

JUL 25 2016

COMMISSIONERS COURT DOCKET
July 12, 2016
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 12th day of July, 2016, 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:

Commissioner, Precinct 1	Mike Meador, County Judge Pro Tem
Commissioner, Precinct 2	Charlie Riley
Commissioner, Precinct 3	James Noack
Commissioner, Precinct 4	Jim Clark
Also County Clerk's Office	Amber Twiddy

ABSENT:

County Judge	Craig Doyal
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INVOCATION GIVEN BY Larry Foerster

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 Clark, to approve Commissioners Court Agenda for discussion and necessary action. Motion carried.

COMMISSIONER MEADOR PRESENTED THE 2015 DISTINGUISHED SERVICE AWARD FROM THE TEXAS HISTORICAL COMMISSION TO THE MONTGOMERY COUNTY HISTORICAL COMMISSION.

LARRY FOERSTER GAVE INFORMATION ON THE PLACING OF A COUNTY HISTORICAL MARKER RECOGNIZING THE "FATHER OF TEXAS BLUES" ALGER "TEXAS" ALEXANDER AT 10:00 A.M. ON AUGUST 12, 2016.

2. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Clark, seconded by Commissioner Riley, to approve the Minutes from Regular Session of Commissioners Court dated June 28, 2016. Motion carried.

COMMISSIONER RILEY MADE A CORRECTION TO THE AGENDA. AGENDA ITEM 9G3e SHOULD BE PRECINCT 2 NOT PRECINCT 3.

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

Motion by Commissioner Riley, seconded by Commissioner Noack, to unanimously approve all actions, items, resolutions and authorizations shown on the Consent Agenda and Commissioner Mike Meador is appointed and authorized to sign any contracts, approvals and other documents in connection with any items shown on the Consent Agenda, as follows:

COUNTY AUDITOR – AGENDA ITEMS 9A1-5

- A1. RESOLUTION AND ORDER APPROVED to accept and adopt the Montgomery County Cash Handling Policy.
- A2. PAYMENT OF ACCOUNTS APPROVED, as submitted by the County Auditor.
- A3. VISUAL INSPECTION OF CAPITAL ASSETS ACCEPTED, as submitted.
- A4. BUDGET AMENDMENTS FY16 APPROVED:
 - a. 435th District Court: To transfer funds for VPN token.
 - b. Airport Maintenance: To adjust line items to fund proposal from Burditt Consultants, LLC for landscape architecture design and construction administration services, as approved M12/06.28.16.
 - c. Animal Shelter: To recognize and allocate revenue received May 2016 and June 2016 as approved M16/04.12.16 and fund new position 6331.9538.700 as approved M22/06.28.16
 - d. Commissioner Precinct 1: To fund position 612.8558.2 as approved M23/06.28.16.
 - e. Commissioner Precinct 3: To adjust line items.
 - f. Commissioner Precinct 4: To adjust line items, fund position 615.8902.1 as approved M25/06.28.16, and recognize and allocate revenue.
 - g. Constable Precinct 1: To recognize and allocate revenue.
 - h. Constable Precinct 2: To recognize and allocate revenue.
 - i. Constable Precinct 3: To adjust budget lines and open and fund new investigator position as approved M3/06.14.16.
 - j. Constable Precinct 4: To recognize and allocate revenue, adjust line items, and allocate funds for the Traffic sensor Grant from EMCID M11/06.28.16.
 - k. Constable Precinct 5: To adjust line items and transfer funds for VPN token.
 - l. County Auditor: To adjust line items.
 - m. County Clerk Records Mgmt/Pres: To recognize and allocate revenue as approved M4/06.28.16.
 - n. County Engineer: To fund position 600.6902.1 as approved M20/06.28.16.
 - o. Court Reporter Service Fund: To recognize and allocate revenue.
 - p. District Attorney: To transfer funds for VPN token and correct the effective starting date for position 43513.7915.1 as approved M4/06.28.16.
 - q. Elections: To adjust line items.
 - r. Information Technology: To transfer funds for Release #480452.
 - s. Justice of the Peace Precinct 1: To adjust line items.

- t. Juvenile-Case Manager Fund: To fund salary increase for position 45512.4132.2 as approved M6/06.14.16.
 - u. Juvenile Probation NSLP: To recognize and allocate reimbursement received for National School Lunch Program for June/16.
 - v. Juvenile-State Aid-A/16: To adjust line items.
 - w. MCCD: To recognize and allocate PI received for Lonestar Building (PI-1.2), Magnolia Building (PI-2.1), Mag Medical Building (PI-2.2), and Splendor Building (PI-4.1).
 - x. Memorial Library: To adjust line items.
 - y. Sheriff-Jail: To adjust line items and allocate revenue.
- A5. REQUEST APPROVED by Justice of the Peace Precinct 2 to use \$714.60 from the Justice of the Peace Technology Fund for the registration fee and hotel stay for the NETDATA User's Conference.

PURCHASING – AGENDA ITEMS 9B1-16

- B1. CANCELTION OF CONTRACT APPROVED for the following:
- a. Mowing of right-of-ways with EcoCutter effective 06/17/16 for Precinct 4.
 - b. Wireless voice and data month to month DIR Contract #DIR-TSO-1778 with T-Mobile USA, Inc. effective 07/12/16 for Various Departments.
 - c. Wireless voice and data month to month DIR Contract #DIR-TSO-1779 with Celco Partnership dba Verizon Wireless effective 07/12/16 for Various Departments.
 - d. Office/Computer/Paper Supplies and accessories with online ordering capabilities month to month contract with Hitouch Business Services, LLC dba MyOffice Products, LLC effective 06/30/16 for Various Departments.
- B2. REQUEST APPROVED rejecting Precinct 3 Bridge Rehabilitation Project #2016-0053 for Precinct 3.
- B3. UTILIZATION OF THE CONTRACTS APPROVED for the following:
- a. Total Solution for law enforcement, security, facilities management, fire, rescue through the Interlocal Agreement with GSA Contract #GS-07F-081DA/X with Smith Detection, Inc. as authorized by Local Government Code §271.103 for Various Departments.
 - b. Wireless Voice and Data through the Interlocal Agreement with DIR Contract #DIR-TSO-3415 with Celco Partnership dba Verizon Wireless as authorized by Local Government Code §271.083(b) for Various Departments.
 - c. Wireless Voice and Data through the Interlocal Agreement with DIR Contract #DIR-TSO-3416 with T-Mobile USA, Inc. as authorized by Local Government Code §271.083(b) for Various Departments.
- B4. AWARD APPROVED for the following:
- a. Printing of election forms and related services, Project #2016-0028 to AMG Printing & Mailing, LLC for Elections.

- B5. CHANGE ORDGER NO. 1 APPROVED to Jeffrey Moon and Associates, Inc. for topographic survey for McCaleb Road to include additional survey services for Hwy 105/McCaleb Road Intersection to satisfy TxDot requirements in the amount of \$800.00 for Precinct 2.
- B6. DISCRETIONARY EXEMPTIONS APPROVED for an item that can only be obtained by one source as authorized by Local Government Code §262.024(a)(7) for the following:
- a. Products/CDs/Books/Publications from Mathew Bender & Company, Inc. dba LexisNexis Mathew Bender for Various Departments.
 - b. On-line Computer assisted legal research from RELX, Inc. (fka Reed Elsevier Inc.) dba LexisNexis, a division of RELX, Inc. for Various Departments.
- B7. RENEWAL OPTIONS AWARDED for the following:
- a. Bulk road materials with each of the following vendors: Pavers Supply Co., Century Asphalt, LTD and Great Southern Stabilized, LLC for Various Precincts. (Exercising the first of two renewal options)
 - b. Montgomery County's access to the Harris County Radio System Infrastructure as part of the 800 Mhz Regional Radio System through the Interlocal Agreement with Harris County Texas/Fund 1000 for Various Departments. (Automatic renewal on annual basis)
 - c. HVAC items and miscellaneous supplies with the following vendors: Johnson Supply & Equipment Corporation and Century Air Conditioning Supply Inc. for Various Departments. (Exercising the second of five renewal options)
 - d. Floor Covering and Installation with Northwest Interiors Inc. dba Color Interiors for Various Departments. (Exercising the fourth of five renewal options)
 - e. Traffic signal poles painting with All Service Striping Enterprises, LLC for Various Departments. (Exercising the first of three renewal options)
 - f. Epollbooks and peripherals with Barcodes, LLC dba Barcodes, Inc. for Elections. (Exercising the third of three renewal options)
 - g. Crime lab supplies with Lynn Peavey Company and include price changes on item no. 12, 13, 20, and 38 for Various Departments. (Exercising the second of five renewal options)
 - h. Collection of fines with Graves Humphries Stahl, Inc. for Various JP's. (Renews annually)
 - i. Products and related services through the Interlocal Agreement with the State of Texas DIR Contract #DIR-SDD-2500 with SHI Government Solutions Inc. and add amendment 1, 2, and 3 for Various Departments. (Exercising the third of three renewal options)
 - j. Products and related services through the Interlocal Agreement with the State of Texas DIR Contract #DIR-SDD-2503 with SHI Government Solutions, Inc. and add amendments 4 and 5 for Various Departments. (Exercising the fourth of four renewal options)
- B8. REQUEST APPROVED to declare miscellaneous items as salvage as authorized by Local Government Code §263.152 for Various Departments.

- B9. PAYMENT AND PERFORMANCE BOND APPROVED for Rayford Road at IH-45 Intersection Improvements from Triple B Services, LLP, bond # 022-055-002 in the amount of \$392,125.60 for Precinct 3.
- B10. DISCRETIONARY EXEMPTION APPROVED for a professional services as authorized by Local Government Code §262.024(a)(4) for storm water management program and assistance with compliance of permit terms from Carroll & Blackman, Inc. with name change to LJA Engineering, Inc. for Environmental.
- B11. REQUEST APPROVED of the name change of the advertisement for Empowerment Resource Center-Remodel of Warehouse to Office Space for MCCD to Competitive Sealed Proposal Empowerment Resource Center-Remodel of Warehouse to Office Space for MCCD.
- B12. CHANGE ORDERS NO. 1, 2, AND 3 APPROVED to Huffco Services, Inc. for the Montgomery County Lonestar Executive Airport Federal Inspection Station for miscellaneous changes to contract for a total amount of \$27,692.44 and an increase of 20 days to contract time for Conroe-North Houston Regional Airport.
- B13. CHANGE ORDER NO. 1 APPROVED to Rebel Contractors, Inc. for Panther Branch Rehabilitation to include additional RIP RAP installed by measurement of plans in the amount of \$11,635.00 for Precinct 3.
- B14. CHANGE ORDER NO. 1 APPROVED to O'Brien Counseling Services, Inc. for adult counseling services to include addendum #1 to service operations agreement to continue term of contract to July 1, 2018 for Adult Probation.
- B15. CHANGE ORDER NO. 6 APPROVED to Astro Fence Company for chain link fencing/materials and labor to add miscellaneous items to existing contract for Various Departments.
- B16. CHANGE ORDER NO. 4 APPROVED to Globel Tel*Link Corporation for inmate phone and associated system services to add amendment #3 outlining rates for existing contract for Various Departments. Previously approved in Commissioners Court 06/28/16.

RISK MANAGEMENT – AGENDA ITEMS 9C1-2

- C1. CHANGES, ADDITIONS AND RELEASES APPROVED for the following:

<u>BOND</u>	<u>NAME/DEPT</u>	<u>AMOUNT</u>	<u>ACTION</u>
62748112	Carr, Wesley/Const Pct 4	\$5,000.00	Reserve/Renew
62803816	Sweat, Patrick/Const Pct 2	\$5,000.00	Reserve/Renew
62050169	Sweiss, Karena L./Tax Assessor	\$50,000.00	Renew/Cont Cert
62050169	DeVille, Karena L./Tax Assessor		Rider/Name Chg
62050127	Roe, Kimberly R./Tax Assessor	\$100,000.00	Renew/Cont Cert
62050237	Willis, Vicki C./ Tax Assessor	\$50,000.00	Renew/Cont Cert

- C2. REQUEST APPROVED to authorize the Director of Risk Management to sign any and all documents from T.D.I./Division of Workers Compensation and further authorize any actions necessary and required by the Division of Workers Compensation on behalf of the County.

COMMISSIONERS – AGENDA ITEMS 9D1-3

D1. PRECINCT 2

- a. ANNUAL FINANCIAL AUDIT REPORT ACCEPTED as submitted by Montgomery County Emergency Services District #10 (ESD #10) for Fiscal Year ending December 31, 2015.

D2. PRECINCT 4

- a. ANNUAL FINANCIAL AUDIT REPORT ACCEPTED as submitted by Montgomery County Emergency Services District #7 (ESD #7) for Fiscal Year ending September 30, 2015.
- b. USE AGREEMENT APPROVED with Splendora Youth Football League to use the football fields at Tram Road Park for practices as scheduled through December 31, 2016.

D3. PRECINCTS 2 and 4

- a. ANNUAL FINANCIAL AUDIT REPORT ACCEPTED for Montgomery County Emergency Services District #5 (ESD #5) as submitted by Montgomery County Emergency Services District No. 9 for Fiscal Year ending June, 2015. ESD #5 and ESD #9 merged June 9, 2015 as ESD No. 9.
- b. ANNUAL FINANCIAL AUDIT REPORT ACCEPTED as submitted by Montgomery County Emergency Services District No. 9 (ESD No. 9) for Fiscal Year ending June, 2015. ESD #5 and ESD #9 merged June 9, 2015 as ESD No. 9.
- c. ANNUAL FINANCIAL AUDIT REPORT ACCEPTED as submitted by Montgomery County Emergency Services District No. 9 (ESD No. 9) for Fiscal Year ending September 30, 2015.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9E1-4

E1. PRECINCT 1

- a. REQUEST APPROVED from Bleyl & Associates and Centerpoint Energy to install a Natural Gas Line within the right of way of Walden Road.

E2. PRECINCT 2

- a. REQUEST APPROVED from Mid-South Synergy to install overhead electrical lines within the right of way of Keenan Cutoff Road.
- b. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Woodtrace, Section 7; total length of roads 3,692.99 linear feet, to be effective July 12, 2016.
- c. STREETS ACCEPTED INTO THE ONE YEAR MAINTENANCE PERIOD in Woodforest, Section 63; total length of roads 2,556.74 linear feet, to be effective July 12, 2016.
- d. REQUEST APPROVED to acknowledge that the roads in Woodtrace Boulevard Dedication Replat Phase 2(West of Woodtrace Circle) have been built to county standards. The roads have completed the one year maintenance period effective July 12, 2016 and bond is released. These roads are private and will not be maintained by Montgomery County.

- e. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Bonterra at Woodforest, Section 1; total length of roads 8,069.91 linear feet and bond is released.
- f. FINAL PLAT APPROVED for Woodforest, Section 65; 13.668 acres; James Pevehouse Survey, A-29.
- g. FINAL PLAT APPROVED for Woodforest, Section 62; 16.244 acres; John Sealy Survey, A-759 and Archibald Hodge Survey, A-18.
- h. FINAL PLAT APPROVED for Children's Lighthouse Daycare; 1.81 acres; Thomas Curry Survey, A-136.

E3. PRECINCT 3

- a. PUBLIC HEARING DATE SET for August 9, 2016 to establish "No Parking, No Stopping, No Standing" "Monday - Friday 7:15 a.m. - 8:30 a.m. and 2:45 p.m. - 3:45 p.m." on both sides of Spring Trails Bend 700 feet north of Spring Trails Park Drive and on the north side of Spring Trails Bend 500 feet west of Spring Trails Park Drive.
- b. FINAL PLAT APPROVED for Mihalov Business Park; 6.569 acres; Montgomery County School Land Survey, A-351.
- c. FINAL PLAT APPROVED for Falls at Imperial Oaks, Section 20; 51.655 acres; Samuel Ward Survey, A-607 and Timothy O'Neil Survey, A-406.
- d. FINAL PLAT APPROVED for Wrights Landing at Legends Trace, Section 2; 23.00 acres; Montgomery County School Land Survey, A-350.

E4. PRECINCT 4

- a. FINAL PLAT APPROVED for Montgomery County MUD No. 15 Water Plant No. 2; 0.8954 acre; Richard Vince Survey, A-583 and Montgomery County School Land Survey, A-350.

SHERIFF – AGENDA ITEM 9F1

- F1. DONATION ACCEPTED of \$30,000.00 to the Montgomery County Sheriff's Office from Mr. Aidan Cassidy of Montgomery, Texas. These funds will be allocated to 5601.7390. Check has been forwarded to the Auditor for further processing.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9G1-3

G1. PRECINCT 1

- a. ORDER APPROVED authorizing notice of public hearing under local government code 232.009(c-1) for the partial revision to Lots 1 and 2, Block 7 of Point Aquarius Section 2, Reserve 1 and 4, and Lots 1, 2 and 3, Block 4 of Point Aquarius Section 3 and Lot 5, Block 2 of Point Aquarius Section 10, to be known as Point Aquarius Mud Waste Water Treatment Plant. Public hearing is set for August 23, 2016.
- b. ORDER APPROVED authorizing notice of public hearing under local government code 232.009(c-1) for the partial revision to Lots 10, 11 and 12, Block 1 of Point Aquarius Section 9, to be known As Point Aquarius Mud Water Plant. Public hearing is set for August 23, 2016.

G2. PRECINCT 2

- a. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lots 5, 6 and 7, Block 1 of High Meadow Estates Section 2, to be known as High Meadow Estates Section Two, Partial Replat No. 1. Public hearing is set for August 23, 2016.
- b. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lot 10, Block 1 of High Meadow Estates Section 2, and 0.208 acres in the Jacob Eyler Survey, Abstract 192, to be known as High Meadow Estates Section Two, Partial Replat No. 2. Public hearing is set for August 23, 2016.
- c. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lots 10 and 11, Block 2 of High Meadow Estates Section 2, to be known as High Meadow Estates Section Two, Partial Replat No. 3. Public hearing is set for August 23, 2016.
- d. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lot 19, Block 2 of High Meadow Estates Section 2, and 1.500 acres in the Jacob Eyler Survey, Abstract 192, to be known as High Meadow Estates Section Two, Partial Replat No. 4. Public hearing is set for August 23, 2016.
- e. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lot 16 and Lot 20, Block 2, and Lot 8, Block 3 of High Meadow Estates Section 2, to be known as High Meadow Estates Section Two, Partial Replat No. 5. Public hearing is set for August 23, 2016.
- f. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lot 1 and Lot 3, Block 2 of High Meadow Estates Section 2, to be known as High Meadow Estates Section Two, Partial Replat No. 6. Public hearing is set for August 23, 2016.
- g. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lots 11, 12 and 13, Block 1 of High Meadow Estates Section Three, to be known as High Meadow Estates Section Three, Partial Replat No. 1. Public hearing is set for August 23, 2016.
- h. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lot 21, Block 1 of High Meadow Estates Section Three, to be known as High Meadow Estates Section Three, Partial Replat No. 2. Public hearing is set for August 23, 2016.
- i. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lots 25 and 26, Block 1 of High Meadow Estates Section Three, to be known as High Meadow Estates Section Three, Partial Replat No. 3. Public hearing is set for August 23, 2016.
- j. ORDER APPROVED authorizing notice of public hearing under Local Government Code 232.009(c-1) for the partial revision to Lots 3 and 4, Block 2 of High Meadow Estates Section Four, to be known as High Meadow Estates Section Four, Partial Replat No. 1. Public hearing is set for August 23, 2016.

G3. PRECINCT 3

- a. RESOLUTION AND ORDER TO PAY APPROVED for acquisition of the following for the Rayford Road Expansion Project:

1. Parcel 12 from John M. Sawyer for the total sum of \$7,703.28

The Memorandum of Agreement for the parcel listed is approved as well as the purchase and funding of the acquisition of the parcel. James Noack, Commissioner Precinct 3 and/or B.D. Griffin, Assistant County Attorney, are authorized to approve the deed and to execute the closing statements and all other documents necessary to effect the acquisitions. County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD300018 to WFG National Title Co. in the amount listed above.

- b. RESOLUTION AND ORDER TO PAY APPROVED for funding of Incidental expenses relating to the acquisition of Parcel 51 from Billie Jo Hyer and Larry Booth in the amount of \$950.00 and the County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD 300018 to Billie Jo Hyer and Larry Booth in the amount of \$950.00.
- c. RESOLUTION AND ORDER TO PAY APPROVED for funding of Replacement Housing Supplement relating to the acquisition of Parcel 51 of the expansion of Rayford Road from Billie Jo Hyer and Larry Booth for the total sum of \$10,000.00. The County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD 300018 to Chicago Title in the amount of \$10,000.00.
- d. RESOLUTION AND ORDER TO PAY APPROVED for funding of Shortage of Closing Costs relating to the acquisition of Parcel 51 of the expansion of Rayford Road from Billie Jo Hyer and Larry Booth in the amount of \$155.78. The County Auditor and County Treasurer are authorized to issue payment from line item 6144014-75985827 and project code RD 300018 to WFG National Title Co. in the amount of \$155.78.

AGENDA ITEM 9E3e WAS MISTAKENLY LISTED UNDER PRECINCT 3. THIS ITEM WAS CORRECTED BEFORE THE CONSENT AGENDA WAS APPROVED AND SHOULD BE PRECINCT 2.

- e. IMPROVEMENTS IN RIGHT-OF-WAY AGREEMENT APPROVED with Del-Webb The Woodlands Homeowners Association, Inc. for installation of pavers, retaining walls, landscaping, hardscaping within county right of way.
- f. AMENDED AND RESTATED IMPROVEMENTS IN RIGHT-OF-WAY AGREEMENT ACCEPTED AND RECORDED between Montgomery County and the Community Association of Harmony for monument sign. This was previously approved in Commissioners Court on June 14, 2016.
- g. ORDER APPROVED declaring the existence of a public necessity and authorizing the institution of eminent domain proceedings for the Rayford Road Expansion for the following:
1. Parcel no. 22: being 0.02 acre (735 sq. ft.) parcel situated in the Montgomery County School Land Survey, A-350.
 2. Parcel No. 54: Being 0.03 acre (1,289 sq. ft.) parcel situation in the Montgomery County School Land Survey, A-351.

3. Parcel No. 56: Being 0.03 acre (1,205 sq. ft.) parcel situation in the Montgomery County School Land Survey, A-351.
4. Parcel No. 57: Being 0.02 acre (963 sq. ft.) parcel situation in the Montgomery County School Land Survey, A-351.

COUNTY ATTORNEY – AGENDA ITEMS 9H1-4

- H1. RESOLUTION APPROVED to certify the County's FY2017 budgeted funding for the Montgomery County Committee on Aging, Inc. D/B/A 'Meals on Wheels' for home-delivered Meals, for purposes of the application for grant funding from the Texas Department of Agriculture and Mike Meador is authorized to sign the resolution authorizing County grant.
- H2. RESOLUTION AND ORDER APPROVED supporting the need for Montgomery County Attorney to defend on behalf of Montgomery County, the lawsuit filed under Cause No. 16-06-07023; Michelle Bolin v. The Montgomery County Civil Service Commission; In the 284th Judicial District Court. The County Attorney is authorized to incur expenses as necessary for the proper defense and negotiation of said case and funding of said expenses from the Risk Management Budget with the approval of the Director of Risk Management or the designee of the Director of Risk Management.
- H3. REQUEST APPROVED AND RATIFIED for Application and Designation of Applicants Agent for the May Severe Weather Event #4272. This approval and ratification identifies the primary and secondary agent, as well as the Financial and Certifying Official. Darren Hess is authorized to execute any and all documents necessary as the authorized official and/or designated county representative related to the April and May Severe Weather Events.
- H4. ORDER APPROVED to designate Commissioner Mike Meador as the authorized Official for CJD Grants Nos. 1604015, 1604016, 2196107, 2196108, 2485605, 2485606, 2872001, 3020301, and 3023301.

COUNTY ATTORNEY – MENTAL HEALTH TREATMENT FACILITY – AGENDA ITEMS 9I1-5

- I1. MINUTES ACCEPTED of the May 17, 2016 Montgomery County Mental Health Treatment Facility Advisory Board Meeting.
- I2. REAPPOINTMENT APPROVED of Mr. Masood Jilani, Psychiatrist for active status and privileges for a two year appointment period.
- I3. REAPPOINTMENT APPROVED of Dr. Khurram Shaikh, Psychiatrist for active status and privileges for a two year appointment period.
- I4. QUARTERLY PERFORMANCE INDICATOR REPORT ACCEPTED for May 2016 as recommended by Montgomery County Mental Health Treatment Facility (MCMHTF) Advisory Board.
- I5. REQUEST APPROVED for Ben Nielsen, RN, MSN, to serve as MCMHTG Interim DON with the vacancy created by current DON resignation effective July 5, 2016

ANIMAL CONTROL – AGENDA ITEM 9J1

- J1. REVISIONS APPROVED to Rabies Control and Animal Restraint Ordinance.

ELECTIONS – AGENDA ITEM 9K1

- K1. JOINT ELECTION AGREEMENT APPROVED between Montgomery County and various political entities for the November 8, 2016 election for the purpose of sharing polling locations, voting equipment, and election officials and the related costs.

HUMAN RESOURCES – AGENDA ITEM 9L1

L1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Animal Shelter to change job title of Annette Hernandez, Lead Clinic Tech, due to job re-evaluation, effective July 2, 2016.

Request of Animal Shelter to change job title of Jessica Laguna, Clinic Tech, due to job re-evaluation, effective July 2, 2016.

Request of Animal Shelter to remove Jose E. Garcia Martinez, Kennel Technician, from payroll due to job abandonment, effective May 20, 2016. [No benefits due]

Request of Animal Shelter to change job title of Michelle Plunkett, Vet Technician, due to job re-evaluation, effective July 2, 2016.

Request of Animal Shelter to change job title of Tammy Richey, Rescue Coordinator, due to job re-evaluation, effective July 2, 2016.

Request of Animal Shelter to change job title of Matthew Segari, Vet Technician, due to job re-evaluation, effective July 2, 2016.

Request of Animal Shelter to change job title of Tracey Strain, Foster Coordinator, due to job re-evaluation, effective July 2, 2016.

Request of Animal Shelter to increase salary of Joe Turner, Kennel Technician, due to completion of probationary period, effective July 2, 2016.

Request of Custodial to accept the resignation of Natalie Garcia, Custodian, effective June 17, 2016. [No benefits due]

Request of Custodial to place Estella Montes, Custodian, on payroll as replacement for Natalie Garcia, effective July 5, 2016.

Request of Custodial to discharge Peyton Robinson, Custodian, effective June 30, 2016. [No benefits due]

Request of Commissioner Precinct 1 to increase salary of Edward H. Grayson Jr., Operator I, due to completion of probationary period, effective July 11, 2016.

Request of Commissioner Precinct 1 to accept the resignation of Cody L. Hodges, Park Attendant, effective July 5, 2016. [No benefits due]

Request of Commissioner Precinct 1 to increase salary of Michael G. Mock, Operator I, due to completion of probationary period, effective July 4, 2016.

Request of Commissioner Precinct 4 to place Dorothy L. Welch, Part Time Clerk, on payroll as replacement for Mary Borzik Lloyd, effective June 27, 2016.

Request of Constable Precinct 2 to accept the resignation of Jason Grindstaff, Investigator II, effective June 8, 2016. [66.18 hours or balance vacation; 272.25 hours or balance compensatory time]

Request of District Attorney to place Echo E. Coleman, Attorney II, on payroll as replacement for Monica A. Cooper, effective July 5, 2016.

Request of District Clerk to promote Willard Hutson Jr., Court Clerk II, as replacement for Alfreda Theriot, effective July 2, 2016.

Request of Elections to place Wanda Blackburn, Voter Clerk, on payroll, effective July 30, 2016.

Request of Elections to place Phyllis Miller, Voter Clerk, on payroll, effective July 30, 2016.

Request of Elections to place Robert Miller, Voter Clerk, on payroll, effective July 30, 2016.

Request of Juvenile to transfer Shawn Marie Keith, Counselor, effective September 26, 2016.

Request of Juvenile to transfer Erick Ivan Marquez, Juvenile Probation Officer Assistant, effective November 2, 2016.

Request of Library to accept the resignation of Rosalinda Aguirre, Library Assistant II, effective July 1, 2016. [4.62 hours or balance vacation]

Request of Library to place Molly Bullard, Library Assistant II, on payroll as replacement for Donna Dunn, effective July 12, 2016.

Request of Library to accept the resignation of Virginia Lynn Christiansen, Reference Librarian-Childrens, effective July 29, 2016. [40.56 hours or balance vacation]

Request of Library to change status of Francisca M. Kilgore, Library Assistant II-Circulation, from part-time to full-time as replacement for Deborah Lyon, effective July 16, 2016.

Request of Library to place Dorothea Morgan-Richter, Library Assistant II, on payroll as replacement for Hope Marie Mathers, effective July 5, 2016.

Request of Library to place Evangeline Schneider, Shelving Clerk, on payroll as replacement for Kristy Hardy, effective July 5, 2016.

Request of Library to promote Lindsay D. Spencer, Librarian II-Digital Services, as replacement for Jennifer Wigle, effective July 2, 2016.

Request of Sheriff to accept the resignation of Stephen Clough, Officer Civilian Detention, effective July 15, 2016. [29.55 hours or balance vacation; 253.02 hours or balance compensatory time; 5.25 hours or balance holiday]

Request of Sheriff to accept the resignation of Robert Harralson, Officer Civilian Detention, effective July 1, 2016. [70.00 hours or balance vacation; 248.39 hours or balance compensatory time; 24.50 hours or balance holiday]

Request of Sheriff to accept the resignation of Tyler Head, Officer Civilian Detention, effective June 29, 2016. [64.68 hours or balance vacation; 148.44 hours or balance compensatory time; 12.75 hours or balance holiday]

Request of Sheriff to accept the resignation of Peter Renegar, Officer Civilian Detention, effective July 1, 2016. [123.52 hours or balance vacation; 174.50 hours or balance compensatory time; 48.00 hours or balance holiday]

Request of Sheriff to accept the resignation of Connie Williams, Officer Civilian Detention, effective August 31, 2016. [256.825 hours or balance vacation; 402.76 hours or balance compensatory time; 28.50 hours or balance holiday]

Request of Spring Creek Greenway NC to accept the resignation of Judy Newcomer, Nature Center Assistant, effective July 9, 2016. [No benefits due]

COUNTY JUDGE – AGENDA ITEM 9M1

- M1. REQUEST APPROVED to appoint Mike Meador as County Judge Pro Tempore pursuant to continuity of operations plan previously adopted.

CONROE-NORTH HOUSTON REGIONAL AIRPORT – AGENDA ITEMS 9N1-2

- N1. PROPOSAL APPROVED from Fast Signs to modify the airport south entrance monument sign in the amount of \$9,270.67. The work will replace the existing sign faces with aluminum pan faces, new lettering and logos, and the U.S. Customs and Border Protection name and logo. This will be funded with the Customs Project Construction Budget 629142-7501.
- N2. AGREEMENT AND RELEASE APPROVED between Montgomery County and Herdair Group, LLC.

Motion carried.

END OF CONSENT AGENDA

CITIZENS – AGENDA ITEM 10

Shannon Hill addressed the court concerning leadership issues at the Animal Shelter. She would like the problems fixed before the budget is increased.

Katy Henderson addressed the court concerning the Animal Shelter. She would like the animals to be fed more because they are losing weight at the shelter.

Sheila Cox addressed the court concerning foster support and vet care at the Animal Shelter. She stated that foster support and vet care has declined since Dr. Hayden became director.

Lisa Hill also addressed the court concerning the Animal Shelter. She showed photos of thin dogs and wet dogs that had been sprayed in kennels. She would like Commissioners Court to oversee the shelter not just Commissioner Clark.

Jacqueline Beaton also addressed the court concerning the Animal Shelter. She is a former employee and stated that she is disappointed in the leadership at the shelter and the County HR department.

Eric Yollick addressed the court concerning the Animal Shelter. He would like the shelter turned over to a non-profit.

Carrie Heide finished reading Jacqueline Beaton's prepared statement.

4. CHECKED ACCEPTED – SPIRIT OF TEXAS BANK – CONSTABLE PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Clark, to accept a check in the amount of \$28,810.00 from Spirit of Texas Bank. The funds will be used to purchase a new built to specs rescue boat from Rescue One Connector Boats in Southside, Alabama. This will be deposited into line item 5521-75731. The County Clerk did not receive a check for this item. The Constable Precinct 2 Office stated that they had forwarded the check to the Treasurer's Office. Motion carried.

5. FUNDING APPROVED – ANIMAL SHELTER BUDGET – ANIMAL SHELTER

Motion by Commissioner Clark, seconded by Commissioner Riley, to approve funding the Animal Shelter Budget through September, 2016 in the amount of \$415,897.00. This will be funded by Contingency. Commissioner Noack voted "No". Motion carried.

6. ITEM DEFERRED – ANIMAL SHELTER ADVISORY BOARD – ANIMAL SHELTER

Motion by Commissioner Clark, seconded by Commissioner Noack, to defer the update from the Animal Shelter Advisory Board. Motion carried.

7. DISCRETIONARY EXEMPTIONS APPROVED – PROFESSIONAL SERVICES – VARIOUS PRECINCTS

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the discretionary exemptions for a professional service as authorized by Local Government Code §262.024 (a)(4) as follows:

- a. Surveying and engineering services for Alford Road Bridge replacement at Log Gully from Halff Associates, Inc. in the amount of \$134,995.00 for Precinct 2.
- b. Engineering design services for Cude Cemetery Road from FM 830 South from Halff Associates, Inc. in the amount of \$137,235.00 for Precinct 1.
- c. Environmental wetland services for Copperhead Road from Klotz Associates, Inc. dba RPS Klotz Associates in the amount of \$10,000.00 for Precinct 2.
- d. Engineering services for Longstreet Road from Lockwood, Andrews and Newnam, Inc. in the amount of \$292,783.10 for Precinct 1.
- e. Engineering services for Willis Waukegan Road from Lockwood, Andrews and Newnam, Inc. in the amount of \$195,800.50 for Precinct 1.
- f. Left-turn restriction study phase 1 at the intersection on Woodlands Parkway (Kuykendahl Road to Woodloch Forest Drive) from Brown & Gay Engineers, Inc. in the amount of \$9,855.00 for Precinct 3.
- g. Appraisal Services for FM 1097 from Whitney & Associates in the amount of \$270,000.00 with an hourly rate of \$150.00 for condemnation support for Precinct 1.

Motion carried.

8. DISCRETIONARY EXEMPTION APPROVED – VEHICLE AND EQUIPMENT REPAIRS – RISK MANAGEMENT

Motion by Commissioner Riley, seconded by Commissioner Clark, to approve a discretionary exemption for vehicle and equipment repairs as authorized by Local Government Code §262.024 (a)(11) for vehicle and equipment repairs due to unforeseen damages caused by the April and May severe weather with each of the following vendors: Tommy's Paint and Body Inc. and Demotrond Auto Country for Risk Management. The approximate amount is \$31,857.07 with additional vehicles to be added at a later date. Motion carried.

9. DISCRETIONARY EXEMPTION APPROVED – EMERGENCY REPAIR – PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Noack, to approve a discretionary exemption for an item necessary because of unforeseen damage to public property as authorized by Local Government Code §262.024 (a)(3) for emergency repair

of Decker Prairie Rosehill Road Bridge by Forde Construction Company, Inc. in the amount of \$122,800.00 (+/-) for Precinct 2. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 14A1: CONSIDER AND APPROVE ESTABLISHING "NO PARKING, NO STOPPING, NO STANDING" "MONDAY-FRIDAY 7:15 A.M. - 9:00 A.M. AND 3:00 P.M. - 4:30 P.M." ON BOTH SIDES OF WATERBEND COVE BETWEEN BIRNHAM WOODS DRIVE AND WEST BENDERS LANDING BOULEVARD.

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

10. REQUEST APPROVED – WATERBEND COVE – PRECINCT 3

Motion by Commissioner Noack, seconded by Commissioner Clark, to approve establishing "No Parking, No Stopping, No Standing" "Monday-Friday 7:15 a.m. - 9:00 a.m. and 3:00 P.M. - 4:30 P.M." on both sides of Waterbend Cove between Birnham Woods Drive and West Benders Landing Boulevard. Motion carried.

THE COURT RECESSED FOR SESSION OF THE MONTGOMERY COUNTY TOLL ROAD AUTHORITY.

11. CHANGE ORDER APPROVED – SH 249 ENGINEERING SERVICES – MONTGOMERY COUNTY TOLL ROAD AUTHORITY

Motion by Commissioner Riley, seconded by Commissioner Clark, to approve Change Order No. 2 to Jones & Carter, Inc. for SH 249 engineering services-PS&E-Phase 1-Section 1 to add additional services that include the design and phasing of retaining walls at Spring Creek that were not included in original scope of work in the amount of \$32,238.00 for a resulting total of \$1,631,738.00. Motion carried.

MONTGOMERY COUNTY TOLL ROAD AUTHORITY ADJOURNED.

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

EXECUTIVE SESSION – AGENDA ITEM16A: CONSIDER AND DISCUSS CASE NO. 4:14-CV-02441 (S.D. TEX.) USOR SITE PRP GROUP V. MONTGOMERY COUNTY, TEXAS, ET AL. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM16B: CONSIDER AND DISCUSS CIVIL SERVICE NO. 16-002; GAYLON GOINES v. MONTGOMERY COUNTY COMMISSIONER, PCT. 4. (SECTION 551.071)

EXECUTIVE SESSION – AGENDA ITEM16C: CONSIDER AND DISCUSS PURCHASE, EXCHANGE, LEASE OR VALUE OF CERTAIN REAL PROPERTY. (SECTION 551.072)

**COMMISSIONERS COURT RECONVENED WITH ALL MEMBERS PRESENT WITH
THE EXCEPTION OF JUDGE DOYAL.**

**12. RESOLUTION AND ORDER APPROVED – CLAIM NO. B14-0132 – EXECUTIVE
SESSION**

Motion by Commissioner Clark, seconded by Commissioner Riley, to approve the settlement of the claim of plaintiff in the lawsuit USOR Site PRP Group v. A&M Contractors, et al in the lawsuit by which Montgomery County will pay \$1,000.00 in exchange for a full and final release of all parties. Commissioner Meador and/or B.D. Griffin are authorized to execute all settlement agreements and other documents necessary to effect the settlement and the County Auditor and County Treasurer are authorized to issue payment of the settlement amount to USOR Site PRP Group. Commissioner Noack abstained from the vote. Motion carried.

**13. RESOLUTION AND ORDER APPROVED – CIVIL SERVICE NO. 16-002 –
EXECUTIVE SESSION**

Motion by Commissioner Clark, seconded by Commissioner Noack, to approve the settlement agreement and authorize payment of settlement proceeds between Montgomery County and the Montgomery County Commissioner Precinct 4's office and Gaylon Goines. The County Auditor is authorized to release a check in the sum of \$14,293.60 minus any deductions and any applicable taxes as payment of wages, payable to Gaylon Goines upon notification by the County Attorney that the prerequisite terms of the settlement agreement have been fully executed. This will be paid from 615.7102. Motion carried.

CITIZENS – AGENDA ITEM 18

Bill O'Sullivan addressed the court concerning the suspension of Judge Doyal. He does not support the suspension by the State Commission on Judicial Conduct.

AGENDA ITEM 19 – MISCELLANEOUS – NO OTHER ITEMS LISTED

14. COURT ADJOURNS

Motion by Commissioner Clark, seconded by Commissioner Noack, 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

Mike Meador

COUNTY JUDGE

Mike Meador, County Judge Pro Tem

