

COMMISSIONERS COURT DOCKET  
February 27, 2018  
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 27<sup>th</sup> day of February, 2018, 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 Leah Tarrant, Mayor of Patton Village.

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.

MONTGOMERY COUNTY EMPLOYEES COMMITTEE – EMPLOYEE OF THE MONTH

LIEUTENANT PHILIP SCHUMPE WITH THE SHERIFF'S OFFICE WAS PRESENTED WITH EMPLOYEE OF THE MONTH FOR JANUARY 2018.

STEPHANIE LUEHR WITH THE SHERIFF'S OFFICE WAS PRESENTED WITH EMPLOYEE OF THE MONTH FOR FEBRUARY 2018.

2. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the Minutes from Regular Session of Commissioners Court dated February 13, 2018. Motion carried.

AGENDA ITEM 9C2a WAS REMOVED.

AGENDA ITEMS 9N4, 9N5, AND 9N6 WERE DEFERRED.

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

Motion by Commissioner Noack, seconded by Commissioner Clark, 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. BUDGET AMENDMENTS FY2018 APPROVED:
  - a. Various: To recognize and allocate revenues for failure to appear fees for quarter ending 12/31/17 and 09/30/17.
  - b. 435<sup>th</sup> District Court: To adjust line items.
  - c. Animal Shelter: To recognize and allocate revenue CCT08.22.17/M20.
  - d. Commissioner Precinct 3: To carryover 2017397.
  - e. Constable Precinct 2: To adjust line items CCT02.13.18/M5.
  - f. Constable Precinct 4: To allocate funds for the Rescue Air Boat Grant as awarded by EMCID M3/02.13.18 and recognize and allocate revenue.
  - g. County Clerk: To adjust line items.
  - h. County Extension: To recognize and allocate revenues.
  - i. District Attorney: To transfer funds from DA to IT.
  - j. District Clerk: To adjust line items.
  - k. Elections: To transfer funds from Elections to Bldg Maint, adjust line items, and recognize and allocate revenue.
  - l. Emergency Management: To adjust line items.
  - m. Historical Commission: To recognize and allocate revenues.
  - n. Information Technology: To adjust line items CCT 02.13.18/M6.
  - o. Juvenile Probation: To set up budget for Juvenile MH Srv contract from HGAC M13/02.13.2018.
  - p. Memorial Library: To recognize and allocate revenue.
  - q. Non-Departmental-Utilities: To transfer funds from Non Dept to An Shelter-5months delayed billing.
  - r. Road Bonds 2016A: To recognize & allocate revenue for claim 1806358.
  - s. Sheriff: To adjust line items, transfer funds from Sheriff to Bldg Maint, and recognize and allocate revenue.
- A3. REPORT OF OFFICIALS' FEES ACCEPTED as audited for October and November 2017.
- A4. COMPLETED AUDIT REPORT ACCEPTED for Jail Commissary.

PURCHASING – AGENDA ITEMS 9B1-7

- B1. ADVERTISING APPROVED for the following bids/proposals:
  - a. Project #18-37 pavement striping for Various Departments.
  - b. Project #18-36 RFP - remote administration of IBM AIX Systems for IT.

B2. CHANGE ORDERS APPROVED:

- a. CO #1 to Accelerated Card Company LLC dba Certified Payments for project #2015-0026, customer credit card payment services to change the using department from Tax Office to Various Departments.
- b. CO #1 to Caldwell Automotive Partners, LLC for project #2018-0001 new vehicles to add item #6 - 6 liter V8 gas engine option for one ton cargo van in the amount of \$2,015.00 for Various Departments.
- c. CO #11 to Aramark Correctional Services, LLC for jail food services for menu changes resulting in a price increase of \$0.03 per adult inmate meal and \$0.02 per juvenile meal for Sheriff's Office.

B3. RENEWALS AWARDED:

- a. Project #2015-0019 for cement stabilized sand with Cherry Crushed Concrete for Precinct 3. (Exercising the third of five renewal options)
- b. Project #2017-0006 for forensic and miscellaneous medical supplies with Southland Medical, LLC to add additional items with price increase for Various Departments. (Exercising the first of three renewal options)
- c. Project #2016-0030 automotive and heavy truck body repair service with each of the following vendors: Tommy's Paint & Body, Inc. dba Tommy's Wrecker Service and Milstead Collision, LLC for Risk Management. (Exercising the second of four renewal options)
- d. Project #2013-0027 internet service provider with each of the following vendors: Consolidated Communications of Texas and Wavemedia, Inc. with additional location added at Sheriff's Office location with a monthly recurring charge (MRC) of \$1,850.00 with Wavemedia, Inc. for Various Departments. (Exercising the fifth of five renewal options)
- e. Project #2016-0015 paper recycling services with Tascon Industries, Inc. for Various Departments. (Exercising the first of three renewal options)
- f. Project #2012-0025 autopsy transport services, storage services and the disposition of bodies of deceased paupers with each of the following vendors: Eickenhorst Funeral Services, LLC and McNutt-Brock Family Corporation for a ninety (90) day extension for Various Departments.
- g. Project #2017-0019 crack seal service with Texas Lonestar Pavement Services for Various Departments. (Exercising the first of three renewal options)
- h. Project #2008-0085 Onsite Medical Services with Carehere, LLC for a ninety (90) day extension for Risk Management.

B4. REQUEST APPROVED TO UTILIZE THE FOLLOWING CONTRACTS:

- a. Energy services from Choice Energy Services Retail, LP through the Cooperative Purchasing Network contract #R5184 for Purchasing. Local Gov't Code §271.102
- b. Maintenance, repair & operations (MRO) supplies & related services from Fastenal, Inc. through the Cooperative Purchasing Network contract #R142101 for Various Departments. Local Gov't Code §271.102.

B5. LIST OF ITEMS SOLD AND CHECK ACCEPTED through the Montgomery County Online Auction from Rene Bates Auctioneers, Inc. in the amount of \$53,194.86. This includes total sales of \$57,507.96 less auctioneer's fee of \$4,313.10 for Various Departments.

- B6. REQUEST APPROVED to rescind the advertisement for Project #18-25 RFP-Containers, Collection and Disposal of Recyclable Materials and Products for Precinct 4.
- B7. DISCRETIONARY EXEMPTIONS APPROVED:
- a. 1Mage user license software maintenance as an item that can be obtained from only one source from 1Mage Software, Inc. for Various Departments. Local Gov't Code section 262.024(a)(7)(A)
  - b. Reference books and multimedia as an item that can be obtained from only one source from World Book, Inc. for Library. Local Gov't Code section 262.024(a)(7)(B).

COMMISSIONERS – AGENDA ITEMS 9C1-2

C1. PRECINCT 1

- a. USE AGREEMENT APPROVED with Conroe Chaos 8U to use the baseball fields at Charles Traylor Sports Park for practices scheduled by W.Y.A.A. from now through December 31, 2018.

C2. PRECINCT 4

- a. AGENDA ITEM 9C2a WAS REMOVED FROM THE AGENDA.
- b. CHECK ACCEPTED from Roman Forest in the amount of \$1,367.53 for the purchase of fuel. This will be deposited into line item number 615-7926. Check has been forwarded to the Auditor for further processing.
- c. USE AGREEMENT APPROVED with Plum Grove Assembly of God to use the park at Tram Park for an Easter Egg Hunt and Activities on March 31, 2018.
- d. CHECK ACCEPTED from East Montgomery County Sports Association in the amount of \$12,715.00. This will be deposited into line item number 61582-7570. Check has been forwarded to the Auditor for further processing.
- e. CHECK ACCEPTED from Meals on Wheels Montgomery County in the amount of \$640.60 for the purchase of fuel. This will be deposited into line item number 615-7926. Check has been forwarded to the Auditor for further processing.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9D1-4

D1. PRECINCT 1

- a. CORRECTION TO THE MONTGOMERY COUNTY ROAD LOG APPROVED as follows:
  - Currently reads: Midyett Road from Forest Service Road 211 to 2,297 feet northeast
  - Should read: Midyett Road from Forest Service Road 211 to private land

D2. PRECINCT 2

- a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Mostyn Manor, Section 6 and bond is released.

- b. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Mostyn Manor, Section 5 and bond is released.
- c. REQUEST APPROVED for acceptance of Research Forest Drive from Branch Crossing Drive to Egypt Lane (two northern lanes into the County Road Maintenance System.
- d. FINAL PLAT APPROVED of C&J Subdivision; 2.0037 acres; John Shaffold Survey, A-527.
- e. REQUEST APPROVED for acceptance of Beaconsfield Drive, Fairhope Lane and Rosepine Court in the Villages of Heritage Point, Section 1 into the County Road Maintenance System.

D3. PRECINCT 3

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Harmony Village, Section 5.
- b. FINAL PLAT APPROVED of Meadows at Imperial Oaks, Section 5; 9.852 acres; George Lamb Survey, A-334.
- c. FINAL PLAT APPROVED of Woodson's Reserve, Section 7; 20.78 acres; Montgomery County School Land Survey, A-351.

D4. PRECINCT 4

- a. FINAL PLAT APPROVED of Metland; 0.9182 acres; J.M. Everett Survey, A-197.
- b. FINAL PLAT APPROVED of Harper's Trace Channel Crossing; 0.61 acre; Montgomery County School Land Survey, A-350.

HUMAN RESOURCES – AGENDA ITEM 9E1

E1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Custodial to increase salary of Juan Garcia, Custodian, due to completion of probationary period, effective February 18, 2018.

Request of Custodial to correct PCRF of Amanda Nicole Hernandez, Custodian, to have an effective date of February 17, 2018. [47.92 hours or balance vacation]

Request of Custodial to place Kevin Lopez, Custodian, on payroll as replacement for Cristina Rodriguez Cortes, effective February 20, 2018.

Request of Custodial to place Yolanda Pena, Custodian I, on Unpaid FMLA/Disability Leave, effective February 24, 2018.

Request of Custodial to remove Cristina Rodriguez Cortes, Custodian, from payroll due to job abandonment, effective February 5, 2018. [No benefits due]

Request of Custodial to increase salary of Aridai Mireya Roque, Custodian I, due to completion of probationary period, effective February 18, 2018.

Request of Commissioner Precinct 1 to discharge Fernando Ramirez, Laborer, effective February 14, 2018. [31.10 hours or balance vacation; 12.01 hours or balance compensatory time]

Request of Constable Precinct 1 to increase salary of Allen Trey Booher, Deputy-Constable, due to step increase, effective June 2, 2018.

Request of Constable Precinct 1 to increase salary of Jerrod Bruce, Deputy-Constable, due to step increase, effective May 5, 2018.

Request of Constable Precinct 1 to increase salary of Boyd Crabtree, Deputy-Constable, due to step increase, effective June 2, 2018.

Request of Constable Precinct 1 to increase salary of Raymond Rauen, Deputy-Constable, due to step increase, effective May 5, 2018.

Request of Constable Precinct 1 to increase salary of Enrique Rupert, Deputy-Constable, due to step increase, effective April 21, 2018.

Request of Constable Precinct 1 to increase salary of Christopher Buehl, Deputy-Constable, due to step increase, effective April 7, 2018.

Request of County Auditor to accept the resignation of Amanda Ivers, Part-time Clerk, effective February 9, 2018. [No benefits due]

Request of District Clerk to increase salary of Kristan Tiller, Accounting Assistant, due to completion of probationary period, effective February 12, 2018.

Request of Environmental Health to place Edwin Hudspeth, Environmental Investigator I, on payroll as replacement for Seth Miles, effective February 26, 2018.

Request of Information Technology to transfer Larry Lowry, Lead Business System Coordinator III, as replacement for Michael Najera, effective February 24, 2018.

Request of Justice of the Peace Precinct 1 to accept the resignation of Ana Cardona, Court Clerk II, effective February 6, 2018. [No benefits due]

Request of Justice of the Peace Precinct 1 to place Rena Martinez, Court Clerk II, on payroll as replacement for Ana Cardona, effective February 10, 2018.

Request of Justice of the Peace Precinct 4 to accept the retirement of Marsha Dastous, Court Clerk IV, effective May 31, 2018. [220.855 hours or balance vacation; 186.175 hours or balance compensatory time]

Request of Juvenile to place Alyssa Rachelle Watson, Counselor, on payroll, as replacement for Shawn Keith, effective February 14, 2018.

Request of Sheriff to accept the resignation of Nicole Lynn Keltch, Dispatcher, effective February 17, 2018. [180.83 hours or balance vacation; 240.38 hours or balance compensatory time; 49.00 hours or balance holiday]

Request of Sheriff to place Kayla Killingsworth, Officer-Civilian Deten, on payroll as replacement for Steven Saenz, effective February 24, 2018.

Request of Sheriff to transfer Jerry Daniel Lafferty, Deputy-Detention, as replacement for Wesley G. Sage, effective February 24, 2018.

Request of Sheriff to accept the resignation of Preston Wayne Lawson, Officer-Civilian Deten, effective February 23, 2018. [156.75 hours or balance vacation; 338.93 hours or balance compensatory time; 20.00 hours or balance holiday time]

Request of Sheriff to place Melanie Lester, Officer Civilian Deten, on payroll as replacement for Justin Lyle Phipps, effective February 24, 2018.

Request of Sheriff to accept the resignation of Justin Lyle Phipps, Officer-Civilian Deten, effective February 5, 2018. [27.72 hours or balance vacation; 58.90 hours or balance compensatory time; 48.00 hours or balance holiday time]

Request of Sheriff to accept the resignation of Ruthie Fay Pilkington, Dispatcher, effective February 5, 2018. [55.505 hours or balance vacation; 176.50 hours or balance compensatory time; 43.00 hours or balance holiday time]

Request of Sheriff to place Desiree Pleasant, Officer-Civilian Deten, on payroll as replacement for Dimitri M. Carpenter, effective February 24, 2018.

Request of Sheriff to transfer Marco C. Sanchez-Hernandez, Officer Civilian Deten, as replacement for Robert Earl Burkett, effective February 24, 2018.

Request of Sheriff to place Richard Welborn Jr., Officer-Civilian Deten, on payroll as replacement for Nathaniel B. Inmon, effective February 24, 2018.

#### ENVIRONMENTAL HEALTH – AGENDA ITEMS 9F1-2

F1. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 10591 North Lake Road Montgomery, TX 77316.

F2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 30004 Elm Lane Magnolia, TX 77354.

#### SHERIFF – AGENDA ITEM 9G1-4

G1. INTERLOCAL AGREEMENT APPROVED between Montgomery County and Westwood Magnolia Parkway Improvement District for Patrol Services.

G2. INTERLOCAL AGREEMENT APPROVED between Montgomery County and Municipal Utility District #113 for Patrol Services.

G3. REQUESTS APPROVED for the following:

- Acceptance up to \$33,000.00 from Crime Stoppers and approve funds for a 2018 Jeep Wrangler for the exclusive use of the Montgomery County Crime Stoppers Coordinator.
- Donation approved of a 2009 Chevrolet Tahoe to the Montgomery County Sheriff's Office fleet made on the behalf of Montgomery County Crime Stoppers, Inc.

G4. FUNDING ACCEPTED in the amount of \$49,971.08 from the Law Enforcement Officer Standards and Education (LEOSE) account in support of continuing education of the MCSO licensed personnel. These funds will be allocated to 56018-741811.

#### COUNTY ATTORNEY – AGENDA ITEMS 9H1-2

H1. REQUEST APPROVED to acknowledge receipt of letter from Montgomery County Emergency Services District (ESD) No. 7 notifying the Montgomery County Commissioners' Court of an election order issued by the ESD No. 7 Board for the imposition of a district sales and use tax, pursuant to Texas Health and Safety Code §775.0751(C-1)(2).

H2. REQUEST APPROVED to utilize previously allocated and unspent forensics operating budget funds in line item 6303 in the amount of \$58,037.66 (FY 2016) and \$124,918.01 (FY 2017), budgeted for payment to the Texas Department of Public Safety for crime laboratory services performed during 2016 and 2017 and authorize remaining balance of expenditures related to same, up to \$5,000, to be paid from current budget funds in line item 7441. Texas DPS failed to send invoices for the 2016 and 2017 years until January 30, 2018.

#### COUNTY CLERK – AGENDA ITEM 9I1

- I1. REQUEST APPROVED to transfer \$10,000.00 from the County Clerk's Records Management Fund to line item 40311-7419 Professional Services for the conversion of OPR Documents to microfilm by third party vendor, Iron Mountain.

CONSTABLE PRECINCT 2 – AGENDA ITEM 9J1

- J1. RACIAL PROFILING REPORT ACCEPTED from Constable Pct. 2 for the 2017 year.

CONSTABLE PRECINCT 5 – AGENDA ITEM 9K1

- K1. RACIAL PROFILING REPORT ACCEPTED for 2017.

GRANTS – AGENDA ITEM 9L1

- L1. NRA GRANT ACCEPTED in the amount of \$5,685.95 to the Sheriff's Office. The application was approved on 11/14/17. Sgt. Wilkerson is authorized to accept electronically on behalf of Montgomery County.

EMERGENCY MANAGEMENT – AGENDA ITEM 9M1

- M1. SUPPLEMENTAL GRANT AWARD APPROVED from the Texas Office of the Governor Homeland Security Grants Division to the Montgomery County Office of Homeland Security and Emergency Management in the amount of \$22,726.53. This amount supplements funds assigned to the 2017 SHSP Emergency Operations Center Enhancement Project. Darren Hess is authorized to execute acceptance as the authorized official.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9N1-8

- N1. ASSIGNMENT OF LAND LEASE WITH CONSENT OF LESSOR APPROVED between Conservair, Inc. and William B. and Twila M. Day for a .156 acre tract of land at the Conroe-North Houston Regional Airport.
- N2. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 56 of the expansion of FM 1097 from Melinda Ilene Bachmann for the total sum of \$16,691.00 and accept the deed executed or to be executed by Owner.
- N3. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 65 of the expansion of FM 1097 from The Gravesmith Group Two, LLC for the total sum of \$200,286.28 and accept the deed executed or to be executed by Owner.
- N4. AGENDA ITEM 9N4 WAS DEFERRED.
- N5. AGENDA ITEM 9N5 WAS DEFERRED.
- N6. AGENDA ITEM 9N6 WAS DEFERRED.
- N7. AGREEMENT APPROVED regarding improvements to be constructed within right-of-way and/or use of non-standard construction materials for roadways and streets between Montgomery County and Montgomery County MUD no. 113 for various ROWS in Woodforest Development.
- N8. RESOLUTION AND ORDER APPROVED to approve land lease agreement between Conroe CS Texas Holdings LP as lessor and Montgomery County as Lessee for 16.416 acres in the Ransom House Survey, A-245 for site for Sheriff



Radio Tower. County Judge is authorized to execute the agreement on behalf of Montgomery County.

TAX ASSESSOR-COLLECTOR – AGENDA ITEM 901

- O1. MONTHLY TAX COLLECTION REPORT APPROVED for month ending January 31, 2018.

Motion carried.

**END OF CONSENT AGENDA**

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CITIZENS – AGENDA ITEM 10

CITIZENS WILL ADDRESS THE COURT AT THE TIME THE AGENDA ITEM IS PRESENTED.

Rigby Owen addressed the court concerning the level at Lake Conroe. He would like the level lowered to prevent flooding.

4. RESOLUTION APPROVED – LAKE LEVEL – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve resolution calling upon Texas legislature to oppose efforts to force permanent reduction in Lake Conroe lake levels for the purposes of flood mitigation. Commissioner Clark voted “No”. Motion carried.

5. REQUEST APPROVED – MOTOROLA TOWER PROJECT – SHERIFF

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve advancing unallocated insurance proceeds with an estimated shortfall of \$126,104.00 for the Conroe Tower Site. This will be funded with capital improvements. Motion carried.

6. AWARD APPROVED – RE-ROOF, REPAIRS AND WATERPROOFING – BUILDING MAINTENANCE

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the award for Project #18-28 CSP –Re-roof, repairs and waterproofing as follows:

- Base proposal 1, 2, 5 and unit prices: Lessman Roofing and Sheetmetal, LLC for a total award of \$782,709.00 + unit prices as needed
- Base proposal 3,6 and unit prices: Ally Roofing Services for a total award of \$188,848.00+ unit prices as needed
- Base proposal 4: Reject all proposals

For Building Maintenance. Motion carried.

7. AWARD APPROVED – EXTERNAL ASSESSMENT – SHERIFF’S OFFICE

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the award for project #2017-0048-RFP-External assessment of Sheriff’s Office facilities to HDR in the amount of \$269,221.00 for the Sheriff’s Office. Motion carried

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 14A: APPROVE THE PARTIAL REVISION OF UNRESTRICTED RESERVES “A” AND “B”, STERLING ACRES SECTION 1, TO BE KNOWN AS STERLING ACRES SECTION 1, REPLAT NO. 1.

AGENDA ITEM 14B: RECEIVE PUBLIC COMMENTS ON RENEWAL OF THE DESIGNATION OF THE MONTGOMERY COUNTY REINVESTMENT ZONE PURSUANT TO §312.401, ET SEQ. OF THE TEXAS TAX CODE.

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

8. RESOLUTION AND ORDER APPROVED – REINVESTMENT ZONE – COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve Resolution and Order for Designation of and Renewal of Designation of the Montgomery County Reinvestment Zone for a period of 5 years beginning March 22, 2018. Motion carried.

9. FUNDS ACCEPTED – MOTHER-FRIENDLY WORKSITE DESIGNATION – HUMAN RESOURCES

Motion by Commissioner Noack, seconded by Commissioner Riley, to accept funds awarded to Human Resources in support of the Montgomery County, Texas, Mother-Friendly Worksite Designation Program (TXFWD) and approve funding of items up to \$4,850.00. Motion carried.

10. REQUEST APPROVED – REALLOCATION OF FUNDS – BUILDING MAINTENANCE

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the reallocation of \$32,375.00 (\$17,375.00 for Constable Precinct 3 remodel and \$15,000.00 to remodel the Ed Chance Annex) from account #51060006-7598 to another capital projects line to be determined. 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 AND 551.074.**

EXECUTIVE SESSION – AGENDA ITEM 18A: DISCUSS AND DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE. (SECTION 551.074)

EXECUTIVE SESSION – AGENDA ITEM 18B: CONSIDER AND APPROVE A RESOLUTION AND ORDER TO SETTLE CLAIM NO. U-17-0081, DATE OF INCIDENT 09/14/17. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 18C: CONSIDER AND APPROVE A RESOLUTION AND ORDER TO PAY CLAIM NO. A-17-0109, DATE OF INCIDENT 11/09/17. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 18D: CONSIDER AND APPROVE A RESOLUTION AND ORDER TO SETTLE SUBROGATION FOR CLAIM NO. 6442139, DATE OF INCIDENT 10/24/15. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 18E: CONSIDER AND APPROVE A RESOLUTION AND ORDER TO SETTLE CLAIM NO. D-16-0142, DATE OF INCIDENT 04/17/16. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 18F: DISCUSS WITH COUNTY ATTORNEY CAUSE NO. 17-07-08282-CV MONTGOMERY COUNTY,

TEXAS V. MJR WOODCREEK ESTATES, LLC AND LEXON INSURANCE  
COMPANY. (SECTION 551.071)

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

11. RESOLUTION AND ORDER APPROVED – CLAIM NO. U-17-0081

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve the settlement offer of \$4,853.06 payable to Southern County Mutual (“The Hartford”) in exchange for a full release of all claims for all property damage in connection with the demand letter provided under Claim No. U-17-0081. The County Auditor is ordered to issue checks in accordance with the settlement offer contingent upon receipt of a full release of all claims with funding from 5531-7657. Motion carried.

12. RESOLUTION AND ORDER APPROVED – CLAIM NO. A-17-0109

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the settlement offer of \$5,353.62 to be paid to State Farm Automobile Insurance Company in exchange for a full release of all claims in connection with the property damage provided under Claim No. A-17-0109. County Auditor is ordered to issue checks in accordance with the settlement offer contingent upon receipt of a full release of all claims with funding 560171-7657. Motion carried.

13. RESOLUTION AND ORDER APPROVED – CLAIM NO. 6442139

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the settlement offer acceptance of \$20,000.00 payable by the Law Firm of Hampton & Rawlings in exchange for a full release of all Subrogation claims in connection with the settlement agreement provided under Claim No. 6442139. Motion carried.

14. RESOLUTION AND ORDER APPROVED – CLAIM NO. D-16-0142

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the settlement offer of \$16,000.00 payable to Daniel Hlebowicz and Patrick M. Primavera and \$7,000.00 payable to Lindsay Hlebowicz and Patrick M. Primavera in exchange for a full release of Claim No. D-16-0142 and lawsuit Cause No. 17-02-01847. The County Auditor is ordered to issue checks in accordance with the settlement offer contingent upon receipt of a full release of all claims with funding from 436912. Motion carried.

15. RESOLUTION AND ORDER APPROVED – CAUSE NO. 17-07-08282-CV

Motion by Commissioner Noack, seconded by Commissioner Meador, to settle the lawsuit and to accept the payment from MJR Woodcreek Estates, LLC and Lexon Insurance Company in the total amount of \$360,000.00. County Judge and/or B.D. Griffin (acting solely and without the joinder of the other) are authorized to execute the Rule 11 Agreement in the form on file and all settlement agreements and other documents necessary to effect the settlement. Motion carried.

**CITIZENS – AGENDA ITEM 20**

Leah Tarrant, Mayor of Patton Village, addressed the court concerning Interlocal Agreements, desperate need of road repairs, and politics. She would like to meet with Commissioner Clark and receive help for the road repairs before money from Texas Department of Emergency Management is de-obligated.

John Wertz addressed the court concerning a meeting of the precincts chairs, who voted for the removal of the tolls on the 242 flyover and courtroom decorum. He would like the courtroom decorum policy to include everyone not just the public.

Eric Yollick addressed the court concerning secrecy and stated that the meetings discourage discussion. He presented a golden hammer to Judge Doyal.

Dorothy Patterson addressed the court concerning the floodway on New Caney Creek and a property owner that has changed the grade of the floodway. She would like everything to be put back the way it was before the other property owner made the changes.

Susan Myric addressed the court concerning her property that was not in the flood plain or floodway, but now is considered highly floodable and her increased appraisal. She wanted answers as to why her property has changed.

MISCELLANEOUS – AGENDA ITEM 21 – NO OTHER ITEMS LISTED

16. COURT ADJOURNS

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

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

ATTEST:

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

BY: Mark Turnbull  
COUNTY CLERK

Craig Dwyer  
COUNTY JUDGE

