THE STATE OF TEXAS  
COUNTY OF MONTGOMERY  

BE IT REMEMBERED that on this the 20th day of April, 2009, 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  
Commissioner, Precinct #2 - Craig Doyal  
Commissioner, Precinct #3 - Ed Chance  
Commissioner, Precinct #4 - Ed Rinehart  
Also - Aimie Kemp, County Clerk’s Office  

INVOCATION GIVEN BY CRAIG DOYAL, COMMISSIONER PCT 2  

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT  

PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG RECITED BY EVERYONE PRESENT  

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

2. PROCLAMATION APPROVED - MENTAL HEALTH AWARENESS MONTH  

Motion by Commissioner Meador, seconded by Commissioner Doyal, to proclaim the month of May 2009, as “Mental Health Awareness Month”, and to call upon all Montgomery County citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illness, as per Proclamation on file. Motion carried.  

3. PROCLAMATION APPROVED - NATIONAL CRIME VICTIMS’ RIGHTS WEEK  

Motion by Commissioner Meador, seconded by Commissioner Chance, to proclaim the week of April 26 - May 2, 2009, to be Crime Victims’ Week, and to honor crime victims and those who serve them, as per Proclamation on file. Motion carried.  

4. PROCLAMATION APPROVED - MONTGOMERY COUNTY ARBOR DAY  

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to declare April 24th through April 30th, 2009, as Montgomery County Arbor Day Week, to celebrate the benefits we enjoy from the trees that shade our homes, reduce the erosion of our precious topsoil, clean our air, and provide a habitat for wildlife, and to recognize all the partnerships that help make Montgomery County’s urban and natural forests a “green haven” for the world to enjoy, as per Proclamation on file. Motion carried.
CITIZEN - Sylvia Wiggins, representing Montgomery County Beautification Association, recognized three Bear Branch Elementary Students, (Joshua Bowe, Grayson Murphy, and William McCain), as winners of a conservation education (Monarch Butterflies Rule) poster contest.

5. PROCLAMATION APPROVED - MONTGOMERY COUNTY VOLUNTEERS “GO GREEN WEEK”

Motion by Commissioner Meador, seconded by Commissioner Doyal, to declare April 24th through April 30th, 2009 as Montgomery County Volunteers “Go Green Week” to celebrate Earth Day in Montgomery County, and recognize the gift of time donated by various volunteers, clubs, and associations, and patronage received from various businesses and area communities to promote the mission to make Montgomery County a more beautiful place in which to live, work and play, as per Proclamation on file. Motion carried.

6. PROCLAMATION APPROVED - SILVER STAR BANNER DAY 2009

Motion by Judge Sadler, seconded by Commissioner Meador, to proclaim appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members and to declare May 1st “Silver Star Banner Day” the official day to honor the wounded and ill soldiers of the County of Montgomery, as per Proclamation on file. Motion carried.

7. PROCLAMATION APPROVED - DANNY SIGNORELLI - ED RINEHART PARK AT VALLEY RANCH

Motion by Commissioner Chance, seconded by Commissioner Doyle, to recognize and honor the devotion and dedication of Commissioner Ed Rinehart and hereby names the new ballpark in his honor. From this day forward the new park will be known as “Ed Rinehart Park at Valley Ranch”, as per Proclamation on file. Motion carried.

8. MINUTES APPROVED - COMMISSIONERS’ COURT MINUTES - COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Commissioners’ Court Minutes for April 6, 2009, as presented by the County Clerk. Motion carried.

9. CONSENT AGENDA APPROVED - AGENDA ITEMS 9A THRU 9L

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the Consent Agenda, as follows:

COUNTY AUDITOR - AGENDA ITEMS 9A
a. ACCOUNTS approved, as submitted by the County Auditor.

b. BUDGET AMENDMENTS approved, as follows:
   1. 284TH District Court - to transfer funds for Blackberry license.
   2. Animal Shelter - to recognize and allocate revenue.
   3. C/P CO 2006 - to adjust line items.
   4. C/P Road Bonds 2006B - to adjust line items.
   5. CDBG Year 9 - to correct budgeted amounts for projects.
   6. CDBG Year 10 - to correct budget for Year 11.
7. CDBG - Year 8 - to correct budget amendment completed 11.3.08.
8. CDBG - Year 8 - to correct budget amendment completed 1.26.09
   (amounts for rehab activities should be taken from housing rehab line)
9. CDBG HOME Program/$546K - Yr 2 - to adjust line items.
10. Commissioner Pct 3 - to recognize and allocate reimbursements.
11. Commissioner Pct 3 - to recognize and allocate reimbursements.
12. Commissioner Pct 4 - to adjust line items.
13. Commissioner Pct 4 - to recognize and allocate reimbursements.
15. Constable Pct 4 - to recognize and allocate donation.
16. Constable Pct 5 - to recognize and allocate reimbursements.
17. District Attorney - to recognize and allocate LEOSE funds.
18. District Attorney - to fund DA 24-HR Intake payroll 04/10/09
   (M23/12.22.08)
19. District Attorney - to transfer funds to build book shelves.
20. Drug Court - to adjust line items.
21. Drug Court - to recognize and allocate revenue.
22. Environmental Health - to transfer funds for ten (10) Blackberry
   license.
23. FEMA Disaster Grants - to recognize and allocate anticipated
   revenue from FEMA - Hurricane Ike.
26. Juvenile Probation Juv Power Recovery Court - to adjust line
   items.
27. Juvenile Probation Juv Just Alt Ed Prg-P/09 - to adjust line items.
28. Juvenile Probation Foster Care Title IV E/09 - to adjust line items.
29. Juv Prob/State Aid-A/09 - to adjust line items.
30. Juv Prob Comm Corrections Y/09 - to adjust line items.
31. Memorial Library - to recognize and allocate donation.
32. Sheriff Auto Theft Yr 15 - to adjust line items.
33. Sheriff/Detective Division - to adjust line items.
34. Sheriff - to fund Spring Creek Greenway Patrol for PR 03.13.09.
35. Sheriff - to adjust line items and transfer funds to build shelving
   and work counters.
36. Sheriff Auto Theft Grant - Yr 15 - to adjust line items.

   as per Budget Amendments on file.

c. MONTHLY FINANCIAL REPORT approved, for March 2009, as per Report
   on file.

TREASURER - AGENDA ITEMS 9B

AGENDA ITEM 9B-1 - WEEKLY INVESTMENT REPORT FOR WEEK OF APRIL 13-17,
2009 - REMOVED FROM AGENDA

b. PLEDGES AND/OR RELEASES OF COLLATERAL approved, as per Report
   on file.

c. CONTINUING EDUCATION AND PUBLIC FUNDS INVESTMENT ACT
   CERTIFICATES approved, issued by The County Treasurers’ Association
   of Texas and certified by Texas Association of Counties for Martha
   Gustavsen and Betty Graham, as per Certificates on file.
TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 9C

a. MONTHLY TAX COLLECTION REPORT approved, for month ending March 31, 2009, as per Report on file.

b. REQUEST approved, to void a re-sale of tax trust property that resulted in the same property being sold twice and to authorize the refund to Christopher and Laura Miranti of $3,000; property account #00.2150.07.44700, as per Request on file.

c. INTERLOCAL AGREEMENT approved, for tax collection services by and between Montgomery County and East Montgomery County Municipal Utility District No. 4, as per Interlocal Agreement on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 9D

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

1. One (1) or more new vehicles - Various Departments
2. Wrought Iron Fence - Parks Department
3. Installation of water well(s) with pump - MCCD
4. Miscellaneous Steel Products - Various Precincts
5. Veterinary Supplies - Animal Shelter/Animal Control
6. Design/Build of Concession Stand - Pct. #3

b. RENEWAL CONTRACTS approved, as follows:

1. P.O. #2008499 to Allied Power Mart, Inc. for parts for tractors and mowers - picked up - Various Departments
2. P.O. #2008500 to Lansdowne Moody Co., Inc. for parts for tractors and mowers - picked up - Various Departments
3. P.O. #2007396 to Lowe’ s for lumber, hardware & miscellaneous supplies - Various Departments
4. P.O. #2007410 to PPG Architectural Finishes, Inc. for paint & miscellaneous supplies - picked up/delivered - Various Departments
5. P.O. #2006488 to B & G Chemicals & Equipment Co., Inc for mosquito adulticide spray - Various Precincts
6. P.O. #2006489 to Univar USA, Inc. for mosquito adulticide spray - Various Precincts
7. P.O. #2006553 to Texas Drainage, Inc. for excavation work (ditch maintenance) - Various Precincts
8. P.O. #2008347 to Community Ace Hardware for alternate provider for lumber, hardware & miscellaneous supplies - Various Departments
9. P.O. #2008348 to McCoy’ s Building Supply for alternate provider for lumber, hardware & miscellaneous supplies - Various Departments
10. P.O. #2005303 to Recorded Books LLC for service to supply audio/visual materials - Library

11. P.O. #2005304 to Educational Record Center, Inc. for service to supply audio/visual materials - Library

12. P.O. #2005305 to Baker & Taylor, Inc. for service to supply audio/visual materials - Library

13. P.O. #2005306 to Midwest Tape for service to supply audio/visual materials - Library

14. P.O. #2005364 to Traffic Engineers, Inc. for traffic engineering on-call service - Pct. #3

15. P.O. #2008001 to Cherokee County Clerk for Rusk Commitments - County Clerk

16. P.O. #2008599 to Robert Edmonson dba Color Graphics Co. for printing of forms - Elections

17. P.O. #2008649 to Pinnacle Towers LLC for lease of tower - Tamina Sheriff’s Office

as per Memo on file.

c. PAYMENT AND PERFORMANCE BONDS acknowledged and accepted, from Texas Sterling Construction for widening of non-freeway facility consisting of grading, base, structures, drainage, concrete pavement, pavement markings, signing and signals, etc. from 0.37 miles east of SH 242 to 0.18 miles west of IH-45 on FM 1488 1A2 - Pct. #2 (MCTP) - Engineering, as per Bonds on file.

d. CORRECTION accepted, of the cancellation date from April 13, 2009 to April 12, 2009, for the cancellation of P.O. #2006329 to Augustin Gutierrez, MA, LPC, PC for five (5) phase treatment program services previously approved in Commissioners’ Court on April 6, 2009, Drug/DWI Courts, as per Memo on file.

e. DISCRETIONARY EXEMPTIONS approved, as per Texas Local Government Code Section 262.024:

1. On-line computer services for electronic birth certificates from Texas Department of State Health Services - County Clerk

2. Seminars and law books from Texas District/County Attorneys Association - District & County Attorneys

3. Surveying Services from Arborleaf Engineering and Surveying, Inc. - Lone Star Executive Airport

as per Discretionary Exemptions on file.

f. REQUEST approved, to place P.O. #2006295 to Advanced Drainage Systems, Inc. for polyethylene corrugated pipe on a month to month basis - Various Departments, as per Memo on file.
g. CORRECTED PROPOSAL approved, from Arborleaf Engineering & Surveying, Inc. for professional services to prepare additional exhibits to demonstrate the effect of the extension of the Runway Protection Zone previously approved in Commissioners’ Court on April 6, 2009. Proposal did read “for a fee of $6,675.00” and should read “for a fee of $4,675.00”, as per Proposal on file.

h. PURCHASE acknowledged and accepted, of four (4) 2009 Ford Focus Sedans from Philpot Motors through the Interlocal Agreement with HGAC Contract in the amount of $12,853.00 each including an HGAC fee of $600.00 for a total price of $52,012.00 - Juvenile Services, as per Contract Pricing Worksheet on file.

i. PAYMENT AND PERFORMANCE BONDS acknowledged and accepted, from the Windward Group, LLC for electronic imaging of Tax Office Accounting Records - Tax Office, each in the amount of $104,250.01, as per Bonds on file.

j. REQUEST approved, to contract with Austin Ribbon and Computer from DIR for IT Products and related services - IT Department, through the DIR contract #DIR-SDD-629 as per Texas Local Government Code Section 271.083, as per Contract on file.

k. CANCELLATION approved, of P.O. #2009002 to Chemco Analysis, Inc. to maintain Breath Alcohol Testing Program - Various Departments - to be effective May 14, 2009, as per Memo on file.

l. CHANGE ORDER #6 approved, P.O. #2007128 to Api Systems Group, Inc. for Fire Alarm Inspection/Certification and Monitoring - Various Departments to add the following to the contract:

Montgomery County Air Traffic Control Tower
10296 Carl Pickering Memorial Dr.
Conroe, Texas 77303
Fire Alarm Monitoring for a fee of $300.00 annually.

All other terms and conditions will remain the same, as per Change Order on file.

m. NAME CHANGE approved, of Chase Equipment Leasing, Inc. to Chase Equipment Finance, Inc., as per Memo on file.

n. PURCHASE acknowledged and accepted, of one (1) laptop computer from Motorola, Inc. through the interlocal agreement with HGAC for a total price of $3,125.10 - Sheriff’s Office, as per Contract Pricing Worksheet on file.

o. MASTER SOFTWARE LICENSE and Services Agreement accepted, from Landata Technologies, Inc. for RFP/Q Records Management System - County Clerk previously awarded in Commissioners’ Court on November 17, 2008, as per Agreement on file.

p. PURCHASE acknowledged and accepted, of one (1) 2009 Dodge Charger Police Package from Dallas Dodge through the Interlocal Agreement with HGAC in the amount of $20,861.00 including a $600 HGAC fee for a total price of $21,461.00 - District Attorney, as per Contract Pricing Worksheet on file.
RISK MANAGEMENT - AGENDA ITEMS 9E

a. PAYMENT ACKNOWLEDGED, to Billy Lester in the amount of $379.03 in reference to CLAIM #B-09-0031. Date of accident: 01/03/09, as per Memo on file.

b. OFFICIAL BONDS AND OATHS approved, as follows:

1. Raymond J. Kelly - Reserve Deputy Constable Pct #3 - Bond #14331527 - Renewal
2. Bryan D. Hanks - Reserve Deputy Constable Pct #4 - Bond #15275312 - New
3. Tamara D. Hanks - Reserve Deputy Constable Pct #4 - Bond #15275302 - New
4. Jamie L. Lutz - Reserve Deputy Constable Pct #2 - Bond #15275286 - New
5. Carlton Lee Cody - Reserve Deputy Constable Pct #1 - Bond #13327363 - Renewal
6. Richard Wood Jr. - Reserve Deputy Constable Pct #1 - Bond #13749843 - Renewal
7. Jerry Stovall - Reserve Deputy Constable Pct #1 - Bond #14383648 - Renewal

as per Bonds on file.

COMMISSIONERS - AGENDA ITEMS 9F

a. PRECINCT 3

1. ROADS accepted, BOND released into the county road maintenance system in:
   a. Lockeridge Farms Section One

as per Memo on file.

2. REQUEST approved, to publish legal notice for public comment for the Spring Creek Greenway Gateway Complex on Riley Fuzzel Road pursuant to the Texas Parks and Wildlife Recreational Grant Program, as per Legal Notice on file.

b. PRECINCT 4

1. PAYMENT accepted, from R&R Salvage, Inc. for $356.80 for the purchase of scrap metal from Montgomery County Precinct 4 Commissioner’s Office. To be placed in account 615.7357, as per Memo on file. (Check forwarded to County Treasurer for further handling).

COMMISSIONERS - COUNTY ATTORNEY - ROAD AND BRIDGES - AGENDA ITEMS 9G

a. PRECINCT 2

1. ORDER approved, authorizing County Judge to sign draw on Maintenance Bond and Letter of Credit for High Meadow Ranch, Section Eighteen (18), as per Order on file.
2. ORDER approved, authorizing County Judge to sign draw on Maintenance Bond and Letter of Credit for Shady Oak Estates, Section Three (3), as per Order on file.

b. PRECINCT 4

1. PUBLIC HEARING DATE SET, of May 18, 2009, to consider the replat of Deerwood, Section Three (3), to be known as Deerwood Section Three (3) Replat, as per Notice on file.

2. ORDER approved, acknowledging receipt of Check No. 1722 in the amount of $10.00 from Terry Williams for lease of real property described as 7.84 acres out of the John A. Davis Survey, as per Order on file. (Check forwarded to County Treasurer for further handling).

c. TAX ASSESSOR/COLLECTOR

1. ORDER approved, rescinding and voiding the Special Warranty Deed conveying tax trust property, which is now recorded at file number 2008-017850 of the real property records of Montgomery County, Texas, as per Order and Special Warranty Deed on file.

COMMISSIONERS - COUNTY ENGINEER - AGENDA ITEMS 9H

a. PRECINCT 2

1. FINAL PLAT approved, for The Woods at Jacobs Reserve, Replat No. 1, as per Plat on file.

2. FINAL PLAT approved, for St. Luke’s Woodlands Lakeside Hospital (Replat), as per Plat on file.

b. PRECINCT 3

1. FINAL PLAT approved, for Birnham Woods Drive and Rayford Road Extension Street Dedication Plat, as per Plat on file.

c. PRECINCT 4

1. ROADS accepted, BOND released into the county road system in Riverwood at Oakhurst, Section 2, as per Memo on file.

2. UTILITY PERMIT approved, from Entergy Texas, Inc. to place an overhead electrical distribution line within the right of way of Gene Campbell Blvd., as per Permit on file.

PARKS - AGENDA ITEMS 9I

a. USE AGREEMENTS approved, as follows:

1. Greater Toliver Memorial COGIC
   JP#1 Parking Lot - Precinct #1

2. Books are Fun
   Commissioners’ Court Lobby - Precinct #1
3. Kristina Walden
   Magnolia Sports Park - Precinct #2

   as per Use Agreements on file.

b. DONATION approved, of two (2) forty foot flag poles for the War
   Memorial Park from the Montgomery County Beautification Association,
   as per Quotation on file.

LIBRARY - AGENDA ITEM 9J

a. CHECK accepted, of $1,500 from the South Montgomery County Friends
   of the Library to be deposited into the library system’s Professional
   Services Account #6511-7419, as per Memo on file. (Check forwarded
   to County Treasurer for further handling).

INFRASTRUCTURE - AGENDA ITEM 9K

a. DONATION accepted, Check No. 00803936 in the amount of $2,522.00
   from the Geo Group, Inc. for the purchase of the following items:

   1. (17) Food Pass Kit with Slid Bolt
   2. (12) Gas Port for Lexan Window

   Funds to be placed in bond monies line item 5107-7571, as per Memo
   on file. (Check forwarded to County Treasurer for further handling).

COUNTY ATTORNEY - AGENDA ITEMS 9L

a. AMENDMENT approved, clarifying lease agreement between
   Montgomery County, Texas, and the Montgomery County Children’s
   Advocacy, Inc. d/b/a Children’s Safe Harbor, as per Lease Agreement on
   file.

b. CONSENT granted, for sub-lease agreement at the Lone Star Executive
   Airport, with Galaxy FBO as sub-lessor, and Northeast Helicopters flight
   training, as sub-lessee, under the same terms and conditions of the
   original lease agreement, and County Judge authorized to execute same,
   as per Resolution and Sublease Agreement on file.

c. RIGHT OF ENTRY PERMIT approved, to carry out exercises at the Lone
   Star Executive Airport and County Judge authorized to execute said
   instrument, as per Right of Entry on file.

d. ASSIGNMENT approved, of property leased at the Lone Star Executive
   Airport for the following:

   Assignment from Steven Miller to Stephen Dyczko for 4,110 square feet
   as per Assignment on file.

e. RESOLUTION approved, authorizing funding of building inspection by Del-
   Phi Engineering, Inc., from the law library fund for purposes of potential
   expansion of law library, as per Resolution and Order on file.

f. ESTOPPEL CERTIFICATE executed, between Carlon Dowell and STec
   Enterprises, LLC, as per Estoppel Certificate on file.
g. RESOLUTION AND ORDER approved, accepting and acknowledging executed donation deed of 0.381 acres of land to Montgomery County, Texas from Forrest M. Tharpe and Lorelei W. Tharpe, as per Resolution and Order and Donation Deed on file.

h. RESOLUTION AND ORDER approved, acknowledging executed interjurisdictional Mutual Aid Agreement, for combining resources in the event of emergency or disaster previously approved on September 11, 2006, and same recorded within the minutes of the court, as per Resolution and Order on file.

Motion carried.

END OF CONSENT AGENDA

10. REQUEST APPROVED - DEMOLITION OF PROPERTIES - ENVIRONMENTAL HEALTH

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a request for demolition on the following properties that are abandoned, deemed unsafe, or unlivable:

a. PRECINCT #1
   1. 11284 Poplar, Willis, Texas

b. PRECINCT #2
   1. 36911 Pine Needle Lane, Magnolia, Texas
   2. 36858 Pine Bark Lane, Magnolia, Texas
   3. 605 Orangewood Drive, Conroe, Texas

Estimated Total Cost: $18,000.00
Funded by: CDBG

as per Orders to Abate a Public Nuisance on file. Motion carried.

11. REQUESTS APPROVED - VARIANCE INSTALLATION - ENVIRONMENTAL HEALTH

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve variance requests to install an aerobic on-site system in the 100-year floodplain located at:

a. 28542 F.M. 2978, Magnolia, Texas 77354 for Cutten Mowers

b. 15608 Fire Tower, Conroe, Texas 77306 for Russell Deaton

as per Variances on file. Motion carried.
12. REQUEST APPROVED - TRANSFER OF FUNDS - AIRPORT

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve transferring $4,720.00 from the control tower construction contingency as follows:

<table>
<thead>
<tr>
<th>AMOUNT</th>
<th>TO</th>
<th>PURPOSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,750</td>
<td>6291-7351</td>
<td>Return for repairs/replacement use</td>
</tr>
<tr>
<td>$ 770</td>
<td>6291-7390</td>
<td>Building plaque from control tower</td>
</tr>
<tr>
<td>$ 200</td>
<td>6291-7390</td>
<td>Install a beacon cutoff option kit</td>
</tr>
</tbody>
</table>

The construction contingency set-aside was $25,000 and has a balance of $11,960, as per Memo on file. Motion carried.

13. ONE TIME EXEMPTION APPROVED - TRAVEL POLICY - INFORMATION TECHNOLOGY SERVICES

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the one time exemption from the Montgomery County Travel Policy to attend the Texas Association of Government Information Technology Managers being held in Houston, Texas, as per Memo on file. Motion carried.

14. REQUEST APPROVED - TRANSFER OF FUNDS - BUILDING MAINTENANCE

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following transfer of funds for positions involved in merit increases:

<table>
<thead>
<tr>
<th>AMOUNT</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,981.16</td>
<td>510-9999-999</td>
<td>510-5725-04</td>
</tr>
<tr>
<td>$3,120.00</td>
<td>510-9999-999</td>
<td>510-3401-01</td>
</tr>
</tbody>
</table>

This transfer does not increase the approved salary budget, as per Memo on file. Motion carried.

AGENDA ITEM 14A - ACCOUNT - MOBILE PHONE COSTS - SYSTEM ADMINISTRATOR - COUNTY CLERK - REMOVED FROM AGENDA

15. TRAVEL POLICY EXCEPTION APPROVED - LIBRARY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve an exception to the previous travel policy, which was changed on April 6, 2009, to allow expenses to be reimbursed for library employees who represented the County at the Texas Library Association Annual Conference, March 30 - April 3, 2009, and needed to stay overnight, as per Memo on file. Motion carried.
16. PURCHASE APPROVED - JOE CORLEY DETENTION FACILITY GOODS - INFRASTRUCTURE

Motion by Commissioner Chance, seconded by Commissioner Doyal, to purchase the following for the Joe Corley Detention Facility:

a. (54) Double Bunk Beds
b. (54) Ladders
c. (108) Locker Boxes

Funding source named as Jail Revenue, as per Quote on file. Motion carried.

17. FUNDING SOURCE NAMED - ENVIRONMENTAL CLEANUP-PCT 1 - INFRASTRUCTURE

Motion by Commissioner Meador, seconded by Commissioner Chance, to name Contingency as funding source for the emergency purchase of environmental cleanup services for Precinct 1, provided by Milstead Environmental, as per Contract on file. Motion carried.

18. GRANT APPLICATION APPROVED - POWER RECOVERY COURT - JUVENILE PROBATION

Motion by Commissioner Doyal, seconded by Judge Sadler, to approve submitting a grant application to the Montgomery County Power Recovery Court, (Juvenile Drug Court), to the Criminal Justice Division of the Office of the Governor. The grant does not require a match from the County, as per Grant Application on file. Motion carried.

19. 2009-2010 DWI COURT GRANT AND RESOLUTION APPROVED - CJD - DRUG CARE COURT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve 2009-2010 DWI Court Grant, from the State of Texas, Office of the Governor, Criminal Justice Division (CJD) and Resolution needed to complete the grant. This funding is to assist in the continued successful operation of the DWI Court, as per Grant and Resolution on file. Motion carried.

20. 2009-2010 DRUG COURT CARE GRANT AND RESOLUTION APPROVED - DRUG CARE COURT

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve resolution needed to complete the 2009-2010 Drug Court Grant, from the State of Texas, Office of the Governor, Criminal Justice Division (CJD) and Resolution needed to complete the grant. This funding is to assist in the continued successful operation of the Drug Care Court and the Montgomery County Drug Court Assisted Rehabilitation Experience (CARE) Program, as per Grant and Resolution on file. Motion carried.

AGENDA ITEMS 19A-1-8,10, 12, 14-23 - RECOMMENDATIONS AND CONTRACTS - PURCHASING - DEFERRED
21. RECOMMENDATIONS AND CONTRACTS APPROVED - PURCHASING
(AGENDA ITEMS 19A-9,11,13,24)

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve the following recommendations and contracts:


b. Lawn Maintenance Service - Lone Star Convention Center & Expo and Lone Star Executive Airport - Project #2009-0047, opened March 6, 2009, awarded as follows:

Bid II - Lone Star Executive Airport to Hellard Services

Bid I, item #1 and #2 to be awarded at a later date.


d. RFP/Q Extension of Fiber Network - IT Department - Project #2009-0057, opened March 6, 2009, awarded as follows:

Items for Project 2 awarded to WaveMedia:

<table>
<thead>
<tr>
<th>Item #</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Dark Fiber Strands (Single Span)</td>
<td>$25,998.00</td>
</tr>
<tr>
<td>2.2</td>
<td>Gigabit Ethernet Connectivity</td>
<td>$82,403.00</td>
</tr>
<tr>
<td>2.3</td>
<td>Dark Fiber Strands (Single Span)</td>
<td>$3,500.00</td>
</tr>
</tbody>
</table>

Contract previously approved in Commissioners’ Court on March 23, 2009.

as per Recommendations and Contracts on file. Motion carried.

22. DISCRETIONARY EXEMPTION APPROVED - ALLIANCE REALTY ADVISORS - PURCHASING

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the discretionary exemption, as per Texas Local Government Code Section 262.024, for appraisal services from Alliance Realty Advisors for a fee of $7,350.00. Funding from Contingency - Lone Star Executive Airport, as per Discretionary Exemption on file. Motion carried.

23. CHANGE ORDER #2 APPROVED - MOTOROLA AGREEMENT - PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Change Order #2, amending the agreement with Motorola, Inc. for the build out of the EOC, as per Change Order on file. Motion carried.
24. REQUESTS APPROVED - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to:

a. acknowledge notice of intent from Emergency Services District #7 to conduct an election to approve the issuance of bonds to meet the district’s goal for a strategic plan, as per Notice on file.

b. approve agreement between Montgomery County, Texas and Union Pacific Railroad Company for improvements to existing public roads at grade crossings in Pct. 1, as per Agreement on file.

Motion carried.

25. INTERLOCAL AGREEMENT APPROVED - CITY OF MAGNOLIA - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Interlocal Agreement between Montgomery County, Texas, and the City of Magnolia for the repair of 495 linear feet of ditches along Nichols-Sawmill Road, as per Resolution and Order and Interlocal Agreement on file. Motion carried.

AGENDA ITEM 20D - DEPOSITORY CONTRACTS - COUNTY ATTORNEY - DEFERRED

26. RIGHT-OF-WAY INSTRUMENT APPROVED - EASEMENT-LONE STAR EXECUTIVE AIRPORT - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve right-of-way instrument for easement to Entergy Texas, Inc., to provide a location for an electric power facility at the Lone Star Executive Airport, and to authorize County Judge to execute same, as per Easement on file. Motion carried.

27. CONTRACT AND AGREEMENT APPROVED - DEPT. OF STATE HEALTH SERVICES - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Contract and Agreement with the Department of State Health Services, Bureau of Vital Statistics, for use of online computer databases of birth certificates and other vital records, and to authorize County Judge to execute same, as per Contract on file. Motion carried.

AGENDA ITEM 21B - PROFESSIONAL SERVICE AGREEMENT - ELIZABETH WARREN - DEFERRED

28. APPLICATION APPROVED - GREATER HOUSTON CLEAN SCHOOL BUS PROGRAM - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve application for the Texas Commission on Environmental Quality (“TCEQ”) Local Initiative Program for Montgomery County’s portion of the Greater Houston Clean School Bus Program, and to authorize County Judge to execute same, as per Project Summary on file. Motion carried.
29. PUBLIC HEARING APPROVED - PRECINCT 2

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve changing the speed limit on all streets in the Westwood subdivision from 30 MPH to 25 MPH, as per Memo and Speed Limit Warrant Study on file. Motion carried.

30. REQUEST APPROVED - SOIL AND WATER CONSERVATION DISTRICT NO. 452 ANNUAL FUNDING - PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a request by Montgomery County Soil and Water Conservation District No. 452 Annual Funding in the amount of $15,000.00, as per Request on file. Motion carried. Funding from Contingency.

31. DONATION RATIFIED - 11.67 ACRE TRACT - PRECINCT 3

Motion by Commissioner Chance, seconded by Commissioner Meador, to ratify a donation of an 11.67 acre tract of land from the Spring Creek Greenway Foundation which was a donation from the Midway Spring Trails Partners, L.P. for the Spring Creek Greenway Gateway Complex on Riley Fuzzel Road and to authorize Commissioner Ed Chance to sign on behalf of Commissioners’ Court, as per Memo on file. Motion carried.

32. RESOLUTION APPROVED - EAST MONTGOMERY COUNTY IMPROVEMENT DISTRICT - PRECINCT 4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve Resolution authorizing application to East Montgomery County Improvement District for Community Development funding program grant to purchase playground equipment in Pct. 4, and to authorize Commissioner Ed Rinehart to execute necessary documents, with funding of match to come from Commissioner Pct. 4 budget, as per Resolution 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:

Article 551.071

1. Consider and discuss the claim of Charity Cornell, Individually and as next friend of Jacob Duncan vs. Centerpoint Entergy, Inc., and Montgomery County, Texas; Claim No. B-08-0054.

2. Consider and discuss the claim of Fred M. Haston, Jr., et ux, vs. Monroe Larue Tyler, et al.

3. Consider and discuss cause No. 08-02-01628-CV, styled Katie J. Allison vs. Montgomery County and Precinct 3 of Montgomery County, Texas, a political subdivision of Texas; in the 9th Judicial District Court of Montgomery County, Texas; Claim No. B-06-0038.

COURT RECONVENSED WITH ALL MEMBERS OF THE COURT PRESENT
33. REQUEST APPROVED - HIRING OF EXPERT WITNESS - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve hiring an expert witness in connection with cause No. 08-02-01628-CV, styled Katie J. Allison vs. Montgomery County and Precinct 3 of Montgomery County, Texas, a political subdivision of Texas; in the 9th Judicial District Court of Montgomery County, Texas; Claim No. B-06-0038, as per Resolution and Order on file. Motion carried.

AGENDA ITEM 26 - CITIZENS - There were no citizens present who wished to address Commissioners’ Court.

34. PAYROLL CHANGE REQUESTS APPROVED - HUMAN RESOURCES

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following payroll change requests:

request of 284th District Court to correct employee no. and reason for change on PCRF approved by CC 4-6-09 for Tempe Ross, Legal Assistant II, effective April 6, 2009

request of Animal Control to transfer/promote John Geiser, from Office Supervisor II to Administrative Manager I, (replacement for LaJeane Thompson), effective April 4, 2009

request of Animal Shelter to place Katrina Carmeans, Kennel Helper, on payroll, (replacement for Debra McGovern), effective April 3, 2009

request of Animal Shelter to remove Katrina Carmeans, Kennel Helper, from payroll, (job abandonment), effective April 3, 2009

request of Animal Shelter to transfer/promote Linda Davis, from Bookkeeper to Office Supervisor II, (replacement for John Geiser), effective April 4, 2009

request of Animal Shelter to promote Debra McGovern, from Kennel Helper to Surgery Tech, (replacement for James Lord), effective April 3, 2009

request of Animal Shelter to place Emilee Rambaud, Kennel Helper, on payroll, (replacement for Katrina Carmeans), effective April 6, 2009

request of Bldg Custodial Services to place Mel Harrison, Custodian (part-time), on payroll, (replacement for Hector Moreno), effective April 6, 2009

request of Bldg Custodial Services to place Angela Lortcher, Custodian (part-time), on payroll, (replacement for Mireya Garza), effective April 13, 2009

request of Commissioner Pct 3 to increase the salary of James B. Lord, Operator I, merit increase, effective April 18, 2009

request of Constable Pct 1 to remove Johnny Walker, Deputy, from payroll, (voluntary resignation/job abandonment), with 118.925 vacation hours due, 13 comp hours due, and 8 holiday hours due, effective April 1, 2009

request of County Clerk to promote Heather Chastun, from Clerk II to Court Clerk II, (replacement for Donna Mathis), effective April 18, 2009
request of County Clerk to increase the salary of Sonia Vazquez, Court Clerk II, merit increase, effective April 18, 2009

request of District Attorney to correct effective date of unpaid FMLA/Disability Leave for Kristie Nicole Czajkoski, Attorney II, effective April 1, 2009

request of District Attorney to increase the salary of Claudia Lee Laird, Attorney III, merit increase, effective April 13, 2009

request of District Clerk to place Stella Luton, Court Clerk II, on payroll, (replacement for Susie Herman), effective April 6, 2009

request of Elections to increase the salary of Mary Lee Muirhead, Temporary Voter Clerk, increased responsibilities, effective April 20, 2009

request of Elections to increase the salary of Jackie L. Nelson, Temporary Voter Clerk, increased responsibilities, effective April 20, 2009

request of Elections to increase the salary of Donna Riddick, Temporary Voter Clerk, increased responsibilities, effective April 20, 2009

request of Juvenile to bridge time for Anita Kay Hutsen, Clerk III, new leave anniversary date: 6-24-2000, effective April 3, 2009

request of Juvenile to discharge Byron Jerone Nelson, Substitute Detention Officer, effective April 8, 2009

request of Juvenile to discharge Terry D. O’ Hara, Substitute Detention Officer, effective April 6, 2009

request of Juvenile to discharge Brandon Keith Wilcox, Substitute Detention Officer, effective April 8, 2009

request of Library to remove Jeremy Travis Rhea, Shelving Clerk I, job abandonment, effective April 6, 2009

request of Library to accept the resignation of Jennifer L. Wisland, Librarian I - Reference, effective May 5, 2009

request of Sheriff to place Rodney Baseke, Jr., Officer - Civilian Detention, on payroll, (replacement for Daneila Arteaga), effective April 4, 2009

request of Sheriff to place Michele Cook-Molloy, Dispatcher, on payroll, (replacement for Miranda Cox), effective April 4, 2009

request of Sheriff to place Keisha Davis, Officer-Civilian Detention, on payroll, (replacement for Patrick Gallagher), effective April 4, 2009

request of Sheriff to place Brenda Hall, Dispatcher, on payroll, (replacement for Kimberly Taylor), effective April 4, 2009

request of Sheriff to increase the salary of Robert Meeks, Officer-Civilian Detention, probationary period completed, effective May 2, 2009

request of Sheriff to place Karen O’ Hagan, Dispatcher, on payroll, (replacement for Vicki Scott), effective April 4, 2009
request of Sheriff to increase the salary of Dustin Pugh, Officer-Civilian Detention, probationary period completed, effective May 2, 2009

request of Sheriff to discharge Olga Saburov, Officer-Civilian Detention, with 37.01 vacation hours due, 1.14 comp hours due, and 9.75 holiday hours due, effective April 10, 2009

request of Sheriff to increase the salary of Scott St. John, Officer-Civilian Detention, probationary period completed, effective May 2, 2009

request of Sheriff to accept the resignation of Zachary Vercher, Officer-Civilian Detention, with 43.12 vacation hours due, 39.88 comp hours due, and 44.25 holiday hours due, effective April 10, 2009

request of Sheriff to place Angela Voss, Dispatcher, on payroll, (replacement for Paulette Green), effective April 11, 2009

request of Sheriff to place Leslie Walker, Dispatcher, on payroll, (replacement for Cody Harmon), effective April 11, 2009

request of Tax Assessor/Collector to place Lindsay A. Camp, Deputy Specialist I, on payroll, (replacement for Sonia McLain), effective April 20, 2009

request of Tax Assessor/Collector to place Sara B. Gresh, Deputy Specialist I, on payroll, (replacement for Angela Mataisz), effective April 20, 2009

request of Tax Assessor/Collector to place Charlotte Hatchley, Deputy Specialist I, on payroll, (replacement for Vannessa Jackson), effective April 20, 2009

request of Tax Assessor/Collector to promote Kimberly Hill, from Deputy Specialist I to Deputy Specialist II, effective April 6, 2009

request of Tax Assessor/Collector to promote Vannessa Jackson, from Deputy Specialist II to Litigation Deputy, (replacement for Gloria Peppmuller), effective May 2, 2009

request of Tax Assessor/Collector to accept the retirement of Gloria Peppmuller, Litigation Deputy, with 51.63 vacation hours due, and 8 holiday hours due, effective April 30, 2009

request of Tax Assessor/Collector to promote Brandie Stallings, from Deputy Specialist I to Deputy Specialist II, (replacement for Teresa King), effective April 6, 2009

request of Constable Pct 4 to temporarily suspend auto allowance for Carl C. Gamble, Lieutenant, effective April 7, 2009

as per Payroll Change Requests on file. Motion carried.

AGENDA ITEM 28 - MISCELLANEOUS - There were no miscellaneous matters discussed at this Court Session.
COURT ADJOURNED

Motion by Commissioner Chance, seconded by Commissioner Meador, that this Session of Court be adjourned. 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: ______________________________  ______________________________
    COUNTY CLERK  COUNTY JUDGE