

COMMISSIONERS COURT DOCKET
July 24, 2018
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 24th day of July, 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 |
| Also County Clerk's Office | Amber Twiddy |

ABSENT:

| | |
|--------------------------|-----------|
| Commissioner, Precinct 4 | Jim Clark |
|--------------------------|-----------|

INVOCATION GIVEN BY Tim Holifield

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

2. PROCLAMATION APPROVED – NATIONAL HEALTH CENTER WEEK

Motion by Commissioner Meador, seconded by Commissioner Riley to recognize August 12-18, 2018 as National Health Center Week in Montgomery County. Motion carried.

AGENDA ITEM 7B – MONTGOMERY COUNTY EMPLOYEES COMMITTEE

STEPHANIE KEETON, WITH PURCHASING, WAS PRESENTED WITH EMPLOYEE OF THE MONTH FOR JULY, 2018.

3. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the Minutes from Regular Session of Commissioners Court dated July 10, 2018. Motion carried.

AGENDA ITEM 9F2c WAS MOVED TO THE OPEN AGENDA. SEE MOTION 18 FOR COURT ACTION.

AGENDA ITEM 9O2 AND 9O3 WERE DEFERRED.

Bill O'Sullivan addressed the court concerning the appointment of Rob Eissler, stronger ethics policy, and stated that benefits have put major areas into bankruptcy.

4. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 9A-S

Motion by Commissioner Riley, 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 9A1-3

A1. BUDGET AMENDMENTS FY2018 APPROVED:

- a. 249 Toll Project: To adjust line items.
- b. Animal Shelter: To recognize and allocate revenue CC 08/22/17 M20.
- c. Child Welfare: To recognize and allocate revenue FY17 Q2, Q3, and, Q4.
- d. Commissioner Precinct 2: To adjust line items.
- e. Commissioner Precinct 3: To recognize and allocate revenue and adjust line items.
- f. Commissioner Precinct 4: To adjust line items.
- g. Constable Pct. 2: To recognize and allocate revenue.
- h. Constable Pct. 4: To recognize and allocate revenue.
- i. Constable Pct 5: To recognize and allocate revenue.
- j. County Clerk: To recognize and allocate revenue CCT07.10.18/M5.
- k. County Court of Law 2: To adjust line items.
- l. Court Reporter Service Fund: To recognize and allocate revenue.
- m. Elections: To recognize and allocate revenue.
- n. FEMA-DR-4332-TX: To increase budget for Hurricane Harvey Cat G.
- o. Forensics Services: To adjust line items.
- p. Historical Commission: To recognize and allocate revenues.
- q. MCTRA: To recognize and allocate funds from the issuance of Senior Lien Toll Revenue Bonds Series 2018.
- r. Mental Health: To adjust line items for additional funds, adjust line items for HVAC, Painting, Awning, Dynamic Airfilters, and Plumbing.
- s. Non-Departmental: To adjust line items-utilities.
- t. Road Bonds Series 2006B: To adjust line items.
- u. Sheriff-Jail: To recognize and allocate revenue.
- v. Tax Assessor Collector: To transfer funds to Bldg Maint.

A2. PAYMENT OF ACCOUNTS APPROVED, as submitted by the County Auditor.

- A3. MONTHLY UNAUDITED FINANCIAL REPORT ACCEPTED for the month of June 30, 2018.

TREASURER – AGENDA ITEMS 9B1-3

- B1. PLEDGES AND/OR RELEASES OF COLLATERAL REPORT APPROVED.
- B2. PLEDGED SECURITIES REPORT APPROVED for June 2018.
- B3. E-FILING AGREEMENTS APPROVED for Justice of the Peace Precincts 1, 2, 4 and 5 with Chase Paymentech and Stephanie Davenport is authorized to sign on behalf of the county.

TAX ASSESSOR/COLLECTOR – AGENDA ITEMS 9C1-2

- C1. EXCESS TAX COLLECTIONS ACCEPTED for 2017 Debt Service and Certification of 2018 anticipated collection rate in accordance with Section 26.012(2) and Section 26.04(b), Texas Property Tax Code.
- C2. MONTHLY TAX COLLECTION REPORT ACCEPTED for month ending June, 2018.

PURCHASING – AGENDA ITEMS 9D1-4

- D1. RENEWALS AWARDED:
 - a. Project #2017-0042 court ordered alcohol ignition interlock device with each of the following vendors: 1A Smart Start, LLC and Draeger, Inc. for Adult Probation. (Exercising the first of four renewal options)
 - b. Project #2014-0042 Hvac items and miscellaneous supplies with each of the following vendors: Johnson Supply and Equipment Corporation and Century Air Conditioning for Various Departments. (Exercising the fourth of five renewal options)
 - c. Project #2014-0045 DNA testing with each of the following vendors: Bode Cellmark Forensics, Inc. and Sorenson Forensics, LLC for Various Departments. (Exercising the fourth of five renewal options)
 - d. Project #2015-0041 processing, printing and mailing of tax statements with Variverge, LLC for Tax Office. (Exercising the third of three renewal options)
 - e. Project #2014-0056 vehicle loaner/motorist assistance program with Buckalew Chevrolet, LP for Various Departments. (Exercising the fourth of five renewal options)
 - f. Project #2015-0033 preventative maintenance on standby generators with Total Energy Solutions, Co. for Various Departments. (Exercising the third of three renewal options)
- D2. ADVERTISING APPROVED for the following:
 - a. Project #18-62 roads/bulk material for Various Departments.
 - b. Project #18-63 roads/asphaltic concrete for Various Departments.
 - c. Project #18-61 polyethylene corrugated pipe and culverts for Various Departments.
 - d. Project #18-48 roads/asphaltic emulsions for Various Departments.
- D3. CONTRACT EXTENSION APPROVED for Project 2012-0063 Roads/Asphalt Emulsion with Cleveland Asphalt Products for an additional 90 days for Various Departments.
- D4. CHANGE ORDERS APPROVED:

- a. CO #1 to Larry Young Paving, Inc. for project #18-21 the repair of hot mix asphalt parking lot to add two (2) additional traffic loops in the amount of \$2,000.00 for Office of Emergency Management.
- b. CO #4 to Forde Construction Company for project #2017-0062 roadway and traffic signal intersection improvements - Hardin Store Road and Dobbin Huffsmith Road for additional items and quantities needed to construct the project in the amount of \$41,793.46 for Precinct 2.

RISK MANAGEMENT – AGENDA ITEMS 9E1

E1. CHANGES, ADDITIONS AND RELEASES APPROVED for the following:

| <u>BOND</u> | <u>NAME/DEPT</u> | <u>AMOUNT</u> | <u>ACTION</u> |
|-------------|---------------------------------|---------------|------------------------|
| 63680905 | Harris, Courtney/Const Pct 5 | \$5,000 | New |
| 63680447 | Stepanski, Mark/Const Pct 5 | \$5,000 | New |
| 63305289 | Tarango, Judy/Treasurer | \$500,000 | Renew/Cont Cert |
| 63246996 | Hosler, Bryan Dean/Const Pct 4 | \$5,000 | Renew/Cont Cert |
| 62050127 | Roe, Kimberly Rene/Tax Assessor | | Rider/Job Title Change |

COMMISSIONERS – AGENDA ITEMS 9F1-3

F1. PRECINCT 2

- a. ANNUAL FINANCIAL AUDIT REPORT ACCEPTED for ESD #10 (Emergency Service District) with fiscal year ending December 31, 2017.

F2. PRECINCT 3

- a. RESIGNATION APPROVED of Ronda Trow from the City of Oak Ridge North TIRZ Board effective July 2018.
- b. APPOINTMENT APPROVED of Andrew Dubois to the City of Oak Ridge North TIRZ Board for a 2-year term effective July 2018.
- c. Legislative Consulting Contract with Rob Eissler was moved to the Open Session. See motion 18 for court action.

F3. PRECINCT 4

- a. CHECK ACCEPTED from Montgomery County ESD #7 in the amount of \$1,466.33 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 9G1-3

G1. PRECINCT 2

- a. FINAL PLAT APPROVED of Navarro Subdivision; 15.120 acres; Cyrus T. Ward Survey, A-612.
- b. PUBLIC HEARING DATE SET for August 14, 2018 to approve placement of signs stating “No Parking, No Stopping, No Standing, Monday-Friday, 7:30 a.m.-8:15 a.m., 3:25 p.m.-4:05 p.m.” in the existing school zone on both sides of Hidden Lake West and Hidden Lake East.

G2. PRECINCT 3

- a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Woodson's Reserve Trench Lane and Reserves and bond is released.

G3. PRECINCT 4

- a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Montgomery Creek Ranch, Section 17 and bond is released.
- b. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Montgomery Creek Ranch, Section 19 and bond is released.
- c. FINAL PLAT APPROVED of Crown Estates Replat No. 1; 3.483 acres; Clark Beach Survey, A-79

HUMAN RESOURCES – AGENDA ITEM 9H1

H1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Animal Control to accept the resignation of Eryka Caitlin Ort, Clerk I, effective July 10, 2018. [8.49 hours or balance vacation]

Request of Animal Shelter to accept resignation of Giovanna Angulo Salazar, Kennel Technician, effective July 4, 2018. [No benefits due]

Request of Custodial to discharge Fabiola Stefan Flores Herrera, Custodian, effective July 10, 2018. [No benefits due]

Request of Custodial to place DeMarco Horace, Custodian, on payroll as replacement for Mario Rubio, effective July 30, 2018.

Request of Custodial to accept the resignation of Mario Rubio, Custodian, effective July 12, 2018. [No benefits due]

Request of Building Maintenance to increase salary and change position of Jonathan Alcantar, Facility/Grounds Worker, as replacement for Joshua Gant and due to completion of probationary period, effective July 14, 2018.

Request of Building Maintenance to promote Davin Hilsgen, Construction Manager, as replacement for Tim Stewart, effective July 14, 2018.

Request of Building Maintenance to promote Lance Sockwell, Supervisor Maintenance, as replacement for Davin Hilsgen, effective July 14, 2018.

Request of Commissioner Precinct 2 to place James Luna Jr., Operator I, on payroll as replacement for Albert Wyatt, effective July 17, 2018.

Request of Commissioner Precinct 4 to remove Tamon Nesbitt, Operator II, from payroll due to job abandonment, effective July 9, 2018. [3.08 hours or balance vacation; 30.15 hours or balance compensatory time; 32.25 hours or balance holiday]

Request of Constable Precinct 5 to promote Laurie Bagwell, Lieutenant Constable, effective July 14, 2018.

Request of Constable Precinct 5 to place Paul Brown, Deputy Constable, on payroll, effective July 14, 2018.

Request of Constable Precinct 5 to place Jarrod Chastun, Deputy Constable, on payroll, effective July 28, 2018.

Request of Constable Precinct 5 to promote Kim Gordon, Sergeant Constable, as replacement for Laurie Bagwell, effective July 14, 2018.

Request of Constable Precinct 5 to increase salary of Tamara Hanks, Deputy Constable, due to new 2018/2019 MISD Contract Salary, effective July 14, 2018.

Request of Constable Precinct 5 to increase salary of Courtney Harris, Deputy Constable, due to new 2018/2019 MISD Contract Salary, effective July 14, 2018.

Request of Constable Precinct 5 to increase salary of Calvin Johnson Jr., Deputy Constable, due to new 2018/2019 MISD Contract Salary, effective July 14, 2018.

Request of Constable Precinct 5 to transfer John Jones, Deputy Constable, from Sheriff, effective July 14, 2018.

Request of Constable Precinct 5 to place Larry Medearis, Deputy Constable, on payroll as replacement for Aaron Mannisto, effective July 28, 2018.

Request of Constable Precinct 5 to place Gregory Palmer, Deputy Constable, on payroll, effective July 28, 2018.

Request of Constable Precinct 5 to place Ronald Raborn, Deputy Constable, on payroll, effective July 14, 2018.

Request of Constable Precinct 5 to place Richard Seibert Jr., Deputy Constable, on payroll, effective July 28, 2018.

Request of Constable Precinct 5 to place Ralph Smith, Deputy Constable, on payroll, effective July 14, 2018.

Request of Constable Precinct 5 to increase salary of Mark Stepanski, Deputy Constable, due to new 2018/2019 MISD Contract Salary, effective July 14, 2018.

Request of Constable Precinct 5 to place Chris Talley, Deputy Constable, on payroll, effective July 28, 2018.

Request of Constable Precinct 3 to accept the resignation of Michelle L. Gaytan, Clerk III, effective June 29, 2018. [24.27 hours or balance vacation]

Request of Constable Precinct 3 to transfer Jamie Smith, Clerk III, from Justice of the Peace Pct. 3 as replacement for Michelle Gaytan, effective August 4, 2018.

Request of County Attorney to place Michelle Hebert, Legal Assistant III, on payroll as replacement for Diana McGrath, effective August 6, 2018.

Request of County Clerk to accept the retirement of Terrie Mericle Early, Clerk IV, effective July 31, 2018. [186.709 hours or balance vacation; 1.50 hours or balance compensatory time]

Request of County Clerk to promote Brittney A. Vargas, Court Clerk II, as replacement for Laura R. Necessary, effective July 14, 2018.

Request of District Attorney to promote Lora Ciborowski Beckman, Attorney III, as replacement for Tamara Eden Holland, effective August 13, 2018.

Request of District Attorney to change position of Brian Patrick Foley, Attorney II, as replacement for Wesley James Leroux, effective August 13, 2018.

Request of District Attorney to promote Michael Halston Ghutzman, Attorney II, as replacement for Brian Patrick Foley, effective August 13, 2018.

Request of District Attorney to change position of Tamara Eden Holland, Attorney III, as replacement for Shanna Renee Redwine, effective August 13, 2018.

Request of District Attorney to change position of Wesley James Leroux, Attorney II, as replacement for Lora Ciborowski Beckman, effective August 13, 2018.

Request of District Attorney to change position of Gabrielle Adriana Munoz, Attorney I, as replacement for Michael Halston Ghutzman, effective August 13, 2018.

Request of District Attorney to place Casey L. Peters, Court Clerk IV, on payroll as replacement for Lindsay N. Buckholts, effective July 24, 2018.

Request of District Attorney to promote Shanna Renee Redwine, Chief Prosecutor, as replacement for Vincenzo J. Santini, effective August 13, 2018.

Request of District Attorney to place Pennie L. Stanley, Coor-Victim Assist, on payroll as replacement for Jocelyn Marlen Camarillo, effective July 30, 2018.

Request of District Clerk to accept the retirement of Pam Payne, Supervisor, effective July 31, 2018. [178.795 hours or balance vacation]

Request of District Clerk to accept the resignation of Delores Springer, Part Time Clerk, effective July 31, 2018. [No benefits due]

Request of Elections to accept the resignation of Shelley Everhart, Voter Clerk, effective July 9, 2018. [No benefits due]

Request of Information Technology to add cell phone allowance for Shawn R. Craddick, Operations Specialist III, in lieu of County provided phone, effective July 14, 2018.

Request of Information Technology to add cell phone allowance for Nicholas D. Humphrey, GIS Analyst, in lieu of County provided phone, effective July 14, 2018.

Request of Information Technology to add cell phone allowance for Richard C. Le, Lead Business System Coord III, in lieu of County provided phone, effective July 14, 2018.

Request of Information Technology to add cell phone allowance for Larry E. Petro, Lead Business System Coord III, in lieu of County provided phone, effective July 14, 2018.

Request of Juvenile to place Shawn William Arnold, Juvenile Supervision Officer, on payroll as replacement for Jeffery Quintanilla, effective June 25, 2018.

Request of Juvenile to place Michael Andrew Louis Britt, Juvenile Supervision Officer Substitute, on payroll, effective June 25, 2018.

Request of Juvenile to place Kirsty Rachelle Douglass, Juvenile Supervision Officer Substitute, on payroll, effective June 25, 2018.

Request of Juvenile to place Marvin Lavon Jenkins, Juvenile Supervision Officer Substitute, on payroll, effective June 25, 2018.

Request of Juvenile to change status of Marvin Lavon Jenkins, Juvenile Supervision Officer, as replacement for Sirevalon Cox-Todd, effective July 28, 2018.

Request of Juvenile to place Brian Uriel Perez, Juvenile Supervision Officer, on payroll, as replacement for Andrew Rodriguez, effective June 25, 2018.

Request of Juvenile to accept the retirement of Violet Lodell Perkins, Juvenile Supervision Officer, effective July 31, 2018. [251.165 hours or balance vacation; 3.375 hours or balance compensatory time; 2.25 hours or balance holiday]

Request of Sheriff to place Caleb Copeland, Officer Civilian Deten, on payroll as replacement for Zachary Stephen P. Kovach, effective July 14, 2018.

Request of Sheriff to promote Kenneth H. Dunlap, Lieutenant, as replacement for Timothy Bryan Holifield, effective July 14, 2018.

Request of Sheriff to accept the resignation of Joshua Paul Hunter, Deputy Patrol, effective July 13, 2018. [165.78 hours or balance vacation; 50.40 hours or balance compensatory time; 48.00 hours or balance holiday]

Request of Sheriff to accept the resignation of Zachary Stephen Preston Kovach, Officer Civilian Deten, effective July 6, 2018. [9.24 hours or balance vacation; 8.00 hours or balance holiday]

Request of Sheriff to increase salary of Willie Lee Mayes Jr., Deputy, due to step increase, effective June 30, 2018.

Request of Sheriff to place Kimberly A. Odom, Officer Civilian Deten, on payroll as replacement for Dennis R. Doerge, effective July 14, 2018.

Request of Sheriff to place Jodi Palmer, Dispatcher, on payroll as replacement for Chana Lee Woodrow, effective July 14, 2018.

Request of Sheriff to increase salary of Ricky Sheldon Richey, Deputy Detention, due to step increase, effective July 14, 2018.

Request of Sheriff to promote Marvin M. Rogers, Lieutenant Detention, as replacement for Andrew W. Eason, effective July 14, 2018.

Request of Sheriff to place Robert Chase Self, Deputy, on Unpaid Leave of Absence due to unpaid Military Leave, effective June 30, 2018.

Request of Sheriff to increase salary of Andrew Lawrence Senn, Deputy, due to step increase, effective July 14, 2018.

Request of Sheriff to transfer Dana Faye Smark, Detective, as replacement for Christopher E. Roberts, effective July 14, 2018.

Request of Sheriff to transfer James E. Sprayberry, Deputy Patrol, as replacement for Steve T. Degner, effective June 30, 2018.

Request of Sheriff to accept the resignation of Max Joseph Toliver Jr., Corporal, effective July 27, 2018. [68.34 hours or balance vacation; 65.7408 hours or balance compensatory time]

Request of Sheriff to transfer Pamela S. Wolfenberger, Temporary Data Clerk, from Sheriff/Crime Lab to Sheriff-Patrol South, effective June 30, 2018.

Request of Tax Assessor Collector to place Nichole Cruz, Deputy Specialist III, on payroll due to Return from Unpaid FMLA/Disability Leave, effective July 18, 2018.

- I1. REQUEST APPROVED to rescind Order to Abate Nuisance for 17513 Woods Drive, New Caney, Texas 77357. Rescinding original order to abate to notify additional owners of property.
- I2. REQUEST APPROVED to rescind Order to Abate Nuisance for 11791 White Cedar St., Willis, Texas 77378. Rescinding original order to abate to notify additional owners of property.
- I3. ORDER APPROVED to abate a public nuisance on the following property that is abandoned, deemed unsafe, or unlivable: 16310 Shalamar, Magnolia Texas 77353. The estimated total cost is \$3,600.00 and will be funded by CDBG.
- I4. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 13828 Walker Road Conroe, TX 77302.
- I5. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 18385 Nightingale Conroe, TX 77302.
- I6. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 15402 Rusty Oak Trail Conroe, TX 77302.
- I7. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 217 Sundew Court Magnolia, TX 77355.

COUNTY JUDGE – AGENDA ITEMS 9J1-2

- J1. REVISED RULES OF PROCEDURE FOR COMMISSIONERS COURT RECORDED as adopted June 26, 2018.
- J2. RE-APPOINTMENT APPROVED of Richard Duren and Janet Qureshi to the Tri-County Behavioral Healthcare Board of Trustees for a two-year term ending August 31, 2020.

SHERIFF – AGENDA ITEM 9K1

- K1. UPDATED APPLICATION ACCEPTED to the Law Enforcement Support Office (LESO) for the Montgomery County Sheriff's Office and County Judge is authorized to sign as the authorized representative for Montgomery County.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9L1-4

L1. PRECINCT 1

- a. ORDER APPROVED authorizing Notice of Public Hearing for Revision of Plat on August 28, 2018 for partial revision to lots/plats being described as Reserve "A", Hilltop Village Subdivision to be known as Kids World Learning Center.

L2. PRECINCT 2

- a. PUBLIC HEARING DATE SET for August 28, 2018 for abandonment of all or a portion of Old Hardin Store Road beginning at its intersection with Hardin Store Road and terminating at its intersection with railroad right of way.

L3. PRECINCT 3

- a. ORDER APPROVED acknowledging receipt of check in the amount of \$20.00 from Walter E. Vars for lease of real property described as 1.330 acres known as Lot 7 Skylight Timbers. Check has been forwarded to the Auditor for further processing.

L4. PRECINCT 4

- a. FULLY EXECUTED INTERLOCAL AGREEMENT RECORDED between City of Conroe and Montgomery County regarding a portion of Crighton Road and Barton Woods Section 3. This was approved July 10, 2018.

COUNTY ATTORNEY – AGENDA ITEM 9M1

- M1. RESOLUTION AND ORDER APPROVED for the settlement offer of \$4,135.89 to be paid to United Subrogation Associates in exchange for a full release of all claims in connection with in the demand letter provided under Claim No. G-17-0023. The County Auditor is ordered to issue a check in accordance with the settlement offer contingent upon receipt of a full release of all claims. This will be funded from 560171-7657.

DISTRICT CLERK – AGENDA ITEM 9N1

- N1. DEPUTATION APPROVED for following District Clerk employee:
 - a. Morgan Alexander.

AIRPORT – AGENDA ITEM 9O1-3

- O1. PARKING AND ACCESS EASEMENT AGREEMENT APPROVED with Black Forest Ventures Aviation RE, LLC at the Conroe-North Houston Regional Airport.
- O2. Consider and approve Partial Assignment of Land Lease Agreement was DEFERRED.
- O3. Consider and approve Third Amendment to Land Lease Agreement was DEFERRED.

CONSTABLE PRECINCT 5 – AGENDA ITEM 9P1

- P1. AGREEMENT AMENDED for Law Enforcement Services with Magnolia ISD to allow for 16 Deputies, 1 Sergeant, and 1 Lieutenant. A Deputy position will be upgraded to a Sergeant position (15 Deputies, 2 Sergeants, and 1 Lieutenant) during FY 2019 at the discretion of Constable Precinct 5. Constable David Hill is authorized to execute any and all documents necessary to effectuate same. Funding for all positions will be paid for by Magnolia ISD as previously approved in Commissioners Court.

BUILDING MAINTENANCE – AGENDA ITEMS 9Q1-2

- Q1. REPORT ACKNOWLEDGED AND INCENTIVE CHECK ACCEPTED in the amount of \$1,591.40 from Entergy Texas Citysmart Program for the Lone Star Convention Center. Check has been forwarded to the Auditor for further processing.
- Q2. FUNDING APPROVED for the purchase of two county vehicles for positions #510-8340-1 and #510-9517-1 with funding from the vehicle stipends currently received by those positions.

OFFICE OF COURT ADMINISTRATION – AGENDA ITEM 9R1

- R1. REQUEST APPROVED to use the District/County Court Technology Fund in the amount of \$2,556.90 for Jury Panel Displays in the County Court at Law No. 2.

GRANTS – AGENDA ITEMS 9S1-2

- S1. GRANT INCREASE ACCEPTED from the High Intensity Drug Trafficking Area Program (HIDTA) in the amount of \$48,230 for Grant G18HN0017A for the Sheriff's Office.
- S2. GRANT FUNDS ACCEPTED from Tri County Health Alliance in the amount of \$30,835.00 for automated external defibrillators (AED) for Constable Precinct 5 Office. Lieutenant Chad Walling is authorized to sign and accept grant on behalf of Montgomery County. Check has been forwarded to the Auditor for further processing.

Motion carried.

END OF CONSENT AGENDA

MOTION MADE BY COMMISSIONER NOACK TO APPROVE THE LEGISLATIVE CONSULTING CONTRACT FROM ROB EISSLER IN THE AMOUNT OF \$4,000.00 FOR A TOTAL AMOUNT NOT TO EXCEED \$48,000. THE MOTION DIED FOR LACK OF A SECOND.

CITIZENS – AGENDA ITEM 10

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

- 5. RESOLUTION APPROVED – MONTGOMERY COUNTY EMERGENCY COMMUNICATION DISTRICT BUDGET – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the Montgomery County Emergency Communication District's Budget for Fiscal Year 2019. Motion carried.

- 6. RESOLUTION AND ORDER APPROVED – INTERLOCAL AGREEMENT – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve Interlocal Agreement between Harris County Flood Control District, Montgomery County, Texas, San Jacinto River Authority and the City of Houston. County Judge is authorized to execute multiple counterparts of the Agreement on behalf of Montgomery County. Motion carried.

- 7. APPOINTMENT APPROVED – MONTGOMERY COUNTY HISTORICAL COMMISSION – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the appointment of Alexis Paul Sham to the Montgomery County Historical Commission. Commissioner Noack voted "No". Motion carried.

- 8. SUBMISSION AUTHORIZED – 5 YEAR CONSOLIDATED PLAN – COMMUNITY DEVELOPMENT

Motion by Commissioner Riley, seconded by Commissioner Meador, to authorize the submission of the Five Year Consolidated Plan (2018-2023). County Judge is authorized to sign documents relating to the plan. Motion carried.

- 9. REQUEST APPROVED – BUILD-OUT – COUNTY ATTORNEY

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the additional build-out of the third floor of the Sadler Building for the County Attorney.

This will be funded with Capital Improvement in an amount not to exceed \$50,000.00.
Motion carried.

10. CONTRACT APPROVED – CUSTOM ENFORCEMENT – CONSTABLE PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve contract between Custom Enforcement for the reimbursement of Joint Operations expenses from the Treasury Forfeiture Fund. Budget Line 5511-7202 will cover benefits associated with contract in the amount of \$398.40. This agreement is for an additional allotment for year 2018. Constable Precinct 1, Philip Cash is designated as official to sign and execute any and all related documents. Motion carried.

11. AMENDMENT APPROVED – INTERLOCAL AGREEMENT – CONSTABLE PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve amendment to Interlocal Agreement with Willis ISD for additional school resource officer and one additional full-time deputy position is authorized to be fully funded by Willis ISD. Constable Philip Cash is designated as the authorized official to sign and execute any and all associated documents. Motion carried.

AGENDA ITEM 15A – CONSIDER AND TAKE APPROPRIATE ACTION ON FIRST AMENDMENT TO TAX ABATEMENT WITH GALDISA USA, INC. WAS DEFERRED.

12. REALLOCATION APPROVED – RADIO SHOP MANAGER – SHERIFF

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the reallocation of excess position funds within the Sheriff's Budgets. The excess funds will be used to increase funding in the County Radio Shop Manager position 560163-8555-1. These funds will be moved effective August 11, 2018 as follows:

| From | | |
|-------------|---------------|----------------------------|
| Amount | Position | Title |
| \$5,000.00 | 5121-2307-600 | Part-Time Pooled Position |
| \$1,705.00 | 5121-3940-2 | Clerk IV |
| \$6,058.00 | 5121-5800-35 | Civilian Detention Officer |
| \$1,177.00 | 56016-4900-30 | Dispatcher |
| \$1,140.00 | 56016-4900-25 | Dispatcher |
| \$987.38 | 56016-4900-5 | Dispatcher |
| \$2,400.00 | 56016-4900-28 | Dispatcher |
| \$3597.79 | 56016-5414-1 | Telecom Records Specialist |
| To | | |
| Amount | Position | Title |
| \$22,065.27 | 560163-8555-1 | Radio Shop Manager |

Motion carried.

13. REQUEST APPROVED – EXTERNAL AUDIT – PURCHASING

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the following highly qualified provider per Gov't Code Chapter 2254 for external Audit Services from Weaver and Tidwell, LLP in the amount of \$50,000.00 for Auditor. Motion carried.

14. REQUEST APPROVED – PAINTING MCMHTF – MENTAL HEALTH FACILITY

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the purchase of painting the Montgomery County Mental Health Facility through the Interlocal Agreement with Choice Partners, contract #16/054JN-09 with Nash Industries Inc. in the amount of \$187,891.56 for Mental Health Facility as authorized by Local Gov't Code 271.102. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 18A1: CONSIDER THE PARTIAL REVISION OF PART OF LOTS R-TWENTY-FIVE (R-25), R-TWENTY-SIX (R-26), AND R-TWENTY-SEVEN (R-27), IN BLOCK TEN (10) OF CAPE CONROE, SECTION II, TO BE KNOWN AS CAPE CONROE SEC. 2, PARTIAL REPLAT NO. 1.

AGENDA ITEM 18A2: CONSIDER AND TAKE APPROPRIATE ACTION TO CLOSE, ABANDON, AND VACATE THE PORTIONS OF PUBLIC ROAD RIGHTS-OF-WAY KNOWN AS CAT'S PAW (AKA CATPAW TRAIL), SECOND STREET, AVENUE A, AVENUE B AND ALLEYS LOCATED IN THE JACOB SHANNON SURVEY, ABSTRACT 35, IN THE TOWN OF DOBBIN, AS RECORDED IN VOLUME 1, PAGE 25, MAP RECORDS OF MONTGOMERY COUNTY, TEXAS IN PRECINCT NO. 1 OF MONTGOMERY COUNTY, TEXAS

AGENDA ITEM 18A3: CONSIDER AND TAKE APPROPRIATE ACTION TO CLOSE, ABANDON, AND VACATE THE PORTIONS OF PUBLIC ROAD RIGHTS-OF-WAY KNOWN AS AVENUE C, LOCATED IN THE JACOB SHANNON SURVEY, ABSTRACT 35, IN THE TOWN OF DOBBIN, AS RECORDED IN VOLUME 1, PAGE 25, MAP RECORDS OF MONTGOMERY COUNTY, TEXAS IN PRECINCT NO. 1 OF MONTGOMERY COUNTY, TEXAS

COMMISSIONER NOACK LEFT THE COURTROOM, BUT RETURNED BEFORE THE PUBLIC HEARING CONCLUDED.

Sally McGehee addressed the court concerning proposed BNSF Railroad siding. She stated that their property has been sliced and diced for various projects. She stated that the community has many concerns such as safety, noise, traffic, and air quality. She would like the county to step up to BNSF and advocate for the community.

Jeff Estes with BNSF Railroad answered questions concerning the railroad project.

Anthony Porter addressed the court concerning the closing of 2nd Street. He stated that if that road is closed he would be cut off from his home.

The County Attorney's office stated that it was a mistake and that portion would not be closed and cut off.

Albert Patita a real estate agent working with BNSF stated that the court is discussing two different projects.

Jesus Lopez addressed the court concerning the BNSF Railroad project. He said he and his family do not feel safe living in the middle of train tracks.

AGENDA ITEM 18B1: CONSIDER THE PARTIAL REVISION OF RESERVE A, BLOCK 1 OF CLEVELAND (105) DTP ADDITION, TO BE KNOWN AS CLEVELAND (105) DTP ADDITION, PARTIAL REPLAT NO. 1.

AGENDA ITEM 18B2: CONSIDER THE PARTIAL REVISION OF LOT 15, BLOCK 2, OF PEACH CREEK PLANTATION SECTION 2, TO BE KNOWN AS PEACH CREEK PLANTATION SECTION 2, PARTIAL REPLAT NO. 2.

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

15. FINAL PLAT APPROVED – CAPE CONROE SEC 2 PARTIAL REPLAT NO. 1 – PRECINCT 1

ORDER APPROVED – VARIOUS STREETS IN DOBBIN – PRECINCT 1

ORDER APPROVED – VARIOUS STREETS IN DOBBIN – PRECINCT 1

FINAL PLAT APPROVED – CLEVELAND (105) DTP ADDITION PARTIAL REPLAT NO. 1 – PRECINCT 4

FINAL PLAT APPROVED – PEACH CREEK PLANTATION SECTION 2 PARTIAL REPLAT NO. 2 – PRECINCT 4

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the following items discussed during the public hearing:

- a. Final Plat approved for Cape Conroe Sec 2 Partial Replat No. 1; 2.870 acres; William Atkins League Survey, A-3,
- b. Order approved closing, abandoning, discontinuing and vacating streets and alleys in Dobbin Townsite as follows: Cat's Paw (aka Catpaw Trail), Second Street, Avenue A, Avenue B. and alleys located in the Jacob Shannon Survey, A 35,
- c. Order approved closing, abandoning, discontinuing and vacating a portion of Ave C Dobbin Townsite Road Right of Way,
- d. Final Plat approved for Cleveland (105) DTP Addition Replat No. 1; 1.618 acres; Thomas Devers Survey A-790, and
- e. Partial Revision of Lot 15, Block 2 of Peach Creek Plantation Section 2 to be known as Peach Creek Plantation Section 2 Partial Replat No. 2. The plat was not ready for this item and this motion was amended to remove this replat. See Motion #19.

Motion carried.

AGENDA ITEMS 19-1 (CAPE CONROE SEC 2 PARTIAL REPLAT NO. 1) AND 19-2(CLEVELAND (105) DTP ADDITION PARTIAL REPLAT NO. 1) WERE APPROVED IN MOTION 15.

16. REQUEST APPROVED – POSITION CHANGES – COMMISSIONER PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve closing part-time recycle technician position 6122-2903-500 and opening full-time recycle technician position 6122-2903-2. All salary and benefit dollars totaling \$22,352.00 will be moved from part-time position 6122-2903-500 to new full time position 6122-2903-2. The additional \$36,612.00 in salary and benefits needed to cover medical insurance and the position moving from part-time to full-time will be funded from account 612-7997. Motion carried.

Eric Yollick addressed the court concerning the security at the courthouse. He stated the county government is in a fiscal nightmare and the proposal from the Security Committee would break the tax payers back. He questioned the County Judge's signature on the letter and presented a golden hammer to Judge Doyal for costs that would be associated with the items in the letter.

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, 551.072, AND 551.076.

EXECUTIVE SESSION – AGENDA ITEM 21A: CONSIDER AND DISCUSS CORRESPONDENCE FROM COURT SECURITY COMMITTEE TO COMMISSIONERS COURT. (SECTION 551.076).

EXECUTIVE SESSION – AGENDA ITEM 21B: CONSIDER AND DISCUSS PERSONAL INJURY CLAIM NO. A-16-0068: ANDREW FEDER, DATE OF INCIDENT 07/05/16. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 23C: CONSIDER AND DISCUSS PROPERTY CLAIM NO. H-U8-2517: ENTERPRISE, DATE OF INCIDENT 08/27/17. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM 21D: DISCUSS THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY. (SECTION 551.072)

COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT WITH THE EXCEPTION OF COMMISSIONER JIM CLARK.

17. RESOLUTION AND ORDER APPROVED – CLAIM NO. A-16-0068 – COUNTY ATTORNEY

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the settlement offer of \$27,500.00 to be paid to Ander Feder and Steven M. Polotko in exchange for a full release of all medical claims in connection with in the demand letter provided under Claim No. A-16-0068 and the County Auditor is ordered to issue a check in accordance with the settlement offer contingent upon receipt of a full release of all claims with funding from Risk Management Property and Casualty Budget. Motion carried.

18. AGREEMENT APPROVED – CONSULTING SERVICES – COMMISSIONER PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the Legislative Consulting Services Agreement with Rob Eissler concerning I-45, and state roads, and flood related issues. This will be funded by Commissioner Precinct 2 and Commissioner Precinct 3. Motion carried.

CITIZENS – AGENDA ITEM 23

Bill O'Sullivan thanked the court for the procedures for comments during Commissioners Court, but he does not want the total time limit restricted for more intense issues.

Jennifer Steen addressed the court concerning Family Promise. She serves on the board and briefly stated that the organization helps homeless families and informed the court about a fundraiser in the fall on October 6, 2018.

MISCELLANEOUS – AGENDA ITEM 24

19. MOTION AMENDED – MOTION #15 – PUBLIC HEARING

Motion by Commissioner Meador, seconded by Commissioner Noack, to amend motion 15 approved earlier in court to approve Agenda items 18A1 Final Plat approved for Cape Conroe Sec 2 Partial Replat No. 1; 2.870 acres; William Atkins League Survey, A-3, 18A2 Order approved closing, abandoning, discontinuing and vacating streets and alleys in Dobbin Townsite as follows: Cat's Paw (aka Catpaw Trail), Second Street, Avenue A, Avenue B. and alleys located in the Jacob Shannon Survey, A 35, 18A3 (Order approved

closing, abandoning, discontinuing and vacating a portion of Ave C Dobbin Townsite Road Right of Way) and 18B1(Final Plat approved for Cleveland (105) DTP Addition Replat No. 1; 1.618 acres; Thomas Devers Survey A-790). (Agenda item 18B2 was not approved as stated in motion 15). Motion carried.

20. COURT ADJOURNS

Motion by Commissioner Riley, seconded by Commissioner Meador, 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

Angela Dapal
COUNTY JUDGE

