

COMMISSIONERS COURT DOCKET
MARCH 26, 2019
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 26th day of March, 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 Commissioner Mike Meador

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.

MONTGOMERY COUNTY EMPLOYEES COMMITTEE – EMPLOYEE OF THE MONTH

MONTGOMERY COUNTY EMPLOYEES COMMITTEE PRESENTED EMPLOYEE OF THE MONTH TO SUSANNA BARTON, WITH THE JUSTICE OF THE PEACE PCT. 5 OFFICE FOR THE MONTH OF MARCH, 2019.

2. RESOLUTION APPROVED – MONTGOMERY COUNTY WALK ACROSS TEXAS

Motion by Commissioner Noack, seconded by Commissioner Meador, to recognize the Montgomery County Walk Across Texas Community Challenge and encourage participation throughout the county. Motion carried.

3. RESOLUTION APPROVED– FAIR HOUSING MONTH

Motion by Commissioner Noack, seconded by Commissioner Meador, to proclaim the month of April 2019 as Fair Housing Month in Montgomery County. Motion carried.

4. RESOLUTION APPROVED– MCHD ALARM

Motion by Commissioner Noack, seconded by Commissioner Riley, to express appreciation to each of the employees of MCHD Alarm for the continued contributions, professionalism and diligence which has resulted in MCHD Alarm receiving reaccreditation as an Accredited Center of Excellence from IAED for the fourth time. Motion carried.

5. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 8A-M

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 save and except the items removed from the consent agenda, as follows:

COUNTY AUDITOR – AGENDA ITEMS 8A1-3

- A1. REPORT ACCEPTED that complies with Local Government Code Section 114.023.
- A2. REPORT ACCEPTED that complies with Local Government Code Section 114.024.
- A3. REPORT ACCEPTED that complies with Local Government Code Section 114.025.

TREASURER – AGENDA ITEMS 8B1-4

- B1. STATEMENT OF BALANCES APPROVED for February 28, 2019.
- B2. MONTHLY INVESTMENT REPORT APPROVED for February 28, 2019.
- B3. DEPOSITORY COLLATERAL REPORT APPROVED for February 28, 2019.
- B4. DONATION ACCEPTED in the amount of \$119.50 from Melanie Bush to budget line item 7927.

PURCHASING – AGENDA ITEMS 9C1-4

C1. RENEWALS OPTIONS APPROVED:

- a. Project #2018-0004 Employee Assistance Program with Deer Oaks Mental Health Assoc PC with a 3% increase for Risk Management (exercising the first of ten renewal options).
- b. Project #2010-0085 Property, Casualty, Liability Workers Compensation and Third Party Administration Services with Arthur J. Gallagher Risk Management Services for Risk Management renewal term 04/01/2019 to 09/30/2019 (exercising the eighth of nine renewal options).

C2. CHANGE ORDERS APPROVED:

- a. Change Order (CO) #1 to City of Conroe for Funding for the Design and Construction of the Additional ROW as County Portion to add Phasing Plan for Library for an increase of \$9,500.00 for Precinct 1.

C3. UTILIZATION APPROVED of the following contracts:

- a. Public Safety and Firehouse Supplies and Equipment through the interlocal agreement with BuyBoard Contract #524-17 from the following vendors; Paradigm Traffic Systems, Inc., Fleet Safety Equipment, Galls, LLC, Lone Star Products & Equipment, Cap Fleet Safety Equipment, and GT Distributors, Inc. for Various Departments. Local Gov't Code §271.102
- b. Energy Saving Lighting Products through the interlocal agreement with BuyBoard Contract #527-17 from the following vendors; Voss Electric Co dba Voss Lighting and Xtralight Manufacturing for Various Departments. Local Gov't Code §271.102.

C4. DISCRETIONARY EXEMPTIONS APPROVED:

- a. Attorney services on an as-needed basis as a personal or professional service from Kemp Smith, LLP for County Attorney. Local Gov't Code §262.024(a)(4).

RISK MANAGEMENT – AGENDA ITEM 8D1

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

| <u>BOND</u> | <u>NAME/DEPT</u> | <u>AMOUNT</u> | <u>ACTION</u> |
|-------------|-------------------------------|---------------|---------------|
| 64558526 | Griffin, B.D./County Attorney | \$5,000 | New |

COMMISSIONERS – AGENDA ITEM 8E1

E1. PRECINCT 1

- a. USE AGREEMENT APPROVED with Conroe Area Girls Softball Association to use the softball fields at Gene Campbell Sports Complex through December 31, 2019.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 8F1-3

F1. PRECINCT 2

- a. FINAL PLAT APPROVED for Cimarron Creek, Section 7; 12.58 acres; Dickinson Garrett Survey, A-225.

F2. PRECINCT 4

- a. FINAL PLAT APPROVED for Tamayo Restaurant Properties, LLC; 0.9183 acres; William S. Taylor Survey, A-552.
- b. FINAL PLAT APPROVED for Ponderosa Pines, Section Two; 32.262 acres; Richard Peebles Survey, A-414.
- c. FINAL PLAT APPROVED for Crockett Trace Estates, Section 5 Replat No. 1; 0.345 acres; J.E. Lewis Survey, A-665.

F3. ALL PRECINCTS

- a. REQUEST APPROVED form Park Construction to move heavy equipment across various county roads. This permit will expire June 19, 2019 and bond on file expires August 14, 2019.

HUMAN RESOURCES – AGENDA ITEM 8G1

G1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Animal Shelter to discharge Devin Short, Animal Care Technician, effective March 13, 2019. [No benefits due]

Request of Custodial to place Ruth Diaz, Custodian I, on payroll as replacement for Angela Barrera, effective March 25, 2019.

Request of CCL 2 to increase salary of Aimee Stevens, Coordinator-Probate, due to merit increase, effective April 8, 2019.

Request of CCL3 to accept the resignation of Kimberly Christine Holzwarth, Court Report, effective March 29, 2019. [10.48 hours or balance vacation]

Request of CCL 3 to place Haleigh Nava, Court Reporter, on payroll as replacement for Kimberly Christine Holzwarth, effective April 1, 2019.

Request of Commissioner Precinct 2 to place Spenser Alford, Operator I, on payroll as replacement for Leland Muehr, effective March 22, 2019.

Request of Commissioner Precinct 2 to place Campbell Vanwinkle, Operator I, on payroll, as replacement for Michael Davis, effective March 26, 2019.

Request of Commissioner Precinct 4 to place Jane Landers, Part-time Clerk, on payroll, effective March 18, 2019.

Request of County Auditor to place Ying Ye, Manager-Internal Audit, on payroll, effective March 28, 2019.

Request of County Clerk to place Stephanie Norris, Clerk II, on payroll due to return from unpaid leave of absence, effective March 4, 2019.

Request of District Clerk to increase salary of Elizabeth Siller, Court Clerk IV, due to completion of probationary period, effective March 25, 2019.

Request of Elections to place Amy Jo Byers, Voter Clerk, on payroll, effective March 23, 2019.

Request of Elections to place Paul Byron DePrang, Voter Clerk, on payroll, effective March 23, 2019.

Request of Elections to place Terry DePrang, Voter Clerk, on payroll, effective March 23, 2019.

Request of Elections to place Charles Fox, Voter Clerk, on payroll, effective March 23, 2019.

Request of Elections to increase salary of Tommie Lee Herrick, Voter Clerk, due to increase in duties to Alt Judge for Early Voting, effective March 23, 2019.

Request of Elections to increase salary of James Martelon, Voter Clerk, due to increase in duties to Alt Judge for Early Voting, effective March 23, 2019.

Request of Elections to place Charlotte Pruitt, Voter Clerk, on payroll, effective March 23, 2019.

Request of Elections to place Phyllis Sears, Voter Clerk, on payroll, effective March 23, 2019.

Request of Elections to place Rebecca Thornton, Voter Clerk, on payroll, effective March 23, 2019.

Request of Elections to place Kathy Trahan, Voter Clerk, on payroll, effective March 23, 2019.

Request of Juvenile to promote Angelina Batiste, Juvenile Probation Officer, as replacement for Miguel Sanchez, effective March 23, 2019.

Request of Juvenile to change status of Kristy Rachelle Douglass, Juvenile Supervision Officer, from part time to full time as replacement for Reynalda Rodriguez, effective March 23, 2019.

Request of Juvenile to place Marvin Lavon Jenkins, Juvenile Supervision Officer, on unpaid Leave of Absence, effective March 11, 2019.

Request of Juvenile to change status of Tierney Denisha Reddic, Juvenile Supervision Officer, from part time to full time as replacement for Angelina Batiste, effective March 23, 2019.

Request of Juvenile to transfer Miguel Sanchez, Juvenile Probation Officer, as replacement for Ashley Abramski, effective March 23, 2019.

Request of Library to promote Natasha D. Benway, Librarian II, effective March 26, 2019.

Request of Sheriff to place Matthew Cook, Officer Civilian Deten, on payroll as replacement for Jose G Portillo, effective March 23, 2019.

Request of Sheriff to place Hunter McDaniel-Calhoun, Officer Civilian Deten, on payroll as replacement for Austin J. Vaughan, effective March 23, 2019.

Request of Sheriff to promote Benjamin Walter Nichols, Detective, effective March 9, 2019.

Request of Sheriff to accept the resignation of Cody Taylor Rademacher, Officer Civilian Deten, effective March 5, 2019. [117.04 hours or balance vacation; 107.01 hours or balance compensatory time; 40.25 hours or balance holiday]

Request of Sheriff to place Michael Alan Stowe, Officer Civilian Deten, on payroll as replacement for Christopher Kent Rogers, effective March 23, 2019.

Request of Sheriff to accept the resignation of Kipp Peter Swannie, Officer Civilian Deten, effective March 13, 2019. [No benefits due]

Request of Sheriff to place Alexi Wallace, Officer Civilian Deten, on payroll as replacement for Drew Evan Maclellan, effective March 23, 2019.

ENVIRONMENTAL HEALTH – AGENDA ITEMS 8H1-2

- H1. ORDER TO ABATE A PUBLIC NUISANCE APPROVED for demolition on the following properties that are abandoned, deemed unsafe, or unlivable: Precinct 4, 19477 Lazy Lane, Porter, Texas, 77365 with an estimated cost of \$4,300 to be funded with CDBG.
- H2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 25400 Cambridge Blvd., New Caney, TX 77357. Kings Colony Sec 1, Block 20, Lot 36.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 8I1-4

- I1. PRECINCT 1
 - a. SPECIAL WARRANTY DEED APPROVED between Montgomery County and City of Conroe for 0.665 acre of land in the Denward James Survey, A-289.
- I2. PRECINCT 2
 - a. AGREEMENT APPROVED between between Montgomery County and Lake Creek Ranchettes Homeowners Association, authorizing placement of Improvements within the County owned right-of-ways of Country Forest Drive and Gable Circle, located in Precinct 2 of Montgomery County, Texas.
- I3. PRECINCT 4
 - a. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 43 for the widening of Sorters Road from Juan Gabriel Cabrera for the total sum of \$11,044.00 and to accept the executed or to be executed deed.
- I4. GENERAL
 - a. VARIANCE APROVED to install an aerobic on site system in the 100-year flood plain located at 6702 Skylight Lane, Magnolia, TX, 77354. Skylight Timbers Block 1, Lot 70.

AIRPORT – AGENDA ITEM 8J1

- J1. CONSENT TO PARTIAL ASSIGNMENT OF LAND LEASE APPROVED from Keven Dowell to JK Classic Aviation, LLC-Management Series for .033 acre of land (Hangar C-6), .033 acre of land (Hangar C-7), .033 acre of land (Hangar C-8), and .072 acre of land (Hangar C-9) at the Conroe-North Houston Regional Airport.

GRANTS – AGENDA ITEM 8K1

- K1. GRANT INCREASE MODIFICATION #3 ACCPETED for the High Intensity Drug Trafficking Area (HIDTA) grant G18HN0017A in the amount of \$3,908.22 for the Sheriff's Office to be used for travel for Sheriff Rand Henderson.

BUDGET OFFICE– AGENDA ITEM 8L1

- L1. TRANSFER, ADJUSTMENTS, AND AMENDMENTS APPROVED AND AUTHORIZED for Special Revenue Departments.

BUILDING MAINTENANCE – AGENDA ITEM 8M1

- M1. REQUEST APPROVED to use \$61,441.00 from the Justice Court Building Security Funds for safety updates.

Motion carried.

END OF CONSENT AGENDA

CITIZENS – AGENDA ITEM 10

Jymme Gomez addressed the court concerning Club Dr. She stated that she has filed both a 24' and 60' dedication for the easement of Club Dr. so Mr. Signorelli could proceed with his development.

6. RESOLUTION APPROVED – LAMBRIGHT LOCAL GOVERNMENT ETHICS REFORM ACT – COUNTY JUDGE

Motion by Judge Keough, seconded by Commissioner Noack, to encourage the members of the Montgomery County State Legislative Delegation and the members of the 86th Legislature to pass the J.D. Lambright Local Government Ethics Reform Act in order to improve ethics reform to the citizens of Texas. Motion carried.

7. RESOLUTION AND ORDER APPROVED – CEMETERY PLOTS – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the purchase of seven cemetery plots. Judge Keough is authorized to execute purchase agreements and other related burial documents at such time and such cemetery locations as determined necessary by the County Judge to satisfy the County's statutory responsibilities for burial for deceased paupers. Motion carried.

8. REQUEST APPROVED – POSITION CHANGES – JUSTICE OF THE PEACE PCT 3

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve opening position 5531-2307-1, Deputy-Bailiff, annualized salary to be \$55,307.10. Equipment and supplies to be paid from Justice Court Technology Fund in an amount not to exceed \$7,000. Equipment and supplies to be paid from Justice Court Security Fund in an amount not to exceed \$5,000. \$39,103 is needed to fund salary and benefits, \$5,000 is needed to fund operational expenses, and \$38,000 is needed to fund a vehicle and applicable maintenance, total of \$82,103 from General Fund is needed to fund this position for the remainder of FY 2019 any additional will be funded with contingency. Motion carried.

9. AMENDMENT APPROVED – SPRING CREEK UTILITY DISTRICT – CONSTABLE PCT 3

Motion by Commissioner Noack, seconded by Judge Keough, to approve the First Amendment to Amended and Restated Interlocal Cooperation Agreement by and between Montgomery County, Texas and Spring Creek Utility District, adding two (2) additional deputy constables to the contract, effective May 1, 2019. Any and all necessary action to effectuate the same is authorized. Motion carried.

10. ANNUAL RENEWAL APPROVED – PUBLIC ENTITY INSURANCE PACKAGE – RISK MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the annual renewal of the Public Entity Insurance Package (Property, Casualty and Worker's Compensation) for the 2019-2020 policy period. Motion carried.

11. PAYMENT OF ACCOUNTS APPROVED – COUNTY AUDITOR

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the payment of accounts. Motion carried.

12. AWARD APPROVED (LATER RECONSIDERED MOTION 19) – PROJECT #19-21 – PRECINCT 4

Motion by Commissioner Metts, seconded by Commissioner Noack, to approve the award to WadeCon, LLC for Project #19-21 Firehouse Road reconstruction and widening

for Precinct 4. (This motion was later reconsidered. See motion 19 for court action.)
Motion carried.

13. RESOLUTION APPROVED – CLUB DR. – COUNTY ATTORNEY- REAL PROPERTY- PCT 2

Motion by Commissioner Riley, seconded by Commissioner Noack, to recognize the dedication of Club Dr. to the public as a public road, accept Club Dr. as a public road, affirm and state that the Commissioners Court recognition and limited acceptance of Club Dr. does not accept Club Dr. into the County Road Maintenance System, and acknowledge that Montgomery County will not be maintaining Club Dr. unless and until a future Order unconditionally accepts Club Dr. into the County Road Maintenance System. Motion carried.

14. REQUEST APPROVED – POSITION TRANSFER – COUNTY ATTORNEY

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the transfer of Purchasing position 407-2809-2 Buyer III and its associated salary and benefits to County Attorney as position 4751-7704-5 Legal Assistant II effective April 1, 2019. Motion carried.

15. BUDGET PACKET APPROVED – FY2020 – BUDGET OFFICE

Motion by Commissioner Noack, seconded by Commissioner Metts, to approve the FY2020 Budget Packet. Motion carried.

16. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

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

Request of County Attorney to transfer Catherine St. Clair, Legal Assistant II, from Purchasing, effective April 1, 2019.

Motion carried.

17. REQUEST APPROVED – FACILITIES MASTER PLAN COMMITTEE – COMMISSIONER PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve removing Judge Mark Keough as Chair of county-wide facilities master plan committee and replace with Commissioner James Noack and Commissioner Charlie Riley as co-chairs and allow Commissioner James Noack to accept and sign agreement with PGAL to provide necessary services to facilitate a Montgomery County facilities master plan in an amount

not to exceed \$35,000 funded from capital improvement plan. Judge Keough Voted "No". Motion carried.

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

EXECUTIVE SESSION – AGENDA ITEM 21A: Consultation with attorney regarding potential liability related to a toll road study. (Section 551.071)

COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT.

18. DIRECTION GIVEN – TOLL ROAD FEASIBILITY STUDY – EXECUTIVE SESSION

Motion by Commissioner Noack, seconded by Commissioner Metts, to direct the County Attorney's office to contact Pate Transportation (PTP) and request PTP to produce all documents, data collected, and relevant information pertaining to the Toll Road Feasibility Study from the date of inception until directed to stop by Judge Sadler. Motion carried.

CITIZENS – AGENDA ITEM 23

Eric Yollick thanked the court for voting in favor of Agenda item 10A.

MISCELLANEOUS – AGENDA ITEM 24

19. MOTION TO RECONSIDER MOTION #12 – PURCHASING – PRECINCT 4

Motion by Commissioner Metts, seconded by Commissioner Noack, to reconsider Motion 12 on this date and the award is not approved. Motion carried.

20. COURT ADJOURNS

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

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

ATTEST:

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

BY: Mark Turnbull
COUNTY CLERK

[Signature]
COUNTY JUDGE

