro Garcia, effective February 25, 2019.

Request of Custodial to accept the resignation of Maria Luisa Duck, Custodian, effective February 5, 2019. [39.56 hours or balance vacation].

Request of Custodial to discharge Pablo E. Fernandez, Custodian, effective February 15, 2019. [No benefits due].

Request of Custodial to demote Ramiro Garcia, Custodian I, at his request, as replacement for Maria Luisa Duck, effective February 23, 2019.

Request of Custodial to place Brent Larry, Custodian, on payroll as replacement for Angela Barrera, effective February 25, 2019.

Request of Custodial to discharge Amsiri Nolasco Sosa, Custodian, due to job abandonment, effective February 11, 2019. [No benefits due].

Request of Custodial to accept the resignation of Abel Quijano, Custodian, effective February 22, 2019. [No benefits due].

Request of Custodial to accept the resignation of Sam Spencer, Custodian, effective February 22, 2019. [No benefits due].

Request of Commissioner Precinct 1 to promote Steve McKinzie, Operator III, effective March 2, 2019.

Request of Commissioner Precinct 2 to increase pay of James Luna, Operator I as replacement for Albert Wyatt, effective February 23, 2019.

Request of Commissioner Precinct 2 to re-hire Michael Manning, Operator I, effective February 26, 2019.

Request of Commissioner Precinct 2 to place Jordan Stancil, Operator I, on payroll as replacement for Tyler Cole, effective February 25, 2019.

Request of Commissioner Precinct 4 to transfer Macey Hardin, Operator I, as replacement for Daniel R. Swindall, effective February 25, 2019.

Request of Commissioner Precinct 4 to place Homer Stanley Oatis, Operator I, on payroll as replacement for Robert D. Ruminer, effective February 25, 2019.

Request of Constable Precinct 2 to increase salary of Bobby Monroe Smalley, Jr., due to step increase, effective January 29, 2019.

Request of Constable Precinct 3 RMUD Sub Unit to transfer Colin Pritz, Deputy-Constable, as replacement for Paul R. Cassidy, effective February 9, 2019.

Request of Constable Precinct 3 Spring CRK UD to transfer Paul R. Cassidy, Jr., as replacement for David Swetnam, effective February 9, 2019.

Request of Constable 4 to discharge Jana Lea, Admin Manager II, effective February 8, 2019. [55.40 hours or balance vacation]

Request of Constable 4 to increase salary of Dwayne Morrow, Deputy-Constable, due to step increase, effective February 9, 2019.

Request of Constable Precinct 5 to place Kenneth W. Dougherty III, Deputy-Constable, on payroll as replacement for Kim Gordon, effective February 23, 2019.

Request of County Attorney to correct effective date on PCR of David Scott Davis, Investigator II, to February 8, 2019.

Request of County Auditor to place Tim Krier, General Ledger Assnt, on payroll as replacement for Margaret Powers, effective March 4, 2019.

Request of County Clerk-Records Mgmt to re-hire Dianne Y. Killingsworth, Clerk II (PT/POOL), effective February 25, 2019.

Request of District Attorney to place Audrey E. Manchester, Court Clerk IV, on payroll as replacement for Victoria L. Swenceski, effective February 11, 2019.

Request of Elections to discharge Paula Renee Day, Elections Manager, effective February 11, 2019. [8.00 hours or balance holiday].

Request of Elections to remove Joseph C. Donahue, Voter Clerk, from payroll due to deceased, effective February 11, 2019. [No benefits due].

Request of Emergency Management to promote Morgan Lumbley, Manager-Disaster Recovery, effective February 9, 2019.

Request of Environmental Health to place Keith Miles, Designated Representative I, on payroll as replacement for Charles Johnson, effective March 4, 2019.

Request of Fire Marshal to accept the retirement of Cathy Holloter, Clerk IV, effective April 30, 2019. [220.7732 hours or balance vacation; 8.00 hours or balance holiday].

Request of JP4 to place Emilze De Leon, Juvenile Case Manager, on payroll as replacement for Victoria Thornton, effective February 12, 2019.

Request of JP4 to place Kaye King, Court Clerk II, on payroll as replacement for Jamie Nash, effective February 20, 2019.

Request of JP4 to place Haleigh Nicole Nalley, Collection Specialist II, on payroll as replacement for Tammy Rogers, effective February 11, 2019.

Request of JP4 to place Mary Ann Rinewalt, Court Clerk IV, on payroll, effective February 12, 2019.

Request of Juvenile to transfer Ashley Nicole Abramski, Juvenile Supervision Officer-JJAEP, as replacement for Darcie Edwards, effective February 9, 2019.

Request of Juvenile to accept the resignation of Darcie Amanda Edwards, Juvenile Supervision Officer-JJAEP, effective January 30, 2019. [No benefits due].

Request of Library to accept the resignation of Amber Nichole Cathey, Library Assistant II, effective January 30, 2019. [No benefits due].

Request of Library to rescind PCR for Sabrina Martin, Shelving Clerk I, which was approved in CC on February 12, 2019. [No benefits due].

Request of Library to place Laci Renee Martinez, Reference Librarian, on payroll due to return from Unpaid FMLA/Disability Leave, effective February 4, 2019.

Request of Library to place Odalys Ramirez, Shelving Clerk I, on payroll as replacement for Kelly Flores, effective February 11, 2019.

Request of Sheriff to place Jazmine Allen, Dispatcher, on payroll as replacement for Debra A. Forbes, effective March 2, 2019.

Request of Sheriff to increase salary of Brandon C. Baines, Deputy-Detention, due to step increase, effective February 23, 2019.

Request of Sheriff to accept the resignation of Matthew McCallin Bartley, Officer-Civilian Deten, effective February 13, 2019. [195.07 hours or balance vacation; 345.93 hours or balance compensatory; 40.00 hours or balance holiday].

Request of Sheriff to place Martin Correa, Officer-Civilian Deten, on payroll as replacement for Matthew McCallin Bartley, effective February 23, 2019.

Request of Sheriff to accept the resignation of Nekeiaa D. Dickens, Dispatcher, effective February 22, 2019. [40.04 hours or balance vacation; 55.75 hours or balance compensatory; 16.00 hours or balance holiday].

Request of Sheriff to accept the resignation of Karen M. Fortanelli, Crime Analyst I, effective February 22, 2019. [32.66 hours or balance vacation; 7.00 hours or balance compensatory].

Request of Sheriff to increase salary of Kevin Andrew Hataway, Deputy, due to step increase, effective February 23, 2019.

Request of Sheriff to demote Cynthia Lee Hitchcock, Clerk IV, voluntarily, as replacement for Lynda K. Hayes, effective February 9, 2019.

Request of Sheriff to accept the resignation of Trent Holcomb, Deputy-Detention, effective March 1, 2019. [31.26 hours or balance vacation; 18.76 hours or balance compensatory; 44.00 hours or balance holiday].

Request of Sheriff to increase salary of Travis Dwayne Lawson, Deputy, due to step increase, effective February 23, 2019.

Request of Sheriff to accept the resignation of Drew Evan Maclellan, Officer-Civilian Deten, effective February 15, 2019. [21.96 hours or balance vacation; 106.26 hours or balance compensatory; 16.00 hours or balance holiday].

Request of Sheriff to accept the resignation of Michael A. Manning, Maintenance Tech III, effective February 20, 2019. [94.675 hours or balance vacation; 22.00 hours or balance compensatory; 8.00 hours or balance holiday].

Request of Sheriff to accept the resignation of Talon Alexander McKinney, Officer-Civilian Deten, effective January 31, 2019. [15.40 hours or balance vacation].

Request of Sheriff to place Katherine Nichols, Temporary Data Clerk, on payroll, effective February 19, 2019.

Request of Sheriff to increase salary of Cristian Roman Perez, Deputy, due to step increase, effective February 23, 2019.

Request of Sheriff to place Mercedes Pittmon, Dispatcher, on payroll as replacement for Glenda Diane Baskett, effective February 16, 2019.

Request of Sheriff to increase salary of Margarito Rosales, Jr., Sergeant, due to step increase, effective February 23, 2019.

Request of Sheriff to place Richard Schaubert, Officer-Civilian Deten, on payroll as replacement for Talon Alexander McKinney, effective February 23, 2019.



Request of Sheriff to increase salary of Kyle Douglas Sullivan, Deputy, due to step increase, effective February 23, 2019.

Request of Sheriff to increase salary of Adam Patrick Wright, Deputy, due to step increase, effective February 23, 2019.

Request of Sheriff to transfer Riley R. Zapf, Detective, as replacement for Irwin Joseph Gordy III, effective February 9, 2019.

#### ENVIRONMENTAL HEALTH – AGENDA ITEMS 9J1-3

- J1. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 16049 Stagecoach Road, Stagecoach, TX 77355. Stagecoach Farms Sec 5, Lots 81 & 83.
- J2. ORDER APPROVED reaffirming order to abate a public nuisance for demolition on the following property that is abandoned, deemed unsafe, or unlivable: Precinct 4, 21647 E. Knox Dr., Porter, Texas 77365. Estimated Total Cost \$14,413 and will be funded by CDBG.
- J3. ORDER APPROVED for demolition on the following property that is abandoned, deemed unsafe, or unlivable: Precinct 4, 17513 Woods Drive, New Caney, Texas 77357. Estimated total cost is \$13,927.00 and will be funded by CDBG.

#### COUNTY JUDGE – AGENDA ITEM 9K1

- K1. AMENDMENT/MODIFICATION NO. P00010 APPROVED to the amendment of Solicitation/modification of Contract DROIGSA-08-0030, HSCEDM-17-F-IG148, between Montgomery County and Immigration and Customs Enforcement-Office of Acquisitions Management to adjust funding for bed space, transportation, and on call guard service.

#### SHERIFF – AGENDA ITEMS 9L1-2

- L1. MONTGOMERY COUNTY SHERIFF'S OFFICE RACIAL PROFILING REPORT ACCEPTED for the 2018 calendar year.
- L2. REQUEST APPROVED to open position 5601-8015-9 Captain, with an annualized salary of \$118,450.08 to be funded out of the vacant Chief Deputy position 5601-8917-1.

#### COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9M1-3

- M1. PRECINCT 1
  - a. RESOLUTION AND ORDER TO PAY APPROVED for the funding of survey and estimate expenses in connection with the acquisition and relocation of Parcel 79-R04 (T) of the expansion of FM 1097 payable to Lakeway Animal and Medical Surgical Clinic in the amount of \$26,406.54.
  - b. POSSESSION AND USE AGREEMENT APPROVED between Montgomery County and Gulf South Pipeline for 3.66 in the G.W. Lonis Survey, A-313.
  - c. ORDER APPROVED authorizing Notice of Public Hearing on April 9, 2019 for the partial revision to subdivision lots/plats being described as partial replat of all of lot 5 through Lot 7 as shown on Western Hills Commercial Development Section II to be known as Montgomery Self Storage SH 105 Replat.

- d. ORDER APPROVED allowing partial lot conveyance without replat from Quest Homes, Inc. to Debra Moody aka Debra F. Kelly for 0.002 acre (106 square feet) out of Lot 50 Block 31, Walden on Lake Conroe, Section 8.

M2. PRECINCT 2

- a. RESOLUTION AND ORDER TO PAY APPROVED for the funding of the Replacement Housing Supplement relating to the acquisition of Parcel 40 of the extension of Mansions Way from Ralph K. Logan and Mary J. Logan for a total sum of \$43,041.00.

M3. PRECINCT 4

- a. RESOLUTION AND ORDER PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 25 for the widening of Old Houston Road from Imelda Fernandez and Mosesto Mora for the total sum of \$25,506.40 and to accept the executed or to be executed deed.
- b. RESOLUTION AND ORDER APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 20 for the widening of Sorters Road from Juan Duron and Oralia Duron for the total sum of \$2,840.25 and to accept the executed or to be executed deed.
- c. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 24 for the widening of Sorters Road from Stan and Linda Titlow for the total sum of \$1,951.25 and to accept the executed or to be executed deed.
- d. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 35 for the widening of Sorters Road from Isidro Lizalde, Susana Lizalde, and Lizette Lizalde for the total sum of \$1,946.75 and to accept the executed or to be executed deed.
- e. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 41 for the widening of Sorters Road from Santa Cuevas and Roberto Cuevas for the total sum of \$23,678.00 and to accept the executed or to be executed deed.
- f. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 48 for the widening of Sorters Road from Miguel Zavala for the total sum of \$4,971.45 and to accept the executed or to be executed deed.
- g. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 49 for the widening of Sorters Road from Maria Isabel Zavala and Camilo Zavala Acosta for the total sum of \$42,571.25 and to accept the executed or to be executed deed.
- h. AGREEMENT APPROVED between Montgomery County and Kyle Yarbrough for driveway to be constructed on extension of Mills Branch Dr.

COUNTY ATTORNEY– AGENDA ITEMS 9N1-2

- N1. RESOLUTION AND ORDER APPROVED to approve the settlement offer of \$12,749.75 to be paid to Mac Haik Dodge Chrysler Jeep in exchange for a full release of all property claims in connection with the demand letter provided under Claim No. A-18-0084. The County Auditor is ordered to issue a check in accordance with the settlement offer contingent upon receipt of a full release with funding from 40220-748381.

- N2. RESOLUTION AND ORDER APPROVED to approve the settlement offer of \$21,000.00 to be paid to Stephanie Laxton and D. Miller & Associates, PLLC in exchange for a full release of all claims in connection with the demand letter provided under Claim No. A-17-0118. The County Auditor is ordered to issue a check in accordance with the settlement offer contingent upon receipt of a full release with funding from 40220-76573.

CONSTABLE PRECINCT 3 – AGENDA ITEM 901

- O1. CONSTABLE PRECINCT 3 RACIAL PROFILING REPORT ACCEPTED for the 2018 calendar year.

CONSTABLE PRECINCT 4 – AGENDA ITEM 9P1-3

- P1. ACCEPTANCE APPROVED of sixty (60) 3M gas masks, forty (40) chest protectors and forty (40) shin guards. All items awarded to the Montgomery County Constable Pct. 4 Department from the Broward County Sheriff's Department. All equipment will be used by the special response group.
- P2. DONATION APPROVED of 3 Motorola XTS 2500 hand held radios, as follows: serial number 205CGV4666 from Nathanael Dains; serial number 205CKR0181 from Jeremy Stepp; and serial number 205CKZ2026 from Dailem Corzo.
- P3. FUNDING ACCEPTED in the amount of \$2,511.06 from the Law Enforcement Office Standards and Education (LEOSE) for continuing education of licensed personnel. Allocate funds to 5541.74181.

GRANTS – AGENDA ITEMS 9Q1-2

- Q1. EMERGENCY RESPONSE EQUIPMENT GRANT DEOBLIGATION APPROVED to East Montgomery County Improvement District for Constable Precinct 4 Office in the amount of \$1,945.32.
- Q2. FISCAL YEAR 2019 TRAFFIC MANAGEMENT SPEED TRAILER GRANT ACCEPTED from the Office of the Governor of Texas in the amount of \$9,977 for Constable Precinct 3 Office. The authorized official will be changed from Commissioner Meador to Rebecca Ansley. Grant application was approved in Commissioners Court on February 13, 2018.

JUSTICE OF THE PEACE PRECINCT 1– AGENDA ITEM 9R1

- R1. REQUEST APPROVED by Justice of the Peace Pct. 1 to use \$2,510.18 from the Justice of the Peace Technology Fund.

JUSTICE OF THE PEACE PRECINCT 3 – AGENDA ITEMS 9S1-2

- S1. REQUEST APPROVED to use the Justice of the Peace Technology Fund in an amount not to exceed \$2,533.00.
- S2. REQUEST APPROVED to use the Justice Court Technology Fund in the amount of \$3,000 for Justice of the Peace Pct. 3 for Apple products and applicable service plans.

JUSTICE OF THE PEACE PRECINCT 4 – AGENDA ITEM 9T1

- T1. REQUEST APPROVED to use funds from the Justice of the Peace Technology Fund for the purchase of the following in the amount of \$28,100.00:
- a. 7 HP Laser-Jet desktop printers, Model M506N per quotation #037640 at \$641.34 each.

- b. 5 Dell laptop computers, Latitude 7490 with software & accessories, including docking stations and monitors per quotation #037640 at \$2,278.25 each.
- c. 7 Fujitsu document scanners, Model FI-7160 per quotation at \$1,154.00 each.
- d. 15 VPN licenses at \$270.00 each.

OFFICE OF COURT ADMINISTRATION – AGENDA ITEMS 9U1-2

- U1. FIRST AMENDMENT TO FELONY CONTRACT DEFENDER PROGRAM CONTRACTS APPROVED. These were previously approved by Commissioners Court June 12 and June 26, 2018. This Amendment is to comply with contract language required by the Texas Indigent Defense Commission, and does not require new funding. County Judge Mark J. Keough is authorized to sign on behalf of Montgomery County.
- U2. APPOINTMENT APPROVED of County Judge Mark J. Keough to the Court Security Committee.

ELECTIONS – AGENDA ITEM 9V1

- V1. ORDER APPROVED changing polling day location for County Election Precinct 39 from Lone Star Elementary School to Lake Creek High School.

Motion carried.

**END OF CONSENT AGENDA**

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CITIZENS – AGENDA ITEM 10

No citizens addressed court at this time.

4. COMPENSATION APPROVED – CONSTABLE PRECINCT 2 – BUDGET OFFICE

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve leaving the pay for Precinct 2 Constable Captain at 104,050 with the car allowance for now until the issue in pay equity for Constable's Chiefs and Captains is settled. Motion carried.

AGENDA ITEM 12A – JUDGE BEASLEY MADE A PRESENTATION CONCERNING THE PERFORMANCE AND OPERATIONS OF JUSTICE OF THE PEACE PRECINCT 3. HE EXPLAINED THAT HE WAS RUNNING A ROCKET DOCKET TO MOVE CASES ALONG, USING A NUMERICAL DOCKET, NIGHT COURT, AND ISSUING WARRANTS. HE ASKED FOR AN ADDITIONAL BAILIFF FOR THE COURT, ADDITIONAL TIME WITH THE PROSECUTOR AND WILL REQUEST A COURT CLERK DURING THE BUDGET PROCESS.

THE COURT DISCUSSED SECURITY IN REGARDS TO THE REQUEST FOR A BAILIFF.

JUDGE BEASLEY WILL COME BACK TO COURT WITH THE REQUEST TO GIVE THE COURT TIME TO CONSIDER THE REQUESTS.

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

5. ACTION DEFERRED – BASE SALARIES – CONSTABLE PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Meador, to defer action until Budget Hearings on the standardization of base salaries for Constable Chiefs and Captains. Motion carried.

6. RE-APPOINTMENT APPROVED – MONTGOMERY COUNTY AIRPORT ADVISORY BOARD – AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the re-appointment of Barkley Spikes to the Montgomery County Airport Advisory Board for a two-year term expiring December 31, 2021. This nomination was made by Commissioner Mike Meador, Precinct 1. Motion carried.

7. RE-APPOINTMENT APPROVED – MONTGOMERY COUNTY AIRPORT ADVISORY BOARD – AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the re-appointment Gary Yount to the Montgomery County Airport Advisory Board for a two-year term expiring December 31, 2021. This is an at-large nomination. Motion carried.

8. APPOINTMENT APPROVED – MONTGOMERY COUNTY AIRPORT ADVISORY BOARD – AIRPORT

Motion by Commissioner Metts, seconded by Commissioner Meador, to approve the appointment of Stephanie Davenport to the Montgomery County Airport Advisory Board for a two-year term expiring December 31, 2021. This nomination was made by Commissioner James Metts, Precinct 4. Judge Keough voted “No” and Commissioner Noack abstained. Motion carried.

9. RESOLUTION AND ORDER APPROVED – TAX ABATEMENT – TAX ASSESSOR-COLLECTOR

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the Tax Abatement Agreement between Montgomery County and Alight Solutions, LLC and The Woodlands Land Development Company, L.P. County Judge is authorized to execute the agreement in multiple counterparts on behalf of Montgomery County. Motion carried.

10. RESOLUTION AND ORDER APPROVED – TAX ABATEMENT – TAX ASSESSOR-COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the Tax Abatement Agreement between Montgomery County and Pipeline Packaging Corp. County Judge is authorized to execute the agreement in multiple counterparts on behalf of Montgomery County. Motion carried.

11. RESOLUTION AND ORDER APPROVED – TAX ABATEMENT – TAX ASSESSOR-COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the Tax Abatement Agreement between Montgomery County and Old Dominion Freight Line, Inc. County Judge is authorized to execute the agreement in multiple counterparts on behalf of Montgomery County. Motion carried.

12. REQUEST APPROVED – AD VALOREM EXEMPTIONS – TAX ASSESSOR-COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Riley, to leave the tax exemptions the same as the previous year: 20% for homestead; \$35,000 for 65 & over; \$75,000 for disabled, for tax year 2019 as provided by Texas Property Tax Code 11.13, including but not limited to Homestead, 65 & over, and Disabled exemptions. Motion carried.

13. REQUEST APPROVED – REVENUES – TAX ASSESSOR-COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve and authorize Montgomery County Tax Assessor to recognize revenues from the following: interest earned on the Tax Assessor Collector's tax deposit accounts; and unclaimed refunds pursuant to Tax Code Sections 31.11 and 31.111. These funds will be recognized in a separate cost center to be used for future capital outlay for the Tax Office. Motion carried.

14. MOTION FAILED – OPEN POSITIONS – LIBRARY

Motion by Commissioner Noack, seconded by Judge Keough, to deny the request to reopen the Catalog Technician position, 6511.7060.1. Commissioner Meador, Commissioner Riley, and Commissioner Metts voted "No." Motion fails.

15. REQUEST APPROVED – OPEN POSITIONS – LIBRARY

Motion by Commissioner Meador, seconded by Commissioner Metts, to reopen the Catalog Technician position, 6511.7060.1. Annualized salary will be \$31,015.26. \$19,086 plus benefits is needed to fund position for remainder of the fiscal year and will be funded with Contingency. If this position is not filled in 30 days it will be closed. Judge Keough and Commissioner Noack voted "No". Motion carried.

16. REQUEST APPROVED – OPEN POSITIONS – LIBRARY

Motion by Commissioner Meador, seconded by Commissioner Metts, to open the following redefined positions: Librarian II-Marketing, 6511-7250-1 and Clerk III-Programming, 6511-3930-5. Salary annualized for Librarian II, 6511-7250-1 will be \$55,000, salary annualized for Clerk III, 6511-3930-5 will be \$30,000. Close position 6511-7051-501, transfer all funds to position 6511-7250-1, transfer variances of \$1,987.72 from position 6511-7051-40 to 6511-7250-1, transfer variance of \$3,000 from 6511-7203-3 to 6511-7250-1, transfer variance of \$1,000 from 6511-7203-24 to 6511-7250-1. An additional \$19,397.15 in salary plus benefits is necessary to fund 6511-7250-1 for the remainder of the fiscal year. An additional \$18,461.54 in salary plus benefits is necessary to fund 6511-3930-5 for the remainder of the fiscal year. A total of \$45,607.14 is needed and will be funded with Contingency. If this position is not filled in 30 days it will be closed. Judge Keough and Commissioner Noack voted "No". Motion carried.

COMMISSIONER MEADOR LEFT THE COURTROOM.

17. PAYMENT OF ACCOUNTS APPROVED – COUNTY AUDITOR

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the Payment of Accounts. Motion carried.

18. UNFUNDED COMPENSATORY LIABILITY REPORT ACCEPTED – COUNTY AUDITOR

Motion by Commissioner Noack, seconded by Commissioner Riley, to accept the Unfunded Compensatory Liability Report as of 02.15.2019. Motion carried.

AGENDA ITEM 18 WAS DISCUSSED AT THIS TIME. PURCHASING DIRECTOR ASKED IF THE ITEM COULD BE DISCUSSED FURTHER AFTER EXECUTIVE SESSION. SEE MOTION 25 FOR COURT ACTION.

COMMISSIONER MEADOR RETURNED TO THE COURTROOM.

19. GRANT APPLICATION APPROVED – SCHOOL RESOURCE PATROL VEHICLES – GRANTS

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the Fiscal Year 2020 School Resource Patrol Vehicles grant application to the Office of the

Governor of Texas in the amount of \$117,820 for Constable Precinct 5 Office, no match required. Rebecca Ansley is the authorized official for this grant. Motion carried

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 20A1 WAS CORRECTED TO BE IN PRECINCT 3 NOT PRECINCT 2.

AGENDA ITEM 20A1: Consider and approve establishing a no parking zone and placement of "No Parking, Standing, Stopping" "7:30 - 8:30 AM 2:30 - 3:30 PM" "Mon - Fri" signs on both sides of Carmeline Drive.

COMMISSIONER RILEY LEFT THE COURTROOM.

AGENDA ITEM 20B1: Consider and approve posting a 35-mph speed limit on Waukegan Road from 200 feet south of the Timber Rock Railroad to FM 1485.

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

20. REQUEST APPROVED – NO PARKING ZONE – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Metts, to approve establishing a no parking zone and placement of "No Parking, Standing, Stopping" "7:30 - 8:30 AM 2:30 - 3:30 PM" "Mon - Fri" signs on both sides of Carmeline Drive. Motion carried.

21. REQUEST APPROVED – SPEED LIMIT – PRECINCT 4

Motion by Commissioner Metts, seconded by Commissioner Meador, to approve posting a 35-mph speed limit on Waukegan Road from 200 feet south of the Timber Rock Railroad to FM 1485. Motion carried.

COMMISSIONER RILEY RETURNED TO THE COURTROOM.

22. REQUEST APPROVED – OPERATOR POSITIONS – COMMISSIONERS

Motion by Commissioner Metts, seconded by Commissioner Noack, to authorize County Commissioner Departments to open and close or evaluate the salary of various Operator positions as needed. The Commissioners Department will not exceed the total budget for current year. Motion carried.

AGENDA ITEM 21B1 – MEGAN WITH BGE GAVE A PRESENTATION ON FUTURE MOBILITY BOND AND ASSOCIATED PROJECTS.

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

23. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

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

Request of Commissioner Precinct 4 to place Tamon Lloyd Nesbitt, Operator II, on payroll, effective February 26, 2019.

Request of Constable Precinct 2 to promote Gregory S. Thomason, Captain Constable, as replacement for C. Michael White, effective February 26, 2019.

Motion carried.

**THE COURT RECESSED FOR EXECUTIVE SESSION PURSUANT TO ONE OR MORE OF THE FOLLOWING PROVISIONS OF THE TEXAS GOVERNMENT CODE, TO WIT: CHAPTER 551, SUB-CHAPTER D, ARTICLES 551.071, 551.076**

EXECUTIVE SESSION – AGENDA ITEM 23A: Consider and approve Resolution and Order to settle claim no. U-16-0069, date of incident 06/15/16. (Section 551.071)

EXECUTIVE SESSION – AGENDA ITEM 23B: Consultation with County Attorney to discuss audit of \$44,834,989.25 County Jail Lease Revenue Bonds, Series 2007. (Section 551.071)

EXECUTIVE SESSION – AGENDA ITEM 23C: Consider and discuss courthouse security projects. (Section 551.076)

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

**24. APPOINTMENT APPROVED – PROJECT MANAGER COURTHOUSE SECURITY PROJECTS – EXECUTIVE SESSION**

Motion by Commissioner Noack, seconded by Commissioner Riley, to name Tim Stewart as the Project Manager for the Courthouse Security Project. Motion carried.

**CITIZENS – AGENDA ITEM 25**

Ted Fletcher thanked the court for what they do. He stated leadership is not always easy and gave a run down on items for the City of Shenandoah. He stated that he looks forward to the continued support and partnership from the county. He asked for the courts support in his re-election.

Amy Hamrick addressed the court on the positions for the Library and the push back from members of the court. She stated that the library was a great asset to the County. She asked the court to not cut the budget for the library.

**MISCELLANEOUS – AGENDA ITEM 26**

**COMMISSIONER NOACK ASKED THE COUNTY AUDITOR TO BRING BACK AN AUDITOR'S REPORT ON THE STATE OF THE AUDITOR'S OFFICE SINCE HE HAS TAKEN OVER.**

**25. PERMISSION TO RENEGOTIATE APPROVED – PROJECT #19-08 – PURCHASING**

Motion by Commissioner Noack, seconded by Judge Keough, to grant permission to renegotiate with AS & G for Workers' Compensation Third Party Administration Services with the remaining services staying in Risk Management for Risk Management. Commissioner Riley voted "No." Motion carried.

**26. COURT ADJOURNS**

Motion by Commissioner Noack, seconded by Judge Keough, 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

Max Krueger  
COUNTY JUDGE

