

COMMISSIONERS COURT DOCKET
MARCH 24, 2020
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 24th day of March, 2020, 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 (arrived after motion #11)
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 Amanda Carter.

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

CITIZENS – AGENDA ITEM 10

No citizens addressed the court at this time.

AGENDA ITEM 8C4 WAS MOVED TO THE OPEN SESSION AND DEFERRED. SEE
MOTION 3 FOR COURT ACTION.

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

Motion by Commissioner Metts, 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. COMPLETED AUDITS ACCEPTED for Justice of the Peace Pct 1-3rd and 4th Quarter Compliance Audits; Justice of the Peace Pct 2-3rd and 4th Quarter Compliance Audits; Justice of the Peace Pct 5-3rd and 4th Quarter Compliance Audits; Memorial Library; Jail Commissary FY19.
- A2. REPORT ACCEPTED that complies with Local Government Code Section 114.024.
- A3. REQUEST APPROVED from Justice of the Peace Pct. 4 to use \$1,500 from the Justice of the Peace Technology Fund.

BUDGET OFFICE – AGENDA ITEMS 8B1-4

- B1. LINE ITEM TRANSFERS AND ADJUSTMENTS APPROVED AND AUTHORIZED for fiscal year 2020 budget according to budget policy.
- B2. ADJUSTMENTS, AND AMENDMENTS APPROVED AND AUTHORIZED for Grant Departments for Fiscal Year 2020.
- B3. PREVIOUS ACTIONS TAKEN MEMORIALIZED on changes to the Fiscal Year 2020 budget in prior Commissioners Court meetings.
- B4. TRANSFERS, ADJUSTMENTS, AND AMENDMENTS APPROVED AND AUTHORIZED for special revenue departments and general fund departments for Fiscal Year 2020

TREASURER – AGENDA ITEMS 8C1-5

- C1. INVESTMENTS MATURED REPORT ACCEPTED for week ending March 13, 2020.
- C2. INVESTMENTS MATURED REPORT ACCEPTED for week ending March 20, 2020.
- C3. INVESTMENTS PURCHASED REPORT APPROVED for week ending March 13, 2020.
- C4. AGENDA ITEM 8C4 WAS MOVED TO THE OPEN SESSION AND DEFERRED. SEE MOTION 3 FOR COURT ACTION.

C5. MONTHLY INVESTMENT REPORT APPROVED for February 2020.

PURCHASING – AGENDA ITEMS 8D1-5

- D1. REBATE CHECK ACKNOWLEDGED in the amount of \$9,632.34 for annual rebate according to BuyBoard membership agreement with Staples Contract & Commercial, Inc., for various departments. This will be deposited into line item number 110-436930. The County Clerk did not receive a check for this item.
- D2. CHANGE ORDERS APPROVED:
- a. CO #2 to WaveMedia, Inc., for Dark Fiber & Gigabit Ethernet Maintenance to add a location for various departments.
 - b. CO #1 to Third Coast Services, LLC., for Project #19-11, Intersection Improvements for additional asphalt pavement and pavement markings for Commissioner Precinct 1.
 - c. Amendment #5 to Whitney & Associates for Appraisal Services for Sorters Road for additional appraisal services in the amount of \$29,650 for Commissioner Precinct 4.
 - d. CO #1 to Smith & Company for Project #18-53, C.R. Dowell Way Construction for additional materials in the amount of \$26,312.79 for Commissioner Precinct 1.
- D3. RENEWALS OPTIONS APPROVED:
- a. Project 18-09 Sheriff's Office Inmate Technology System with Securus Technologies, Inc., for Sheriff's Office (exercising the second of four renewal options).
- D4. ADVERTISING APPROVED for the following:
- a. Montgomery County Sheriff's Office District 4 Patrol Expansion for the Sheriff's Office.
 - b. Single Family Housing Replacement Program for MCCD.
 - c. Lead Based Paint Inspections and Other Services for MCCD.
- D5. PERMISSION GRANTED to advertise for bids for the Wood Creek Estates Drainage Rectification Project upon completion of plans and specifications.

COMMISSIONERS – AGENDA ITEM 8E1

- E1. PRECINCT 4

- a. CHECK ACCEPTED from City of Roman Forest in the amount of \$1,265.27 for the purchase of fuel for February 2020. This will be deposited into line item number 615-7926. Check has been forwarded to the Auditor for further processing.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 8F1-2

F1. PRECINCT 2

- a. FINAL PLAT APPROVED of Collins's Corner; 10.912 acres; James Pevehouse Survey, A-29.
- b. FINAL PLAT APPROVED of Woodforest, Section 60; 10.763 acres; James Hodge Survey, A-19.
- c. FINAL PLAT APPROVED of Noble Greens at Woodforest, Section 1; 20.54 acres; John Sealy Survey, A-759.

F2. PRECINCT 4

- a. FINAL PLAT APPROVED of East Montgomery County Improvement District Industrial Park, Section 4; 89.433 acres; Charles Stephens Survey A-482, Eli Noland Survey, A-394, and Thomas Waring Survey, A-608.
- b. FINAL PLAT APPROVED of Bennett States; 4.749 acres; John Owens Survey, A-403.
- c. FINAL PLAT APPROVED of Harrington Trails, Section 1; 37.19 acres; Walker County School Land Survey, A-494.

F3. ALL PRECINCTS

- a. REQUEST APPROVED from Park Construction to move heavy equipment across various county roads. This permit will expire 7/10/2020. Bond on file expires 5/1/2020, new bond expires 5/1/2021.

INFORMATION TECHNOLOGY – AGENDA ITEM 8G1

- G1. REQUEST APPROVED to reallocate money associated with Motorola Contract to IT Salaries and Benefits and open two positions 503-5406-1 and 503-5407-1, with an annualized salary of \$61,500 per position. Budget Office is authorized to transfer funds between positions and accounts as necessary.

HUMAN RESOURCES – AGENDA ITEM 8H1

H1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Animal Services to discharge Bailey Mayfield, Animal Care Technician, effective March 11, 2020. [No benefits due]

Request of Animal Services to accept the resignation of Sarah Wood, Veterinarian, effective March 13, 2020. [55.44 hours or balance vacation; 12.00 hours or balance holiday]

Request of Custodial to increase salary of Luerinzo Jones, Custodian, due to completion of probationary period, effective April 5, 2020.

Request of Custodial to increase salary of Rosalinda Velasquez, Custodian, due to completion of probationary period, effective April 12, 2020.

Request of Building Maintenance to place Jose Fernandez, Facility/Grounds Worker, on unpaid FMLA/disability leave, effective February 28, 2020.

Request of Building Maintenance to place Jose Fernandez, Facility/Grounds Worker, on payroll due to return from unpaid FMLA/Disability leave, effective March 16, 2020.

Request of Commissioner Precinct 1 to place Mason S. Sproba, Seasonal Worker, on payroll, effective May 1, 2020.

Request of Commissioner Precinct 4 to place Matthew McLeane, Operator II, on payroll, effective March 16, 2020.

Request of Commissioner Precinct 4 to place Jose Mendez Morales, Operator I, on payroll as replacement for Shane Shields, effective March 23, 2020.

Request of Constable Precinct 1 to increase salary of Michael S. Alexander, Sergeant Constable, due to step increase, effective September 13, 2020.

Request of Constable Precinct 1 to increase salary of Eric J. Cisneros, Deputy Constable, due to step increase, effective August 2, 2020.

Request of Constable Precinct 1 to increase salary of Mickey Brian Luly, Lieutenant Constable, due to step increase, effective May 24, 2020.

Request of Constable Precinct 1 to transfer Austin J. Roper, Deputy Constable, from Sheriff, effective March 26, 2020.

Request of Constable Precinct 1 to increase salary of Laci D. Seaton, Deputy Constable, due to step increase, effective August 30, 2020.

Request of Constable Precinct 1 to place Eddie Trevino, Deputy Constable, on payroll as replacement for Lloyd Wesley McGee, effective March 30, 2020.

Request of Constable Precinct 3 to accept the resignation of Jason Alvarez, Deputy Constable, effective March 9, 2020. [67.76 hours or balance vacation; 116.75 hours or balance compensatory time; 56.00 hours or balance holiday time]

Request of Constable Precinct 3 to place Kelby Diaz-Jackson, Deputy Constable, on payroll, effective March 14, 2020.

Request of Constable Precinct 3 to place Roberto Falcone, Deputy Constable, on payroll as replacement for Daniel Lynch, effective March 14, 2020.

Request of Constable Precinct 3 to accept the resignation of Paul Cassidy Jr., Deputy Constable, effective March 8, 2020. [75.64 hours or balance vacation; 51.25 hours or balance compensatory time; 56.00 hours or balance holiday time]

Request of County Attorney to increase salary of Patricia O'Hagan, Admin Mgn I, due to variance in position, effective March 21, 2020.

Request of County Auditor to place Coletta Lanman, Acct Payable Asst, on payroll, as replacement for Sarah Reisdorf, effective March 23, 2020.

Request of Court Collections to place Melisa Garza Sanchez, Clerk III, on payroll as replacement for Elizabeth Herrera, effective March 23, 2020.

Request of Court Collections to promote Elizabeth Herrera, Collection Spec I, as replacement for Alicia Cuevas, effective March 23, 2020.

Request of Court Operations to place Judy Warne, Visiting Judge, on payroll, effective January 1, 2020.

Request of Elections to place Joe Bill Butler, Voter Clerk, on payroll, effective March 23, 2020.

Request of Elections to increase salary of Paula D. Clark, Voter Clerk, due to increase in responsibilities, effective March 9, 2020.

Request of Elections to place Garry Oakley, Voter Clerk, on payroll effective March 23, 2020.

Request of Juvenile to accept the resignation of Patricia Bayne, Juvenile Supervision Officer Substitute, effective March 8, 2020. Is not eligible for rehire. [No benefits due]

Request of Juvenile to discharge Virgil Lance Williams Jr., Juvenile Supervision Officer Substitute, effective March 5, 2020. Is not eligible for rehire. [No benefits due]

Request of Library to accept the resignation of Carl J. Smith, Reference Librarian, effective April 9, 2020. [57.68 hours or balance vacation]

Request of Sheriff to accept the resignation of Brandi E. Bourland, Records Specialist II, effective March 24, 2020. [66.2018 hours or balance vacation]

Request of Sheriff to increase salary of Tracey Kay Kusmaul, Dispatcher II, due to completion of certification requirements, effective March 21, 2020.

Request of Spring Creek Nature Center to place Jason Bean, Mosquito Technician, on payroll, effective March 23, 2020.

COUNTY JUDGE – AGENDA ITEM 8I1

- II. REVISED DESIGNATION OF FORECLOSURE SALE LOCATION APPROVED for tax sales and for sales of real property under contract liens. Sales will be held at 501 N. Thompson, Suite 402, Conroe, TX unless the sale date falls on an official County Holiday or when a county emergency impedes or prohibits the use of Suite 402 at 501 N. Thompson at which time the sales will take place on the Montgomery County Courthouse steps at 301 N. Main in Conroe, TX.

OFFICE OF COURT ADMINISTRATION – AGENDA ITEM 8J1

- J1. AMENDED ELECTRONIC JURY SELECTION PLAN ACCEPTED.

EMERGENCY MANAGEMENT – AGENDA ITEM 8K1

- K1. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of 3310 Willie Way, The Woodlands, Texas 77380 in accordance with the Flood Mitigation Assistance Grant 2016 from Randy R. Randhan for the total sum of \$156,571.40 and to accept the executed or to be executed deed.

COUNTY ATTORNEY – AGENDA ITEMS 8L1-3

- L1. PRECINCT 1
 - a. INTERLOCAL AGREEMENT APPROVED with City of Conroe for funding for the Conroe/North Montgomery County Recycle Center.
 - b. ORDER APPROVED allowing partial lot conveyance without a replat for a portion of Lot 9, Block 6, Emerald Lakes Section 2 owned by Michael and

Deborah Nicholson to be conveyed to Jack G. Heintschel, Jr. and Peggy J. Heintschel.

L2. PRECINCT 2

- a. ORDER APPROVED authorizing filing of suit on behalf of Montgomery County against MBM Sand Company, LLC and Carl Hudspeth individually and doing business as Skilled International LLC and/or any other necessary party. The County Attorney is authorized to incur expenses as necessary for the proper prosecution of said case.

L3. PRECINCT 3

- a. RESOLUTION AND ORDER APPROVED to authorize conveyance of a 38.599 acre Conservation Easement located in the Spring Creek Greenway to the Bayou Land Conservancy. Commissioner Precinct 3 James Noack and/or County Attorney B. D. Griffin are authorized to approve the Easement and execute all other documents necessary for the conveyance.

L4. PRECINCT 4

- a. RESOLUTION AND ORDER APPROVED to accept payment and ratify Sale of 2.318 acres of Real Property in the William Barker Survey, A-82 previously authorized on December 7, 2019. The payment will be deposited into account #40017-4361.
- b. TEMPORARY EASEMENT APPROVED from Lupe M. Paiz and Aurora Paiz to Montgomery County, Texas across a 3 acre tract of land in the R. G. Hamlet Survey, Abstract 258. Commissioner Precinct 4 James Metts is authorized to sign for acceptance of the easement.
- c. TEMPORARY EASEMENT APPROVED from Jason S. Head and Misty Head to Montgomery County, Texas across a 6 acre tract of land in the Henry Peters Survey, Abstract 435. Commissioner Precinct 4 James Metts is authorized to sign for acceptance of the easement.
- d. TEMPORARY EASEMENT APPROVED from Christopher Sherman and Carol Sherman to Montgomery County, Texas across a 5.3309 acre tract of land in the H.A. Peters Survey, Abstract 435. Commissioner Precinct 4 James Metts is authorized to sign for acceptance of the easement.
- e. ORDER APPROVED authorizing notice of public hearing on April 28, 2020 for partial revision to subdivision lots/plats being described as partial replat of Reserve "B" and Reserve "C" of Palmetto Apex Real Estate Fund Development to be known as New Caney Retail.

Motion carried.

END OF CONSENT AGENDA

3. ACTION DEFERRED – STATEMENT OF BALANCES – COUNTY TREASURER

Motion by Commissioner Noack, seconded by Commissioner Riley, to defer action on the approval of the Monthly Statement of Balances report for February 2020. Motion carried.

4. RENEWAL APPROVED – PUBLIC ENTITY INSURANCE PACKAGE – RISK MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Riley to approve annual renewal of the Public Entity Insurance Package (Property, Casualty and Workers' Compensation) for the 2020-2021 policy period. Motion carried.

5. PAYMENT OF ACCOUNTS APPROVED – COUNTY AUDITOR

Motion by Commissioner Noack, seconded by Commissioner Metts, to approve the payment of accounts. Motion carried.

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

Motion by Commissioner Noack, seconded by Commissioner Metts, to accept the Comprehensive Annual Financial Report for the year ended September 30, 2019. Motion carried.

AGENDA ITEM 11A – MEMBERS OF THE COURT ADDRESSED ITEMS PERTAINING TO THE COVID-19 PANDEMIC. AT THIS TIME THE JUDGE DID NOT ORDER A STAY AT HOME ORDER. JUDGE KEOUGH STATED AS LONG AS CITIZENS ARE COMPLIANT AND SELF REGULATE THEN NEW RESTRICTIONS WILL NOT HAVE TO BE PLACED. COMMISSIONER RILEY DISCUSSED THE CLOSING OF FACILITIES. COMMISSIONER NOACK ADDRESSED NEGATIVE COMMENTS FROM ELECTED OFFICIALS. OTHER COUNTY OFFICIALS STATED DIFFERENT THINGS THEIR OFFICES WERE DOING.

7. AWARD APPROVED – PROJECT #20-12 – MCCD/COMMISSIONER PRECINCT 4

Motion by Commissioner Metts, seconded by Commissioner Riley, to approve the award for Project #20-12-Sallas Park Improvements to Bey Commercial Constructions, Ltd. The bid price was updated in court to the amount of \$912,135.50. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 13A1: Consider the partial revision of Sonrisa Court (private street) as shown on Woodtrace Boulevard Street Dedication Replat to be known as Arbor Trace.

AGENDA ITEM 13B1: Consider and approve establishing multi-way (all way) stop sign control at the Cassowary Drive and Tableland Trail intersection.

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

8. FINAL PLAT APPROVED – ARBOR TRACE – COUNTY ENGINEER – PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Metts, to approve the final plat of Arbor Trace; 22.291 acres; B.B.B. & C.R.R. Company Survey, A-111. Motion carried.

9. REQUEST APPROVED – ALL WAY STOP – COMMISSIONER PRECINCT 4

Motion by Commissioner Metts, seconded by Commissioner Riley, to approve establishing multi-way (all way) stop sign control at the Cassowary Drive and Tableland Trail intersection. Motion carried.

10. REQUEST APPROVED – NEW POSITION – COMMISSIONER PRECINCT 4

Motion by Commissioner Metts, seconded by Commissioner Noack, to approve opening an IT Administrative Manager I position, 503-8550-2 with an annualized salary of \$54,975. \$41,452.65 is needed for the remainder of the fiscal year and will be funded out of Commissioner Precinct 4 budget. Budget Office is authorized to transfer funds between positions and accounts as necessary. Motion carried.

11. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

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

Request of Information Technology to place Tiffany Wood, Administrative Manager I, on payroll, effective March 24, 2020.

Motion carried.

COMMISSIONER MEADOR ENTERED THE COURTROOM DURING DISCUSSION OF MOTION 12.

12. **REQUEST APPROVED – HR POLICY AND DISASTER PAID TIME OFF – HUMAN RESOURCES**

Motion by Commissioner Noack, seconded by Commissioner Metts, to approve an exception to the Montgomery County Employee Policy 4.14 Disaster Policy. There will be three categories for employees: Essential Personnel, Home Based Personnel, and Non-essential Personnel. Essential and Home based personnel will be paid the hours they work, use normal pay code and will accrue vacation, personal time, and sick hours. Non-essential will remain at home code their time to 032 and will only accrue sick leave during this time. If the employee works at least an 8 hour shift in a pay week they will continue to accrue for that week. Employees working during this disaster will not accrue Disaster PTO (331 code). This will be effective March 21, 2020. Motion carried. This motion was also discussed later in court to clarify that the motion includes everything on the memo on file.

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 17A: Consultation with County Attorney concerning claims regarding county bail practices. (Section 551.071).

COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT.

13. **REQUEST APPROVED – NEW POSITIONS – EXECUTIVE SESSION**

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve creating 3 jail liaison positions and 1 attorney or associate judge position in an amount not to exceed \$185,600. The court reporter special fund will be utilized to the extent appropriate or available with the remainder to be funded with contingency. The position salaries will be reviewed by the Budget Office and HR before hiring and the budget office is authorized to transfer funds between positions and account to effectuate the same. Motion carried.

AT THIS TIME THE HUMAN RESOURCE DIRECTOR READDRESSSED AGENDA ITEM 16B (MOTION #12) AND ASKED THAT DISASTER PTO NOT BE ACCRUED BY EMPLOYEES WORKING DURING THIS DISASTER. COMMISSIONER NOACK STATED THAT HE ASSUMED THE MOTION HE MADE INCLUDED EVERYTHING ON THE MEMO. MOTION 12 WAS CLARIFIED TO INCLUDE EVERYTHING IN THE MEMO.

CITIZENS – AGENDA ITEM 19

No citizens addressed the court at this time.

MISCELLANEOUS – AGENDA ITEM 20 – NO OTHER ITEMS LISTED

NOTICES – AGENDA ITEM 21 – THIS ITEM WAS NOT ADDRESSED IN COURT.

14. COURT ADJOURNS

Motion by Commissioner Noack, 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

