

COMMISSIONERS COURT DOCKET
September 11, 2018
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 11th day of September, 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

A MOMENT OF SILENCE WAS OBSERVED IN MEMORY OF 9/11.

THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA RECITED.

THE PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG RECITED.

AGENDA ITEM 7A – FALLEN FIREFIGHTERS MEMORIAL WAS DEFERRED.

1. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Noack, seconded by Commissioner Riley, to approve the Minutes from Public Hearing dated August 24, 2018 and Regular Session of Commissioners Court dated August 28, 2018. Motion carried.

2. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 9A-O

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 9A1-2

A1. BUDGET AMENDMENTS FY2018 APPROVED:

- a. 359th District Court: To transfer funds from 359th DC to IT.
- b. 435th District Court: To adjust line items.
- c. Adult Probation: To adjust line items.
- d. Airport: To adjust line items.
- e. Alternate Dispute Resolution: To recognize and allocate revenues.
- f. Animal Shelter: To adjust line items.

- g. Building Maintenance: To fund DA 1st floor space, CCT08.14.18M19.
- h. Certificates of Obligation: To adjust line items.
- i. Commissioner Pct. 1: To adjust line items and transfer funds from Comm 1 to Const 2.
- j. Commissioner Pct. 3: To adjust line items and recognize and allocate revenue.
- k. Constable Pct. 2: To adjust budget lines.
- l. Constable Pct. 3: To recognize and allocate revenue and adjust line items.
- m. Constable Pct. 4: To recognize and allocate revenue.
- n. County/District Court Tech fund: To recognize and allocate revenue-Judge's iPad and correct 08.06 BA and allocate to appropriate cost center.
- o. County Engineering: To adjust line items and transfer funds from Engineering to Building Maintenance.
- p. County Judge: To adjust line items.
- q. County Treasurer: To adjust line items.
- r. Court Reporter Service Fund: To recognize and allocate revenue-visiting court reporter.
- s. Emergency Management: To adjust line items for Reg Hazmat Team Sustainment.
- t. FEMA-DR-4332-TX: To set-up budget for Hurricane Harvey Cat A and Hurricane Harvey DAC and adjust line items.
- u. JP Collections: To recognize and allocate revenue-JP Collection June 18 and July 18.
- v. Juvenile: To adjust line items for contract deputies and adjust line items.
- w. MCTRA: To adjust line items.
- x. Mental Health: To adjust line items, adjust line items for gas pipe painting, and adjust line items for additional awning expense.
- y. Non-Departmental: To allocate FY18 utility funds and adjust line items FY18 utilities.
- z. Pass Through Toll Refunding Bonds 2012: To adjust line items.
- aa. Permits: To adjust line items.
- bb. Purchasing: To transfer funds for DA8/14/18 M3.
- cc. Sheriff: To adjust line items.
- dd. Sheriff-HPD-HTRA: To adjust line items for the HPD HTR grant per Grantor M5/07.10.18.

- ee. Sheriff-HSI Human Trafficking: To allocate funds for the HSI Human Trafficking Contract.
- ff. Sheriff-ICE-Homeland Security Investigations: To set up S.O. ICE-Gang 3rd allotment and 4th allotment M5/08.28.18.
- gg. Sheriff-Jail: To recognize and allocate revenue.
- hh. Sheriff-MOCONET: To allocate funds as increased by HSI M5/08.28.18.
- ii. Tax Office: To transfer funds to Building Maintenance.

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

COUNTY CLERK – AGENDA ITEM 9B1

- B1. CORRECTION APPROVED of the class code/position number changes that were presented and approved in Commissioners Court on August 14, 2018 as follows:
- Re-open position #403.3940.3 Clerk IV and return \$39,412.50 previously transferred to position #403.3930.1 to position #403.3940.3 and return \$3,730.86 previously transferred to the funding position to position #403.3940.3. The total salary for position #403.3940.3 will be \$43,143.36 plus all associated benefits.
 - Close position #403.3940.7 Clerk IV and open position #403.3930.1 Clerk III. Transfer \$39,552.24 and all associated benefits from closed position to open position.

TREASURER – AGENDA ITEM 9C1

- C1. MONTHLY STATEMENT OF BALANCES APPROVED for July 2018.

TAX ASSESSOR/COLLECTOR – AGENDA ITEMS 9D1

- D1. ACCEPTANCE ACKNOWLEDGED of Continuation Certificate of Surety Bond #105329863 for AAA Texas, LLC in the amount of \$25,000.00 Montgomery County has no responsibility for payment of this bond.

PURCHASING – AGENDA ITEMS 9E1-5

- E1. ADVERTISING APPROVED for the following bids/proposals:
- a. Project #19-02 trucks with service bodies for Building Maintenance.
- E2. RENEWALS AWARDED:
- a. Lease of Tower Space-Tamina with Pinnacle Towers LLC for the Sheriff's Office (Exercising the first of four renewal options.)
 - b. Project #2013-0047 hardware IBM maintenance and software (AIX) support with Strategy 7 Corporation for IT. (Exercising the fifth of five renewal options)
- E3. UTILIZATION APPROVED on the following contracts:
- a. Elevator equipment, service, repair and related services through the Region 4 Education Service Center TCPN contract #R150801 from Thyssenkrupp Elevator Corporation as authorized by Local Gov't Code §271.102 for Various Departments.
- E4. CHANGE ORDERS APPROVED:

- a. CO #7 to Conroe Floor and Hardware, Inc. for hardwood, lumber supplies and miscellaneous items to add additional items with price changes for Building Maintenance.
- b. CO #2 to Fisher and Arnold, Inc. for engineering services for Birnham Woods for addition of retaining wall including design layouts calculations and coordination in the amount of \$7,200.00 for Precinct 3.
- c. CO #2 to RC Smith Companies dba Smith & Company for Gene Campbell Boulevard construction and widening for additional base failure repair between Nichols Lane and FM 1485 in the amount of \$43,120.00 for Precinct 4.
- d. CO #1 to Lessman Roofing and Sheet Metal for Olen Underwood Juvenile Justice Center for changes in the amount of \$2,899.00 for Building Maintenance.

E5. DISCRETIONARY EXEMPTIONS APPROVED:

- a. Wavetronix products as an item that can be obtained from only one source from Twincrest, Inc. dba Twincrest Technologies for Various Departments. Local Gov't Code §262.024(a)(7)
- b. Professional training as a personal or professional service from Texas A&M Engineering Extension Services for Various Departments. Local Gov't Code §262.024(a)(4)

RISK MANAGEMENT – AGENDA ITEMS 9F1-3

- F1. PAYMENT ACKNOWLEDGED to Monica King and Ravyn Traylor in the amount of \$1,310.25 in reference to Claim #A-18-0053 DOL 07.10.18.
- F2. PAYMENT ACNOWLEDGED to Rachel Myrthil in the amount of \$246.84 in reference to Claim #A-16-0125 DOL 09.01.16.
- F3. CHANGES, ADDITIONS AND RELEASES APPROVED for the following:

<u>BOND</u>	<u>NAME/DEPT</u>	<u>AMOUNT</u>	<u>ACTION</u>
63759728	Perkins, Teresa/Const Pct 5	\$5,000	New
63752980	Wolsey, Ryan/Const Pct 3	\$5,000	New
63759147	Smith, Jason/Const Pct 2	\$2,000	New
63759147	Smith, Jason/Const Pct 2		Rider/Correct to Reserve

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9G1-4

- G1. PRECINCT 1
 - a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Hills of Westlake, Section 1.
- G2. PRECINCT 2
 - a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Denali Wilderness Parkway Dedication Plat and bond is released.
 - b. FINAL PLAT APPROVED of Big Tree Commercial Plaza Replat No. 1; 0.9919 acres; John Thomas Survey, A-549.
- G3. PRECINCT 3

- a. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Meadows at Imperial Oaks, Section 5.
- b. FINAL PLAT APPROVED of Park at Woodline Drive; 0.1346 acres; C.F. Baumlin Survey, A-105.

G4. PRECINCT 4

- a. PUBLIC HEARING DATE SET for October 9, 2018 to establish a 25 mph speed limit on Greenberry Drive.
- b. PUBLIC HEARING DATE SET for October 9, 2018 to establish a 25 mph school zone on Sorters Road for Brookwood Elementary School and Infinity Early College High School.
- c. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Kings Mill, Section 10.
- d. FINAL PLAT APPROVED of Superior Properties of Texas; 2.172 acres; Joseph M. Everett Survey, A-197.
- e. FINAL PLAT APPROVED of Porters Mill, Section 3; 36.026 acres; Ira Milliman Survey, A-340.

HUMAN RESOURCES – AGENDA ITEM 9H1

H1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Animal Control to place Chantal Alvarado, Clerk I, on payroll as replacement for Eryka Ort, effective August 27, 2018.

Request of Animal Shelter to place Kimberly J. Buchanan, Kennel Technician, on payroll as replacement for Christopher A. Daniel, effective August 31, 2018.

Request of Animal Shelter to place Glynda K. Holden, Kennel Technician, on payroll as replacement for Giovanna Angulo Salazar, effective September 1, 2018.

Request of Animal Shelter to accept the resignation of Dustin Siders, Kennel Technician, effective August 21, 2018. [126.09 hours or balance vacation; 31.125 hours or balance compensatory time; 1.25 hours or balance holiday]

Request of Custodial to accept the resignation of Amanda L. Craig, Custodian, effective August 29, 2018. [No benefits due]

Request of Commissioner Precinct 2 to accept the resignation of Arnold Dale Parr, Operator I, effective August 23, 2018. [29.24 hours or balance vacation; 4.50 hours or balance compensatory time; 6.00 hours or balance holiday]

Request of Commissioner Precinct 4 to place Tyler Woodard, Operator I, on payroll as replacement for Jeffrey Barton II, effective August 27, 2018.

Request of Constable Precinct 5 to transfer Kim B. Gordon, Deputy-Constable, as replacement for Jeremy Park, effective September 8, 2018.

Request of Constable Precinct 5 to transfer Joshua T. Carley, Sergeant Constable, as replacement for Kim Gordon, effective September 8, 2018.

Request of Constable Precinct 5 to transfer Jeremy D. Park, Deputy Constable, as replacement for Joshua Carley, effective September 8, 2018.

Request of County Auditor to accept the resignation of Marcos A. Tavaréz, Budget Analyst, effective September 4, 2018. [87.57 hours or balance vacation; 8.00 hours or balance holiday]

Request of County Clerk to change status of Pamela Jo Kelley, Clerk III, due to job re-evaluation, effective September 1, 2018.

Request of District Attorney to promote Jacqueline Marston Bello, Attorney II, as replacement for Neel Kapur, effective September 1, 2018.

Request of District Attorney to change position of Neel Kapur, Attorney II, as replacement for Philip Andrew Teissier, effective September 1, 2018.

Request of District Attorney to promote Wesley James Leroux, Attorney III, as replacement for Brittany E. Litaker, effective September 1, 2018.

Request of District Attorney to change position of Brittany Elaine Litaker, Attorney III, as replacement for Lisa Renee Stewart, effective September 1, 2018.

Request of District Attorney to place Lydia Diane Murphy, Attorney I, on payroll as replacement for Nathan Alsbrooks, effective September 4, 2018.

Request of District Attorney to place Debra M. Piazza, Legal Assistant I, on payroll due to return from unpaid leave of absence, effective August 29, 2018.

Request of District Attorney to change position of Modesto E. Rosales, Attorney I, as replacement for Jacqueline Marston Bello, effective September 1, 2018.

Request of District Attorney to place Christopher P. Seufert, Attorney III, on payroll, effective October 1, 2018.

Request of District Attorney to promote Lisa Renee Stewart, Chief Prosecutor, as replacement for Blake E. Enax, effective September 1, 2018.

Request of District Attorney to change position of Philip Andrew Teissier, Attorney II, as replacement for Wesley James Leroux, effective September 1, 2018.

Request of District Clerk to place Melissa Morris, Court Clerk II, on payroll as replacement for Amanda Hernandez, effective August 27, 2018.

Request of District Clerk to place Danielle Pittman, Court Clerk II, on payroll as replacement for Karen Cantrell, effective August 27, 2018.

Request of District Clerk to place Ryan Rendon, Court Clerk II, on payroll as replacement for Kelly Hamilton, effective August 27, 2018.

Request of District Clerk to place Maria Theo, Court Clerk II, on payroll as replacement for Jaree Ellen Herman, effective August 27, 2018.

Request of Elections to place Bennie Bronikowski, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Gregory Chapman, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Paula Clark, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Timothy Cook, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Laury D. Finn, Voter Clerk, on payroll, effective September 10, 2018.

Request of Elections to place Alanna Floyd, Voter Clerk, on payroll, effective September 10, 2018.

Request of Elections to place Angela Floyd, Voter Clerk, on payroll, effective September 10, 2018.

Request of Elections to place Joseline Garcia, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Bruce Gilchrist, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Ilene Hall, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Larry Hall, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Jaizel Juarez, Voter Clerk, on payroll, effective August 27, 2018.

Request of Elections to place Norma Langeland, Voter Clerk, on payroll, effective September 10, 2018.

Request of Elections to place Barbara Lujan, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Lillian Patterson, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to place Cynthia Ponder, Voter Clerk, on payroll, effective September 8, 2018.

Request of Elections to accept the resignation of Reginald Smith, Voter Clerk, effective September 10, 2018. [No benefits due]

Request of Elections to accept the resignation of Katelyn Stanley, Voter Clerk, effective August 27, 2018. [No benefits due]

Request of Justice of the Peace Pct 1 to transfer Maria Raya-Rojas, Part-time Clerk, effective August 28, 2018.

Request of Justice of the Peace Pct 3 to place Delia E. Baker, Court Clerk II, on payroll as replacement for Jamie Smith, effective August 27, 2018.

Request of Juvenile to accept the resignation of Crystal Necole Bibbs, Juvenile Supervision Officer Substitute, effective September 4, 2018. Is eligible for re-hire. [No benefits due]

Request of Juvenile to promote Brian Uriel Perez, Juvenile Probation Officer, as replacement for Courtney West, effective September 8, 2018.

Request of Library to place Faith A. McDaniel, Library Assistant II, on payroll as replacement for Melanie Chamberlain, effective September 11, 2018.

Request of Library to accept the resignation of Shirley Marino Lee, Driver (Mosquito), effective August 17, 2018. [No benefits due]

Request of Sheriff to transfer John N. Blue III, Deputy, as replacement for Lee Erik Knudsen, effective August 25, 2018.

Request of Sheriff to promote Joshua Herbert Boone, Deputy, as replacement for Robert Chase Self, effective August 25, 2018.

Request of Sheriff to transfer Jeremiah Bourne, Deputy, as replacement for Jonathan A. Walker, effective August 25, 2018.

Request of Sheriff to transfer Dimitri M. Carpenter, Deputy-Patrol, as replacement for Richard J. Rulong Jr., effective August 25, 2018.

Request of Sheriff to promote Kendrick L. Castillo, Deputy, as replacement for Terry Lee Davis, effective August 25, 2018.

Request of Sheriff to promote David W. Coker, Deputy, as replacement for Scott A. St. John, effective August 25, 2018.

Request of Sheriff to accept the resignation Caleb G. Copeland, Officer Civilian Deten, effective August 29, 2018. [9.24 hours or balance vacation; 18.38 hours or balance compensatory time; 8.00 hours or balance holiday]

Request of Sheriff to increase salary of Jason K. Davidson, Detective, due to step increase, effective September 22, 2018.

Request of Sheriff to promote Benjamin W. Davis, Deputy Patrol, as replacement for Joshua S. Hilado, effective August 25, 2018.

Request of Sheriff to transfer Terry Lee Davis, Deputy Patrol, as replacement for Joshua Paul Hunter, effective August 25, 2018.

Request of Sheriff to promote Todd Mitchell Ellis Jr., Deputy Patrol, as replacement for John N. Blue III, effective August 25, 2018.

Request of Sheriff to promote Joshua P. Franklin, Deputy, as replacement for Magdalena Strong Moseley, effective August 25, 2018.

Request of Sheriff to promote Michael C. Gates, Deputy, as replacement for Jeremiah Bourne, effective August 25, 2018.

Request of Sheriff to promote Nathan T. Hall, Deputy, as replacement for Justin Ray Lappin, effective August 25, 2018.

Request of Sheriff to promote Joshua S. Hilado, Detective, as replacement for Michael David Lee, effective August 25, 2018.

Request of Sheriff to promote Matthew D. Jones, Deputy, effective August 25, 2018.

Request of Sheriff to promote Justin Brent Kellas, Deputy, as replacement for Devin X. Mayes, effective August 25, 2018.

Request of Sheriff to promote Nathan G. Kern, Deputy Patrol, as replacement for Ryan Louis Mathis, effective August 25, 2018.

Request of Sheriff to place Daryl Kileleman, Mechanic III, on payroll as replacement for Keith Michael Colangelo, effective September 8, 2018.

Request of Sheriff to promote Allen W. Kulhanek Jr., Deputy, effective August 25, 2018.

Request of Sheriff to correct PCR of Robert E. Layman Jr., Deputy Patrol, to correct the name as approved in CC 08/28/18, effective August 25, 2018.

Request of Sheriff to increase salary of Errett C. Leck, Corporal, due to step increase, effective September 22, 2018.

Request of Sheriff to increase salary of Ashley M. Mellon, Corporal, due to step increase, effective September 8, 2018.

Request of Sheriff to promote Stephen J. Mitchell, Deputy, as replacement for Stephanie Marie Lee, effective August 25, 2018.

Request of Sheriff to promote Pamela E. Munson, Deputy, as replacement for Dimitri M. Carpenter, effective August 25, 2018.

Request of Sheriff to increase salary of Javier Eduardo Ochoa, Deputy Patrol, due to step increase, effective September 22, 2018.

Request of Sheriff to promote Austin Samuel Porter, Deputy, as replacement for Edward C. Fisher III, effective August 25, 2018.

Request of Sheriff to promote Corey A. Rice, Deputy, as replacement for James Buchanan Hinkel, effective August 25, 2018.

Request of Sheriff to promote Mayra Rodriguez, Deputy, effective August 25, 2018.

Request of Sheriff to increase salary of Ryan William Savage, Deputy Bailiff, due to step increase, effective September 22, 2018.

Request of Sheriff to place Tracy Shillock, Admin Manager II, on payroll as replacement for Larry G. Lowry, effective September 1, 2018.

Request of Sheriff to promote Karrie L. Shugart, Deputy, effective August 25, 2018.

Request of Sheriff to increase salary of Landon P. Slatter, Corporal, due to step increase, effective September 22, 2018.

Request of Sheriff to increase salary of Dana Faye Smark, Detective, due to step increase, effective September 22, 2018.

Request of Sheriff to increase salary of Jason Thomas Uhler, Deputy Detention, due to step increase, effective September 8, 2018.

Request of Sheriff to promote Ricardo M. Uresti III, Deputy, effective August 25, 2018.

Request of Sheriff to increase salary of Dana Eileen Vailes, Sergeant Detention, due to step increase, effective September 8, 2018.

Request of Sheriff to increase salary of Zachary Joseph Vercher, Deputy, due to step increase, effective September 22, 2018.

Request of Tax Assessor-Collector to place Sarah Walker, Deputy Specialist I, on payroll as replacement for Laura Crowson, effective September 10, 2018.

ENVIRONMENTAL HEALTH – AGENDA ITEMS 9I1-2

- I1. ORDER APPROVED to abate a public nuisance on the following property that is abandoned, deemed unsafe, or unlivable: 17513 Woods Drive, New Caney, Texas 77357. Estimated total cost \$9,000 to be funded by CDBG.
- I2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 41620 Woodway Street Magnolia, TX 77354.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9J1-3

J1. PRECINCT 1

- a. ORDER APPROVED declaring the existence of a public necessity and authorizing the institution of eminent domain proceedings for Parcel 79 of the FM 1097 Road Expansion Project owned by Erhard Legacy Partners, LTD.
- b. RESOLUTION AND ORDER TO PAY APPROVED for the funding of actual moving costs relating to the acquisition of Parcel 59 for the expansion of FM 1097 payable to Terri Rosamond in the amount of \$3,006.00.
- c. RESOLUTION AND ORDER TO PAY APPROVED for the funding of the acquisition, purchase and funding of the acquisition of Parcel 68 of the expansion of FM 1097 from Jess H. Young and Jeffrey A. Young for the total sum of \$93,713.50 and to accept the executed or to be executed deed.
- d. RESOLUTION AND ORDER TO PAY APPROVED for the funding of the acquisition, purchase and funding of the acquisition of Parcel 81 of the expansion of FM 1097 from Robert C. Boyd and Charles D. Boyd Family Trust for the total sum of \$23,748.50 and to accept the executed or to be executed deed.
- e. AGREEMENT APPROVED between Montgomery County and Armenta Capital Investments, Inc. dba Giovanni's Continental Cuisine for use of the County's Sanitary Sewer Lift Station located at Lake Conroe Park in Precinct 1.
- f. AGREEMENT APPROVED between Montgomery County and Ginverusa, LLC. dba Wolfie's at Lake Conroe for use of the County's Sanitary Sewer Lift Station located at Lake Conroe Park in Precinct 1.

J2. PRECINCT 3

- a. AERIAL/CRANE EASEMENT AGREEMENT APPROVED between Montgomery County and HL-2LE Holding Company, LLC for 0.5339 acre tract of land in the John Taylor Survey, A-547 (MF East Crane #2).
- b. AERIAL/CRANE EASEMENT AGREEMENT APPROVED between Montgomery County and HL-2LE Holding Company, LLC for 0.1404 acre tract of land in the John Taylor Survey, A-547 (MF West Crane #2).

J3. PRECINCT 4

- a. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 9 for the widening of Old Houston Road from Paula Lynch for the total sum of \$1,851.86 and accept the executed or to be executed deed.
- b. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 15 for the widening of Old Houston Road from Elizabeth Kubiak for the total sum of \$6,187.86 and accept the executed or to be executed deed.
- c. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 16 for the widening of Old Houston Road from Maricela Aranda and Anarely Aranda for the total sum of \$7,251.50 and accept the executed or to be executed deed.
- d. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 19 for the widening of Old

Houston Road from Malcolm W. Kirksey and Michael G. Kirksey for the total sum of \$4,118.86 and accept the executed or to be executed deed.

- e. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase and funding of the acquisition of Parcel 22 for the widening of Old Houston Road from Michael G. Kirksey for the total sum of \$4,759.86 and accept the executed or to be executed deed.
- f. DRAINAGE EASEMENT APPROVED on 0.03041 acre out of Lot 23, Block 4 River Club Estates Section 2 from Alan H. Prober to Montgomery County.
- g. DRAINAGE EASEMENT APPROVED on 0.02984 acre out of Lot 14, Block 4 River Club Estates Section One from Helga Phillips to Montgomery County.
- h. AGREEMENT APPROVED authorizing placement of Improvements within right-of-way between Montgomery County and New Caney Municipal Utility District relating to Caney Drive.

COUNTY ATTORNEY – AGENDA ITEMS 9K1-6

- K1. RESOLUTION AND ORDER APPROVED for the settlement offer of \$2,200.00 to be paid to Shield Global Partners-G1 in exchange for a full release of all claims in connection with the demand letter provided under Claim No. A-18-0016. 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 40220-748381.
- K2. RESOLUTION AND ORDER APPROVED for the settlement offer of \$800.00 to be paid to Travis Morgan in exchange for a full release of property damage in connection with in the demand letter provided under Claim No. G-18-0060. 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 613-7657.
- K3. RESOLUTION AND ORDER APPROVED for the settlement offer of \$11,364.03 to be paid to Enterprise dba Damage Recovery in exchange for a full release of property damage in connection with in the demand letter provided under Claim No. A-18-0057. 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 40220 748383.
- K4. ORDER APPROVED authorizing filing of suit against Amanda Adams for Claim No. U-18-0018 for damages incurred in the collision on March 27, 2018.
- K5. INTERLOCAL SOFTWARE LICENSE AGREEMENT APPROVED between Fort Bend County and Montgomery County.
- K6. RESOLUTION AND ORDER APPROVED for the settlement offer of \$7,722.04 to be paid to Allstate in exchange for a full release of all claims in connection with in the demand letter provided under Claim No. U-18-0030. 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 40220748383.

DISTRICT CLERK – AGENDA ITEM 9L1

- L1. DEPUTATIONS APPROVED of the following District Clerk employees:
 - a. Maria Theo
 - b. Ryan Rendon
 - c. Danielle Pittman

d. Melissa Morris

GRANTS – AGENDA ITEM 9M1

- M1. INTERLOCAL AGREEMENTS APPROVED between Montgomery County and Walker/Grimes Counties for the Sheriff's Office FY 19 Automobile Burglary and Theft Prevention Grant (ABTPA). The funding was accepted in Commissioners Court on 06/26/2018.

FIRE MARSHAL – AGENDA ITEM 9N1

- N1. HIPPA BUSINESS ASSOCIATE AGREEMENT APPROVED between Montgomery County and Montgomery County Hospital District for Responder 360 Software. County Judge is authorized to sign related documents on behalf of Montgomery County.

COUNTY JUDGE – AGENDA ITEM 9O1

- O1. INTERLOCAL SERVICE AGREEMENT RATIFIED between The United States Department of Homeland Security U.S. Immigration and Customs Enforcement Office of Enforcement and Removal Operation and Montgomery County to provide detention and detention-related services at the Joe Corley Processing Center.

Motion carried.

END OF CONSENT AGENDA

Bill O'Sullivan addressed the court concerning the reduction of the budget for the County Auditor. He stated that the court should have planned and done this right the first time.

Eric Yollick addressed the court concerning the County Auditor. He stated the County Auditor should not be involved with County policy or politics and this is the first time that he has seen The Board of District Judges oversee the work of the County Auditor.

Judge Robin discussed the action taken by Commissioners Court on 09-05-2018 in regards to the budget of the County Auditor.

Members of the court discussed the issue.

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

3. REQUEST APPROVED – BUDGET OF COUNTY AUDITOR – 410TH DISTRICT COURT

Motion by Commissioner Riley, seconded by Commissioner Meador, to return the \$234,492.00 removed from the Auditors budget and placed in contingency back into the Auditors budget. Commissioner Noack voted "No." Motion carried.

CITIZENS – AGENDA ITEM 10

Citizens will address the court at the time the agenda item is presented.

4. APPOINTMENT APPROVED – HISTORICAL COMMISSION – COUNTY JUDGE

Motion by Commissioner Noack, seconded by Commissioner Riley, to appoint Elijah Easley to the Montgomery County Historical Commission. Motion carried.

Commissioner Meador left the courtroom.

5. ADOPTION OF ORDER APPROVED – WASTE MANAGEMENT INC. – COUNTY JUDGE

Motion by Commissioner Riley, seconded by Commissioner Noack, to approve the adoption of an order with respect to Waste Management, Inc.'s refinance of its Mission Economic Development Corporation (MEDC) Solid Waste Disposal Revenue Bonds Series 2006 in the amount of \$41,750,000 through the National Finance Authority along with approximately \$45,000,000 of bonds issued in Oregon and Florida. County Judge is authorized to execute certificates approving the Order and Public Hearing. Motion carried.

Commissioner Meador returned to the courtroom.

AGENDA ITEM 12A – THE CAPITAL IMPROVEMENT PLAN WAS PRESENTED AND DISCUSSED.

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

6. AMENDED PAGE ACCEPTED – FY 2019 PROPOSED BUDGET – BUDGET OFFICE

Motion by Commissioner Noack, seconded by Commissioner Clark, to accept the Amended Cover Page for FY 2019 Proposed Budget. Motion carried.

7. COMMISSIONERS COURT AGENDA APPROVED.

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

8. REQUEST APPROVED – CARRYOVER FUNDS – CONSTABLE PRECINCT 5

Motion by Commissioner Riley, seconded by Commissioner Noack, to approve the carryover of remaining funds for fiscal year 2018 from line item 7418, professional development to line item 7418 for fiscal year 2019. Motion carried.

A motion was made by Commissioner Meador and seconded by Commissioner Clark to authorize the renovation of the first floor activity room at South Regional Library. This motion was withdrawn and agenda item 16A was deferred.

9. PURCHASE APPROVED – TELESCOPIC AERIAL DEVICE – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the purchase of one articulating telescopic aerial device with options through the Sourcewell contract #012418(formerly known as NJPA) from Altec, Inc. in the amount of \$132,306.00 as authorized by Local Gov't Code §271.102 for Precinct 3. Motion carried.

10. PURCHASE APPROVED – THE WOODLANDS VMS/PSV NETWORK SOLUTION – EMERGENCY MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the purchase of The Woodlands VMS/PSV Network solution through the Department of Information Resources contract #DIR-TSO-3632 from Preferred Technologies, LLC in the amount of \$371,090.24 to be funded by the 2016 UASI Grant for Emergency Management. Motion carried.

11. PURCHASE APPROVED – NETWORK CAMERAS – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the purchase of twenty Axis Network Cameras with accessories through the Choice Partners contract #15/006MP-13 from NWN Corporation in the amount of \$54,160.00 as authorized by Local Government Code §271.102 for Precinct 3. Motion carried.

12. CONTRACT NEGOTIATION APPROVED – ARMORED TRANSPORTATION SERVICES – VARIOUS DEPARTMENTS

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the negotiation of a contract for project #18-41 RFP- Armored Transportation Services and Intelligent Safe Technology with Dunbar Armored, Inc. for Various Departments. The contract will be brought back to court. Motion carried.

13. AWARD APPROVED – NEW VEHICLES – VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the award for Project #19-01 New Vehicles for Various Departments to the following: Caldwell Country Chevrolet for vehicles 1,5; Caldwell Country Ford for vehicle 8; Grapevine Chrysler Jeep Dodge for vehicles 2,3; Anderson Ford for vehicle 7. Vehicles 4 and 6 will not be awarded. This award was not funded at this time. Motion carried.

14. GRANT APPROVED – RAMP GRANT – AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the Fiscal Year 2019 Routine Airport Maintenance Program Grant (RAMP) from TxDOT Aviation for the Airport in the amount of \$50,000.00 with match of \$50,000.00 from the Airport Capital Projects Budget. James Brown, Airport Director is authorized to submit and accept grant electronically on behalf of Montgomery County. Motion carried.

15. GRANT ACCEPTED – FLOOD BUYOUT GRANT – GRANTS

Motion by Commissioner Noack, seconded by Commissioner Riley, to accept the 2016 Flood Buyout Grant from the General Land Office (GLO) in the amount of \$8,919,523.20. County Judge is authorized to sign contract electronically. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 18A1 : CONSIDER AND APPROVE POSTING "COMMERCIAL VEHICLE PARKING PROHIBITED IN SUBDIVISION 10 P.M. - 6 A.M." SIGNS ON RAYFORD CREST DRIVE AND TIMBER LANE DRIVE IN THE RAYFORD RIDGE SUBDIVISION.

AGENDA ITEM 18A2: CONSIDER CLOSING AND ABANDONING A PORTION OF SUMMERTON DRIVE IN BENDERS LANDING ESTATES SECTION 4 AND OR BENDERS LANDING ESTATES SECTION 4, PARTIAL REPLAT NO. 1.

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

16. REQUEST APPROVED – RAYFORD RIDGE SUBDIVISION – PRECINCT 3

REQUEST APPROVED – SUMMERTON DRIVE – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the following:

- a. Request approved to post "Commercial Vehicle Parking Prohibited in Subdivision 10 P.M. - 6 A.M." signs on Rayford Crest Drive and Timber Lane Drive in the Rayford Ridge Subdivision; and
- b. Order approved closing, abandoning and vacating a portion of Summerton Drive located in Benders Landing Estates Section 4.

Motion carried.

17. REQUEST APPROVED – POSITION CHANGES – COMMISSIONER PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve increasing the salary for position 6121-1604-1. The annualized salary will be \$30,160. An additional \$180 in salary, an additional \$13.77 in FICA, and additional \$22.09 in retirement totaling \$215.86 is needed for the remaining fiscal year and will be funded from 6121-7499. Motion carried.

18. REQUEST APPROVED – POSITION CHANGES – COMMISSIONER PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the following position changes:

- a. Open position 613-8557-1 Chief of Staff with salary annualized at \$109,748. An additional \$5,909.51 in salary, \$452.08 in FICA, \$725.10 in retirement, \$17.25 in unemployment, and \$916.42 in insurance is needed for FY18 totaling \$18,020.36 and will be funded from 613-7340; and
- b. Open Position 55513-5910-1 Deputy with an annualized salary of \$63,645.00. An additional \$3,671.79 in salary, \$280.90 in FICA, \$450.53 in retirement, \$17.25 in unemployment, and \$916.42 in insurance is needed for FY18 totaling \$5,336.89 and will be funded from 613-7340. This will be effective September 22, 2018.

Motion carried.

AGENDA ITEM 19C1 – MOSQUITO ABATEMENT OPERATIONS RELATED TO GRANT APPLICATION WAS DISCUSSED.

19. GRANT APPLICATION APPROVED – VECTOR CONTROL – COMMISSIONER PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve the Vector Control Grant Application to Department of State Health Services for Montgomery County. No County match is required and Commissioner Precinct 3 or his designee is authorized to submit grant electronically on behalf of Montgomery County. Motion carried.

20. MEMBERS APPOINTED – TAX ASSESSOR BUILDING COMMITTEE – COMMISSIONER PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Meador, to appoint the following individuals to the Tax Assessor Building Committee: Commissioner James Noack; Tammy McRae; Evan Besong; Kim Roe; Tim Stewart; Gilbert Jalomo; and Amanda Carter. Motion carried.

21. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve the following Payroll Change Request Forms:

Request of Commissioner Precinct 2 to place Bruce Berger, Chief of Staff Comm, on payroll, effective September 11, 2018.

Request of Commissioner Precinct 1 Lake Park to increase salary of Shane M. Mosley, Park Attendant, due to completion of probationary period, effective August 25, 2018.

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 21A: DISCUSSION WITH ATTORNEY REGARDING POTENTIAL VIOLATIONS OF COUNTY FLOOD PLAIN REGULATION AND OTHER VIOLATIONS RELATING TO PROPERTY LOCATED IN THE MONTGOMERY COUNTY SCHOOL LAND SURVEY, A-350. (SECTION 551.071)

COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT WITH THE EXCEPTION OF COMMISSIONER MIKE MEADOR.

22. ORDER APPROVED – FILING OF SUIT – EXECUTIVE SESSION

Motion by Commissioner Clark, seconded by Commissioner Noack, to approve Order authorizing Montgomery County Attorney's office to file suit on behalf of Montgomery County against Harold Denton, Jr. Motion carried.

CITIZENS – AGENDA ITEM 23

Walter Boyd addressed the court on various topics including but not limited to the open meetings act, The Woodlands Pride Parade, and announced a PAC meeting.

MISCELLANEOUS – AGENDA ITEM 24

23. COURT ADJOURNS

Motion by Commissioner Noack, seconded by Commissioner Clark, 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 Boyd
COUNTY JUDGE

