COMMISSIONERS COURT DOCKET
APRIL 28, 2020
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 28th day of April, 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
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4
Also County Clerk’s Office

Mark Keough
Mike Meador
Charlie Riley
James Noack
James Metts
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 Noack, seconded by Commissioner Meador, to approve Commissioners Court Agenda for discussion and necessary action. Motion carried.

CITIZENS – AGENDA ITEM 7

No Citizens addressed the court at this time.

2. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the Minutes from Regular Session of Commissioners Court dated April 14, 2020. Motion carried.

AGENDA ITEM 9H2 WAS MOVED TO THE OPEN SESSION. SEE MOTION # 4 FOR COURT ACTION.
AGENDA ITEM 9J3c WAS MOVED TO THE OPEN SESSION. SEE MOTION #5 FOR COURT ACTION.

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

Motion by Commissioner Noack, seconded by Commissioner Meador, 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 9A1-5

A1. REQUEST APPROVED for the transfer of funds pertaining to the Joe Corley Facility from the General Fund account into the Joe Corley Agency Fund account in the amount of $2,952,207.24. This is the total amount received on behalf of the Joe Corley Facility since transfer request made for 03/17/2020 Commissioners Court. Joe Corley Facility is now managed as an agency fund.

A2. COMPLETED AUDITS ACCEPTED for Commissioner Pct. 4 – 3rd & 4th Quarter Compliance Audits FY19; Commissioner Pct. 4 – 1st Quarter Compliance Audit FY20; Constable Pct 5 – 4th Quarter Compliance Audit FY19; Constable Pct 5 – 1st Quarter Compliance Audit FY20; Juvenile Justice Center- 1st-4th Quarter Compliance Audits FY19.

A3. REPORT ACCEPTED that complies with Local Government Code Section 114.024.

A4. REPORT ACCEPTED that complies with Local Government Code Section 114.023.

A5. REPORT ACCEPTED that complies with Local Government Code Section 114.025.

BUDGET OFFICE – AGENDA ITEMS 9B1-4

B1. LINE ITEM TRANSFERS AND ADJUSTMENTS APPROVED AND AUTHORIZED for Fiscal Year 2020 Budget according to Budget Policy.

B2. ADJUSTMENTS AND AMENDMENTS AUTHORIZED for Grant Departments for fiscal year 2020.
B3. TRANSFERS, ADJUSTMENTS, AND AMENDMENTS APPROVED AND AUTHORIZED for Special Revenue Departments and General Fund Departments for Fiscal Year 2020.

B4. PREVIOUS ACTIONS TAKEN MEMORIALIZED on changes to the Fiscal Year 2020 Budget in prior Commissioners Court Meetings.

TREASURER – AGENDA ITEMS 9C1-7

C1. DONATION ACCEPTED of $2,496.12 to the Animal Shelter from the Humane Society of the United States to be deposited into line item 63311.4364.

C2. INVESTMENTS MATURATED REPORT ACCEPTED for period ending March 27, 2020.

C3. INVESTMENTS PURCHASED REPORT APPROVED for week ending April 10, 2020.

C4. INVESTMENTS MATURATED REPORT ACCEPTED for period ending April 17, 2020.

C5. MONTHLY INVESTMENT REPORT APPROVED for March 2020.

C6. QUARTERLY INVESTMENT REPORT APPROVED for Quarter ending March 31, 2020.

C7. MONTHLY STATEMENT OF BALANCES REPORT APPROVED for March 2020.

PURCHASING – AGENDA ITEMS 9D1-3

D1. RENEWALS OPTIONS APPROVED:

   a. Project #19-33 Collection of Urine Samples with Davis Investigation Services, LLC., for Drug and DWI Courts (exercising the first of four renewal options).
   b. Project #2017-002 Five (5) Phase Treatment Services with Smith, Rebecca dba Counseling Center of Montgomery County, Heath, Peggy, and Refuge Trauma & Counseling Center for Drug and DWI Courts (exercising the third of four renewal options).

D2. ADVERTISING APPROVED for the following:

   a. Lease and development of approximately +/- .441 acre parcel of property for Conroe-North Houston Regional Airport.
   b. Wheel Loader for Commissioner Precinct 4.
D3. CHANGE ORDERS APPROVED:

a. Amendment #1 to HTS, Inc., Consultants for construction materials testing services for Walden Road widening for additional material testing services in the amount of $45,184 for Commissioner Precinct 1.

b. CO #2 to Facility Concession Services, Inc., dba Spectrum Catering for catering and concessions to add pricing for meal services for Emergency Management during declared emergencies for various departments.

c. CO#1 to Bey Commercial Construction, LTD., for Project# 20-12 - Sallas Park Improvements to change three (3) water closets in restroom building from floor-mount to wall-hung units in the amount of $2,096 for MCCD/Precinct#4.

d. CO #2 to Pape-Dawson Consulting Engineers, Inc., for Surveying Services for Rogers Road for additional surveying services in the amount of $8,235 for Commissioner Precinct 1.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9E1-4

E1. PRECINCT 1

a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE SYSTEM in Villas at White Oak Ranch, Section 2.

E2. PRECINCT 2

a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE SYSTEM in Woodforest, Section 103.

b. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE SYSTEM in Woodforest, Section 77.

c. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE SYSTEM in Woodforest, Section 76.

d. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE SYSTEM in Magnolia Ranch Estates.

e. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE SYSTEM in Woodforest, Section 90.

f. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE SYSTEM in Denali Wilderness Parkway, Section 3.

E3. PRECINCT 3
a. STREETs ACCEPTED INTO THE ONE YEAR MAINTENANCE SYSTEM in Woodsons Reserve, Section 19.

E4. PRECINCT 4

a. FINAL PLAT APPROVED of Tavola, Section 24; 13.985 acres; A.P. Frederick Survey, A-211.


HUMAN RESOURCES – AGENDA ITEM 9F1

F1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Airport Maintenance to accept the resignation of Richard Paige Jr., Airport Operations Specialist, effective April 13, 2020. [No benefits due]

Request of Custodial to demote Thomas Dearman, Custodian I, due to voluntary demotion, effective April 9, 2020.

Request of Custodial to increase salary of Dalila Martinez, Custodian I, due to completion of probationary period, effective May 3, 2020

Request of Commissioner Precinct 2 to place John Dalzell, Operator I, on payroll due to return from unpaid leave of absence, effective April 9, 2020.

Request of Constable Precinct 3 to increase salary of Garrett Kelso, Deputy Constable, due to step increase, effective May 16, 2020.

Request of Constable Precinct 5 to increase salary of Gerald Bronson Christopher III, Sergeant Constable, due to step increase, effective May 2, 2020.

Request of Constable Precinct 5 to increase salary of Ashton D. Hedrick, Investigator II, due to step increase, effective May 30, 2020.

Request of District Attorney to discharge Adam Scott Burris, Court Clerk IV, effective April 15, 2020. [48.60 hours or balance vacation; 8.00 hours or balance holiday time]

Request of Office of Court Administration to place Silvia Casas, Jail Liaison/Compliance Monitor, on payroll, effective May 4, 2020.
Request of Office of Court Administration to place Elizabeth Lacey, Jail Liaison/Compliance Monitor, on payroll, effective May 4, 2020.

Request of Office of Court Administration to place Donna Whiteside, Court Reporter, on payroll, effective May 4, 2020.

Request of Sheriff to increase salary of Timothy J. Boerema, Corporal, due to step increase, effective April 18, 2020.

Request of Sheriff to transfer Joeatta Ann Brown, Deputy, as replacement for Christopher Levi Wofford, effective April 18, 2020.

Request of Sheriff to transfer John Manuel Griffin, Deputy Patrol, as replacement for Dimitri M. Carpenter, effective April 18, 2020.

Request of Sheriff to discharge Patricia Ann Harbin, Records Specialist I, effective April 21, 2020. [No benefits due]

Request of Sheriff to increase salary of Eddie Ray Holmes Jr, Deputy Bailiff, due to step increase, effective April 18, 2020.

Request of Sheriff to place Ashley Lahodney, Officer Civilian Deten, on payroll as replacement for Jessica Milholen Johnson, effective April 18, 2020.

Request of Sheriff to increase salary of Scott Wayne Martin, Specialist, due to step increase, effective April 18, 2020.

Request of Sheriff to place Brooklyn McCellon, Officer Civilian Deten, on payroll as replacement for Femi Rabiu Oki, effective April 18, 2020.

Request of Sheriff to place Jordan Propst, Officer Civilian Deten, on payroll as replacement for Joshua Talor Jones, effective April 18, 2020.

Request of Sheriff to increase salary of Jonathan R. Rascoe, Detective, due to step increase, effective April 18, 2020.

Request of Sheriff to increase salary of Brandon K. Rogers, Deputy Patrol, due to step increase, effective April 18, 2020.

Request of Sheriff to accept the resignation of Karrie L. Shugart, Deputy Patrol, effective April 21, 2020. [9.32 hours or balance vacation; 1.75 hours or balance compensatory time; 8.00 hours or balance holiday]

Request of Sheriff to place Andrew Smith, Officer Civilian Deten, on payroll, as replacement for Shea R. Lyle, effective April 18, 2020.
Request of Sheriff to place Lance Sparks, Maintenance Tech III, on payroll, effective April 18, 2020.

Request of Sheriff to place Ashley Wiley, HR Specialist II, on payroll as replacement for Kimberly Ann Schuessler, effective April 18, 2020.

Request of Spring Creek Nature Center to place Kendall Kruchten, Mosquito Driver, on payroll, effective April 20, 2020.

OFFICE OF COURT ADMINISTRATION – AGENDA ITEM 10G1

G1. REQUEST APPROVED for a remodeling project for County Court at Law No.1, to add a door and frame at the front entrance, and cased opening. Building Maintenance has estimated a cost of $801. Transfer is authorized of $801 from 426-7390 to 510-73518.

ELECTIONS – AGENDA ITEMS 9H1-2

H1. INTERLOCAL CONTRACT APPROVED between Montgomery County and Department of Information Resources [DIR Contract No. DIR-SS-ILC0307] and attachments, pertaining to required Elections Security Assessment, in compliance with HB 1421; Jason Millsaps and/or Suzie Harvey are authorized to electronically complete and submit all required documentation related thereto, including Montgomery County acceptance of the Terms and Conditions of the Managed Security Services (MSS) program, and further complete any and all required formalities to facilitate same.

H2. AGENDA ITEM 9H2 WAS MOVED TO THE OPEN AGENDA. SEE MOTION 4 FOR COURT ACTION.

EMERGENCY MANAGEMENT – AGENDA ITEMS 9I1-4

I1. CONTINUATION OF LEASE AGREEMENT APPROVED between Montgomery County and Xylon Aviation, LLC for a real property for 11,500 square foot 5022 Central Parkway, Conroe, TX. Lease terms are month to month. Lease funds to come from the UASl Grant Program.

I2. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of 539 Robert E. Lee Drive, Conroe, TX 77302 in accordance with the flood mitigation assistance grant 2016 from Donnie D. Johnson and E. Claire Johnson for the total sum of $85,240.52 and to accept the deed executed or to be executed.

I3. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of 20399 Olds Drive Porter Texas 77365 in
accordance with the flood mitigation assistance grant 2016 from Timothy Ballard and Jeronima R. Perez for the total sum of $126,818.26 and to accept the deed executed or to be executed.

I4. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of 24611 Wilderness Road Spring, Texas 77380 in accordance with the flood mitigation assistance grant 2016 from Veronica J. Carreon for the total sum of $173,175.26 and to accept the deed executed or to be executed.

COUNTY ATTORNEY – AGENDA ITEMS 9J1-4

J1. PRECINCT 1

  a. SECOND AMENDMENT TO PUBLIC SERVICE CONTRACT APPROVED between Montgomery County and Crisis Assistance Center, Inc. as previously approved on April 14, 2020.

  b. EASEMENT AND RIGHT OF WAY APPROVED for a 50 foot permanent Easement and Right of Way for pipeline installation between Montgomery County and Gulf South Pipeline Company.

J2. PRECINCT 2

  a. RESOLUTION AND ORDER APPROVED to grant variance to minimum lot size for an existing on site sewage disposal facility located at Lot 47, Block 4, Section 5 Lake Windcrest having a street address of 32910 Sawgrass Court, Magnolia, TX. The currently existing well is not required to be plugged and abandoned and the variance granted shall be automatically revoked if there is a failure of any of the conditions of this Order.

  b. PUBLIC SERVICE CONTRACT APPROVED between Montgomery County and Society of Samaritans, Inc. as previously approved on April 14, 2020.

  c. PUBLIC SERVICE CONTRACT APPROVED BETWEEN Montgomery County and Montgomery County Committee on Aging, Inc. dba Meals on Wheels Montgomery County as previously approved on April 14, 2020.

  d. PUBLIC SERVICE CONTRACT APPROVED between Montgomery County and Montgomery County Youth Services as previously approved on April 14, 2020.

J3. PRECINCT 3
a. AGREEMENT APPROVED for the donation of approximately 4.0471 acres of property out of the Walker County School Land Survey, A-599. Commissioner Noack is authorized to execute any and all documents necessary in connection therewith and/or to effectuate the same.

b. RESOLUTION AND ORDER APPROVED authorizing conveyance of a 38.599 acre conservation easement located in the Spring Creek Greenway to the Bayou Land Conservancy in the amount of $190,600.80. Commissioner Noack or his designee and/or County Attorney or his designee are appointed as special commissioners for the sale and conveyance of the Conservation Easement. Commissioner Noack or his designee and/or County Attorney or his designee are authorized to execute the conservation easement.

c. AGENDA ITEM 9J3c WAS MOVED TO THE OPEN AGENDA. SEE MOTION 5 FOR COURT ACTION.

J4. PRECINCT 4

a. GRANT OF WATER AND SANITARY SEWER EASEMENT APPROVED with New Caney Municipal Utility District and Judge Keough is authorized to sign any and all documents related thereto.

b. RESOLUTION AND ORDER TO PAY APPROVED for the purchase and funding of the purchase price and closing costs for the acquisition of property located at 21130 Legion Rd., New Caney, TX 77357 for $2,088,140.13 and to accept the deed executed or to be executed by EJVS Enterprises, Inc.

COUNTY ATTORNEY – MENTAL HEALTH TREATMENT FACILITY – AGENDA ITEMS 9K1-4

K1. RE-APPOINTMENT APPROVED of Santiago Jimenez, MD, Tele-Radiologist, for active status as recommended to the MCMHTF Advisory Board.

K2. RE-APPOINTMENT APPROVED of David Nguyen MD, Tele-Radiologist, for active status as recommended to the MCMHTF Advisory Board.

K3. RE-APPOINTMENT APPROVED of Lillian Cavin, MD, Tele-Radiologist, for active status as recommended to the MCMHTF Advisory Board.

K4. REAPPOINTMENT APPROVED of Dr. Masood Jiliani, Psychiatrist for provisional status as recommended to the MCMHTF Advisory Board.

GRANTS – AGENDA ITEMS 9L1-2
L1. SUPPLEMENTAL FUNDING ACCEPTED from Texas Indigent Defense Commission in the amount of $31,432.

L2. GRANT MODIFICATION INCREASE #2 ACCEPTED for grant G19HN0017A with High Intensity Drug Trafficking Areas (HIDTA) for Sheriff's Office in the amount of $15,810.06 with a match of $2,988 from the Sheriff's Office budget. Judge Mark J. Keough is authorized to sign all related paperwork.

Motion carried.

END OF CONSENT AGENDA

COMMISSIONER NOACK ASKED IF AN ADDITIONAL POLLING LOCATION COULD BE ADDED IN PRECINCT 3.

4. EARLY VOTING POLLING LOCATIONS AND TIMES APPROVED – ELECTIONS

Motion by Commissioner Noack, seconded by Commissioner Metts, to approve the Early Voting Locations and Times for July 14, 2020 Primary Runoff Election. Motion carried.

5. RESOLUTION AND ORDER APPROVED – RESTRICTED PARKING – COUNTY ATTORNEY – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Meador, to designate the entire parking lot located at the South County Community Center and South County Regional Library as restricted Parking Facility(ies) pursuant to Chapter 2308 of the Texas Occupations Code. The Parking Facility(ies) shall be restricted to use by Community Center visitors and staff, and Library visitors and staff, only, as applicable. Commissioner Noack and/or his designee are authorized to take all other steps necessary to facilitate the same. Motion carried.

6. REQUEST APPROVED – FUND TRANSFER – EMERGENCY MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Meador, to authorize us of up to $200,000 from CARES Act Funding. Motion carried.

7. REQUEST APPROVED – TRANSFER OF FUNDS – COMMISSIONER PRECINCTS 1 AND 2

Motion by Commissioner Riley, seconded by Commissioner Meador, to authorize the transfer of $25,000 from Commissioner Precinct 1 budget to Access Builds Children and $25,000 from Commissioner Precinct 2 budget to Food Bank. The County Attorney will bring the contracts back to court. Motion carried.
THE COURT DISCUSSED COVID-19 AND ORDERS THAT HAVE BEEN PLACED. THE COURT DISCUSSED HOW SOME BUSINESSES WILL BE ABLE TO OPEN AND OTHERS WILL NOT. THE JUDGE SAID THE ORDER DOES NOT SPECIFICALLY SAY THOSE BUSINESSES CANNOT OPEN AND IS A VAGUE ORDER. THE COURT DECIDED THAT UNTIL THE GOVERNOR CLARIFIES HIS ORDERS THEN THEY WILL ASSUME THESE BUSINESSES ARE ABLE TO OPEN.

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

AGENDA ITEM 11B WAS MOVED UP IN THE AGENDA.

THE BUDGET OFFICE DISCUSSED AND ACCEPTED THE UPDATES TO THE 2020 CAPITAL IMPROVEMENT PLAN.

8. BUDGET PACKET APPROVED – FY 2021 – BUDGET OFFICE

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the FY2021 Budget Packet. Motion carried.

9. REQUEST APPROVED – 032 TIME – COMMISSIONER PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve discontinuing the use of code 032 time under the general disaster one issued before effective May 2, 2020. Elected Officials can still authorize use of this time with a memo submitted to the Auditor as per the current handbook and policies. Motion carried.

10. PAYMENT OF ACCOUNTS APPROVED – COUNTY AUDITOR

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

COMMISSIONERS COURT IS RECESSSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 14A1: CONSIDER THE PARTIAL REVISION OF LOT 12, BLOCK 1, WOOD CREEK ESTATES, TO BE KNOWN AS WOOD CREEK ESTATES REPLAT NO. 1.

AGENDA ITEM 14B1: CONSIDER THE PARTIAL REVISION OF LOTS 1 THRU 14, INCLUSIVE IN BLOCK 3, BLACK OAK SECTION 1, PARTIAL REPLAT NO. 1, TO BE KNOWN AS BLACK OAK SECTION 1 PARTIAL REPLAT NO. 2.

AGENDA ITEM 14C1: CONSIDER THE PARTIAL REVISION OF RESERVE "B" AND RESERVE "C" OF PALMETTO APEX REAL ESTATE FUND DEVELOPMENT, TO BE KNOWN AS NEW CANEY RETAIL.
THERE BEING NO COMMENTS FROM THE PUBLIC, THE PUBLIC HEARING WAS CONCLUDED AND COMMISSIONERS COURT RECONVENE

11. FINAL PLAT APPROVED – WOOD CREEK ESTATES SECTION 1 REPLAT NO. 1 – COMMISSIONER PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the final plat of Wood Creek Estates Section 1 Replat No. 1; 2.346 acres; Alfred Dutcher Survey, A-167. 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 16A: CONSULTATION WITH COUNTY ATTORNEY REGARDING PAYMENT OF CLAIM #PY2020-013323-A. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 16B: CONSULTATION WITH COUNTY ATTORNEY RELATED TO SUBROGATION FOR CLAIM #PY2019-07252-B. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 16C: CONSULTATION WITH COUNTY ATTORNEY REGARDING THE LEGAL RISK AND POTENTIAL LIABILITY IN CONNECTION WITH CORONAVIRUS (COVID-19). (SECTION 551.071)

COMMISSIONERS COURT RECONVENE WITH ALL MEMBERS PRESENT.

NO ACTION NECESSARY ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

CITIZENS – AGENDA ITEM 18

Lore Breitmeyer Jones addressed the court concerning the closure of an intersection on Grogans Mill in between North and South Millbend. She stated that the closure has posed a hardship on the businesses in the shopping center Grogans Mill Village Center.

MISCELLANEOUS – AGENDA ITEM 19 – NO OTHER ITEMS LISTED

12. 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: ___________________________
   COUNTY CLERK

_____________________________
   COUNTY JUDGE