THE STATE OF TEXAS  
COUNTY OF MONTGOMERY  

BE IT REMEMBERED that on the 24th day of September, 2007, the Honorable Commissioners’ Court of Montgomery County, Texas, was duly convened in a Special Session in the Commissioners’ Courtroom of the Montgomery County Courthouse Annex, Conroe, Texas, with the following Members of the Court present:

- County Judge, Alan “Barb” Sadler
- Commissioner, Precinct #1 - Mike Meador - Absent
- Commissioner, Precinct #2 - Craig Doyal
- Commissioner, Precinct #3 - Ed Chance
- Commissioner, Precinct #4 - Ed Rinehart
- Also - Stacey Wilson, County Clerk’s Office

INVOCATION GIVEN BY COMMISSIONER CRAIG DOYAL

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

1. COMMISSIONERS’ COURT AGENDA APPROVED  
   Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Commissioners’ Court Agenda for discussion and necessary action. Motion carried.

2. PROCLAMATION APPROVED - “NATIONAL 4-H WEEK”  
   Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Proclamation to declare October 7 - 12, 2007 as 4-H Week in Montgomery County, and to commemorate the Centennial birthday of the Texas 4-H, as per Proclamation on file. Motion carried.

3. MINUTES APPROVED - COMMISSIONERS’ COURT MINUTES - COUNTY CLERK  
   Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Commissioners’ Court Minutes for September 10, 2007, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 8A THROUGH 8M  
   Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Consent Agenda, as follows:

   COUNTY AUDITOR - AGENDA ITEMS 8A
   a. ACCOUNTS approved, as submitted by the County Auditor.
   b. BUDGET AMENDMENTS approved, as follows:

   1. 284th District Court - to adjust line items
   2. Animal Control - to adjust line items
   3. Animal Shelter - to recognize and allocate revenue
   4. Animal Shelter - to adjust line items
   5. Budget Officer - to adjust line items
   6. Building Maintenance - to transfer funds for VPN token
   7. Building Maintenance - to adjust line items
   8. C/P Certificates of Obligation 2001 - to carry forward FB @ 09-30-06
   9. C/P Road Bonds ’06B - to fund FM 1488
10. CDBG - to adjust line items
11. Civic Center - to adjust line items
12. Civic Center - to adjust line items
13. Commissioner, Pct. 1 - to adjust line items
14. Commissioner, Pct. 1 - to transfer funds for Lake Park security
15. Commissioner, Pct. 2 - to adjust line items
16. Commissioner, Pct. 3 - to recognize/allocate reimbursements
17. Commissioner, Pct. 3 - to adjust line items and recognize/allocate reimbursements
18. Commissioner, Pct. 4 - to adjust line items
19. Commissioner, Pct. 4 - to recognize/allocate reimbursements
20. Commissioner, Pct. 4 - to adjust line items
21. Commissioner, Pct. 4 - to recognize/allocate lease proceeds
22. Constable, Pct. 1 - to recognize and allocate reimbursement
23. Constable, Pct. 1 - to adjust line items
24. Constable, Pct. 2 - to recognize and allocate reimbursement
25. Constable, Pct. 3 - to adjust line items
26. Constable, Pct. 3 - to adjust line items
27. Constable, Pct. 3 - to adjust line items
28. Constable, Pct. 5 - to recognize/allocate reimbursement and to adjust line items
29. Constable, Pct. 5 - to adjust line items
30. Contingency - to transfer funds for security expenses
31. Contingency - to transfer funds to cover shortage
32. County Attorney - to adjust line items
33. County Court at Law #4 - to adjust line items
34. Custodial Services - to transfer funds for parking lot repairs
35. District Attorney - to adjust line items
36. District Clerk - to adjust line items
37. Elections - to recognize and allocate reimbursement
38. Elections - to adjust line items
39. Elections - to correctly allocate revenue
40. Elections - to adjust line items
41. Engineer - to adjust line items
42. Environmental Health - to adjust line items
43. Extension Agents - to recognize/allocate donation and to adjust line items
44. Extension Agents - to recognize/allocate donations
45. Fire Marshal - to adjust line items
46. General Fund - to recognize excess revenue
47. Justice of the Peace, Pct. #1 - to adjust line items
48. Juvenile Probation - to adjust line items
49. Juvenile Probation - to carryover funds from FY06
50. Juvenile Probation - to adjust line items
51. Juvenile Probation - to recognize and allocate revenue
52. Juvenile Probation - to recognize/allocate revenue and adjust line items
53. Law Library - to adjust line items
54. Memorial Library - to adjust line items
55. Memorial Library - to recognize and allocate donation
56. Purchasing Agent - to adjust line items
57. Risk Management - to transfer funds for damage claims
58. Risk Management - to transfer funds for vehicle that was declared a total loss
59. Sheriff-Auto Theft Task Force - to adjust line items
60. Sheriff - to adjust line items
61. Sheriff - to adjust line items
62. Sheriff - to recognize and allocate reimbursement
63. Sheriff - to recognize and allocate reimbursement
64. Sheriff - to adjust line items
65. Sheriff - to adjust line items
66. Sheriff - to adjust line items
67. Tax Assessor/Collector - to adjust line items

as per Budget Amendments on file.
COUNTY TREASURER - AGENDA ITEMS 8B


b. WEEKLY INVESTMENT REPORT approved, for September 17 - 21, 2007, as per Report on file.

c. PLEDGES AND/OR RELEASE OF COLLATERAL approved, as outlined in the Report on file.

d. BANK RESOLUTION approved, for Montgomery County/Lone Star Convention Center, as per Resolution on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 8C

a. AUTHORIZATION TO ADVERTISE approved, for the following bids/proposals:

   1. Audio/visual materials-film/fiche and compact discs - Library/Genealogy Department
   2. RFQ Design build - Various Departments
   3. Bulk road materials - Various Precincts

b. RENEWAL CONTRACTS approved, as follows:

   1. Bank of America (PO #2006040) - for procurement/travel (purchasing) credit cards - Various Departments
   2. Ozarks Spring Water Co. (PO #2005026) - for water service - Various Departments
   3. Quality Water Systems/Rain Soft (PO #2005108) - for drinking water purification - Various Departments
   4. Master Touch Collision Repair Specialists (PO #2006110) - for automotive body repair services - Risk Management
   5. Coin Copiers, Inc. (PO #2007025) - for coin operated copy machines and computer printer services - Various Departments
   6. Exxon/Mobil Corporation (PO #2006179) - for fleet fuel credit card - Various Departments
   7. Petroleum Wholesale dba Sunmart #116 (PO #2006178) - for fleet fuel credit card - Various Departments
   8. Valero Marketing and Supply Co. (PO #2006177) - for fleet fuel credit card - Various Departments
   9. Chevron Texaco (PO #2006176) - for fleet fuel credit card - Various Departments
   10. API Systems Group, Inc. (PO #2007128) - for fire alarm inspection/certification monitoring - Various Departments
   11. GTM Services, Inc. (PO #2006111) - for services for pumping out sewer and kitchen grease tanks - Sheriff’s Department/Jail
   12. All America Sales Corporation (PO #2007082) - for emergency equipment - Sheriff’s Office - changes noted in file
   13. Arthur J. Gallagher & Co. (PO #2003160) - for self-insured workers compensation program & options for additional lines of coverage - Risk Management - changes noted in file

   as per Memo on file.

c. REQUEST approved, to accept the list of items sold through the Montgomery County on-line auction on August 28, 2007, and the check from Rene Bates Auctioneers, Inc., in the amount of $22,310.91, as per List on file. (Check forwarded to County Treasurer)

d. SOLE SOURCE CONTINUATION approved, for Estate voting equipment/parts/supplies for Elections, purchased from Hart Intercivic, as per Request on file.
e. FUNDS approved, in the amount of $1,755.00, for asbestos inspection services and Asbestos Survey Report for the Coker Building, provided by Bay Environmental, Inc., as per Request on file.

f. PROPOSAL approved, from Weisser Engineering Co., to provide surveying services at the intersection of Honea Egypt Road and FM 2854, for a total of $2,965.00, as per Proposal on file.

g. PERFORMANCE AND PAYMENT BONDS accepted, from Eubank Excavation, LLC, for clearing of R-O-W, grubbing and removal of structures on FM 1488 1A2, each in the amount of $477,445.50, as well as a Retainage Bond in the amount of 10% of the total amount paid the Principle, as per Bonds on file.

h. CHANGE ORDER #1 approved, PO #2007346, to Hart Intercivic, Inc., to assign the contract for annual maintenance fee for Hart Intercivic System, to Manatron, Inc., as per Change Order on file.

i. CHANGE ORDER #3 approved, PO #2006086, to Property Acquisition Services, Inc., to discontinue condemnation support, driveway permitting and property management for the widening of FM 1314, as per Change Order on file.

j. CHANGE ORDER #1 approved, PO #2006128, to Baseline Corporation, to replace the current fee schedule and reduce the contract amount by $4,997.00, for surveying services for FM 1314 from Fatheree Road to Gene Campbell Blvd., effective January 1, 2007, as per Change Order on file.

k. CHANGE ORDER #1 approved, PO #2007446, to Advanced Office Systems, Inc., for the sole source to re-box two (2) Kardex Lektriever units, for an additional $1,995.00, as per Change Order on file.

l. CHANGE ORDER #3 approved, PO #2007386, to Voss Electric Co., to reflect changes to the contract for lamps, bulbs and ballasts, as per Change Order on file.

m. CHANGE ORDER #9 approved, PO #20033720, to Miller Uniforms & Emblems, Inc., to reflect changes to the contract for the purchase of new uniforms for the Sheriff’s Dept., as per Change Order on file.

n. CHANGE ORDER #4 approved, PO #2006587, to Dell Marketing, LP, to reflect changes to the contract for laptop PC/toughbooks, as per Change Order on file.

o. CHANGE ORDER #5 approved, PO #2007120, to Dell Marketing, LP, to reflect changes to the contract for printers/scanners/ peripherals, as per Change Order on file.

p. CHANGE ORDER #1 approved, PO #2007505, to Calence, LLP, to reflect changes to the contract for fiber switches and accessories for CIS, as per Change Order on file.

q. CHANGE ORDER #1 approved, PO #2007070, to Kingsley Constructors, Inc., to increase quantities due to changes made for construction of the Lone Star Parkway, for an increase of $42,868.00, as per Change Order on file.

r. CHANGE ORDER #4 approved, PO #2004394X, to Crown Paper & Chemical, to reflect changes to the contract for janitorial products and chemicals, as per Change Order on file.

s. CHANGE ORDER #1 approved, PO #2007405, to O’Reilly Auto Parts/HiLo-O’Reilly, to add a location to the contract for miscellaneous auto parts, as per Change Order on file.
BUDGET DEPARTMENT - AGENDA ITEM 8D


RISK MANAGEMENT - AGENDA ITEM 8E

a. PAYMENT acknowledged, in the amount of $1,050.00 to Snowbelt Kennels, referencing Claim #B-07-0083; date of incident 06-22-07, as per Memo on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEM 8F-1

a. APPOINTMENT approved, of Kenny Martin to the CPS Board, effective immediately. (No paperwork)

COMMISSIONER, PRECINCT #3 - AGENDA ITEM 8F-2

a. ORDER approved, to authorize a Lease Agreement with The Woodlands Land Development Company, L.P., for hike & bike trails and parking lot in the George Mitchell Nature Preserve on Spring Creek Greenway, and to appoint Commissioner Ed Chance as Special Commissioner for transaction, as per Order on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEM 8F-3

AGENDA ITEM 8F3a - ACCEPT CHECK FROM THE SIGNORELLI COMPANY IN THE AMOUNT OF $181,001.50 FOR THE OLD SORTERS ROAD EXTENSION PROJECT - REMOVED FROM AGENDA

a. CHECK accepted, in the amount of $2,146.00 from the City of Roman Forest, for the purchase of fuel for August, 2007, pursuant to an interlocal agreement dated October 7, 2002, as per Request on file. (Check forwarded to County Treasurer)

COMMISSIONERS - COUNTY ATTORNEY - ROAD AND BRIDGES

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8G-1

a. ORDER approved, acknowledging receipt of Letter of Credit No. SB53298, for Lake Breeze, Section 1, as per Order on file.

b. ORDER approved, allowing partial lot conveyance without a replat for Lot 29, Block 2 in Timberline Estates, Section 4, as per Order on file.

c. ORDER approved, accepting Warranty Deed for Parcel 6 of the FM 830 Road Project, and authorizing the County Judge to sign for acceptance of same, as per Order on file.

d. ORDER approved, authorizing purchase of right of way known as Parcel 12 for the FM 830 Project, as per Order on file.

e. ORDER approved, authorizing purchase of right of way known as Parcel 15 for the FM 830 Project, as per Order on file.

f. ORDER approved, authorizing purchase of right of way known as Parcel 14 for the FM 1097 Project, as per Order on file.

g. ORDER approved, authorizing purchase of right of way known as Parcel 66 for the FM 1097 Project, as per Order on file.

h. ORDER approved, authorizing purchase of right of way known as Parcel 68 for the FM 1097 Project, as per Order on file.

i. ORDER approved, authorizing purchase of right of way known as Parcel 69 for the FM 1097 Project, as per Order on file.
AGENDA ITEMS 8G-2

AGENDA ITEMS 8G-2a&b - SHOULD BE PRECINCT #1

a. PUBLIC HEARING DATE set, for November 5, 2007, to consider the partial replat of Martin’s Landing, to be known as Waterpoint, as per Notice on file.
b. PUBLIC HEARING DATE set, for November 5, 2007, to consider the partial replat of Lake Conroe Forest, to be known as Waterpoint, as per Notice on file.
c. LEASE AGREEMENT approved, between Montgomery County and Tommy R. Hoffart, for real property described as Lots 4, 13, 14 & 15, Block 12, and Lots 9 & 10, Block 15 in Spring Creek Forest, Section 4, as per Agreement on file.
d. ORDER approved, acknowledging receipt of a check from Tommy R. Hoffart, in the amount of $621.00, for lease of Lots 4, 13, 14 & 15, Block 12, and Lots 9 & 10, Block 15 in Spring Creek Forest, Section 4, as per Order on file. (Check forwarded to County Treasurer)
e. ORDER approved, authorizing purchase of right of way known as Parcel 4 for the McCaleb Road Project, as per Order on file.
f. ORDER approved, authorizing purchase of right of way known as Parcel 7 for the McCaleb Road Project, as per Order on file.

COMMISSIONERS - COUNTY ENGINEER

COMMISSIONER, PRECINCT #1 - AGENDA ITEMS 8H-1

a. FINAL PLAT approved, for Grand Harbor, Section 16, consisting of 20.8409 acres, as per Plat on file.
b. ROADS accepted, in Hidden Springs, Section 1, into the Montgomery County maintenance system, and to release the bond, as per Request on file.

COMMISSIONER, PRECINCT #2 - AGENDA ITEMS 8H-2

a. FINAL PLAT approved, for The Woodlands - College Park, Section 18, consisting of 30.4698 acres, as per Plat on file.

AGENDA ITEM 8H-2b - ACCEPT REVISING COURT MINUTES FROM OCTOBER 31, 2005 REGARDING ROADS IN THOUSAND OAKS, SECTION 2 - REMOVED FROM AGENDA

COMMISSIONER, PRECINCT #3 - AGENDA ITEMS 8H-3

a. FINAL PLAT approved, for ASI Woodlands Apartments, consisting of 3.60 acres, as per Plat on file.
b. FINAL PLAT approved, for Rayford Retail Center, consisting of 3.0730 acres, as per Plat on file.

COMMISSIONER, PRECINCT #4 - AGENDA ITEMS 8H-4

a. FINAL PLAT approved, for Albert Street Replat, consisting of 0.407 acres, 1 lot, as per Plat on file.
b. FINAL PLAT approved, for Dollar General Store No. 10658, consisting of 1.540 acres, as per Plat on file.
c. FINAL PLAT approved, for Kings Mill, Section 2, consisting of 12.787 acres, 58 lots, as per Plat on file.
d. FINAL PLAT approved, for Kings Mill, Section 3, consisting of 33.319 acres, as per Plat on file.

e. FINAL PLAT approved, for Marvel Estates, Section 1, consisting of 2.008 acres, as per Plat on file.

f. PUBLIC HEARING DATE set, for October 8, 2007, to consider placing “No Parking” signs on Oak Knoll at the east cul-de-sac in the Live Oak Estates Subdivision, as per Request on file.

ALL PRECINCTS - AGENDA ITEMS 8H-5

a. OVERLOAD/OVERSIZE PERMITS approved, for K & K Construction, Inc. to move dirt material across various county roads, with movement to begin not earlier than September 15, 2007 and to be completed by December 15, 2007, as per Permits on file.

b. OVERLOAD/OVERSIZE PERMITS approved, for Park Construction Associates, LLP to move heavy construction equipment across various county roads, with movement to begin not earlier than October 7, 2007 and to be completed by January 4, 2008, as per Permits on file.

COUNTY JUDGE - AGENDA ITEMS 8I

a. REVISED CHANGES approved, to the 2008 Commissioners’ Court meeting dates, as per Revised Schedule on file.

b. BOND accepted, for ESD #3 Treasurer, as per Bond on file.

DISTRICT CLERK - AGENDA ITEM 8J

a. DEPUTATION approved, of Cortney Wroten, Deputy District Clerk, as per Deputation on file.

COUNTY CLERK - AGENDA ITEM 8K

a. DEPUTATIONS approved, of the following:

1. Gloria Ogundjeji, Deputy County Clerk
2. Lucille Bartsch, Deputy County Clerk

as per Deputations on file.

PARKS DEPARTMENT - AGENDA ITEM 8L

a. USE AGREEMENT approved, with The Friends of Conroe, for the use of areas specified in the lease for the Conroe Cajun Catfish Festival, as per Agreement on file.

LONE STAR CONVENTION AND EXPO CENTER - AGENDA ITEM 8M

a. REQUEST approved, to clarify that shift differential pay for facility/grounds workers at the Lone Star Convention & Expo Center and the Montgomery County Fairgrounds is $2.00 per hour for every hour “physically” worked, as per Request on file.

Motion carried.

END OF CONSENT AGENDA
AGENDA ITEM 23C - SEVERAL EMERGENCY SERVICE DISTRICT REPRESENTATIVES WERE PRESENT IN COURT, INCLUDING: HENRY BURTON, WITH ESD #2, BOB ROBINSON, WITH ESD #1 AND JEFF TAYLOR, WITH ESD #7, TO SUPPORT THE PROPOSITIONS OF IMPOSITION OF DISTRICT SALES AND USE TAXES. FRANK MCGRADY, WITH THE EAST COUNTY IMPROVEMENT DISTRICT, WAS PRESENT TO UPDATE THE COURT REGARDING THE DISTRICT’S FUNDING PROPOSAL WITH THE NEW CANEY FIRE DEPARTMENT.

5. RECEIPT ACKNOWLEDGED - LETTERS FROM EMERGENCY SERVICE DISTRICTS - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Doyal, to acknowledge receipt of letters from various Emergency Service Districts in Montgomery County, notifying the Court of Election Orders concerning the adoption of property tax increase or imposition of sales and use tax, subject to Carol Gaultney, Elections Administrator, continuing to work with the Districts in connection with the elections, as per Letters on file. Motion carried.

6. FUNDING APPROVED - EXEMPT ORGANIZATION DETERMINATION LETTER REQUEST - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve funding in the amount of $750.00 from Contingency, for the required fee due to the Internal Revenue Service in order to file an Exempt Organization Determination Letter Request on behalf of the Montgomery County Jail Financing Corporation, as per Request on file. Motion carried.

7. REQUEST APPROVED - USE OF COUNTY PARKING LOT - COUNTY JUDGE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to authorize the City of Conroe Employee’s Club to use the County parking lot located at North Thompson and West Phillips during the Catfish Festival, and to approve a waiver by the Court of its authority to set fees that will be charged for parking. Motion carried. (No paperwork)

8. REQUEST APPROVED - LIQUOR LICENSE APPLICATIONS - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Doyal, to authorize Patricia Werner to sign uncontested liquor license applications on behalf of the County Judge, as per Request on file. Motion carried.

9. Variance Approved - Aerobic Septic System - Environmental Health

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve a Variance to install an aerobic septic system in the flood plain for Richard Hallmark at 23615 Cardinal in Holly Springs, Hockley, as per Variance on file. Motion carried.

10. Variance Approved - Aerobic Septic System - Environmental Health

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve a Variance to install an aerobic septic system in the flood plain for Wayne Pelland at 27703 Branding Iron in Indigo Farms, Magnolia, as per Variance on file. Motion carried.

11. Variance Approved - Aerobic Septic System - Environmental Health

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve a Variance to install an aerobic septic system in the flood plain for Mary Jo Reisner at 18779 Kalka Rd. in Deer Glen Estates, Conroe, as per Variance on file. Motion carried.

12. Variance Approved - Aerobic Septic System - Environmental Health

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve a Variance to install an aerobic septic system in the flood plain for Felix Gallardo at 11958 Scarlett Oak Trail in White Oak Estates, Conroe, as per Variance on file. Motion carried.
13. GRANT ACCEPTED - DEPARTMENT OF JUSTICE - SHERIFF'S DEPARTMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to accept Grant Funding for the project titled “Solving Cold Cases with DNA” from the Department of Justice, in the amount of $198,581.00, as per Grant Acceptance on file. Motion carried.

14. FEE SCHEDULE APPROVED - SERVICE FEES - CONSTABLE, PCT. #2

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the 2007-2008 Montgomery County Constable Fee Schedule for civil process services, effective January 1, 2008, as per Fee Schedule on file. Motion carried.

AGENDA ITEM 13A - APPROVE ADDENDA B - MAGNOLIA ISD SCHOOL RESOURCE OFFICER PAY SUMMARY FOR 2007-2008 SCHOOL YEAR - DEFERRED

15. RESOLUTION APPROVED - CRIMINAL ASSET FORFEITURES - DISTRICT ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Resolution regarding the Report on Proceeds of Criminal Asset Forfeitures, prepared by the District Attorney for the Office of the Governor-Criminal Justice Division, as per Resolution on file. Motion carried.

16. REQUEST APPROVED - EXEMPTION TO COUNTY POLICY/EXEMPT EMPLOYEES - DISTRICT ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Chance, to approve the Request for an exemption to County Policy 5.1-19, regarding payment to exempt employees, for services for 24 hour intake, as per Memo on file. Motion carried.

17. REQUEST APPROVED - REPLACE SALARY MONIES - DISTRICT ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Request to add money to the District Attorney’s budget, as needed from Contingency, for positions 4351-3995-1 and 4351-7904-8, as per Request on file. Motion carried.

18. CLARIFICATION APPROVED - POSITION RE-EVALUATION - DISTRICT ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to clarify that the position added by the Court to the District Attorney’s Office on January 22, 2007, will continue through the 12 months from date of hire. Motion carried. (No paperwork)

19. FUNDING APPROVED - LABOR AND MATERIALS - LONE STAR CONVENTION CENTER

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve funding in the amount of $11,795.00 from Contingency, for labor and materials to replace four dry pipe valves at the Lone Star Expo Center, as per Request on file. Motion carried.

20. REQUEST APPROVED - ADDITIONAL FUNDS FOR NEW POSITION - PARKS DEPARTMENT

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve an additional $6,000.00 for the clerk position in the Parks Department, including salary and benefits, for budget year 2008, with funding from Contingency, as per Memo on file. Motion carried.

21. SALARY SCHEDULES APPROVED - FY 2008 - BUDGET OFFICE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to adopt the FY 2008 Salary Schedules, as presented by the Budget Office. Motion carried.
22. CONSOLIDATED TAXROLL APPROVED - 2007 TAXES - TAX ASSESSOR/COLLECTOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the 2007 Consolidated Taxroll for Montgomery County and the Taxing Jurisdictions collected by the County, as certified by the Tax Assessor/Collector. Also, to authorize prepayment of the postage for same, as per Request on file. Motion carried.

23. AGREEMENT APPROVED - TAX ABATEMENT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve a Tax Abatement Agreement between Montgomery County and Conroe Machine LLC, as per Agreement on file. Motion carried.

24. TRANSFER OF FUNDS APPROVED - BUDGET ADJUSTMENT - LIBRARY

Motion by Commissioner Chance, seconded by Judge Sadler, to approve the transfer of $189.28 from position #6511-5100-513 to position #6511-5100-527, as per Memo on file. Motion carried.

25. PAYMENT APPROVED - MILSTEAD AUTOMOTIVE - RISK MANAGEMENT

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to authorize payment to Milstead Automotive, in the amount of $374.00, in reference to Claim #A-05-0039; date of incident 03-16-05, as per Memo on file. Motion carried.

26. REQUESTS APPROVED - COURT REPORTER SERVICE FUND - COUNTY AUDITOR

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the following Requests to use funds from the Court Reporter Service Fund:

a. 284th District Court - $2,077.74 for the purchase of a computer;

b. 359th District Court - $465.27 for additional expenses from NCRA-TCRA Convention and Expo,

as per Requests on file. Motion carried.

27. REQUEST APPROVED - JUSTICE COURT TECHNOLOGY FUND - COUNTY AUDITOR

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Request from Justice of the Peace, Pct. #2 to use $1,458.20 from the Justice Court Technology Fund, for the purchase of a replacement laptop computer, as per Request on file. Motion carried.

28. RECOMMENDATION APPROVED - FUNDING FOR COMMITTEE ON AGING, INC. - COUNTY AUDITOR

Motion by Commissioner Doyal, seconded by Judge Sadler, to approve the recommendation for payment of the September allocation to The Friendship Center, in the amount of $19,847.33. Motion carried. (No paperwork)

29. NOTICE OF ASSIGNMENT APPROVED - WILLIS COMMUNITY CENTER - COUNTY AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to acknowledge the Notice of Assignment by Wells Fargo Brokerage Services, LLC to All Points Public Funding, LLC, for the CDBG Willis Community Center, as per Notice on file. Motion carried.

AGENDA ITEMS 22A - 1, 6, 8, 10, 12, 13, 14 & 15 - RECOMMENDATIONS AND CONTRACTS - DEFERRED
30. **RECOMMENDATIONS AND CONTRACTS APPROVED - PURCHASING DEPARTMENT**

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following Recommendations and Contracts:

a. to award the bid, (opened August 8, 2007), for audio book leasing program for the Library, to Brodart Co. dba McNaughton Book Service;

b. to award the bid, (opened September 7, 2007), for semi-rugged laptops for various departments, to PO Express, Inc.;

c. to award the bid, (opened September 10, 2007), for point to point bridges and software appliance for Precinct #3, to Crystal Communications, Ltd. ;

d. to award the bid, (opened September 10, 2007), for installation of hybrid bermuda grass for Precinct #4, to Murff Turf Farm, Inc., for $35,280.00;

e. to award the bid, (opened September 11, 2007), for duty gear and accessories for various departments, to GT Distributors, Inc. (Section I & II only);

f. to award the bids, (opened September 12, 2007), for pavement striping, road marker installation/removal and related miscellaneous services for various precincts, to Texas Lone Star Pavement Services and Stripes & Stops Company, Inc., as outlined in the Memo on file;

g. to award the bid, (opened September 19, 2007), for antennas and accessories for vehicular radio modems for CIS, to Talley Communications (Items 1.1 - 1.9 & 1.11), as per Contracts on file. Motion carried.

31. **INTERLOCAL AGREEMENT APPROVED - CITY OF SPLENDORA - PURCHASING DEPARTMENT**

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Interlocal Agreement with the City of Splendora, for use of the countywide Debris Management Plan for preparedness in dealing with the removal of disaster-generated debris from public property and public right-of-ways, as per Agreement on file. Motion carried.

32. **PROPOSAL APPROVED - ASBESTOS CONSULTING SERVICES - INFRASTRUCTURE**

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Proposal from Bay Environmental, Inc., to provide asbestos consulting services for the Coker Building, for a total not to exceed $9,050.00, as per Proposal on file. Motion carried.

33. **DISCRETIONARY EXEMPTION APPROVED - LAND PLANNING ANALYSIS SERVICES - PRECINCT 2**

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the Discretionary Exemption for land planning analysis services for parcels 207, 275 and 255 on FM 1488, provided by Vernon G. Henry and Associates, Inc., for a total fee not to exceed $34,000.00 plus reimbursables, as per Proposal on file. Motion carried.

**AGENDA ITEM 22E - APPROVE REPLACING ASPHALT WITH CONCRETE ON OLD SORTERS ROAD EXTENSION CONSTRUCTION PROJECT - REMOVED**

34. **FUNDS APPROVED - VEGETATION REMOVAL AND HERBICIDE TREATMENT - PRECINCT 2**

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve funds in an amount not to exceed $126,000.00, to comply with the Environmental Mitigation Agreement previously entered into by the Texas Department of Transportation and the Texas Forest Service, as per Request on file. Motion carried.
35. CHANGE ORDER #1 APPROVED - DESIGN SERVICES - INFRASTRUCTURE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Change Order #1, PO #2007194, to LJA Engineering & Surveying, Inc., for design services for two (2) SH 242 direct connectors at IH-45 in Montgomery County, for an increase of $262,425.16, as per Change Order on file. Motion carried.

AGENDA ITEM 23A - APPROVE TAX ABATEMENT AGREEMENT WITH CONROE MACHINE, LLC - MOVED UP EARLIER ON AGENDA - SEE MOTION #23 FOR COURT ACTION

36. RESOLUTION AND ORDER APPROVED - GULF FREIGHT RAIL DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Resolution and Order to authorize the County Attorney to inquire into the benefit of and procedure for Montgomery County joining the Gulf Coast Freight Rail District, and to further authorize incurring expenses necessary to make that inquiry and report back to the Court, with funding to come from County Attorney, as per Resolution and Order on file. Motion carried.

AGENDA ITEM 23C - ACKNOWLEDGE RECEIPT OF LETTERS FROM VARIOUS EMERGENCY SERVICE DISTRICTS NOTIFYING THE COURT OF ELECTION ORDERS CONCERNING THE ADOPTION OF PROPERTY TAX INCREASE OR IMPOSITION OF SALES AND USE TAX - MOVED UP EARLIER ON AGENDA - SEE MOTION #5 FOR COURT ACTION

AGENDA ITEM 23D - ACKNOWLEDGE FINAL EXECUTION OF INTERLOCAL AGREEMENT WITH CITY OF CONROE FOR EXCHANGE OF PROPERTY CONCERNING THE PLANS FOR CONSTRUCTION OF THE NEW COMMISSIONERS’ COURT BUILDING AND PARKING GARAGE, AND SPECIAL WARRANTY DEEDS TO ACCOMPLISH THE EXCHANGE - NO ACTION TAKEN

37. AMENDMENT APPROVED - MONTGOMERY INDEPENDENT SCHOOL DISTRICT - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Amendment to the Interlocal Agreement between Montgomery County and the Montgomery Independent School District, for additional law enforcement services to be provided by the Precinct 1 Constable’s Office, as per Amendment on file. Motion carried.

38. AGREEMENT APPROVED - LAW ENFORCEMENT SERVICES - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the Agreement between Montgomery County and Montgomery Trace Property Owners Association, for law enforcement services to be performed by Constable, Precinct 2 Deputies, as per Agreement on file. Motion carried.

39. PERSONAL SERVICES AGREEMENT APPROVED - WILSON WALTERS - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Personal Services Agreement with Wilson Walters, to provide services as Construction Inspector for Commissioner, Precinct 1, and to authorize the County Judge to execute same, as per Agreement on file. Also, to approve discretionary exemption from bidding requirements. Motion carried.

40. PERSONAL SERVICES AGREEMENT APPROVED - DONALD FELLOW - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Personal Services Agreement with Donald Fellow, Jr., to provide services on behalf of the Communications Information Services Department, and to authorize the County Judge to execute same, as per Agreement on file. Also, to approve discretionary exemption from bidding requirements. Motion carried.
41. LEASE AGREEMENT APPROVED - IMPERIAL OAKS PARK PROPERTY OWNERS ASSOCIATION - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve an Office Lease Agreement between Montgomery County and Imperial Oaks Park Property Owners Association, for lease of office space to be used by the Precinct 3 Constable’s Office, as per Agreement on file. Motion carried.

42. PURCHASE APPROVED - R.B. TULLIS LIBRARY - COMMISSIONER, PCT. #4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Purchase of furniture from One Office Furniture for the R.B. Tullis Library, in the amount of $7,405.89 (fund from Library Bond Fund), as per Request on file. Motion carried.

43. PUBLIC HEARINGS APPROVED - PRECINCTS 1, 2 & 4

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve the action taken on the following public hearings:

a. Precinct #1 - to approve the partial replat of Park Slope - Section 1, to be known as Morse Addition - Section 1;

b. Precinct #2 - to approve the partial replat of Clear Creek Forest - Section 13, to be known as Buchco Addition to Clear Creek Forest;

c. Precinct #2 - to approve the partial replat of Tejas Creek Plaza - Section 1, to be known as Tejas Creek Commercial Plaza - Section 1;

d. Precinct #2 - to accept reducing the speed limit for the roads in Wildwood Estates Subdivision to 25 mph, as per Request on file;

e. Precinct #4 - to accept reducing the speed limit for Kings Manor Drive South to 25 mph, as per Request on file.

Motion carried.

44. FINAL PLATS APPROVED - PRECINCTS 1 & 2

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the following Final Plats:

a. Precinct #1 - Morse Addition - Section 1, consisting of 13.055 acres, 3 lots;

b. Precinct #2 - Buchco Addition to Clear Creek Forest, consisting of 2.465 acres;

c. Precinct #2 - Tejas Creek Commercial Plaza - Section 1, consisting of 2 acres,

as per Plats on file. Motion carried.

EXECUTIVE SESSION

The Court recessed into Executive Session in the County Judge’s Chambers to discuss matters pursuant to one or more of the following provisions of the Texas Government Code, to wit: Chapter 551, Sub-Chapter D:

1. Consider and discuss claim of Melissa Hammer against Montgomery County - EEOC Claim No. 460-2007-04382 (Section 551.071)

2. Consider and discuss acquisition of real property for additional courtroom office and storage space (Section 551.072)

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT, WITH THE EXCEPTION OF COMMISSIONER MEADOR
45. RESOLUTION AND ORDER APPROVED - MELISSA HAMMER LAWSUIT - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the Resolution and Order to authorize the County Attorney to incur expenses as necessary for proper defense in the lawsuit styled Melissa Hammer vs. Montgomery County; EEOC Charge No. 460-2007-04382, as per Resolution and Order on file. Motion carried.

46. RESOLUTION AND ORDER APPROVED - PURCHASE OF LAND

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the Resolution and Order approving the purchase of land and improvements located at 1500 North Frazier Street from the Church of Christ, Inc.; designating and authorizing the County Judge to execute all necessary documents and acknowledgments on behalf of Montgomery County; authorizing a discretionary exemption from statutory competitive bidding requirements. Also, to authorize payment to the Church of Christ, Inc. of $4,000.00 in earnest money, with payment of the remainder of the purchase price and any other incidental closing costs to be made upon closing of purchase, as per Resolution and Order on file. Motion carried. (See Motion #49 for funding source)

AGENDA ITEM 30 - THERE WERE NO CITIZENS PRESENT TO ADDRESS THIS COURT SESSION

47. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the following Payroll Change Requests:

- request of Animal Shelter to place Sheryl Little, Kennel Help, on payroll, (replacement for Brinton Zander), effective September 17, 2007
- request of Building Maintenance to promote Jose Beltran from Maintenance Tech III to Supervisor Maintenance, effective October 1, 2007
- request of Commissioner, Pct. #2 to accept the resignation of Joe Hejl, III, Operator I, effective September 5, 2007, with 8 holiday hours due
- request of Commissioner, Pct. #2 to accept the resignation of Rezzallah Peter Saker, III, PT/Temp Operator I, effective August 25, 2007
- request of Commissioner, Pct. #4 to place Gant Austin, Parks Director, on payroll, effective September 24, 2007
- request of Custodial Director to rescind payroll change request for Brenda Ardoin, PT Custodian, approved in Court on August 27, 2007
- request of Custodial Director to remove Victor Galdamez, Custodian II, from payroll (deceased), effective September 6, 2007
- request of Custodial Director to place Gloria Saldana, Custodian, on payroll, returning from FMLA leave, effective September 17, 2007
- request of County Auditor to place Bryan Wootton, PT Clerk, on payroll, effective September 11, 2007
- request of County Clerk to place Tosha Hyde, Clerk II, on payroll, (replacement for Karen Anz), effective September 24, 2007
- request of County Clerk to accept the resignation of Teresa McComb, Clerk II, effective September 21, 2007, with 23.16 vacation hours due
- request of County Engineer to place Jennifer Bohac, Clerk II, on payroll, (replacement for Tressie Delos Reyes), effective September 10, 2007
request of District Attorney to place Alaina Grimm, Coordinator Victim Assistance, on payroll, (replacement for Mikaela Starek), effective September 10, 2007

request of District Attorney to accept the resignation of Mikaela Starek, Coordinator Victim Assistance, effective August 24, 2007, with 12.58 vacation hours and 8 hours of comp time due

request of District Clerk to place Joyce Collins, PT Clerk, on payroll, (replacement for Karen Pomonis), effective September 24, 2007

request of District Clerk to place Karen Saffell, PT Clerk, on payroll, (replacement for Brad Curry), effective September 17, 2007

request of District Clerk to place Cortney Wroten, PT Clerk, on payroll, (replacement for Stephany Smith), effective September 10, 2007

request of Extension Office to discharge Melinda Rogers, Clerk III, effective September 7, 2007, with 21.56 vacation hours due

request of Justice of the Peace, Pct. #4 to place Amy Rosales, Clerk II, on payroll, (replacement for Kara Chapman), effective September 10, 2007

request of Juvenile Director to place Susan Badger, JJAEP Counselor, on payroll, (replacement for Adriane Anz), effective September 10, 2007

request of Juvenile Director to place Sammie Jenkins, Officer-Advisor, on payroll, effective October 1, 2007

request of Juvenile Director to change the status of Laura Juan from Substitute Detention Officer to Juvenile Probation Officer, (replacement for Alejandra Perez), effective September 10, 2007

request of Juvenile Director to transfer Guadalupe Matschiner from Officer-Juvenile Detention to Officer-Advisor, effective September 22, 2007

request of Juvenile Director to change the status of Craig McCaleb from Substitute Detention Officer to Officer-Juvenile Detention, (replacement for Wendy Rose), effective September 22, 2007

request of Juvenile Director to promote Cecil Patterson from Juvenile Probation Officer to Supervisor-Probation, effective September 10, 2007

request of Recycle Station #3 to remove Kevin Griffis, Driver (mosquito), from payroll, due to seasonal-completed, effective September 1, 2007

request of Recycle Station #3 to remove Jamie Sammis, Driver (mosquito), from payroll, due to seasonal-completed, effective September 1, 2007

request of Recycle Station #3 to place Mickey Smith, Operator I, on payroll, (replacement for David Meador), effective September 12, 2007

request of Recycle Station #3 to remove Molly Steele, Driver (mosquito), from payroll, due to seasonal-completed, effective September 1, 2007

request of Sheriff’ s Department to place Paulette Cox, Clerk II, on payroll, (replacement for Elizabeth Dunlap), effective September 22, 2007

request of Sheriff’ s Department to place Daniel Derby, Officer-Civilian Detention, on payroll, (replacement for Timothy Gosch), effective September 8, 2007

request of Sheriff’ s Department to place Celeste Kendrick, Dispatcher, on payroll, returning from FMLA leave, effective August 29, 2007
request of Sheriff’ s Department to correct the payroll change request of Richard Lee, Deputy-Detention, approved in Court on August 27, 2007

request of Sheriff’ s Department to accept the resignation of Fred Lozano, Deputy-Patrol District I, effective September 15, 2007, with 34.53 vacation hours, 12 hours of comp time and 8 holiday hours due

request of Sheriff’ s Department to accept the resignation of Billie Martin, Dispatcher, effective September 21, 2007, with 21.56 vacation hours, 2.5 hours of comp time and 3 holiday hours due

request of Sheriff’ s Department to place James Reed, Maintenance Tech II, on payroll, returning from military leave, effective September 17, 2007

request of Tax Assessor/Collector to place Chandra Goode, Deputy Specialist I, on payroll, (replacement for Linda Aiken), effective September 24, 2007

request of Budget Officer to rescind re-evaluation of Stephen Riley, Budget Analyst, and allocate 5% merit raise, effective September 22, 2007

request of County Clerk to place Jennifer Nicole DeFrancisco, Clerk II, on payroll, (replacement for Teresa McComb), effective September 24, 2007

request of Juvenile Director to place Daniel Wheeler, Juvenile Probation Officer, on payroll, (replacement for Donald Rose), effective September 22, 2007

request of Library Director to place Andrea Marshall, Shelving Clerk, on payroll, (replacement for William Levine), effective September 20, 2007

request of Library Director to transfer Alison Power, Shelving Clerk, effective September 20, 2007

request of Library Director to place Megan Weir, Shelving Clerk, on payroll, (replacement for Alison Power), effective September 20, 2007

request of Sheriff’ s Department to accept the retirement of Freddie Bundage, Deputy-Patrol District IV, effective September 30, 2007, with 235.065 vacation hours, 453.50 hours of comp time and 8 holiday hours due

request of Sheriff’ s Department to accept the retirement of Charles Hamilton, Sergeant-District IV, effective September 30, 2007, with 38.02 vacation hours, 205.02 hours of comp time and 8 holiday hours due

as per Payroll Change Requests on file. Motion carried.

48. COURT ADJOURNED

Motion by Commissioner Chance, seconded by Commissioner Rinehart, that this Session of Court be adjourned. Motion carried.

JUDGE SADLER RECONVENE D COURT TO DISCUSS FUNDING FOR THE PURCHASE OF LAND LOCATED AT 1500 NORTH FRAZIER STREET (MOTION #46)

49. FUNDING APPROVED - PURCHASE OF LAND

Motion by Judge Sadler, seconded by Commissioner Chance, to approve adding $800,000.00 to the Certificates of Obligation to be issued, to fund the purchase of land located at 1500 North Frazier Street. Motion carried. (No paperwork)

50. COURT ADJOURNED

Motion by Commissioner Doyal, seconded by Judge Sadler, to adjourn this Session of Court. Motion carried.
ATTEST:

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

BY: ____________________________
    COUNTY CLERK

______________________________
    COUNTY JUDGE