

#2 7A  
JAN 09 2017

COMMISSIONERS COURT DOCKET  
December 12, 2017  
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 12<sup>th</sup> day of December, 2017, 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	Craig Doyal
Commissioner, Precinct 1	Mike Meador
Commissioner, Precinct 2	Charlie Riley
Commissioner, Precinct 3	James Noack
Commissioner, Precinct 4	Jim Clark
Also County Clerk's Office	Amber Twiddy

INVOCATION GIVEN BY Eric Yollick.

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.

AGENDA ITEM 7A – SYLVIA OLSZOWY INTRODUCED REPRESENTATIVES FROM THE UNITED WAY AND MADE A PRESENTATION. MONTGOMERY COUNTY EMPLOYEES RAISED \$34,903.01. VARIOUS DEPARTMENTS RECEIVED AWARDS FOR THEIR PARTICIPATION. INDIVIDUAL EMPLOYEES ALSO RECEIVED VARIOUS PRIZES FOR THEIR DONATIONS TO THE UNITED WAY.

Eric Yollick addressed the court at this time. He spoke on the county making a difference and presented a golden hammer to Judge Doyal and Commissioner Meador for the payout of a settlement concerning Judge Metts.

AGENDA ITEM 7B - TEXAS A&M AGRILIFE EXTENSION PRESENTED THEIR ANNUAL MAKING A DIFFERENCE IN MONTGOMERY COUNTY PRESENTATION.

2. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the Minutes from Regular Session of Commissioners Court dated November 28, 2017. Motion carried.

AGENDA ITEM 9D3 FIRST BULLET POINT WAS MOVED TO THE OPEN SESSION. SEE MOTION 4 FOR COURT ACTION.

AGENDA ITEM 9I1 WAS MOVED TO THE OPEN SESSION. SEE MOTION 5 FOR COURT ACTION.

AGENDA ITEM 9I3 WAS MOVED TO THE OPEN SESSION. SEE MOTION 6 FOR COURT ACTION.

AGENDA ITEM 9I4 WAS MOVED TO THE OPEN SESSION. THIS ITEM WAS LATER DEFERRED.

AGENDA ITEM 9L2 WAS MOVED TO THE OPEN SESSION. SEE MOTION 7 FOR COURT ACTION.

AGENDA ITEM 9Q1 WAS MOVED TO THE OPEN SESSION. SEE MOTION 29 FOR COURT ACTION.

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

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 9A1-4

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

A2. REPORTS ACCEPTED of Chapter 59 Asset Forfeitures.

A3. BUDGET AMENDMENTS FY2017 APPROVED:

- a. 435<sup>th</sup> District Court: To adjust line items.
- b. Commissioner Precinct 3: To adjust line items.
- c. Information Technology: To adjust line items.
- d. Law Library: To recognize and allocate revenue.
- e. Sheriff-Jail: To recognize and allocate revenue for Joe Corley Facility.

A4. BUDGET AMENDMENTS FY2018 APPROVED:

- a. Animal Shelter: To adjust line items for 10.01.31 donations CCT 08.22.17 M20, to adjust line items, record and allocate 2017 Grant as awarded by the WWW Foundation M9/11.28.17, and record and allocate 2018 Grant as awarded by the Petco Foundation M10/11.28.17.
- b. Building Maintenance: To allocate funds to Capital Improvement Fund for HVAC Project approved in 2018 Budget Workshops and re-allocate program income.
- c. Commissioner Precinct 4: To recognize and allocate lease proceeds.
- d. Constable Precinct 4: To recognize and allocate revenue.
- e. County Auditor: To adjust line items.
- f. County Court at Law 5: To adjust lien items CCL5.
- g. County Extension: To recognize and allocate revenues.
- h. District Attorney: To adjust line items and adjust budget lines.

- i. Emergency Management: To de-obligate funds from Regional Team Sustainment Grant awarded by CJD.
- j. M CCD: To correct initial budget setup and adjust line items per Consolidated Action Plan (M22/10.10.17).
- k. MCTRA: To recognize and allocate toll revenue Oct 2017.
- l. Non-Departmental: To recognize and allocate revenue-CCT portrait.
- m. Sheriff: To adjust line items.
- n. Sheriff-Records Management: To allocate revenue.
- o. Sheriff-US Marshals-JLEO: To set up US Marshals-JLEO contract funds.

TREASURER – AGENDA ITEM 9B1-2

- B1. REPORT APPROVED of the Pledges and/or Releases of Depository Collateral.
- B2. MONTHLY INVESTMENT REPORT APPROVED for November 2017.

TAX ASSESSOR/COLLECTOR – AGENDA ITEM 9C1

- C1. REQUEST APPROVED to acknowledge Tax Assessor-Collector Compliance with State reporting requirements pursuant to Texas Property Tax Code Section 6.231(d).

PURCHASING – AGENDA ITEMS 9D1-5

- D1. RENEWALS AWARDED:
  - a. Project #2016-0016 for animal tests and vaccines with Butler Animal Health Supply, LLC dba Henry Schein Animal Health for Animal Shelter. (Exercising the second of three renewal options)
  - b. Project #2016-0017 for veterinary supplies with Butler Animal Health Supply, LLC dba Henry Schein Animal Health for Animal Shelter. (Exercising the second of three renewal options)
  - c. Project #2013-0011 for plumbing items and miscellaneous supplies with each of the following vendors: Coburn Supply Company, Inc. and Morrison Supply Company, LLC for Various Departments. (Exercising the fifth of five renewal options)
  - d. Project #18-25 for containers, collection & disposal of recyclable materials & products with Waste Connections of Texas, LLC for Precinct 4. (Exercising three month extension)
- D2. ADVERTISING APPROVED for the following:
  - a. Project #18-25 RFP-Containers, Collection and Disposal of recyclable materials and products for Precinct 4.
- D3. ACTION TAKEN on the following contract(s):
  - a. This item was moved to the open session. See motion 4 for court action.
  - b. Commercial washers & dryers from Scott Equipment, Inc. Buyboard contract #518-16 for Various Departments. Local Gov't Code §271.102

- c. Products and related services from Selex ES, Inc. dba Eltag North America department of information resources contract #DIR-TSO-3788 for Various Departments. Local Gov't Code §271.083
  - d. Furniture: school, office, science, library & dormitory from Demco, Inc. Buyboard contract #503-16 for Various Departments. Local Gov't Code §271.102
  - e. Traffic control devices, markers, delineators from Traffic Parts, Inc. TxSmartbuy contract #550-A2 for Various Departments. Local Gov't Code 271.083
  - f. Tires, tubes, automotive parts, supplies & equipment from American Tire Distributors Buyboard contract #470-14 for Various Departments. Local Gov't Code 271.083
- D4. REQUEST APPROVED to reject all bids received for Project #18-10 tree and tree limb removal from right of ways, county roads and county buildings for Various Precincts/Departments.
- D5. CHANGE ORDERS APPROVED:
- a. CO #2, 3 and 4 to Diamond Commercial Construction, Inc. for project #2016-0032 Empowerment Resource Center - remodel of warehouse for a combined total of \$28,217.00 with an additional fourteen (14) days added to original contract time for MCCD.

COMMISSIONERS – AGENDA ITEMS 9E1-5

E1. PRECINCT 1

- a. REAPPOINTMENT APPROVED of Kim Parrish and Mike Mason to the Montgomery County Emergency Service District (MCESD) #2 Board of Commissioners for a 2-year term ending December 31, 2019.
- b. PERSONAL SERVICES AGREEMENT AND RELEASE OF LIABILITY APPROVED with William R. Sanson for Law Enforcement Services.

E2. PRECINCT 2

- a. REAPPOINTMENT APPROVED of Brian Gremminger, Sean McElroy and John Acree to the Montgomery County Emergency Service District (MCESD) #3 Board of Commissioners for a 2-year term ending December 31, 2019.
- b. REAPPOINTMENT APPROVED of Bob Buschardt and Scott Wall to the Montgomery County Emergency Service District (MCESD)#10 Board of Commissioners for a 2-year term ending December 31, 2019.

E3. PRECINCT 3

- a. REAPPOINTMENT APPROVED of James Kelly, Rodney Otto and Leah Gray to the Montgomery County Emergency Service District (MCESD) #8 Board of Commissioners for a 2-year term ending December 31, 2019.
- b. REAPPOINTMENT APPROVED of Shirley Grandjean, Danny Olsen, and Alan Dreesen to the Montgomery County Emergency Service District (MCESD) #14 Board of Commissioners for a 2-year term ending December 31, 2019.

E4. PRECINCT 4

- a. REAPPOINTMENT APPROVED of Jacqueline Vat, Wanda James, and Jan Peterson to the Montgomery County Emergency Service District (MCESD) #7 Board of Commissioners for a 2-year term ending December 31, 2019.
- b. REAPPOINTMENT APPROVED of Therlyn Cook, John Kelley, and David Miller to the Montgomery County Emergency Service District (MCESD) #6 Board of Commissioners for a 2-year term ending December 31, 2019.
- c. CHECK ACCEPTED in the amount of \$772.04 from Montgomery County Emergency Services District No. 7 for fuel reimbursement. This will be deposited into line item no. 615-7926. Check has been forwarded to the Auditor for further processing.

E5.   PRECINCTS 2 AND 4

- a. REAPPOINTMENT APPROVED of Brian Arceneaux and Howard Livesay to the Montgomery County Emergency Service District (MCESD) #4 Board of Commissioners for a 2-year term ending December 31, 2019.
- b. REAPPOINTMENT APPROVED of Michael Zepeda and Scott Guillote to the Montgomery County Emergency Service District (MCESD) #9 Board of Commissioners for a 2-year term ending December 31, 2019.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9F1-3

F1.   PRECINCT 2

- a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Fosters Ridge, Section 1 and bond is released.
- b. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Fosters Ridge, Section 2 and bond is released.
- c. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Fosters Ridge, Section 3 and bond is released.
- d. REQUEST APPROVED to acknowledge that the roads in Fosters Ridge, Section 4 have been built to county standards and have completed the one year maintenance period and the bond is released. These roads are private and will not be maintained by Montgomery County.
- e. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Woods Estates, Section 2.
- f. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Woodforest Parkway Northwest Extension and bond is released.
- g. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Woodtrace, Section 6.
- h. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Woodtrace, Section 9.
- i. FINAL PLAT APPROVED of High Meadow Ranch, Section 11 Replat #1; 1.504 acre; James E. Gillespie Survey, A-239.

F2.   PRECINCT 3

- a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Forest Village, Section 8 and bond is released.

- b. FINAL PLAT APPROVED of Harmony Village, Section 5; 16.00 acres; Montgomery County School Land Survey, A-351.
- c. FINAL PLAT APPROVED of Spring Forest, Sec 2 Partial Replat No. 2; 2.18 acres; Montgomery County School Land Survey, A-350.
- d. FINAL PLAT APPROVED OF Spring Forest, Sec 2 Partial Replat No. 3; 2.81 acres; Montgomery County School Land Survey, A-350.

F3.   PRECINCT 4

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Brookwood Forest, Section 3.
- b. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Brookwood Forest, Section 5.
- c. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Deer Trail Two, Section 3 and bond is released.
- d. FINAL PLAT APPROVED of Woodridge Forest, Section 10; 10.487 acres; Mary Owens Survey, A-405.
- e. FINAL PLAT APPROVED of Cleveland (105) DTP Addition; 1.618 acres; Thomas Devers Survey, A-790.

HUMAN RESOURCES – AGENDA ITEM 9G1

G1.   PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Airport to place Evan Mazharian, Airport Operations Specialist, on payroll as replacement for Carl Swenson, Jr., effective December 12, 2017.

Request of Animal Shelter to accept the resignation of Jane Cook, Kennel Technician, effective December 13, 2017. [No benefits due]

Request of Animal Shelter to place Jacob Hajek, Kennel Technician, on payroll as replacement for Gunter Arnold, effective November 25, 2017.

Request of Custodial to accept the resignation of Cindy Benitez, Custodian, effective December 13, 2017. [No benefits due]

Request of Custodial to discharge Kendal Edge, Custodian, effective November 20, 2017. [No benefits due]

Request of Custodial to accept the resignation of Esperanza Lopez, Custodian, effective November 23, 2017. [No benefits due]

Request of Custodial to accept the resignation of Maria Montoya, Custodian, effective November 27, 2017. [No benefits due]

Request of Commissioner Precinct 1 to promote Timothy Adamik, Operator II, as replacement for John Gregory, effective December 2, 2017.

Request of Commissioner Precinct 1 to promote Manny Gibbs, Operator II, as replacement for Kevin Woodman, effective December 2, 2017.

Request of Commissioner Precinct 1 to promote Jared Martinez, Operator II, as replacement for Kenneth Viniarske, Jr., effective December 2, 2017.

Request of Commissioner Precinct 1 to promote Warren McDonald, Operator II, as replacement for Allen Windham, effective December 2, 2017.

Request of Commissioner Precinct 1 to promote Justin Rogers, Operator II, effective December 2, 2017.

Request of Commissioner Precinct 1 to promote Gerald Shehane, Operator II, effective December 2, 2017.

Request of Commissioner Precinct 1 to promote Ryan Sockwell, Operator II, effective December 2, 2017.

Request of Commissioner Precinct 1 to promote Carlos Zuniga Rodriguez, Operator II, effective December 2, 2017.

Request of Commissioner Precinct 3 to accept the resignation of Walter Rodriguez, Operator 1, effective November 29, 2017. [38.24 hours or balance vacation]

Request of Commissioner Precinct 4 to accept the retirement of Billy Kelly, Mechanic I, effective December 31, 2017. [303.375 hours or balance vacation; 200.85 hours or balance compensatory time; 35.00 hours or balance holiday]

Request of Constable Precinct 3 RMUD Sub Unit to increase the salary of Yalex Martinez, Deputy-Constable, due to step increase, effective December 16, 2017.

Request of County Attorney to accept the resignation of Kendra Suhling, Attorney III, effective December 2, 2017. [24.04 hours or balance vacation]

Request of County Clerk to place Hollie Greene, Clerk II, on unpaid FMLA/Disability Leave, effective November 28, 2017.

Request of District Attorney to change position of Susan Bond, Court Clerk IV, as replacement for Valerie Hinson, effective January 29, 2018.

Request of District Attorney to accept the resignation of Valerie Hinson, Court Clerk IV, effective December 29, 2017. [158.78 hours or balance vacation; 0.03 hours or balance compensatory time]

Request of District Attorney to place Renee Rhinefort, Intern, on payroll effective December 7, 2017.

Request of District Clerk to increase salary of Carmen Keeton, Accounting Assistant, due to completion of probationary period, effective December 4, 2017.

Request of Environmental Health to accept the resignation of Seth Miles, Environmental Investigator I, effective December 8, 2017. [133.36 hours or balance vacation]

Request of Information Technology to accept the retirement of Rhonda Hovater, Assistant Director-IT, effective December 31, 2017. [204.545 hours or balance vacation]

Request of JP-Precinct 1 to place Leticia Arellano, Court Clerk II, on payroll as replacement for Valerie Valenzuela, effective December 4, 2017.

Request of Library to accept the resignation of Claire Castanon, Library Assistant II, effective December 12, 2017. [No benefits due]

Request of Permits to correct the last name of LeeAnne Miller, Clerk IV, on PCR as approved in CC on November 28, 2017.

Request of Purchasing to change position of Catherine St. Clair, Buyer III, as replacement for Stephanie Keeton, due to restructure, effective December 2, 2017.

Request of Sheriff to promote Jessica Ashmore, Coordinator – Shift/Dispatch, as replacement for April Veith, effective December 2, 2017.

Request of Sheriff to accept the resignation of James Barber, Sergeant-Patrol, effective December 1, 2017. [126.105 hours or balance vacation; 94.74 hours or balance compensatory time]

Request of Sheriff to promote Donna Baumgartner, Coordinator-shift/Dispatch, as replacement for Cornelia Fain, effective December 2, 2017.

Request of Sheriff to increase salary of Michael Burnett, Deputy, due to step increase, effective December 2, 2017.

Request of Sheriff to place Charles Cline, Officer- Civilian Detention, on payroll as replacement for David Carter, effective December 2, 2017.

Request of Sheriff to place Keith Colangelo, Mechanic III, on payroll as replacement for Christopher Haines, effective December 2, 2017.

Request of Sheriff to increase salary of Stephanie Coroiescu, Deputy-Patrol, due to step increase, effective December 2, 2017.

Request of Sheriff to increase salary of Daniel Derby, Deputy, due to step increase, effective December 2, 2017.

Request of Sheriff to place Scott Grap, Mechanic II, on payroll as replacement for Jonathan Ray, effective December 2, 2017.

Request of Sheriff to increase salary of Henry Langston, Jr., due to step increase, effective December 2, 2017.

Request of Sheriff to increase salary of Johnathan Logan, Deputy, due to step increase, effective December 2, 2017.

Request of Sheriff to place Jace Mast, Officer-Civilian Detention on payroll as replacement for Alfonso Plascencia, Jr., effective December 2, 2017.

Request of Sheriff to place Talon McKinney, Officer-Civilian Detention, on payroll as replacement for Andrew Hilgers, effective December 2, 2017.

Request of Sheriff to increase salary of Tony Messina, Deputy, due to step increase, effective December 2, 2017.

Request of Sheriff to transfer Magdalena Moseley, Deputy, from Patrol West to Executive Div, effective December 2, 2017.

Request of Sheriff to increase salary of Benjamin Nichols, Deputy-Detention, due to step increase, effective December 2, 2017.

Request of Sheriff to accept the resignation of Lakesha Palmer, Officer-Civilian Detention, effective December 1, 2017. [225.375 hours or balance vacation; 241.02 hours or balance compensatory time; 0.50 hours or balance holiday]

Request of Sheriff to place Stacy Saldivar, Officer-Civilian Detention, on payroll as replacement for Derek Ragon, effective December 2, 2017.

Request of Sheriff to increase salary of William Joseph Sharman II, Sergeant, due to step increase, effective December 2, 2017.

Request of Sheriff to increase salary of Scott St. John, Deputy, due to step increase, effective December 2, 2017.



Request of Sheriff to place Jennifer Stringer, Dispatcher, on payroll effective December 2, 2017.

Request of Sheriff to increase salary of Brian Treille, Specialist, due to step increase, effective December 2, 2017.

Request of Tax Assessor to place Renee Barrows, Deputy Specialist I, on payroll as replacement for Danielle Donahoe, effective December 4, 2017.

Request of Tax Assessor to place Whitney Hair, Deputy Specialist II, on Unpaid FMLA/Disability Leave, effective November 14, 2017.

Request of Tax Assessor to place Whitney Hair, Deputy Specialist II, on payroll due to return from Unpaid FMLA/Disability Leave, effective December 4, 2017.

Request of Tax Assessor to accept the resignation of Veronica Heredia, Deputy Specialist I, effective November 20, 2017. [No benefits due]

Request of Tax Assessor to place Bethany Nagle, Deputy Specialist I, on payroll as replacement for Veronica Heredia, effective December 18, 2017.

#### ENVIRONMENTAL HEALTH – AGENDA ITEMS 9H1-6

- H1. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 25679 Magnolia Drive New Caney, TX 77357.
- H2. ORDER APPROVED to release lien and acknowledge receipt of check in the amount of \$5,403.54 as payment in full of assessment lien to recover cost to the County for demolition of a public nuisance for property located at 26536 Carol Lane, Splendora, TX 77372.
- H3. ORDER APPROVED to abate a public nuisance on the following property that is abandoned, deemed unsafe, or unlivable: 30714 Meadow Woods Drive, Magnolia, TX 77354. The estimated total cost is \$4,800.00 and will be funded by CDBG.
- H4. ORDER APPROVED to abate a public nuisance on the following property that is abandoned, deemed unsafe, or unlivable: 29803 Denton St., Magnolia, TX 77354. The estimated total cost is \$4,000.00 and will be funded by CDBG.
- H5. REQUEST APPROVED to rescind Order to Abate Nuisance for 24753 Roberts Dr. Porter, TX 77365. This property has been brought into compliance without County involvement of funds.
- H6. REQUEST APPROVED to rescind Order to Abate Nuisance for Lots 43 and 44, Windwood Estates on Village Dr. New Caney, TX 77357. This property has been brought into compliance without County involvement of funds.

#### COUNTY JUDGE – AGENDA ITEMS 9I1-5

- I1. This agenda item was moved to the open session. See motion 5 for court action.
- I2. PARTICIPATION RESPONSE APPROVED to U.S. 2020 Census Luca(Local Update of Census Address). Montgomery County Emergency Communication District (MCECD) is authorized to act as Liaison on behalf of Montgomery County.
- I3. This agenda item was moved to the open session. See motion 6 for court action.
- I4. This agenda item was moved to the open session and later deferred.

- I5. REQUEST APPROVED and County Judge is authorized to sign EB-5 Designation of Targeted Employment Area for project located at 20130 US-59, New Caney, TX 77386.

SHERIFF – AGENDA ITEM 9J1

- J1. DONATION ACCEPTED to the MCSO K9 Division in the amount of \$800.00 from Conroe Kennel Club. The funds will be allocated to 560150-73573. Check has been forwarded to the Auditor for further processing.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9K1-2

K1. PRECINCT 1

- a. ORDER APPROVED declaring the existence of a public necessity and authorizing the institution of eminent domain proceedings for Parcel 60 of the FM 1097 Road Expansion.
- b. ORDER APPROVED authorizing the notice of public hearing on January 23, 2018 for revision of plat for a partial revision to subdivision lots/plats being described as Unrestricted Reserve "A", Block 1 of Max Alley at FM 1484 to be known as Max Alley at FM 1484 Partial Replat No. 1.

K2. PRECINCT 3

- a. ADVANCE FUNDING AGREEMENT ACCEPTED for a locally funded on and off-system roadway project between Montgomery County and TxDOT. This agreement was previously approved in Commissioners Court on October 24, 2017 and is recorded to reflect TxDOT's approval.
- b. TERMINATION APPROVED of Land Lease Agreement by Mutual Agreement between Montgomery County and Union Pacific Railroad Company regarding Rayford Road.
- c. PUBLIC HIGHWAY OVERPASS AGREEMENT ACCEPTED AND RECORDED between Montgomery County and Union Pacific Railroad Company regarding Rayford Road.
- d. EASEMENT DEED ACCEPTED from Union Pacific Railroad Company to Montgomery County for Rayford Road overpass.

COUNTY ATTORNEY – AGENDA ITEMS 9L1-3

- L1. RESOLUTION AND ORDER APPROVED supporting the need for the Montgomery County Attorney to defend on behalf of the Montgomery County a lawsuit filed under Cause No. H-15-2607 and styled David W. Land v. Sheriff Tommy Gage et al. The Montgomery County Attorney is authorized to incur expenses as necessary for the proper defense and negotiation of said case. The funding of said expenses will come from the Risk Management budget with the approval of the Director of Risk Management or designee.
- L2. AGENDA ITEM 9L2 WAS MOVED TO THE OPEN SESSION. SEE MOTION 7 FOR COURT ACTION.
- L3. PROFESSIONAL SERVICES AGREEMENT ACCEPTED AND RECORDED for contingent Fee Special Counsel for environmental litigation between Montgomery County, Texas and Mithoff Law et al. This agreement was previously approved by Montgomery County and is being recorded to reflect approved from the Texas Comptroller pursuant to Chapter 2254 of the Texas Government Code.

COUNTY ATTORNEY – MENTAL HEALTH TREATMENT FACILITY – AGENDA ITEMS  
9M1-3

- M1. MINUTES ACCEPTED for the October 18, 2017 Montgomery County Mental Health Treatment Facility (MCMHTF) Advisory Board Meeting.
- M2. MONTHLY PERFORMANCE INDICATOR REPORT ACCEPTED for October 2017 as recommended by Montgomery County Mental Health Treatment Facility (MCMHTF) Advisory Board.
- M3. APPOINTMENT APPROVED of Dr. William Yeatts, Psychologist for provisional status as recommended by the Montgomery County Mental Health Treatment Facility (MCMHTF) Advisory Board.

AIRPORT – AGENDA ITEM 9N1

- N1. SUPPLEMENTAL AGREEMENT NO. 2 ACCEPTED AND RECORDED to Land Lease No. DACA64-5-93-08 relating to United States of America Helicopter Expansion Area at Conroe North Houston Regional Airport.

CONSTABLE PRECINCT 1 – AGENDA ITEM 9O1

- O1. DONATION ACCEPTED of DJI Phantom 4 along with FAA Part 107 online training through DSI. The training is for 5 officers valued at \$2,700.00 to Constable Precinct 1 from Drone Systems International Inc., Jeffrey “Jeff” Yuna, President/CEO Plus.

COMMUNITY DEVELOPMENT – AGENDA ITEM 9P1-3

- P1. REQUEST APPROVED and County Judge is authorized to execute the 2017 Home Grant Agreement between Montgomery County and Walker Montgomery Community Development Corporation.
- P2. REQUEST APPROVED and County Judge is authorized to execute the FY2017 CDBG Grant Agreements between Montgomery County and the following agencies: Lone Star Community Health Center, dba Lone Star Family Health Center and Society of Samaritans, Inc.
- P3. REQUEST APPROVED and County Judge is authorized to execute the FY17 HESG Grant Agreements between Montgomery County and Montgomery County Youth Services.

ADULT PROBATION – AGENDA ITEM 9Q1

- Q1. THIS ITEM WAS MOVED TO THE OPEN SESSION. SEE MOTION 29 FOR COURT ACTION.

Motion carried.

**END OF CONSENT AGENDA**

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4. REQUEST APPROVED – CONTRACT UTILIZATION – VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve utilizing the contract for the following: Building maintenance, repair, and operations supplies and equipment from each of the following vendors: W.W. Grainger, Inc. dba Grainger and Carrier Enterprise, LLC Buyboard contract #501-15 for as authorized by Local Gov't Code §271.102 for Various Departments. Commissioner Noack abstained from the vote. Motion carried.

5. REQUEST APPROVED – REIMBURSEMENT FOR EXPENSES – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve reimbursement to Larry Foerster in the amount of \$672.71 for expenses incurred during training conference held at First Baptist Church in Conroe hosted by Montgomery County Historical Commission on October 14, 2017. These funds will be paid from 661.74991. Motion carried.

6. MODIFICATION ACCEPTED – BED SPACE – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Riley, to accept modification to add funds for bed space and transportation to P00005. Motion carried.

AGENDA ITEM 9I4 – CONSIDER, APPROVE AND AUTHORIZED COUNTY JUDGE TO SIGN EB-5 WAS DEFERRED.

7. RESOLUTION AND ORDER APPROVED – CLAIM NO. A170037 – COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve settlement offer of \$6,139.94 to be paid to Damage Recovery in exchange for a full release of all claims in connection with in the demand letter provided under Claim No. A170037. The County Auditor is authorized to issue checks in accordance with the settlement offer. This will be funded from Sheriff's Department budget. Motion carried.

AGENDA ITEM 9Q1 WAS DEFERRED AT THIS TIME, BUT BROUGHT BACK UP LATER IN COURT SEE MOTION 29 FOR COURT ACTION.

CITIZENS – AGENDA ITEM 10

CITIZENS WILL BE HEARD PRIOR TO THE AGENDA ITEM THEY WOULD LIKE TO SPEAK ON.

8. APPOINTMENT APPROVED – TRANSPORTATION POLICY COUNCIL – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Noack, to appoint Commissioner Charlie Riley as Primary Voting Member to the Transportation Policy Council for the Houston-Galveston Area Council Representing Montgomery County. Motion carried.

9. APPOINTMENT APPROVED – TRANSPORTATION POLICY COUNCIL – COUNTY JUDGE

Motion by Commissioner Riley, seconded by Commissioner Meador, to appoint Judge Craig Doyal as Alternate Voting Member to the Transportation Policy Council for the Houston-Galveston Area Council representing Montgomery County. Motion carried.

10. REAPPOINTMENT APPROVED – TECHNICAL ADVISORY COMMITTEE – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Meador, to reappoint Jeff Johnson as a primary voting member to serve on the Technical Advisory Committee Council for the Houston-Galveston Area Council for Year 2018 representing Montgomery County. Motion carried.

11. REAPPOINTMENT APPROVED – TECHNICAL ADVISORY COMMITTEE – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Clark, to reappoint Ross McCall as an alternate member to serve on the Technical Advisory Committee Council

for the Houston-Galveston Area Council for Year 2018 representing Montgomery County. Motion carried.

12. REQUEST APPROVED – ASSIGNMENT OF ASSOCIATE JUDGE – 410<sup>TH</sup> DISTRICT COURT

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the assignment of Associate Judge Scharlene Overstreet between the 418<sup>th</sup> District Court and the 410<sup>th</sup> District Court pursuant to Family Code Sec 201.001(c). Motion carried.

AGENDA ITEM 13A – CONSIDER AND APPROVE FUNDING FOR A FUEL SYSTEM FOR CONSTABLE PCT 1 MARINE DIVISION WAS DEFERRED.

COMMISSIONER MEADOR LEFT THE COURTROOM.

AGENDA ITEM 14A – CONSIDER AND APPROVE THE EQUITABLE SHARING AGREEMENT AND CERTIFICATION REPORT WAS DEFERRED.

13. REQUEST APPROVED – STIPEND – CONSTABLE PRECINCT 5

Motion by Commissioner Riley, seconded by Commissioner Noack, to approve Field Training Officer stipend for Sgt. Ryan Johnston, Sgt. Ryan Simpson, Sgt. Jonothan Aldridge, Sgt. Laurie Bagwell and Mike Silvio. The stipend for Sgt. Laurie Bagwell will be paid by Magnolia ISD and the others will be funded with Constable Precinct 5 Overtime budget. Motion carried.

COMMISSIONER MEADOR RETURNED TO THE COURTROOM.

14. AUTHORIZATION APPROVED – HOME GRANT AGREEMENTS – COMMUNITY DEVELOPMENT

Motion by Commissioner Noack, seconded by Commissioner Clark, to authorize County Judge to execute FY15, FY16, and FY17 Home Grant Agreements between Montgomery County and Angel Reach. Motion carried.

15. REQUEST APPROVED – TEAM SPACE BUILDOUT – COUNTY AUDITOR

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve a build out for the ERP Implementation Team Space. The cost is estimated at \$25,000.00 and will be funded from unexpended funds from Building Maintenance and the left over amount will be swept. Commissioner Noack voted “No”. Motion carried.

16. AWARD APPROVED – MCCALED ROAD – PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the award to RC Smith Companies dba Smith & Company in the amount of \$4,390,785.22 for project #18-13 McCaleb Road Widening for Precinct 2. Motion carried.

17. AWARD APPROVED – LEGAL ADVERTISING – VARIOUS DEPARTMENTS

Motion by Commissioner Riley, seconded by Commissioner Noack, to approve the award to Hearst Newspapers, LLC dba Houston Chronicle Publishing Co. at \$18/per column inch per day for project #18-03 Legal Advertising for Various Departments. Motion carried.

18. CONTRACT APPROVED – MCCALED ROAD – PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Noack, to approve the contract with the following highly qualified provider per Gov’t Code Chapter 2254: Terracon Consultants, Inc. for construction materials testing services for McCaleb Road Widening for a total maximum sum of \$84,760.00 for Precinct 2. Motion carried.

19. CONTRACT APPROVED – RAYFORD ROAD IMPROVEMENTS – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the contract with the following highly qualified provider per Gov't Code Chapter 2254: Amani Engineering for surveying services for Rayford Road Improvements from Waterbend Cove to Birnham Woods Drive for a total maximum sum of \$68,040.00 for Precinct 3. Motion carried.

20. CONTRACT APPROVED – INTERSTATE 45 – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the contract with the following highly qualified provider per Gov't Code Chapter 2254: Brown and Gay Engineers, Inc. for surveying services for Interstate 45 at Woodlands Parkway/Robinson Road Signalization and related roadway modifications for a total maximum sum of \$546,036.55 for Precinct 3. Motion carried

21. CONTRACT APPROVED – OLD HOUSTON ROAD – PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve the contract with the following highly qualified provider per Gov't Code Chapter 2254: Whitney and Associates for right of way appraisal services for Old Houston Road for a total maximum sum of \$137,900.00 for Precinct 4. Motion carried.

22. CONTRACT APPROVED – OLD HOUSTON ROAD – PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Noack, to approve the contract with the following highly qualified provider per Gov't Code Chapter 2254: KDM Acquisition Services, Inc. for right of way acquisition services for Old Houston Road for a total maximum sum of \$352,400.00 for Precinct 4. Motion carried.

23. CHANGE ORDERS APPROVED – BIRNHAM WOODS DRIVE – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve CO #2 and CO #3 for a total amount of \$66,809.00 to Angel Brothers Enterprises, LTD for Project #2017-0009 Mobility Improvements for Birnham Woods Drive for Precinct 3. Motion carried.

24. RENEWAL APPROVED – BENEFIT PLAN & TRUST – PURCHASING

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the Montgomery County Employee Benefit Plan & Trust 2018 Plan Year Renewal. Motion carried.

25. REQUEST APPROVED – RADIO SITE REPLACEMENT SYSTEM – SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the purchase of radio site replacement system from Motorola Solutions, Inc., HGAC contract #RA05-15 for Sheriff's Office as authorized by Local Gov't Code 271.102. The total price is \$2,213,104.00 with some of this to be paid from insurance claims. The amount has not been finalized yet. Motion carried.

Amy Hamrick addressed the court concerning the Adoption Day Proclamation. She did not want it amended because she stated the children would just like a loving home.

The County Attorney's office addressed the court concerning the issues and concerns if the court changed the proclamation. It was stated that it would be a better situation if the agency asked for the proclamation to be amended.

Terrie Jagers addressed the court concerning the Adoption Day Resolution. She asked that the Proclamation be amended so that the focus will not be taken away from the children and families.

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

26. PROCLAMATION AMENDED – ADOPTION DAY – COMMISSIONER PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Noack, to amend the Proclamation by removing the following recital:

“Whereas, there are no restrictions on who can adopt based on race, ethnicity, religion, sexual orientation or expression, gender identity or marital status;”

From the proclamation executed on November 14, 2017. Motion carried.

27. REQUEST APPROVED – FUNDS TRANSFERRED – COMMISSIONER PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve the transfer of \$2,882.00 plus associated benefits from position #615-3404-1 (Superintendent) to position #615-8347-1 (Special Projects and Public Information Coordinator). This will not increase the budget. 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 20A: CONSIDER AND DISCUSS CLAIM NO. A170044: LINDA & DONALD TOWERY, DATE OF INCIDENT JUNE 10, 2017. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 20B: CONSIDER AND DISCUSS POTENTIAL CLAIMS RELATING TO OPIOID PAINKILLERS AND RETENTION OF SPECIAL COUNSEL ON CONTINGENCY FEE. (SECTION 551.071)

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

28. RESOLUTION AND ORDER APPROVED – LITIGATION AND SPECIAL COUNSEL

Motion by Commissioner Noack, seconded by Commissioner Clark, to authorize litigation against certain pharmaceutical-related entities for violating the Texas Controlled Substances Act. The engagement of Haley & Olson, P.C., Harrison Davis Steakley Morrison Jones, P.C. and Elliot & Little (Special Counsel) to represent Montgomery County to pursue the claims against the Defendants and any other potentially responsible entity. County Judge is authorized to sign the Professional Services Agreement with Special Counsel on behalf of Montgomery County. Motion carried.

29. REQUEST APPROVED – VARIOUS PURCHASES – ADULT PROBATION

Motion by Commissioner Meador, seconded by Commissioner Clark, to authorize funding purchases for food, beverages and associated items to be used for Adult Probation Training Classes and Community Service Workers. The funding is not to exceed \$2,600.00 annually. Commissioner Noack voted “No”. Motion carried.

CITIZENS – AGENDA ITEM 22

COMMISSIONER MEADOR LEFT THE COURTROOM.

Bill O'Sullivan addressed the court concerning the benefits program for employees. He would the county to offer fewer benefits to new hires.

Walter Boyd addressed the court concerning pensions, open meetings act, and various other topics.

MISCELLANEOUS – AGENDA ITEM 23

Judge Doyal thanked those who offered condolences on the passing of his father in law.

Judge Doyal reminded those that the County's Retirement Plan is funded at 89%.

Bill O'Sullivan reminded those that the wreaths were being laid at the Veteran's Cemetery on Saturday, December 16, 2017.

JUDGE DOYAL ADJOURNED THIS SESSION OF COMMISSIONERS COURT.

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

*Craig Doyal*  
COUNTY JUDGE

