

COMMISSIONERS' COURT DOCKET DECEMBER 21, 2009
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 21st day of December, 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 JULIE MARTINEAU

PLEDGE OF ALLEGIANCE RECITED BY EVERYONE PRESENT

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

1. COMMISSIONERS' COURT AGENDA APPROVED

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

AGENDA ITEM 7A - MONTGOMERY COUNTY UNITED WAY

A presentation was made by Julie Martineau and Nelda Blair recognizing County employees and departments who donated to the United Way Program. A total of \$59,000 was contributed by County Employees. Names were drawn and monetary awards were given. Commissioner Meador thanked everyone who participated.

2. 2009 ENTERGY TEXAS PRESENTATION ACKNOWLEDGED - 2009 ENTERGY TEXAS CITYSMART PROGRAM - INFRASTRUCTURE

Motion by Commissioner Meador, seconded by Commissioner Chance, to acknowledge the 2009 Entergy Texas CitySmart Program Incentive Presentation to Montgomery County for completed Energy Efficiency Projects, as per Project Completion Report on file. Motion carried.

3. MINUTES APPROVED - COMMISSIONERS' COURT MINUTES - COUNTY CLERK

Motion by Commissioner Meador, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for December 7, 2009, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 9A THRU 9O

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 FY2009 approved, as follows:
 - 1. 9th District Court - to transfer funds for release 369646.
 - 2. Building Maintenance - to transfer funds for release 378505.
 - 3. Constable Pct 5 - to transfer funds for release 376472.
 - 4. County Court at Law #4 - to transfer funds for release 377024.
 - 5. Elections - HAVA Project - to recognize and allocate grant revenue.
 - 6. Elections Administrator - to recognize and allocate reimbursements.
 - 7. Elections Administrator - to recognize and allocate reimbursements.
 - 8. Elections Administrator - to recognize and allocate reimbursements.
 - 9. Risk Management - to recognize and allocate insurance proceeds.
 - 10. Risk Management - to transfer funds for damage claims.
 - 11. Sheriff - to transfer funds for PO 30500939.

as per Budget Amendments on file.

- c. BUDGET AMENDMENTS FY2010 approved, as follows:
 - 1. Animal Control - to transfer unspent salary & employee insurance to capital outlay (M12/11.23.09).
 - 2. Animal Shelter - to recognize and allocate revenue.
 - 3. CDBG - Disaster Recovery - to adjust line items.
 - 4. CDBG/\$1.826 Mil - Year 12 - to adjust line items.
 - 5. Commissioner Pct 1 - to transfer funds for utilities.
 - 6. Commissioner Pct 1 - to adjust line items.
 - 7. Commissioner Pct 3 - to recognize and allocate reimbursements.
 - 8. Commissioner Pct 4 - to adjust line items.
 - 9. Commissioner Pct 4 - to recognize and allocate reimbursements.
 - 10. Commissioner Pct 4 - to recognize and allocate proceeds from recycling oil.
 - 11. Commissioner Pct 4 - to recognize and allocate sale of scrap.
 - 12. Constable Pct 1 - to recognize and allocate reimbursements.
 - 13. Constable 4 - to recognize and allocate Tobacco Compliance Grant (M24/10.26.09).
 - 14. Constable Pct 5 - to transfer funds for Blackberry license.
 - 15. Constable Pct 5 - to recognize and allocate reimbursements.
 - 16. County Attorney - to recognize and allocate reimbursement.
 - 17. Court Collections - to transfer funds for release 377692.
 - 18. Custodial Services - to adjust line items.
 - 19. District Attorney - to fund DA 24-HR Intake payroll 12/04/09 M12/09.28.09.
 - 20. District Attorney - to recognize and allocate reimbursement.
 - 21. Elections Administrator - to correct budget amendment submitted 12/7/09 to recognize and allocate reimbursements in FY10, but should be FY09.

22. Elections Administrator - to recognize and allocate reimbursements.
23. Elections Administrator - to recognize and allocate reimbursements.
24. Juvenile Probation State Aid " A " - to adjust line items.
25. Memorial Library - to recognize and allocate donation.
26. Risk Management - to recognize and allocate insurance proceeds.
27. Sheriff - to adjust line items.
28. Sheriff - to recognize and allocate donation.
29. Sheriff - to recognize and allocate revenue from silver recovery.
30. Sheriff - to recognize and allocate restitution.
31. Sheriff - to recognize and allocate reimbursement.

as per Budget Amendments on file.

- d. REPORT accepted, of Officials' fees, as audited for September 2009, as per Report on file.
- e. INTERIM ARBITRAGE REBATE ANALYSIS accepted, for the following:
 1. Series 2008 Certificates of Obligation
 2. Series 2008A Unlimited Tax Road Bonds
 3. Series 2008 Unlimited Tax Refunding Bonds

as per Analyses on file.

TREASURER - AGENDA ITEMS 9B

AGENDA ITEM 9B-1 - WEEKLY INVESTMENT REPORT FOR WEEK OF DECEMBER 14-18, 2009 - REMOVED FROM AGENDA

AGENDA ITEM 9B-2 - PLEDGES AND/OR RELEASES OF COLLATERAL - REMOVED FROM AGENDA

- c. TEXSTAR APPLICATION to open account approved, as approved by David Walker, County Attorney, as per Application on file.

TAX ASSESSOR/COLLECTOR - AGENDA ITEMS 9C

- a. CORRECTION approved, to the 2009 Consolidated Taxroll for property(s) located in the Harris County Appraisal District, as per Taxroll on file.

PURCHASING DEPARTMENT - AGENDA ITEMS 9D

- a. RENEWAL CONTRACTS approved, as follows:
 1. P.O. #2006514 to Beck Disaster Recovery, Inc. for debris management and disaster recovery services thru the interlocal agreement with HGAC - Emergency Management (month-to-month)
 2. P.O. #2009147 and #2009147X to Wilkins Linen & Dust Control Service for dust mop/floor mat/shop/textile and bath towel & fender cover service - Various Departments

3. P.O. #2009293 to Protective Environmental Strategies for hydro-mulch seeding - Various Departments.

| Item # | Did Read | Should Read |
|--------|----------|-------------|
| .001 | \$0.025 | \$0.04 |

4. P.O. #2008156 to Philip Reclamation Services - HOU, Inc. for household hazardous waste disposal thru the Interlocal Agreement with HGAC - Pct. #3
5. P.O. #2008432 to Hunton Distribution Group for heating/ventilating/air conditioning & plumbing - TCPN contract #R4669 - Various Departments
6. P.O. #2008281 to Ridgeway' s Ltd for copying reproducible s - Various Departments
7. P.O. #2008282 to Conroe Copy Center for copying reproducible s - Various Departments
8. P.O. #2009311 to DynaSource, Inc. for data storage and document/imaging solutions - TCPN contract #R4844 - Various Departments

as per Memo on file.

b. CHANGE ORDERS approved, as follows:

1. CHANGE ORDER #4 approved , P.O. #2007359 to John Reaves, for Mowing Right-of-Ways - Pct. #1, to add the following road:

Walker Road - .71 acres - \$275.00

as per Change Order on file.

2. CHANGE ORDER #5 approved, P.O. #2006531 to Secure Govt Payment Solutions, Inc. for Customer Credit Card Payment and Driver' s License Swipe Service - Various Departments, to cancel the month-to-month basis effective December 17, 2009, as per Change Order on file.

AGENDA ITEM 9D2c - PROPERTY INFO CHANGE ORDER #1, P.O. #2009336 - DEFERRED

4. CHANGE ORDER #6 approved, P.O. #2008174 to Motorola, Inc. to provide Infrastructure & Subscriber Equipment along with Associated Services & Peripheral Equipment to Join the Harris County Regional Radio System thru the Interlocal Agreement with HGAC - Sheriff' s Office, for improvements to the Conroe radio equipment site, tower and building/site modifications, as per Change Order on file.
5. CHANGE ORDER #2 approved, P.O. #2008474 to Fairweather Group LLC, for Montgomery County Jail Renovations - Infrastructure, to add changes with a price increase of \$1,650.00, as per Change Order on file.

6. CHANGE ORDER #1 approved, P.O. #2009600 to Bearcom, for the Purchase of Camera Security System and Installation - Lone Star Executive Airport, to change the wording on the contract from Purchase of Camera Security System and Installation thru HGAC for Purchase of Camera Security System thru HGAC, as per Change Order on file.
7. CHANGE ORDER #1 approved, P.O. #2010201 to General Printing Company, for Printing of Letterhead Stationery, Envelopes and Business Cards - Various Departments, to add the following to the contract:

Window Envelopes #10, 24#, Black Ink at \$536.00 per 20,000

as per Change Order on file.
8. CHANGE ORDER #1 approved, P.O. #2010200 to American Business Forms, Inc., for Printing of Letterhead Stationery, Envelopes and Business Cards - Various Departments, to delete the item #.003 from the contract, as per Change Order on file.
- c. REQUEST approved, to rename the following bid(s)/proposals:
 1. Design Build Equipment Maintenance Building - Pct. #4 to RFP/Q Design-Build of Equipment Maintenance Building - Pct. #4

(No paperwork).
- d. REQUEST approved, to approve rescinding the request for permission to advertise for Preventative Maintenance on Stand-by Generators - Various Departments, previously approved in Commissioners' Court on May 18, 2009, as per Request on file.
- e. CHECK acknowledged and accepted, Check #16236, in the amount of \$50,644.80, from Rene Bates Auctioneers, Inc. and the list of items sold through the on-line auction held December 3, 2009, as per list on file. (Check forwarded to County Treasurer for further handling).
- f. CHECK acknowledged and accepted, Check #00005377, in the amount of \$2,134.81, from the Local Government Purchasing Cooperative (BuyBoard), as per Memo on file. (Check forwarded to County Treasurer for further handling).

RISK MANAGEMENT - AGENDA ITEMS 9E

- a. 2010 Montgomery County Employee Benefit Plan approved, with an effective date of January 1, 2010, as per Plan on file.
- b. REVISION approved, to the qualifications for county paid/subsidized retiree health benefits for employees hired on or after October 1, 2009, as per Revision on file.

COMMISSIONERS - COUNTY ATTORNEY - ROAD AND BRIDGES - AGENDA
ITEM 9F

a. PRECINCT 1

1. PUBLIC HEARING DATE set, of January 25, 2010 to consider the partial replat of Capps Addition Section One (1) to be known as Capps Addition Section One A (1-A), as per Notice of Public Hearing on file.

COMMISSIONERS - AGENDA ITEMS 9G

a. PRECINCT 1

1. REAPPOINTMENTS approved, of:

Chuck Frank
Edward Olszowy

To ESD #1 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

2. REAPPOINTMENTS approved, of:

a. Emmet Pugh
Michael Mason

to ESD #2 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

b. PRECINCT 2

1. REAPPOINTMENTS approved, of:

Glenn Gates
Bob Buschardt

to ESD #10 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

c. PRECINCT 1 AND PRECINCT 2

1. REAPPOINTMENTS approved, of:

Richard Austin
Janice Murphy
Lee Reed

to ESD #3 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

d. PRECINCT 2 AND PRECINCT 4

1. REAPPOINTMENTS approved, of:

Charles Hair
Ellie Hoover
Homer Wilson

to ESD #5 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

2. REAPPOINTMENTS approved, of:

Brian Arcenaux
Mike Cotter

to ESD #4 Board of Commissioners for a two year term of office
ending December 31, 2011

(No paperwork).

3. REAPPOINTMENTS approved, of:

Robert Barnwell

to ESD #4 Board of Commissioners for a two year term of office
ending December 31, 2011

(No paperwork).

e. PRECINCT 3

1. REAPPOINTMENTS approved, of:

James Kelly
Rodney Otto
Andy Walters

to ESD #8 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

2. REAPPOINTMENTS approved, of:

Alan Dreesan
Shirley Gandjean
Danny Olsen

to ESD #14 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

3. USE AGREEMENT approved, for the expansion of the South
Montgomery Girls Softball League Complex and Commissioner Ed
Chance authorized to sign agreement, as per Memo on file.

4. ROADS accepted - BOND released, into the county road
maintenance system, as follow s:

Birnham Woods Dr., Imperial Promenade Dr., and Reserves

as per Memo on file.

f. PRECINCT 4

1. REAPPOINTMENTS approved, of:

Donnie Click
Therlyn Cook
Max Neely

to ESD #6 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

2. REAPPOINTMENTS approved, of:

Wanda James
Jan Peterson

to ESD #7 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

3. REAPPOINTMENTS approved, of:

Paul Babb, Sr.
Jerry Lee, Sr.

to ESD #9 Board of Commissioners for a two year term of office
ending December 31, 2011

as per Memo on file.

4. APPOINTMENT approved, of:

Lois Clancy

to ESD #9 Board of Commissioners for a two year term of office ending December 31, 2011

(No paperwork).

5. REAPPOINTMENTS approved, of:

Michael Armstrong

Thomas Hart

Terry Mann

to ESD #12 Board of Commissioners for a two year term of office ending December 31, 2011

as per Memo on file.

6. REAPPOINTMENT approved, of:

Jerry Guion

to ESD #11 Board of Commissioners for a two year term of office ending December 31, 2011

as per Memo on file.

CONSTABLE PRECINCT 3 - AGENDA ITEM 9H

- a. DONATION accepted, of a 2010 Ford Crown Victoria from Rayford Road Mud to be used as a patrol vehicle as part of the Interlocal Agreement between Rayford Road MUD and Montgomery County, as per Memo on file.

COMMISSIONERS - COUNTY ENGINEER - AGENDA ITEMS 9I

a. PRECINCT 3

- 1. PUBLIC HEARING DATE set, of January 25, 2010 to change the street name of North Crescent Ridge Drive to Technology Forest, as per Memo on file.
- 2. PUBLIC HEARING DATE set, of January 25, 2010 to place loading and unloading zone signs on both sides of Waterway Avenue from the Bridge over the Waterway to 200 feet north, as per Memo on file.

b. PRECINCT 4

- 1. ROADS accepted, in Timber Switch, Section 5 into the one year maintenance period, as per Memo on file.

LIBRARY - AGENDA ITEM 9J

- a. CHECK accepted, for \$20,000 from the Library Friends of Conroe to be deposited in the Library System' s Memorial/Gift Account, #6511-7392, as per Memo on file. (Check forwarded to County Treasurer for further handling).

ENVIRONMENTAL HEALTH - AGENDA ITEM 9K

- a. VARIANCE approved, to install an aerobic on-site system in the 100-year floodplain at:

13522 McGregor Road, Conroe, Texas 77302

as per Variance on file.

PARKS DEPARTMENT - AGENDA ITEM 9L

- a. USE AGREEMENT approved, as follow s:

- 1. Magnolia Lacrosse Club
Magnolia Sports Park - Precinct #2

as per Use Agreement on file.

ANIMAL CONTROL - AGENDA ITEM 9M

- a. DONATION accepted, from The Woodlands Dog Park Club in the amount of \$250.00. Funds to be placed into line item 7342 (rabies expense) of Budget 6331, as per Memo on file. (Check forwarded to County Treasurer for further handling).

COUNTY ATTORNEY - AGENDA ITEMS 9N

- a. RESOLUTION AND ORDER approved, accepting and acknowledging executed general warranty deed and donation deed conveying 49.4 acres of land to Montgomery County, Texas from Judy Campbell for runway extension at the Lone Star Executive Airport, as per Resolution and Order and General Warranty Deed on file.
- b. LEASE AGREEMENT executed, between Montgomery County, Texas, and the City of Conroe for lease of the Knox building pursuant to Resolution and Order executed on September 14, 2009; payment acknowledged and accepted from City of Conroe for said lease, as per Lease Agreement on file. (Check forwarded to County Treasurer for further handling).

AGENDA ITEM 9O-1 - BILL OF COSTS - DISTRICT CLERK - MOVED TO OPEN AGENDA (SEE MOTION #13 FOR COURT ACTION).

Motion carried.

END OF CONSENT AGENDA

5. REAPPOINTMENTS APPROVED - TRANSPORTATION POLICY COUNCIL - COUNTY JUDGE

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the reappointment of Commissioner Craig Doyal as TPC (Transportation Policy Council) Member and County Engineer Mark J. Mooney as Alternate Member for 2010, as per Documentation on file. Motion carried.

6. REAPPOINTMENTS APPROVED - TECHNICAL ADVISORY COMMITTEE - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the reappointments of Jeff Johnson, P.E. Transportation Manager as TAC (Technical Advisory Committee) Member and Ross McCall, E.I.T., as Alternate Member for 2010, as per Documentation on file. Motion carried.

7. AGREEMENT APPROVED - EMCID AND MONTGOMERY COUNTY - CONSTABLE PRECINCT 4

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve the Agreement between the East Montgomery Improvement District (EMCID) and Montgomery County for Community Development funding of \$52,715.60 per the Resolution and Order approved in Commissioners' Court on November 9, 2009. Proceeds to be used for the purchase and installation of 19 in-car video recorders. Proceeds to be deposited into Pct. 4 Forfeiture Account, as per Agreement on file. Motion carried.

8. REQUEST APPROVED - EARLY VOTING TIMES/LOCATIONS - ELECTIONS

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve early voting times and locations for the March 2, 2010 Primary, April 13, 2010 Primary Runoff, and May 8, 2010 Elections, as per Order on file. Motion carried.

9. AGREEMENT APPROVED - JOINT ELECTION - ELECTIONS

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a joint election agreement for the May 8, 2010 election, as per Joint Election Agreement on file. Motion carried.

10. POLLING LOCATION CHANGE APPROVED - PRECINCT 61 - ELECTIONS

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve change in polling location for county voting Precinct 61, as per Order on file. Motion carried.

11. FUNDING APPROVED - USED VOTING EQUIPMENT - ELECTIONS

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve funding from Election Contract funds for the purchase of used Hart Voting Equipment from Ft. Bend Elections, as per Memo on file. Motion carried.

12. GRANT APPROVED - NATIONAL ENDOWMENT OF THE HUMANITIES - DISTRICT CLERK

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a grant from the National Endowment of the Humanities, as per Official Notice of Action on file. Motion carried.

13. BILL OF COSTS APPROVED - DISTRICT CLERK

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the Bill of Costs per legislative session effective September 1, 2009, with the withdrawal of the Technology Preservation Fee of \$5.00, from the Civil Filing Fees, as per Criminal Bill of Costs on file. Motion carried.

14. PURCHASE APPROVED - AIRPORT MARKETING MATERIALS - LONE STAR EXECUTIVE AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the purchase of Airport marketing materials for distribution at the NBAA Schedulers and Dispatchers conference to be held January 26, 2010 in San Antonio, Texas. Purchase not to exceed \$1,000.00 and to be funded by the Airport budget, as per Memo on file. Motion carried.

15. PLAN APPROVED - AIRCRAFT HANGER AND RAMP CONNECTION - LONE STAR EXECUTIVE AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the proposed development plan by Charles Ballard for an Aircraft Hanger and Ramp Connection at the Lone Star Executive Airport, as per Airport Diagram on file. Motion carried.

16. REPORT APPROVED - 2008 (CAPER) - COMMUNITY DEVELOPMENT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the 2008 Consolidated Annual Performance and Evaluation Report (CAPER), as per Report on file. Motion carried.

17. PROPOSAL APPROVED - COUNTY LAW LIBRARY - INFRASTRUCTURE

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept the proposal from Di Stefano/Santopetro Architects for design services for the renovation of office space located at 301 N. Thompson Street to accommodate a new county law library, as per Proposal on file. Motion carried.

AGENDA ITEM 16B - 2009 ENTERGY TEXAS CITYSMART PROGRAM INCENTIVE - SEE MOTION #2 FOR COURT ACTION.

18. POLICY DISCUSSED - COUNTY PARKING GARAGE - INFRASTRUCTURE

Motion by Judge Sadler, seconded by Commissioner Chance, to open Montgomery County parking garages to the public immediately, allowing public parking in any unassigned space for 90 days until Mark Bosma, Infrastructure Director, and Dennis McMahon, Risk Management Director, can return to the Court with a formal policy. Motion carried.

19. PAYMENT ALLOWED - FUEL COST - ANIMAL CONTROL

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve allowing for the payment of fuel cost of \$2,880.41, for September, 2009 to be funded from FY 2009 Budget Line Item 6331-7440 Utilities which has sufficient balance to fund the cost, as per Memo on file. Motion carried.

20. DE-OBLIGATION APPROVED - JUVENILE POWER RECOVERY COURT GRANT - JUVENILE PROBATION

Motion by Judge Sadler, seconded by Commissioner Chance, to approve de-obligation of \$44,003.18 for unspent funds from Juvenile Power Recovery Court Grant, as per Memo on file. Motion carried.

21. CHANGE APPROVED - COUNTY TRAVEL POLICY - AUDITOR

Motion by Judge Sadler, seconded by Commissioner Chance, to approve change to County Travel Policy, as per Memo on file. Motion carried.

22. USE OF FUNDS APPROVED - 221ST DISTRICT COURT - AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve request from 221st District Court to use \$833.00 from the Court Reporter Service Fund, as per Memo on file. Motion carried.

23. BUDGET ACCEPTED - FY2010 - AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to accept published budget for FY2010, as per Budget on file. Motion carried.

24. AGREEMENT AMENDMENT APPROVED - BONDLOGISTIX, LLC - AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve amendment to Agreement with BondLogistix, LLC Arbitrage Rebate Services and County Judge authorized to sign:

Unlimited Tax Adjustable Rate Road Bonds,
Series 2008B, in the amount of \$34,705,000.

as per Amendment on file. Motion carried.

25. REQUEST APPROVED - TRANSFER OF FUNDS - SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve the following transfer to correctly fund the salary. This transfer does not increase the approved salary structure:

| AMOUNT | FROM | TO |
|------------|--------------|--------------|
| \$2,115.78 | 5601-4900-24 | 5601-4900-26 |

as per Memo on file. Motion carried.

26. REQUEST APPROVED - HIDTA GRANT - SHERIFF

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to approve moving forward with the High Intensity Drug Trafficking Area (HIDTA) grant and County Auditor authorized to take appropriate action, as per Memo on file. Motion carried.

27. REQUEST APPROVED - MCSO OVER TIME POLICY - SHERIFF

Motion by Commissioner chance, seconded by Commissioner Rinehart, to approve an exception to the county over time policy for MCSO Participating Task Force Members, when other law enforcement agencies request MCSO assistance with reimbursement paid at overtime rates, as per Memo on file. Motion carried.

28. REQUEST APPROVED - SUPERSEDING COUNTY OVERTIME POLICY - SHERIFF

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve superseding County over time policy for the two crime analysts that used vacation time to assist with the High Intensity Drug Trafficking Area (HIDTA) task force operation with Fort Bend County. Additional hours are 11.25 and 12. The funds will be taken from 5601-7104, as per Memo on file. Motion carried.

29. PAYMENT APPROVED - POLYGRAPH LICENSE RENEWAL - SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the payment of the annual renewal of the polygraph license on behalf of the MCSO polygrapher, as per Memo on file. Motion carried.

30. SAFETY POLICY MANUAL APPROVED - RISK MANAGEMENT

Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve Montgomery County, Texas Safety Policy Manual, effective January 1, 2010, as per Manual on file. Motion carried.

AGENDA ITEMS 22A - 1-4,6,8-16 - RECOMMENDATIONS AND CONTRACTS - PURCHASING - DEFERRED

31. RECOMMENDATIONS AND CONTRACTS APPROVED - PURCHASING (AGENDA ITEMS 22A-5,7)

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the following recommendations and contracts:

- a. RFP/Q Office, Computer, Paper Supplies and Accessories with On-Line Ordering Capabilities - Various Departments, Project #2009-0096, awarded as follows:

OfficeMax - Prime vendor for general office supplies and Alternate vendor on all other items

Stephens Office Supply, Inc. - Alternate vendor for general office supplies and Prime vendor on all other items

Contracts will follow at a later date.

- b. Construction of Miscellaneous Work Consisting of Grading, Concrete Pavement, Pavement Marking, Signs, Retaining Wall and Illumination, Reverse Ramps and Illumination in Advance of DC' s on IH-45 South of SH 242 - Pct. #3 (MCTP) - Project #2010-0018, awarded to South Coast Construction, Inc. in the amount of \$3,220,252.74

as per Recommendations and Contract on file. Motion carried.

32. CHANGE ORDER #1 APPROVED - SPRING CREEK COMMUNITY/NATURE CENTER - PURCHASING

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve Change Order #1, P.O. #2008496 to Fairweather Group LLC, for Design-Build of the Spring Creek Community/Nature Center and Sheriff Station - Infrastructure, to add changes with a price increase of \$51,314.50, as per Change Order on file. Motion carried.

33. CHANGE ORDER #1 APPROVED - HEALTH CLINIC - PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #1, P.O. #2009539 to Fairweather Group LLC, for Design-Build of Health Clinic (Out Patient Office Building) - Risk Management, to add changes with a price increase of \$157,523.00, as per Change Order on file. Motion carried.

34. CHANGE ORDER #1 APPROVED - CONCESSION STAND - PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve Change Order #1, P.O. #2009542 to Wimberly & Associates Construction, for the Design Build of a Concession Stand - Pct. #3, for changes with a price increase of \$47,454.00, as per Change Order on file. Motion carried.

35. CHANGE ORDER #1 APPROVED - TEXAS STERLING CONSTRUCTION LP - PURCHASING

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Change Order #1, P.O. #2009263 to Texas Sterling Construction LP, for the 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), for changes with a price increase of \$111,293.54, as per Change Order on file. Motion carried.

36. LEASE AGREEMENT AMENDMENT APPROVED - FRIENDSHIP CENTER - COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Amendment to Lease Agreement with the Friendship Center to extend its occupancy of the West Montgomery County Community Development Center located in Precinct 2, as per Amendment on file. Motion carried.

37. ASSIGNMENT APPROVED - HANGAR C3 - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve assignment of Hangar C3 located at The Lone Star Executive Airport, from Lenore Leofsky, Assignor, to Steve Miller, Assignee, as per Partial Assignment of Lease on file. Motion carried.

38. INTERLOCAL AGREEMENT APPROVED - ESD NO. 14 - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve Interlocal Agreement between Emergency Service District No. 14 and Montgomery County for the loan of radios purchased with grant funds, and provide access to Montgomery County's new radio system, as per Interlocal Agreement on file. Motion carried.

39. RESOLUTION AND ORDER APPROVED - RABIES CONTROL/ANIMAL RESTRAINT ORDINANCE/FEE SCHEDULE REVISION - COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve and execute Resolution and Order to adopt revision to the county's rabies control and animal restraint ordinance and fee schedule, as per Resolution and Order and Ordinance on file. Motion carried.

40. PAYMENT APPROVED - VACATION PAY TO BONNIE HOUSER - PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve paying Bonnie Houser for 105 hours vacation. This will be effective on payroll ending December 25, 2009, as per Memo on file. Motion carried.

41. ASSIGNMENT OF EASEMENTS ACCEPTED - WOODLANDS ROAD UTILITY DISTRICT #1 - PRECINCT 3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve accepting an assignment of easements for traffic control facilities from the Woodlands Road Utility District #1 for the Woodloch Forest Drive at the Mall Ring Road Intersection, as per Assignment and Easements on file. Motion carried.

42. ASSIGNMENT OF OPERATION & MAINTENANCE AGREEMENT APPROVED - WOODLANDS ROAD UTILITY DISTRICT #1 - PRECINCT 3

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve accepting an assignment of Operation and Maintenance Agreement from the Woodlands Road Utility District #1 for the Woodloch Forest Drive at the Mall Ring Road Intersection, as per Assignment and Agreement on file. Motion carried.

43. AGREEMENT APPROVED - ENVIRONMENTAL MITIGATION - PRECINCT 3

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Environmental Mitigation Agreement between Montgomery County and the Texas Department of Transportation for Wetlands Mitigation for improvements to FM 2978 using the Spring Creek Greenway Project and Commissioner Ed Chance authorized to sign on behalf of Commissioners Court, as per Agreement on file. Motion carried.

44. CONTRACT RENEWED - LINDA R. BREAZEALE - PRECINCT 3

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to renew contract for Management/Advisory Services between Montgomery County and Linda R. Breazeale for an additional year to commence on January 1, 2010. All terms and conditions will remain unchanged, as per Memo on file. Motion carried.

45. REQUEST APPROVED - USE OF CHRISTMAS LIGHTING/INSTALLATIONS - PRECINCT 4

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve the use of Christmas lighting installations to remove old existing holiday lighting and attachments from East Montgomery County Annex and adjacent buildings, install and remove holiday lighting on East Montgomery County Annex Building and wrap 4 medium oak trees in front of building at a cost of \$4,800.00, as per Memo 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 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
2. Consider and discuss Cause No. 09-11-11474-CV, styled Karen McPeters vs. Barbara Gladden Adamick, District Clerk of Montgomery County; in the 9th Judicial District Court of Montgomery County, Texas; Claim No. C-07-0107
3. Consider and discuss Cause No. 09-11-10670-CV, styled Conroe McCaffety Electric Co., Inc. Vs. Montgomery County; Claim No. B-08-0101

COURT RECONVENED WITH ALL MEMBERS OF THE COURT PRESENT

46. RESOLUTION AND ORDERS APPROVED - EXECUTIVE SESSION

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Resolutions and Orders:

- a. motion supporting the need for the Montgomery County Attorney to defend Montgomery County, Texas in a lawsuit filed under Cause No. 09-11-11474-CV, styled Karen McPeters vs. Barbara Gladden Adamick, District Clerk of Montgomery County; in the 9th Judicial District Court of Montgomery County, Texas; Claim No. C-07-0107, and for authorization for expenses to be incurred as necessary for the proper defense of said case; and

- b. motion supporting the need for the Montgomery County Attorney to defend Montgomery County, Texas in a lawsuit filed under Cause No. 09-11-10670-CV, styled Conroe McCaffety Electric Co., Inc. Vs. Montgomery County; Claim No. B-08-0101, and for authorization for expenses to be incurred as necessary for the proper defense of said case

as per Resolutions and Orders on file. Motion carried.

AGENDA ITEM 28 - CITIZENS - A CITIZEN FROM PRECINCT 3 ADDRESSED COMMISSIONERS' COURT REGARDING THE ANIMAL RESTRAINT ORDINANCE NEAR DRAINAGE DITCH 6.

47. PAYROLL CHANGE REQUEST FORMS APPROVED - HUMAN RESOURCES

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following Payroll Change Request Forms:

request of Bldg Custodial Services to place Jarl Felder, Supervisor-Custodial, on Unpaid FMLA/Disability Leave, effective November 25, 2009

request of Bldg Custodial Services to place Jarl Felder, Supervisor-Custodial, on Return from Paid/Unpaid FMLA/Disability Leave, effective December 2, 2009

request of Bldg Custodial Services to place Joey Ward, Facility Worker/Grounds Maintenance, on payroll, (replacement for Wiley Joyner), effective December 28, 2009

request of Commissioner Pct 2 to place Derek Groda, Operator I, on Unpaid FMLA/Disability Leave, effective December 3, 2009

request of Commissioner Pct 3 to demote David Gottberg, from Operator II to Operator I, per employee's request, effective December 12, 2009

request of Commissioner Pct 4 to place Connie L. Carle, Clerk II, on payroll, effective December 14, 2009

request of Commissioner Pct 4 to change status of Michael E. Wheatley, Operator I, Unpaid FMLA/Disability Leave, effective December 31, 2009

request of County Auditor to place John C. Burns, Accounts Payable Assistant, on payroll, (replacement for Jeanette Graff), effective December 15, 2009

request of County Clerk to place Leah Bonds, Clerk II, on payroll, effective December 14, 2009

request of County Court at Law #2 to place Amber Park, Asst Court Coordinator, on payroll, effective December 8, 2009

request of District Clerk to promote Devon Phelps, from Court Clerk II to Court Clerk IV, (replacement for Susie Herman), effective November 30, 2009

request of Juvenile to discharge Larry Owens, Officer-Juvenile Detention, with 60.82 vacation hours due, 2.34 comp hours due, and 16 holiday hours due, effective December 4, 2009

request of Juvenile to accept the resignation of Andrew Jared Shelton, Substitute Detention Officer, effective November 24, 2009

request of Library to place Amanda C. Powell, Shelving Clerk I, on payroll, (replacement for Lauren Evans), effective December 14, 2009

request of Purchasing to promote Stephanie Keeton, from Buyer I to Buyer III, (replacement for Pam Taras), effective December 26, 2009

request of Purchasing to increase the salary of Sandy Matthews-Bernard, Buyer I, change in position with additional responsibility, (replacement for Stephanie Keeton), effective December 26, 2009

request of Purchasing to promote Pamela Taras, from Buyer III to Senior Buyer, (replacement for Kristina Colville), effective December 26, 2009

request of Sheriff to place Sybil Bailey, Dispatcher, on payroll, (replacement for Brenda Hall), effective December 5, 2009

request of Sheriff to accept the resignation of Teresa Calico, Officer-Civilian Detention, with 105.42 vacation hours due, 143.27 comp hours due, and 44 holiday hours due, effective December 18, 2009

request of Sheriff to place Oliver Coward, Deputy - Patrol District #1, on payroll, (replacement for Rickie Williams), effective December 19, 2009

request of Sheriff to accept the resignation of Brandon Dawson, Officer-Civilian Detention, effective December 7, 2009

request of Sheriff to place Josef Dearing, Officer-Civilian Detention, on payroll, (replacement for Ashley Mellon), effective December 12, 2009

request of Sheriff to bridge time for Roslyn Donaldson, Officer-Civilian Detention, New leave anniversary date 9-1-2002, effective December 8, 2009

request of Sheriff to accept the resignation of Jonathan Halbert, Deputy-Patrol District #1, with 84.84 vacation hours due, 64 comp hours due, and 45.50 holiday hours due, effective December 11, 2009

request of Sheriff to place Carlos Huante, Deputy - Patrol District #3, on payroll, (replacement for Joshua Parker), effective December 19, 2009

request of Sheriff to place Christopher Irvine, Officer-Civilian Detention, on payroll, (replacement for Amanda Hebert), effective December 12, 2009

request of Sheriff to place Amber Jackson, Officer-Civilian Detention, on payroll, (replacement for Krystal Reed), effective December 19, 2009

request of Sheriff to accept the resignation of John Aaron Lawless, Deputy - Patrol, with 132.60 vacation hours due, 103.50 comp hours due, and 40 holiday hours due, effective December 24, 2009

request of Sheriff to change location for Joshua Parker, from Deputy-Patrol District #3 to Deputy-Patrol District #1, (replacement for Daniel Rodriguez), effective December 19, 2009

request of Sheriff to place Teri Ross, Deputy - Town Center Patrol, on payroll, (replacement for Federico Cano), effective December 19, 2009

request of Sheriff to place Amy Thompson, Dispatcher, on payroll, (replacement for Barbara Townley), effective December 5, 2009

request of Sheriff to accept the resignation of Christopher Turrentine, Deputy-Patrol District #3, with 56.65 vacation hours due, 254.53 comp hours due, and 32 holiday hours due, effective December 10, 2009

request of Sheriff to accept the resignation of Kasey Vernon, Officer-Civilian Detention, effective December 1, 2009

request of Sheriff to accept the resignation of Christopher Zorzi, Officer-Civilian Detention, with 22.04 vacation hours due, and 20.76 comp hours due, effective December 6, 2009

request of Tax Assessor/Collector to place Jessica Ellis, Deputy Specialist I, on payroll, effective December 21, 2009

request of Tax Assessor/Collector to place Connie Giles, Deputy Specialist I, on payroll, (replacement for Kimberly Roe), effective December 21, 2009

request of Animal Shelter to discharge Anthony Ray Hatchett, Kennel Help, with 33.88 vacation hours due, 14.25 comp hours due, and 11 holiday hours due, effective December 2, 2009

as per Payroll Change Request Forms on file. Motion carried.

48. COURT ADJOURNED

Motion by Commissioner Chance, seconded by Commissioner Doyal, 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