

COMMISSIONERS COURT DOCKET  
MARCH 9, 2021  
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 9<sup>th</sup> day of March, 2021, 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	Robert Walker
Commissioner, Precinct 2	Charlie Riley
Commissioner, Precinct 3	James Noack
Also County Clerk's Office	Beverley Hinds

COMMISSIONER, PRECINCT 4 JAMES METTS ARRIVED LATER.

INVOCATION GIVEN BY Russell Schoonover.

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 7

Nancy Heinz (sp?), a CDBG phone bank volunteer, spoke about the project they and several non-profits are working on. She said it is a huge project and although everyone is doing due diligence, there may need to be more staff added to get it accomplished in a timely manner.

Marilyn Kazmiersky, of Family Promise of Montgomery County, said that the need in the community is overwhelming, and that she hopes all the entities can work together to find a solution to get the money to the people who need it.

PRESENTATIONS – AGENDA ITEM 8A – EMPLOYEE COMMITTEE

B.D. Griffin presented the Employee of the Month award for January to Byron Charles, an Investigator in the County Attorney's Office.

Alicia Madsen presented the Employee of the Month award for February to Lyndsay Hall, the Manager of MCSO Records and Warrants.

2. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Noack, seconded by Commissioner Walker, to approve the Minutes from Regular Session dated February 9, 2021, Special Session dated February 12, 2021, and Regular Session dated February 23, 2021. Motion carried.

AGENDA ITEM 10C1 WAS MOVED TO THE OPEN SESSION. SEE MOTION 4 FOR COURT ACTION.

AGENDA ITEM 10E2a WAS MOVED TO THE OPEN SESSION TO BE HEARD WITH AGENDA ITEM 14A1. SEE MOTION 12 FOR COURT ACTION.

3. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 10A-O

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 10A1-7

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

A2. REQUEST APPROVED by County Clerk to use an amount not to exceed \$920 from the Court Technology Funds.

A3. REQUEST APPROVED by Justice of the Peace Precinct 4 to use an amount not to exceed \$4,750 from the Justice of the Peace Technology Fund.

A4. COMPLETED AUDITS ACCEPTED:

Compliance Audits FY19

- District Clerk

Compliance Audits FY20

- District Attorney – Q2, Q3, & Q4
  - District Attorney Worthless Checks/Restitution – Q2 & Q3
- A5. REPORT ACCEPTED that complies with Local Government Code Section 114.023.
- A6. REPORT ACCEPTED that complies with Local Government Code Section 114.024.
- A7. REPORT ACCEPTED that complies with Local Government Code Section 114.025.

BUDGET – AGENDA ITEMS 10B1-3

- B1. PREVIOUS ACTIONS TAKEN MEMORIALIZED on changes to the Fiscal Year 2021 Budget in prior Commissioners Court meetings.
- B2. REQUEST APPROVED to authorize transfers, adjustments, and amendments for special revenue departments and general fund departments for Fiscal Year 2020.
- B3. REQUEST APPROVED to authorize transfers, adjustments, and amendments for special revenue departments and general fund departments for Fiscal Year 2021.

PURCHASING – AGENDA ITEMS 8C1-6

AGENDA ITEM 10C1 WAS MOVED TO THE OPEN SESSION. SEE MOTION 4 FOR COURT ACTION.

C2. RENEWAL OPTIONS APPROVED:

- a. Project #2017-0025 Mowing of Right-of-Ways with Triple B Ag. LLC., for various precincts (exercising a 180-day extension).
- b. Project #2016-0059 Book Leasing with Brodart Co. for the Library (exercising renewal on a month-to-month basis).
- c. Project #18-52 Floor Covering and Installation with Northwest Color Interiors Inc. dba Color Interiors for various departments (exercising the second of three renewals).

C3. CHANGE ORDERS APPROVED:

- a. CO #2 to Smith & Company for Project #18-57 Walden Road Widening to add pay items for specialized driveways and headwalls, increase contract quantities for various contract items for an increase in the amount of \$388,291.97 for Commissioner Precinct 1.

- b. CO #2 to Veritas AEC, Inc. for Architectural Services for Montgomery County Youth Services for reimbursable expenses for permit fees paid and printing services for an increase in the amount of \$2,779.70 for MCCD.
- C4. REQUEST APPROVED to accept fully executed AG|CM, Inc., agreement as previously awarded on February 23, 2021 Commissioners Court.
- C5. AWARD APPROVED for Project #21-20 RFP Construction, Repair, Rehabilitation or Alteration of Residential Building(s) with Section 3 Requirements for MCCD, TO MJR Services, Inc.
- C6. DISCRETIONARY SOLE SOURCE EXEMPTION APPROVED FOR THE FOLLOWING:
  - a. Wavetronix products as an item that can be obtained from only one source from Twincrest, Inc., dba Twincrest Technologies for various departments. Local Gov't Code §262.024(a)(7)(D).
  - b. Service Agreement with Clearview AI as an item that can be obtained from only one source pursuant to Chapter 262, Local Govt. Code for IT.

RISK MANAGEMENT – AGENDA ITEM 10D1

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

<u>BOND</u>	<u>NAME/DEPT</u>	<u>AMOUNT</u>	<u>ACTION</u>
15275639	Appleton, Melisa/District Atty	\$5,000	Continuation
61585941	Baxter III, Thomas/Fire Marshall	\$5,000	Continuation
24913539	Bennett, Gary/Fire Marshall	\$5,000	Continuation
65352058	Carney, Craig/Constable Pct.2	\$5,000	New Bond
65007568	Carswell, Christopher/Cons.Pct.3	\$5,000	Continuation
64551783	Cole, Dustin/Const. Pct. 3	\$5,000	Continuation
65045667	Diaz-Jackson, Kelby/Const. Pct.3	\$5,000	Continuation
65045717	Falcone, Roberto/Const. Pct. 3	\$5,000	Continuation
61308495	Gilbert, Shawn/Const. Pct. 3	\$5,000	Continuation
64921480	Gill, Benjamin/Const. Pct. 2	\$5,000	Continuation

64957471	Hayden, Jacob/Const. Pct. 5	\$5,000	Continuation
65376486	Herzog, Eric/Const. Pct. 4	\$5,000	New Bond
24754805	Hoffmeyer, Christopher/Cons.Pct3	\$5,000	Continuation
64868910	Langdon, Gregory/Const. Pct. 4		Rider
64917779	Llewellyn, Jared/Const. Pct. 1	\$5,000	Continuation
65007518	Loucks, Justin/Const. Pct. 3	\$5,000	Continuation
65025977	Mathew, Shobin/Tax Office	\$100,000	Continuation
64572116	Minchew-Stewart, Pamela/ConsPct2	\$5,000	Continuation
71753634	Motor Vehicle Registration/Sheriff	\$25,000	Continuation
64516130	Mungia, Troy/Const. Pct. 4	\$5,000	Continuation
61639691	Orr, Joshua/Const. Pct. 3	\$5,000	Continuation
15275528	Pena, Eva/Tax Assessor	\$100,000	Continuation
65007338	Ravari, Justin/Const. Pct. 3	\$5,000	Continuation
65025852	Reitzel, Caleb/Const. Pct. 1	\$5,000	Continuation
65335006	Rodriguez, Able/Const. Pct. 4	\$5,000	New Bond
15486587	Roper, Steve/Const. Pct. 2	\$5,000	Continuation
63623232	Sapp, Kevin/Const. Pct. 4	\$5,000	Continuation
65262949	Senn, Joseph/Const. Pct. 4	\$5,000	New Bond
63584831	Stepp, Jeremy Bryan/Const.Pct.4	\$5,000	Continuation
65352150	Torres, Enrique/Const. Pct. 2	\$5,000	New Bond
65038778	Trevino, Eddie/Const. Pct. 1	\$5,000	Continuation
61639680	Tunstall, Jarod/Const. Pct. 3	\$5,000	Continuation
65007450	Vasquez, John/Const. Pct. 3	\$5,000	Continuation

61991157	Welch, Kenneth/Const. Pct. 3	\$5,000	Continuation
64935455	West, Johnathan/Const. Pct. 2	\$5,000	Continuation
65368780	Williams, Louis/Const. Pct. 1	\$5,000	New Bond
14383156	Willingham, Ronald/Const. Pct.4		Rider
65382121	Willis, James/Const. Pct. 4	\$5,000	New Bond
24754738	Wright, Jody/District Attorney	\$5,000	Continuation

COMMISSIONERS – AGENDA ITEMS 10E1-3

E1. PRECINCT 1

- a. USE AGREEMENT APPROVED with Conroe Area Youth Baseball to use the baseball fields at Gene Campbell Sports Complex through December 31, 2021.

E2. PRECINCT 2

AGENDA ITEM 10E2a WAS MOVED TO THE OPEN SESSION TO BE HEARD WITH AGENDA ITEM 14A1. SEE MOTION 12 FOR COURT ACTION.

- b. REQUEST APPROVED to accept and ratify the appointment of Kelly McDonald to the Montgomery County Housing Authority Board.

E3. PRECINCT 3

- a. REQUEST APPROVED to accept donation of batting cages and batting cage improvements from the East Montgomery County Sports Association. The batting cages and improvements will be constructed at Bull Sallas Park and are valued at \$21,547.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 10F1-5

F1. PRECINCT 1

- a. REQUEST APPROVED to accept Canal Street from Amblerwood to Andwood in the Walnut Cove Subdivision, Section 1 into the county road maintenance system upon finding of Prescriptive Right based on public use.
- b. FINAL PLAT APPROVED of Project 1097. 35.4420 acres, Abraham Pevehouse Survey, A-423.

- c. FINAL PLAT APPROVED of Meador & Barnett 6. 10.261 acres, F. K. Henderson Survey, A-248.
- d. FINAL PLAT APPROVED of Jaco Lots, Section 2. 3.00 acres, Jonathan C. Pitts Survey, A-28.

F2.     PRECINCT 2

- a. STREETS ACCEPTED in Audubon Creekside North, Section 1 into the one-year maintenance period.
- b. STREETS ACCEPTED in Audubon Creekside North, Section 2A into the one-year maintenance period.
- c. STREETS ACCEPTED in Audubon Creekside North, Section 2B into the one-year maintenance period.
- d. FINAL PLAT APPROVED of Granite Ridge Estates. 31.193 acres, George H. Bringhurst Survey, A-86.

F3.     PRECINCT 3

- a. PUBLIC HEARING DATE SET of April 13, 2021 to consider and approve changing the name of Southern Crescent to Southern Crescent Court in The Woodlands Village of Grogans Mill Lake Woodlands East Shore, Sec. 1 (Clerk File # 2004091096).
- b. FINAL PLAT APPROVED of The Woodlands Metro Center, Section 75 Partial Replat No. 1. 2.024 acres, John Taylor Survey, A-547.
- c. FINAL PLAT APPROVED of The Woodlands Metro Center, Section 2 Partial Replat No. 1. 0.872 acres, Walker County School Land Survey, A-599.
- d. FINAL PLAT APPROVED of The Woodlands Metro Center, Section 3 Partial Replat No. 1. 0.872 acres, Walker County School Land Survey, A-599.
- e. FINAL PLAT APPROVED of The Woodlands Metro Center, Section 77 Partial Replat No. 1. 7.788 acres, Walker County School Land Survey, A-599.
- f. FINAL PLAT APPROVED of The Woodlands Metro Center, Section 78. 3.369 acres, Walker County School Land Survey, A-599.
- g. FINAL PLAT APPROVED of The Woodlands Medical Research Park, Section 11 Amending Plat No. 1 Partial Replat No. 1. 9.847 acres, Henry Applewhite Survey, A-51.
- h. FINAL PLAT APPROVED of The Woodlands Super Block D Partial Replat No. 1. 9.024 acres, Walker County School Land Survey, A-599.
- i. FINAL PLAT APPROVED of The Woodlands Village of Sterling Ridge, Section 106. 6.207 acres, Dickinson Garrett Survey, A-226.
- j. FINAL PLAT APPROVED of The Woodlands Village of Sterling Ridge, Section 107. 9.800 acres, Dickinson Garrett Survey, A-226.

F4. PRECINCT 4

- a. STREETS ACCEPTED in Porters Mill, Section 6 into the county road maintenance system and bond is released.
- b. PUBLIC HEARING DATE SET of April 13, 2021 to consider and approve to change the speed limits on all roads within the Oakhurst development boundary to be 25-MPH except for Mills Branch Drive, Bentwood Oaks Drive from US 59 feeder road to Rock Creek Drive, and Rock Creek Drive which are to be set at 30-MPH.
- c. FINAL PLAT APPROVED of The Landing Reserve. 8.578 acres, Charles Stephens Survey, A-482.
- d. FINAL PLAT APPROVED of Artavia, Section 11. 31.6016 acres, Benjamin B. Foster Survey, A-785.

F5. PRECINCT 1 AND 4

- a. FINAL PLAT APPROVED of Deer Pines, Section 2. 156.746 acres, Robert Gilbert Survey, A-238.

HUMAN RESOURCES – AGENDA ITEM 10G1

G1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Animal Services to accept the resignation of Carlton Branham, Animal Care Technician, effective February 25, 2021. [90.1662 hours or balance vacation; 43.50 hours or balance holiday]

Request of Animal Services to accept the resignation of Ana Salcedo Becerra, Clerk III, effective February 26, 2021. [No benefits due]

Request of Custodial to increase salary of Katlyn Linscomb, Custodian, due to completion of probationary period, effective February 21, 2021.

Request of Court at Law 4 to transfer Carla Foley, Court Coordinator I, as replacement for Flor Liz Rubio, effective March 6, 2021.

Request of Commissioner Precinct 1 to increase salary of Michael A. Meistad, Supervisor-Lake Park, due to job re-evaluation, effective March 6, 2021.

Request of Commissioner Precinct 1 to increase salary of Shane M. Mosley, Manager-Lake Park, due to job re-evaluation, effective March 6, 2021.



Request of Commissioner Precinct 1 to place Tyler S. White, Mech II-Comm 1, on payroll as replacement for John G. Compton, effective March 6, 2021.

Request of Commissioner Precinct 2 to promote Thomas Nagy, Safety Coordinator, effective February 20, 2021.

Request of Commissioner Precinct 3 to place Jesus Catalan, Laborer, on payroll as replacement for Juan Chavez Espinoza, effective March 8, 2021.

Request of Commissioner Precinct 3 to correct effective resignation date of Walter Rodriquez, Operator I, approved in Commissioners Court 02.09.21, to be effective January 29, 2021.

Request of Commissioner Precinct 4 to promote Gregory Long, Director-Parks, as replacement for Vernon Goines, effective March 8, 2021.

Request of Commissioner Precinct 4 to promote Mason Martin, Foreman, as replacement for Gregory Long, effective March 8, 2021.

Request of Constable Precinct 3 to increase salary of Donald Ethredge, Deputy-Constable, due to step increase, effective April 3, 2021.

Request of Constable Precinct 3 to increase salary of Kelby Diaz-Jackson, Deputy-Constable, due to step increase, effective April 3, 2021.

Request of Constable Precinct 3 to accept the resignation of Stephen Reese, Deputy-Constable, effective February 5, 2021. [88.08 hours or balance vacation; 4.00 hours or balance comp; 12.00 hours or balance holiday]

Request of Constable Precinct 3 to place Jose Rodriguez, Deputy-Constable, on payroll as replacement for John Vasquez, effective February 13, 2021.

Request of Constable Precinct 3 to increase salary of Christopher Carswell, Deputy-Constable, due to step increase, effective April 3, 2021.

Request of Constable 4 to place Jose Reyes, Dpty Const 4-5, on payroll as replacement for Chad Capehart, effective March 6, 2021.

Request of County Attorney to increase salary of Marc Brumberger, Chief Juvenile Division, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of Audre Clay, Legal Assistant II, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of Jennifer Fox, Attorney II, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of Bushra Khan, Attorney II, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of Billie McCarty, Legal Assistant II, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of John McKinney Jr., Attorney II, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of Danielle Murray, Victim Assist Coord II, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of Kendra Odell, Legal Assistant I, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of Catherine St. Clair, Legal Assistant II, due to merit increase, effective March 6, 2021.

Request of County Attorney to increase salary of Sarah Stallberg, Chief CPS Division, due to merit increase, effective March 6, 2021.

Request of District Attorney to accept the retirement of Mary Louise Butler, Court Clerk IV, effective February 26, 2021. [159.41 hours or balance vacation]

Request of District Clerk to promote Tony Beltran, Court Clerk IV, as replacement for Denise Twitty, effective March 8, 2021.

Request of IT to place Victoria Cain, VM Sys Tech, on payroll effective March 8, 2021.

Request of IT to place Jaslyn Craddick, Clerk III-PT, on payroll as replacement for Cherie Hibbard, effective February 22, 2021.

Request of IT to accept the resignation of Frank A. Hersom, Operation Specialist III, effective February 26, 2021. [92.58 hours or balance vacation]

Request of IT to transfer Cherie Hibbard, Video Mgmt Sys Tech, as replacement for Gregory Janke, effective March 1, 2021.

Request of IT to transfer Gregory Janke, Operation Specialist III, as replacement for Frank A. Hersom, effective March 13, 2021.

Request of Justice of the Peace Precinct 2 to transfer Amy Lardizabal, Court Clerk IV, effective March 6, 2021.

Request of Justice of the Peace Precinct 2 to promote Anna Medina, Admin Manager I, effective March 6, 2021.

Request of Justice of the Peace Precinct 2 to increase salary of Adriana Rebollar, Court Clerk II, due to merit increase, effective March 6, 2021.

Request of Justice of the Peace Precinct 2 to accept the resignation of Catherine Carter Reed, PT CtClk 2, effective January 19, 2021. [No benefits due]

Request of Justice of the Peace Precinct 2 to increase salary of Monique Sandoval, Court Clerk II, due to merit increase, effective March 6, 2021.

Request of Justice of the Peace Precinct 2 to transfer Meghan Pierron, Juvenile Case Manager, as replacement for Amy Lardizabal, effective March 6, 2021.

Request of Justice of the Peace Precinct 4 to place Amber McNamara, Court Clerk III, on payroll due to return from unpaid FMLA/disability leave, effective February 8, 2021.

Request of Justice of the Peace Precinct 4 to promote Stacie Reed, Court Clerk IV, as replacement for Hannah Sizemore, effective February 22, 2021.

Request of Justice of the Peace Precinct 4 to accept the resignation of Hannah Sizemore, Court Clerk IV, effective February 10, 2021. [9.24 hours or balance vacation; 8.00 hours or balance holiday]

Request of Juvenile to promote Steven Anderson Jr., JPO-JUV-16, as replacement for Sergio Salinas, effective March 6, 2021.

Request of Juvenile to accept the resignation of Reginald Dawayne Bernard, JSO Sub, effective February 19, 2021. [No benefits due]

Request of Juvenile to re-hire Nimrat Kaur Bindra, Counselor-Juv-4, as replacement for Stephanie Chavez, effective March 9, 2021.

Request of Juvenile to promote Richard Coleman Bryant III, SysAdm Data Coor-Juv, as replacement for Joann Acreman, effective March 6, 2021.

Request of Juvenile to place Jessica Marie Denmark, JSO Sub, on payroll effective February 24, 2021.

Request of Juvenile to place Clinton Brian Harvey, JSO Sub, on payroll effective February 24, 2021.

Request of Juvenile to place Mitchell Lloyd Ley, JSO Sub, on payroll effective February 24, 2021.

Request of Juvenile to place Hailey Abigail Lofton, JSO Sub, on payroll effective February 24, 2021.

Request of Juvenile to change status of George David Plowman, JSO-Juv-18, as replacement for Steven Anderson Jr., effective March 6, 2021.

Request of Juvenile to discharge Miguel Angel Saldivar, JSO-Juv-32, effective February 10, 2021. Is not eligible for re-hire. [No benefits due]

Request of Juvenile to transfer Raina Vaden, ISD JSO-JJAEP-Juv-4, as replacement for Gabriela Singleton, effective February 20, 2021.

Request of Library to promote Yesica Cabrera, Clerk III, as replacement for April Chastain, effective March 6, 2021.

Request of Library to place Susan Lee Daniels, Library Assistant IV-2, on unpaid FMLA/disability leave, effective February 4, 2021.

Request of Library to place Susan Lee Daniels, Library Assistant IV-2, on payroll due to return from unpaid FMLA/disability leave, effective March 1, 2021.

Request of Library to change status of Kristy Key Hardy, Library Assistant II, as replacement for Yesica Cabrera, effective March 6, 2021.

Request of Library to accept the resignation of Jean R. Kernan, Library Assistant II, effective March 8, 2021. [27.06 hours or balance vacation]

Request of Sheriff to transfer Brian Edward Bagwell, LT-SO PTRL TWT-1, as replacement for Steven Clay Swilling, effective March 6, 2021.

Request of Sheriff to place Alfredo Benitez, DO-SO JAIL-169, as replacement for Shawn Michael Thierry, effective February 20, 2021.

Request of Sheriff to accept the resignation of Neely Margaret Cole, Dispatch-SO-1, effective February 25, 2021. [24.64 hours or balance vacation; 50.00 hours or balance holiday]

Request of Sheriff to increase salary of Christina Jene Harper, SGT DET-SO JAIL-3, due to step increase, effective March 6, 2021.

Request of Sheriff to increase salary of Kevin Andrew Hataway, DPTY-SO PTRL D5-18, due to step increase, effective February 20, 2021.

Request of Sheriff to transfer Jonathan Ali Merlos, SPC-SO PTRL ATTF-1, as replacement for T. Phillip Epperson, effective March 6, 2021.

Request of Sheriff to increase salary of Cristian Roman Perez, DPTYPTL-SO TWT-35, due to step increase, effective February 20, 2021.

Request of Sheriff to increase salary of Jason Marlin Prince, DET-SO TWT-5, due to step increase, effective February 20, 2021.

Request of Sheriff to accept the resignation of Cody Rademacher, DO-SO JAIL-182, effective March 2, 2021. [40.7450 hours or balance vacation]

Request of Sheriff to place Rhonda M. Shed, ADMMGR I-SO ADM, on payroll as replacement for James Anthony Russell, effective February 20, 2021.

Request of Sheriff to increase salary of Thomas J. Smith, SPC-SO Adm-4, due to step increase, effective February 20, 2021.

Request of Sheriff to increase salary of Kyle Douglas Sullivan, DPTYPTL-SO-D4-27, due to step increase, effective February 20, 2021.

Request of Sheriff to place Nicole Sullivan, Dispatch-SO-27, on payroll as replacement for Cory Daniel Hardwick, effective February 20, 2021.

Request of Sheriff to transfer Steven Clay Swilling, LT-SO PTRL D5, as replacement for Brian Edward Bagwell, effective March 6, 2021.

Request of Sheriff to increase salary of Jason Thomas Uhler, DPTYPTL-SO TWT-7, due to step increase, effective February 20, 2021.

Request of Sheriff to increase salary of Christopher Garner Voris, DPTY DET-SO JAIL-26, due to step increase, effective February 20, 2021.

Request of Sheriff to transfer John Kevin Warren Jr., DPTY-SO PTRL D2-15, as replacement for Anneliese Stafford, effective February 20, 2021.

Request of Sheriff to increase salary of Adam Patrick Wright, DPTY-SO PTRL D2-17, due to step increase, effective February 20, 2021.

Request of Tax Assessor to promote Stephanie Black, Assistant Branch Manager, as replacement for Radhika Murthy, effective February 20, 2021.

- H1. REQUEST APPROVED to accept the Monthly Collections Report for February 2021.

JUSTICE OF THE PEACE PRECINCT 4 – AGENDA ITEM 10I1

- I1. REQUEST APPROVED to accept the Monthly Collections Report for February 2021.

EMERGENCY MANAGEMENT – AGENDA ITEMS 10J1-2

- J1. REQUEST APPROVED to ratify Interlocal Agreements previously approved in Commissioners Court between Montgomery County and the following entities relating to manpower reimbursements for vaccine distribution sites.

- The Woodlands Township (Fire Department)
- Porter Fire Department
- North Montgomery County Fire Department
- Montgomery County Hospital District

- J2. REQUEST APPROVED to accept fully executed letter of agreements between Montgomery County and Conroe ISD, and between Montgomery County and Memorial Hermann Health System relating to occupancy of Woodforest Stadium as a vaccine distribution site, as previously approved in Commissioners Court on February 23, 2021.

SHERIFF – AGENDA ITEM 10K1

- K1. REQUEST APPROVED to accept the Montgomery County Sheriff's Office Annual Racial Profiling Analysis Report for the 2020 calendar year.

COUNTY ATTORNEY – AGENDA ITEMS 10L1-4

L1. PRECINCT 1

- a. REQUEST APPROVED to accept and record fully executed Interlocal Agreement between the City of Conroe, Texas and Montgomery County, Texas Relating to Real Property and Assignment of Rights of Reverter previously approved by Commissioners Court on February 9, 2021.
- b. ORDER APPROVED authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the partial replat of Lot 53 and a portion of Lot 52, Block 52 of Walden on Lake Conroe, Section 9, to be known as Walden on Lake Conroe, Section 9, Partial Replat No. 1.
- c. RESOLUTION AND ORDER APPROVED accepting 1,716 linear feet and 60 feet in width of Deer Haven Run (from Deer Haven Circle to Deer Haven

Circle) into the Montgomery County Road Maintenance System based on the prescriptive use of the road by the general public.

L2.   PRECINCT 2

- a. ORDER APPROVED authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the partial replat of lots 68, 69, & 70, Block 1 of Crown Ranch Section 1, Amending Plat No. 1, to be known as Crown Ranch, Section 1, Amending Plat No. 1, Partial Replat.
- b. ORDER APPROVED authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the partial replat Lots 38,39 and part of Lot 40, Timbergreen, Section Five, to be known as Timbergreen, Section 5, Replat No. 1.

L3.   PRECINCT 3

- a. ORDER APPROVED authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the partial replat of Reserve A, Block 1, The Woodlands FM 2978 Commercial Tract, to be known as The Woodlands FM2978 Commercial Tract Replat No. 1.

L4.   PRECINCT 4

- a. ORDER APPROVED Authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the partial replat of Sherwood Glen, Section 1 to be known as Sherwood Glen Section 1, Replat No. 1.
- b. ORDER APPROVED authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the partial replat of lot 13 in block 3 of Peach Creek Plantation Section Three, to be known as Peach Creek Plantation, Section Three Replat No. 1.
- c. ORDER APPROVED authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the partial replat of lot 20, block 2 of Peach Creek Plantation, Section One, to be known as Peach Creek Plantation, Section 1, Partial Replat No. 3.
- d. ORDER APPROVED authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the partial replat of lots 26 and 27, Block 1 of Peach Creek Plantation, Section 1, to be known as Peach Creek Plantation Section 1 Partial Replat No. 4.
- e. ORDER APPROVED authorizing Notice of Public Hearing under Local Government Code 232.009(C-1) for the amending plat of a subdivision of 2.2560 acres, 98,270 square feet being an amending plat of Starbucks Coffee, Cabinet Z, Sheet 4591-4593 to be known as Starbucks Conroe Amending Plat No. 1.

- f. ORDER APPROVED authorizing the public auction of a lease of real property located at 20399 Olds Drive, Porter, Texas 77365 for open space, recreational, or wetlands management, appointing Assistant County Attorney Jennifer Fox as a special commissioner to conduct the lease auction on behalf of Montgomery County, and authorizing the County Clerk to submit the "Notice of Sale" for publication on the following dates: March 16, 2021, March 23, 2021 and March 30, 2021.
- g. REQUEST APPROVED of Allen Boone Humphries Robinson LLP to reserve utility district number 207 to be named Montgomery County Municipal Utility District No. 207.

CONROE-NORTH HOUSTON REGIONAL AIRPORT – AGENDA ITEMS 10M1-2

- M1. REQUEST APPROVED for Consent of Partial Assignment of Land Lease from James Kerry Boltinghouse to Loren Raymond Schreck and Kimberly Gay Schreck for .033 acres of land at the Conroe North Houston Regional Airport.
- M2. REQUEST APPROVED for Consent of Partial Assignment of Land Lease from Michael Patrick Terrance Munroe to Robert Glenn Skinner for 1429.36 square feet of land at the Conroe North Houston Regional Airport.

GRANTS – AGENDA ITEM 10N1

- N1. REQUEST APPROVED to approve the Fiscal Year 2021 High Intensity Drug Trafficking Areas (HIDTA) grant application in the amount of \$83,400 for the Sheriff's Office to include \$8,764.80 in matching funds from the Sheriff's Office Budget. Rebecca Ansley is authorized to submit and accept grant once awarded on behalf of Montgomery County.

CONSTABLE PRECINCT 1 – AGENDA ITEM 10O1

- O1. REQUEST APPROVED to accept the appointment of Reserve Deputy Louis Williams for Montgomery County Constable Precinct 1.

Motion carried.

**END OF CONSENT AGENDA**

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- 4. REQUEST APPROVED – REJECT PROPOSALS – PURCHASING



Motion by Commissioner Noack, seconded by Commissioner Riley, to reject all proposals received for Project #21-18 RFP Lead Based Paint Inspections and Other Services for Montgomery County, Texas Lead Hazard Control Program MCCD for MCCD. Joanne Ducharme said the reason for rejecting the proposals was that they were all 5 times higher than previous proposals, and her budget could not handle it. Motion carried. NOTE: DISCUSSION IN FULL CAN BE HEARD ON AUDIO OF MINUTES ON THE COUNTY WEBSITE.

COMMISSIONER METTS ENTERED THE COURT ROOM.

JUDGE KEOUGH DISCUSSED THE COUNTY'S DISTRIBUTION OF CARES ACT FUNDS. HE SAID THERE HAD BEEN SOME PUBLIC TALK INSINUATING THAT THE COUNTY HAD WITHHELD FROM POLITICAL SUBDIVISIONS MONIES THAT COME FROM THE CARES ACT, AND HAD INTENTIONALLY NOT FUNDED CERTAIN ENTITIES. HE READ FROM THE CARES ACT AND THE TREASURY ACT ABOUT THE USE OF THE FUNDS, AND SAID THAT PER THOSE RULES, THE COUNTY HAD NOT ARBITRARILY WITHHELD ANY FUNDS FROM ANY POLITICAL SUBDIVISIONS THAT ARE DUE TO THEM, IF THEY TURNED IN LEGITIMATE RECEIPTS TO BE ABLE TO BE REIMBURSED AND WHICH HAVE BEEN AUDITED. NOTE: DISCUSSION IN FULL CAN BE HEARD ON AUDIO OF MINUTES ON THE COUNTY WEBSITE.

5. REQUEST APPROVED – TRAFFIC CONTROL OVERTIME PAYMENTS – EMERGENCY MANAGEMENT

Motion by Commissioner Riley, seconded by Commissioner Metts, to authorize an additional \$50,000 for the use of overtime payments for necessary security and traffic control related expenses associated with vaccine distribution for county law enforcement departments, to be paid out of Fund Balance. Motion carried.

JASON MILLSAPS GAVE AN UPDATE ON THE VACCINE DISTRIBUTION, WHICH HAS NOW BEEN MOVED TO THE WOODFOREST STADIUM, WHICH HAS GREATLY RELIEVED THE TRAFFIC AT 242 AND I-45. THEY ANTICIPATE DOING APPROXIMATELY 6,000 VACCINES PER DAY AT THIS LOCATION. NOTE: DISCUSSION IN FULL CAN BE HEARD ON AUDIO OF MINUTES ON THE COUNTY WEBSITE.

6. REQUEST APPROVED – COMP TIME PAYOUT – EMERGENCY MANAGEMENT

Motion by Commissioner Noack, seconded by Commissioner Riley, to authorize the Auditor and Treasurer to payout comp time earned during the winter storm disaster period February 12th through February 19th. Activity logs will be required and should be turned into the auditor as requested. This will be funded out of Contingency. Motion carried.

7. REQUEST APPROVED – DISASTER PTO PAYOUT – EMERGENCY MANAGEMENT

Motion by Commissioner Riley, seconded by Commissioner Walker, to authorize the Auditor and Treasurer to pay out disaster PTO earned for non-exempt and exempt employees at the request of the department head or elected official for the winter storm period. This will be funded out of Fund Balance. Motion carried.

8. REQUEST APPROVED – INVENTORY SPECIALIST – EMERGENCY MANAGEMENT

Motion by Commissioner Riley, seconded by Commissioner Metts, to approve opening position 5200-2259 for one full time Logistics & Inventory Control Specialist, with annualized salary to be \$52,000. A total of \$41,121.18 is needed for salary and benefits for the remainder of the fiscal year. This will be a Full time Permanent position, but can be reevaluated in the future, if needed. This will be funded out of Contingency. Motion carried.

9. REQUEST APPROVED – INTERLOCAL AGREEMENT – EMERGENCY MANAGEMENT

Motion by Commissioner Riley, seconded by Commissioner Walker, to approve Interlocal Agreement between Montgomery County and ESD #8. The ILA will cover minimum staffing provided by the local entities to various vaccine distribution sites in Montgomery County an amount not to exceed \$250,000. County Judge Mark J. Keough is authorized to execute agreements on behalf of Montgomery County. This will be funded out of Fund Balance. Motion carried.

10. REQUEST APPROVED – SHERIFF'S OFFICE SUBSTATION – PURCHASING

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the \$21,055 Change Order for Project #21-03 Sheriff's Office District 2 Substation. Motion carried.

11. REQUEST APPROVED – ANIMAL INCINERATOR – PURCHASING

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the recommendation to award for Project #21-17, Removal and Installation of Animal Incinerator for Animal Services with M. Scott Construction, Inc. for \$315,000. The majority of the money can be obtained from salary sweeps, so this request is for \$50,000. Commissioner Noack will approve that amount out of his Precinct 3 budget. Motion carried.

12. REQUEST APPROVED – ESD#10 – COMMISSIONER PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Metts, to appoint Kelly Violet and Charles McDonald to ESD #10 for a one year term ending December 31, 2021, and to appoint Heath Schultz, Jeff Cunningham, and Larry Smith to ESD #10 for a two year term ending December 31, 2022. Motion carried.

**COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:**

AGENDA ITEM 15A1: Consider the replat of Lot Nineteen (19) in Block Six (6), of the Final Plat of The French Quarter on Lake Conroe, Section Three (3), to be known as French Quarter on Lake Conroe Section Three, Partial Replat No. 1.

AGENDA ITEM 15B1: Consider and approve establishing a no parking zone and placement of signs "No Parking, Any Time" on both sides of Old Riley Fuzzel Road from Loddington Street to Fox Run Boulevard.

AGENDA ITEM 15C1: Consider the partial replat of unrestricted reserve "C" of Kellyn Oaks, Section 1, and a replat of Danika Oaks Drive, to be known as Timber Creek Estates.

Regarding Agenda Item 15C1, Beverly Ott stated that she is a resident in this subdivision, and she did not receive the Notice of the public hearing until the Wednesday before, thus not having much time to research and prepare for this public hearing. She has concerns about drainage and water flow in regards to this new development. Commissioner Metts said he and the County Engineer would come and look at the area.

Ron Brody stated that he is also a resident in the area and that the proposed area of this new development is in a flood plain; both sides of this area have flooded and he wants to know how they are going to build new homes in a flood plain. He thinks larger culverts are needed to alleviate the current drainage issues and that perhaps the county can have the new developer address these issues and remedy the situation.

Ray Moulton, a resident in Kellyn Oaks, said that at this point, the developer had not shared with the residents or the HOA what their plans are. They would like more clarification as to what the plans are before the County makes any decision regarding this.

John McKinney with the County Attorney's Office, said he would be happy to meet with any of the concerned citizens regarding this plat. He said he was reviewing the plat along with the County Engineer and that drainage was one of the items they are looking into. He said the plat was not ready to be submitted and they are just in the reviewing stage at this time.

**THE PUBLIC HEARING WAS CONCLUDED AND COMMISSIONERS COURT RECONVENED.**

13. REQUEST APPROVED – NO PARKING ZONE – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Walker to approve establishing a no parking zone and placement of signs "No Parking, Any time" on both sides of Old Riley Fuzzel Road from Loddington Street to Fox Run Boulevard. 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, 551.074**

EXECUTIVE SESSION – AGENDA ITEM 16A: Discuss and deliberate the appointment, employment, evaluation and reassignment duties, discipline or dismissal of a public officer or employee-Community Development Director (Section 551.074).

EXECUTIVE SESSION – AGENDA ITEM 16B: Consultation with attorney regarding Cause No. 20-06-06977 Joseph M. Santopetro v. Montgomery County, Texas. (Section 551.071)

EXECUTIVE SESSION – AGENDA ITEM 16C: Consultation with attorney regarding legal requirements for use of certain road construction funds. (Section 551.071)

EXECUTIVE SESSION – AGENDA ITEM 16D: Consultation with attorney regarding legal action against Tachus internet provider because of safety concerns involving utility and fiber installation in county right of ways. (Section 551.071)

**COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT.**

**14. RESOLUTION APPROVED – JOB EVALUATION – COMMUNITY DEVELOPMENT**

Motion by Commissioner Metts, seconded by Commissioner Walker, to authorize Commissioner Noack to oversee the Community Development Office and all its employees directly, and take any action at his sole discretion with respect thereto. Commissioner Riley opposed. Motion carried.

**CITIZENS – AGENDA ITEM 18**

Dr. Shelly Sekula Gibbs, from the Woodlands Township Board, stated that The Woodlands had requested Cares Act reimbursement from the County for some legitimate expenses in the amount of \$6.1 million in June 2020, but were only reimbursed around \$280,000. They would like to get the remainder of the \$6.1 million they requested.

Richard with S&B Towing in Magnolia said that the Towing Rotation system is still broken. He said the \$25 fee that was supposed to be waived, was on his bill. He had

gone to a call and cleaned up a burnt motorcycle crash site and was supposed to get paid a \$50 clean-up fee, but the officer on site said he didn't have the authority to sign off on it, so he won't get paid for that, and will only get \$35 when he takes the burnt motorcycle to the scrapyard. He did call and was put back in rotation. He said he hopes this can be fixed.

Clint Bass said that this system is supposed to be fair and equal, but he had only loaded one car from his rotation zone since last Wednesday, while other zones have loaded, 4, 5 or 6. He said there are 17 companies in the West zone, and there is not enough to sustain that many. He said they will all be out of business in a month.

Jason Harshaw of Harshaw Towing said he has a storage lot that was in District 2, but when the County revised their map, it moved his storage to the West zone. He had received a call asking which zone he would like to be in and he chose the South zone, as 95% of his business comes out of the South zone. He was later told that due to the geographical location of his storage lot, he couldn't be put in the South zone, although he said it is within 300 yards of The Woodlands. He said a company can't survive by loading one car a week. He said he has a lease on property in the South zone, and the Sheriff told him he couldn't have it inspected for a storage lot, although several other towing companies have lots in 2 different zones. He said the Commissioners put it on the Sheriff and the Sheriff puts it on the Commissioners, and he needs some answers.

#### MISCELLANEOUS – AGENDA ITEM 19

Commissioner Riley said he had a meeting that he had to go to but he wanted to make a statement. He said that he has the call notes on how some of the towing things have gone, and he has racked his brain to think of how to make it work. He said if he doesn't get more answers between now and the next court and see that it is working any better than it is right now, he will put it on the Agenda to trash this system and go back to the old way.

COMMISSIONER NOACK LEFT THE COURTROOM DURING MISCELLANEOUS.

COMMISSIONER RILEY LEFT THE COURTROOM.

#### 15. COURT ADJOURNS

Motion by Commissioner Metts, seconded by Judge Keough, to adjourn this session of Court. Motion carried.

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

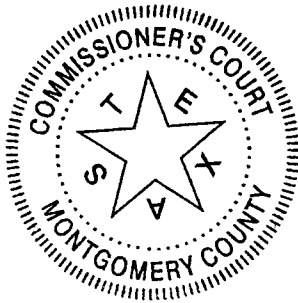
ATTEST:

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

BY:

*Mark Turnbull*

COUNTY CLERK



*[Signature]*

COUNTY JUDGE