

COMMISSIONERS' COURT DOCKET JUNE 20, 2011  
SPECIAL SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 20<sup>th</sup> day of June, 2011 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 -	Rebecca Biasotti, County Clerk's Office

INVOCATION GIVEN BY TOMMY GAGE

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA  
RECITED BY EVERYONE PRESENT

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

1. COMMISSIONERS' COURT AGENDA APPROVED

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

PAYROLL DEPOSIT ERROR ADDRESSED

Martha Gustavsen, County Treasurer, and a representative from Woodforest Bank addressed the Court about the issue of employee payroll not being deposited on time.

2. PROCLAMATION APPROVED – HOMES FOR HEROES

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a proclamation to observe June 20, 2011 as Homes for Heroes Day. Motion carried.

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

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve Commissioners' Court Minutes for June 6, 2011, as presented by the County Clerk. Motion carried.

4. CONSENT AGENDA APPROVED - AGENDA ITEMS 9A-M

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Consent Agenda, as follows:

COUNTY AUDITOR - AGENDA ITEMS 9A

- A. ACCOUNTS approved, as submitted by the County Auditor.
- B. BUDGET AMENDMENTS for FY 11 approved, as follows:

1. ANIMAL CONTROL: To adjust line items.
2. ANIMAL SHELTER: To recognize and allocate revenue and donations.
3. BUILDING MAINTENANCE: To adjust line items.
4. CDBG-YEAR 13: To adjust line items.
5. CDBG-YEAR 13: To adjust line items.
6. CDBG-HPRP-RECOVERY: To adjust line items.
7. COLLECTIONS ALARM DIVISION: To transfer funds to Environmental Health-Alarm Division as approved in Commissioners' Court 06.06.11.
8. COMMISSIONER PCT. 1: To budget revenues to department level.
9. COMMISSIONER PCT. 1: To transfer funds for security expense.
10. COMMISSIONER PCT. 2: To fund change order #2 for PO 2011061 approved in Commissioners' Court 06.06.11.
11. COMMISSIONER PCT. 2: To transfer funds to Building Maintenance for Magnolia Library remodel.
12. COMMISSIONER PCT. 3: To correct 06.06.11 budget amendment to transfer funds to Pct. 4.
13. COMMISSIONER PCT. 4: To adjust line items.
14. CONSTABLE PCT. 1: To adjust line items.
15. CONSTABLE PCT. 4: To recognize and allocate surplus revenue.
16. CONSTABLE PCT. 5: To transfer funds to build cabinets and desk.
17. COUNTY ATTORNEY: To transfer funds for Title IV-E grant for County Attorney for quarter ending 03.31.11.
18. COUNTY ATTORNEY: To recognize and allocate City of Conroe shared cost of litigation pertaining to TexCom Gulf Disposal.
19. FORFEITURE FUND: Transfer available fund balance to General Fund.
20. FORFEITURE FUND: To budget revenues to department level.
21. GENERAL FUND: Fund balance transfer.
22. JUSTICE OF PEACE PCT. 1: To adjust line items.
23. JUSTICE OF PEACE PCT. 4: To adjust line items.
24. MEMORIAL LIBRARY: To recognize and allocate donations.
25. RISK MANAGEMENT-WORKER'S COMP: To transfer worker's comp to internal service fund.

26. RISK MANAGEMENT-WORKER'S COMP: Adjust budget for worker's compensation expense.
27. ROAD AND BRIDGE MISC: Move road and bridge miscellaneous budgets to appropriate departments.
28. SHERIFF: To adjust line items.
29. SHERIFF: To recognize and allocate donations.
30. SHERIFF: To fund Spring Creek Greenway Patrol for PR 05.20.11.
31. SHERIFF: To transfer funds to build three bookshelves.
32. SHERIFF/RESPONSE TEAM: To recognize and allocate NRA Foundation Project FY2011 Grant (M7/06.06.11).
33. TECQ-HGAC-RECYCLE-11-16-G08: To adjust line items.

C. OFFICIALS' FEE REPORT approved, as audited for March 2011.

D. OFFICIALS' FEE REPORT approved, as audited for April 2011.

E. MONTHLY FINANCIAL REPORT approved for six months ending March 31, 2011.

F. RESOLUTION APPROVED expressing intent to finance expenditures to be incurred as related to remodel, purchase equipment, startup costs and build out of pre-existing building for performing autopsies, located at 205 Hilbig Road, Conroe, Texas.

#### TREASURER - AGENDA ITEMS 9B

- G. PLEDGES AND RELEASES OF COLLATERAL APPROVED.
- H. CORRECTED BANK RESOLUTION APPROVED to change the account name for Constable Pct. 5.
- I. PLEDGED SECURITIES REPORT APPROVED for May, 2011.
- J. TICKET LOG APPROVED for May, 2011.

#### TAX ASSESSOR/COLLECTOR – AGENDA ITEMS 9C

- K. MONTHLY TAX COLLECTION REPORT APPROVED for month ending May 31, 2011.
- L. SUPPLEMENTAL CHANGES TO 2010 CONSOLIDATED TAX ROLL APPROVED for properties in the Lone Star College System and Willis I.S.D. (SJCAD ONLY)

#### PURCHASING DEPARTMENT - AGENDA ITEMS 9D

- M. ADVERTISING APPROVED for the following:
  1. Clearing, grubbing, and mass grading – Various Departments.
  2. RFP/Q Lease and development of approximately 1.826 acre parcel of airport property – Airport

N. CONTRACT RENEWALS APPROVED as follows:

1. COLOR INTERIORS (PO #2009314) for floor covering and installation, expires 07.06.11 – Various Departments (price changes on file).
2. TOTAL AIR SERVICE (PO #I009462) for HVAC/mechanical services, expires 07.06.11 – Various Departments (price changes on file).
3. JOHN C. HOLZWARTH (PO #2008564) for On-Call Transportation Engineering Services, expires 07.27.11 – Various Precincts.
4. ROBERT EDMONSON dba COLOR GRAPHICS COMPANY (PO #2008599) for printing of forms, expires 08.10.11 – Elections.
5. CARROLL & BLACKMAN, INC. (PO #2010348) for implementation of a storm water management program and assistance with compliance of permit terms, expires 08.12.11 – Environmental Health.
6. RICHARD LUIKENS GOLF SERVICES (PO #2007502) for sports field construction consultation, expires 08.12.11 – Precinct 4.
7. ANDREWS KURTH LLP (PO #2007477) for legal services for right-of-way acquisitions for Spring Creek Greenway project, expires 08.14.11 – Precinct 3.
8. LATTIMORE MATERIALS COMPANY LP (PO #2008617) for Portland cement class A concrete (5 sack) delivered, expires 08.24.11 – Various Departments.
9. CPR SERVICES & SUPPLIES, INC. dba MDN ENTERPRISES (PO #2010617) for polyethylene corrugated pipe, expires 08.30.11 – Various Departments.
10. TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (PO #2009474T) for interlocal participation agreement Buy Board, expires 08.31.11 – Purchasing.
11. TALLEY COMMUNICATIONS, INC. (PO #2010607) for antennas & accessories for vehicular radio modems, expires 09.23.11 – CIS.
12. HALLETT MATERIALS (PO #2008541) for bulk road materials, expires 07.20.11 – Precinct 4.
13. A & B CRUSHED CONCRETE LLC (PO #2008542) for bulk road materials, expires 07.20.11 – Precincts 3&4.
14. A & B CRUSHED CONCRETE LLC (PO #2008543) for bulk road materials, expires 07.20.11 – Precinct 1.
15. CLEVELAND ASPHALT PRODUCTS (PO #2009391) for bulk road materials, expires 07.20.11 – Various Precincts.
16. CLEVELAND ASPHALT PRODUCTS (PO #2009392) for bulk road materials, expires 07.20.11 – Precinct 1.
17. CLEVELAND ASPHALT PRODUCTS (PO #2009393) for bulk road materials, expires 07.20.11 – Precinct 2.
18. CLEVELAND ASPHALT PRODUCTS (PO #2009394) for bulk road materials, expires 07.20.11 – Precinct 3.

19. CLEVELAND ASPHALT PRODUCTS (PO #2009395) for bulk road materials, expires 07.20.11 – Precinct 4.
20. PAVERS SUPPLY (PO #2008526) for bulk road materials, expires 07.20.11 – Various Precincts.
21. PAVERS SUPPLY (PO #2008527) for bulk road materials, expires 07.20.11 – Precinct 1.
22. PAVERS SUPPLY (PO #2008528) for bulk road materials, expires 07.20.11 – Precinct 2 – Item #009 did read “Alternate”; should read “Prime”.
23. PAVERS SUPPLY (PO #2008529) for bulk road materials, expires 07.20.11 – Precinct 3 – Item #008 did read “Alternate”; should read “Prime”.
24. PAVERS SUPPLY (PO #2008530) for bulk road materials, expires 07.20.11 – Precinct 4.
25. SOUTHERN CRUSHED CONCRETE (PO #2008531) for bulk road materials, expires 07.20.11 – Various Precincts.
26. SOUTHERN CRUSHED CONCRETE (PO #2008532) for bulk road materials, expires 07.20.11 – Precinct 1 – Item #006 did read “Alternate”; should read “Prime”.
27. SOUTHERN CRUSHED CONCRETE (PO #2008533) for bulk road materials, expires 07.20.11 – Precinct 2 – Item #004 did read “Alternate”; should read “Prime”, Item #006 did read “Alternate”; should read “Prime”.
28. SOUTHERN CRUSHED CONCRETE (PO #2008534) for bulk road materials, expires 07.20.11 – Precinct 3 – Item #006 did read “Alternate”; should read “Prime”.
29. SOUTHERN CRUSHED CONCRETE (PO #2008535) for bulk road materials, expires 07.20.11 – Precinct 4 – Item #004 did read “Alternate”; should read “Prime”.
30. INDEPENDENT HARDWARE, INC. (PO #2009520) for all purpose locks/miscellaneous supplies, expires 08.12.11 – Various Departments (changes on file).
31. CONTRACT PHARMACY SERVICES, INC. (PO #2008511) for Pharmaceuticals, prescriptions, expires 07.31.11 – Sheriff/Jail.
32. STANLEY CONVERGENT SECURITY SOLUTIONS, INC. (PO #2010669) for fire/security systems and monitoring through the interlocal agreement with Buy Board contract #325-09, expires 09.30.11 – Various Departments.
33. AMEGY BANK NA (PO #2005404) for RFP/Q application for clearing house bank depository and participating bank, expired 05.12.11 – Treasurer (month-to-month basis).
34. JP CHASE MORGAN BANK NA (PO #2005405) for RFP/Q application for clearing house bank depository and participating bank, expired 05.12.11 – Treasurer (month-to-month basis).

35. WOODFOREST NATIONAL BANK (PO #2005406) for RFP/Q application for clearing house bank depository and participating bank, expired 05.12.11 – Treasurer (month-to-month basis).
36. WOODFOREST NATIONAL BANK (PO) #2005407 for RFP/Q application for clearing house bank depository and participating bank, expired 05.12.11 – Treasurer (month-to-month basis).

O. CHANGE ORDERS APPROVED as follows:

1. Change Order #8, PO #2007134, to Brannon Distributing Co., Inc. to cancel month-to-month for bulk fuel, effective 06.19.11 – Various Departments.
2. Change Order #1, PO #2011298, to Dustless Air Filter Company for Commercial A/C filters – Various Departments (adding Item #78 – Pleated Filter 10x20x1, at \$3.19 each).
3. Change Order #1, PO #2011232, to ThyssenKrupp Elevator Corporation for elevator products and services – Various Departments (Add Item #.008 – Montgomery County Jail - #1 Criminal Justice Drive, Conroe, TX 77301, at a monthly fee of \$224.25 to be paid quarterly, effective 06.20.11) – Various Departments.
4. Change Order #3, PO #2009552, to ThyssenKrupp Elevator Corporation to cancel Purchase Order effective 06.20.11, due to new TCPN Contract #R5042 – Sheriff/Jail.
5. Change Order #6, PO #2011154, to MWI Veterinary Supply Company to add veterinary supply items on file – Animal Shelter/Animal Control.
6. Change Order #1, PO #2011311, to Grayson County Department of Juvenile Services for residential services and changes on file – Juvenile Services.
7. Change Order #5, PO #2007443, to One Source Toxicology to cancel the month-to-month Purchase Order effective 06.09.11 for Drug/Alcohol screening services – Juvenile Services.
8. Change Order #1, PO #2011288, to Brandt Construction LLC for construction of Montgomery County Precinct 4 office building, to add concrete paving, parking and sidewalk with a price increase in the amount of \$40,105.00, and add a five working day extension to the original time of 91 days – Precinct 4.
9. Change Order #8, PO #2008496, to Fairweather Group LLC for design build of the Spring Creek Community/Nature Center and Sheriff Station, to issue a credit in the amount of \$579.10 – Infrastructure.
10. Change Order #4, PO #2010255 to South Coast Construction, Inc. for 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 (MCTP) with a price decrease of \$2769.63 – Precinct 3.
11. Change Order #5, PO #2010450, to M Space Holdings, LLC for modular homes to add items as listed on documents on file – Montgomery County Community Development.

P. DISCRETIONARY EXEMPTIONS APPROVED as follows:

1. Lexis-Nexis/Matthew Bender/Shepard's/Michie/Gould/Anderson-Products/CD's/Books/Publications from Matthew Bender & Company dba Lexis-Nexis Matthew Bender, sole source – Various Departments.
2. On-line computer assisted legal research from Lexis-Nexis, sole source – Various Departments.
3. On-line computer assisted legal research from West A Thomson Reuters Business, sole source – Various Departments.
4. Lease of Crimes Software from Sam Houston State University, sole source – Various Departments.
5. Education courses with Sam Houston State University, sole source – Various Departments.
6. Performance of audit requirements for the Energy Efficiency and Conservation Block Grant Program from Di Stefano/Santopetro Architects, sole source – Infrastructure.
7. Wavetronix products from Twincrest dba Twincrest Technologies, sole source – Various Departments.

Q. REQUEST APPROVED to declare miscellaneous items as salvage – Sheriff

R. RENAMING BID APPROVED to change bid name from “Preventative Maintenance on Standby Generators Various Locations – Various Departments” to “Preventative Maintenance on Standby Generators – Various Departments”.

S. CONTINUATION CERTIFICATE APPROVED for payment and performance bonds effective 05.21.11 through 05.20.12 from Landata Technologies, a division of Property Info Government Service for records management system – County Clerk

T. ON-LINE AUCTION LIST APPROVED, including miscellaneous items and vehicles for the next on-line auction – Various Departments.

U. PURCHASE APPROVED for one Sharp Copier Model #MX-623N through the interlocal agreement with Buy Board Contract #299-08 and Sharp Electronics Corporation c/o National Joint Powers Alliance in the amount of \$11,356.00 – Elections

V. AWARD RESCINDED – RFP/Q Lease and development of approximately 1.826 acre parcel of land of Airport property to 10080 Aviation LLC, awarded in Commissioners’ Court 09.27.10 – Airport.

W. MUNICIPAL LEASE AGREEMENT APPROVED with Kubota Leasing for the purchase of two Kubota Tractors. Purchase to be financed over two years with annual payments of \$16,874.46, for a total of \$33,748.92 with an interest rate of 8%. The first payment is due 10.24.11 – Precinct 4.

RISK MANAGEMENT - AGENDA ITEMS 9E

X. BUILDING ACCEPTED – Building 1-0097, NW Montgomery County Community Center accepted into county property inventory.

Y. CHANGES APPROVED to the following bonds:

1. 24787585 Nikeithdrick Jacobs, Constable Pct. 3
2. 15324988 Troy Bennett, Constable Pct. 5
3. 15324983 Scott Collins, Constable Pct. 5
4. 15324979 Eli Rivera, Constable Pct. 4
5. 15324973 Mark Seals, Constable Pct. 4
6. 15487168 Kevin Bates, Fire Marshal
7. 15487169 Carol Gaultney, Elections
8. 14841001 Jack Binns, Tax Assessor
9. 15486578 George Burlin, Fire Marshal

COMMISSIONERS – AGENDA ITEM 9F

Z. PRECINCT 3

1. REQUEST APPROVED to accept one EZ-Go Personal Leisure Cart donated by Ed Chance.
2. SEVENTH REVISION APPROVED for the plan of improvements for The Woodlands Road Utility District No. 1, of Montgomery County, Texas

AA. PRECINCT 4

1. CHECK ACCEPTED from the City of Roman Forest for the purchase of fuel for the months of April, 2011 (\$2791.71) and May, 2011 (\$2679.95). (no check received by County Clerk)

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

BB. PRECINCT 2

1. ORDER APPROVED authorizing payment of special commissioners' fees in connection with the acquisition of Parcel 35 through condemnation proceedings for The Woodlands Parkway Extension Project. Recipients are as follows:
  - a. Al Stahl \$400.00
  - b. Kenny Speight \$200.00
  - c. Curt Maddox \$400.00
  - d. Shelly Murski \$400.00
2. ORDER APPROVED authorizing payment of relocation expenses in association with the purchase of right of way known as Parcel 65 for The Woodlands Parkway Extension Project in the amount of \$1500.00 to Ron and Jeanne Marcantel.
3. HEARING DATE APPROVED for a public hearing on July 25, 2011 to consider closing, abandoning, and vacating a portion of Forest Valley Bend right-of-way, located in The Forest at Jacobs Reserve, in the Charles Dugat Survey, Abstract 170, Precinct 2, Montgomery County, Texas.
4. ORDER APPROVED allowing partial lot conveyance without a replat for Lot 194, Replat of River Plantation, Section One.

## COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS

## CC. PRECINCT 2

1. FINAL PLAT APPROVED for High Meadow Ranch, Section 4A (Partial Replat No. 1), 10.153 acres, 2 lots, Buckman Canfield Survey, A-120.

## DD. PRECINCT 3

1. HEARING DATE APPROVED for a public hearing on July 25, 2011 to change the name of Silent Timber Path to Jacobs Path in Benders Landing Estates, Section 7.
2. HEARING DATE APPROVED for a public hearing on July 11, 2011 to set the speed limit on Kuykendahl Road at 40 mph from Flintridge Drive to Research Forest Drive, a reduction from the current posted speed limit of 45 mph.

## EE. ALL PRECINCTS

1. REQUEST APPROVED for permit to move super heavy or oversized equipment over county roads.

## COUNTY JUDGE – AGENDA ITEM 9I

## FF. USE AGREEMENTS APPROVED for the following:

1. First Baptist Church of Willis/Charles Traylor Park – Pct. 1
2. Team Extreme Texas Tornados 18U/Charles Traylor Park – Pct. 1
3. Woodsedge Community Church/West Park – Pct. 1

## CONSTABLE PRECINCT 4 – AGENDA ITEM 9J

## GG. CHECK ACCEPTED from Montgomery County Fair Association in the amount of \$500.00. (check forwarded to Treasurer for further processing)

## LIBRARY – AGENDA ITEM 9K

HH. CHECK ACCEPTED from The John Cooper School in the amount of \$3000.00 to be used to enhance the collections at libraries throughout the Library System. (check forwarded to Treasurer for further processing)

II. CHECK ACCEPTED from The Woodlands GREEN in the amount of \$1000.00 to be used to purchase materials for the South Regional Library.

## ENVIRONMENTAL HEALTH – AGENDA ITEMS 9L

## JJ. REQUEST APPROVED for a variance to install an aerobic on-site system in the 100-year floodplain located at 1245 Superior Road, Magnolia TX 77354.

## INFRASTRUCTURE – AGENDA ITEM 9M

## KK. CERTIFICATE OF SUBSTANTIAL COMPLETION AND PUNCH LIST APPROVED for Diamond Commercial Construction for the Northwest Montgomery County Community Center.

LL. RESOLUTION AND ORDER APPROVED for payment of claims from Fairweather Group, LLC for the Spring Creek Community/Nature Center in the amount of \$2891.97.

Motion carried.

---

**END OF CONSENT AGENDA**

**AGENDA ITEM 10A – SEE MOTION #32**

**5. TRANSFER OF BUDGETED FUNDS APPROVED – 284TH DISTRICT COURT**

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the following fund transfers:

- A. Open position 438-8520-1 Court Coordinator I
- B. Close position 438-7704-1 Legal Assistant II

Funds to be transferred from the closed position to the open position and transfer an additional \$1655.00 from 438-2308-500 (part time jury shepherd) to the open position to meet the minimum salary requirements for the Grade Level 12 position. Motion carried.

**6. TRANSFER OF BUDGETED FUNDS APPROVED – 410<sup>TH</sup> DISTRICT COURT**

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve the following fund transfers:

- A. Open position 436-8560-1 Court Coordinator II
- B. Close position 436-7704-1 Legal Assistant II

Increase new position salary from \$1760.00 bi-weekly to \$1929.23. Funding for salary increase will come from Line 436-7310. Motion carried.

**7. TRANSFER OF BUDGETED FUNDS APPROVED – SHERIFF**

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the following transfers of funds:

AMOUNT	FROM	TO
\$ 6886.00	5121-3940-1	5121-9999-999
\$ 6886.00	5121-3940-4	5121-9999-999
\$10,115.00	5121-3940-6	5121-9999-999
\$ 289.39	5121-7102-9999-999	5121-7102-4213-2
\$ 738.93	5121-7102-9999-999	5121-7102-4213-3
\$ 5895.46	5601-9954-992	5601-5903-30
\$ 300.78	5601-9997-9	5601-5903-30
\$ 96.28	5601-9998-99	5601-5903-30
\$10,200.00	5121-5933-7	5121-5803-20
\$ 1118.00	5121-5933-7	5121-9954-992

Motion carried.

**8. GRANT APPLICATION APPROVED – MISSING ALZHEIMERS PATIENT ASSISTANCE – SHERIFF**

Motion by Commissioner Rinehart, seconded by Judge Sadler, to approve the Sheriff's application for a grant from the Missing Alzheimer's Disease Patient Assistance Program. There are no matching funds required. Motion carried.

9. REQUEST APPROVED – ADDITIONAL FUNDS FOR FUEL – SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the request for \$346,000 from the contingency fund to offset the shortfall for fuel in the Sheriff's budget. Motion carried.

10. PERFORMANCE INDICATOR REPORT ACCEPTED – MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Meador, to accept the Performance Indicator Report for the month ended 05.31.11, as required. Motion carried.

11. AMENDMENT APPROVED – EMERGENCY OPERATIONS PLAN – MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the amendment to the Emergency Operations Plan for the Montgomery County Mental Health Treatment Facility as recommended by the Advisory Board. The amendment includes a revision to the size of the fuel tanks to be maintained on-site and a provision for annual review of evacuation agreements. Motion carried.

12. REVISIONS AND ADDITIONS APPROVED – POLICIES AND PROCEDURES – MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve revisions and additions to 29 policies and procedures as recommended by the MCMHTF Advisory Board. Motion carried.

13. BURN BAN RESTRICTIONS EXTENSION APPROVED – FIRE MARSHAL

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an extension of restrictions on outdoor burning under Local Govt. Code 352.081. Motion carried.

14. LOCAL DISASTER DECLARATION APPROVED – FIRE MARSHAL

Motion by Judge Sadler, seconded by Commissioner Doyal, to approve an order declaring a disaster and restricting the sale, dispensing, or use of fireworks in the unincorporated areas of Montgomery County. Motion carried.

15. REQUEST APPROVED – ADDITIONAL FUNDS – DWI AND DRUG COURTS

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the transfer of funds from Contingency to the following:

AMOUNT	TO	
\$23,000.00	4652-7419	Drug Court
\$46,000.00	46521-7419	DWI Court

Motion carried.

16. REFUND APPROVED – WORKERS COMPENSATION COSTS – RISK MANAGEMENT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the refund to E-911 for Workers Compensation costs of employees who were coded as Law Enforcement (7720) instead of Administration/Clerical (8810) for the purposes of billing. Funding from Risk Management Department 40210/Workers Compensation budget. Motion carried.

**17. REQUEST APPROVED – TECHNOLOGY FUND – JP3**

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve a request by JP3 to use \$724.20 from the Technology Fund to replace a printer that has quit working. Motion carried.

**18. AUTO ALLOWANCE CONTINUED – VETERANS SERVICE OFFICER – AUDITOR**

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the continuation of the auto allowance for the Veterans' Service Officer with the additional 50%, which is no longer being reimbursed from the Brazos Transit District, being funded from Contingency. Motion carried.

**19. RETIREMENT PLAN PROVISIONS APPROVED – AUDITOR**

Motion by Commissioner Rinehart, seconded by Commissioner Meador, to approve and maintain the previously approved plan of 6% employee contribution, 250% matching ratio, and an 8 year vesting period. The adoption of the elected rate of 10.94% for funding the Texas County and District Retirement System plan year 2012 (M13/06.06.11) will also allow the county to continue "buying down" the unfunded actuarial accrued liability. Motion carried.

**AGENDA ITEMS 19A1-10 – PURCHASING DEPARTMENT****20. CONTRACTS AWARDED – 19A2, 19A3, 19A5, 19A7**

Motion by Commissioner Rinehart, seconded by Commissioner Meador to approve the following contracts:

- A. RFP/Q Upgrade or replacement of existing data backup system (Project #2011-0043) to Austin Ribbon & Computer in the amount of \$201,732.73 – Information Technology.
- B. RFP/Q Bulk fuel (Project #2011-0050) to Brannon Distributing Co., Inc. – Various Departments.
- C. X-Ray Services (Project #2011-0066) to Symphony Diagnostic Services dba Mobilex USA – Sheriff/Jail
- D. Guardrail installation and/or repair (Project #2011-0060) to:
  1. Willow City Sign & Rail, Inc.– Alternate-Section 1 and Prime-Section 2
  2. Wyatt Resources, Inc. – Prime-Section 1

Motion carried.

**RECOMMENDATIONS AND CONTRACTS DEFERRED – AGENDA ITEMS 19A1, 19A4, 19A6, 19A8-10****21. SALARY TRANSFER APPROVED – COUNTY ATTORNEY**

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to approve transferring \$4000.00 from salary classification line #7905.3 to salary classification line 7904.2, to be effective 07.11.11. Motion carried subject to review of PDQ.

**22. COUNTY ORGANIZATIONAL CHART CONFIRMED – COUNTY ATTORNEY**

Motion by Judge Sadler, seconded by Commissioner Doyal, to confirm that the Organizational Chart adopted on 04.25.11, and revised 05.09.11 in Commissioners' Court depicts that the Collections Department is to report to, and be under the

supervision of, the Montgomery County Clerk who is responsible for day-to-day operations of the Collections Department. Motion carried.

23. RESOLUTION AND ORDER APPROVED – PURCHASE OF CEMETERY PLOTS – COUNTY ATTORNEY

Motion by Commissioner Chance, seconded by Commissioner Rinehart, to approve a resolution and order authorizing Judge Sadler to execute necessary documentation for the purchase of twenty cemetery plots as needed for indigent burials. Motion carried.

24. ASSIGNMENT OF LEASE AGREEMENT APPROVED – COUNTY ATTORNEY – AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve an assignment of lease agreement from Albert C. McCorkle (Assignor) to Sidney G. Andrist (Assignee), at the Lone Star Executive Airport. Motion carried.

25. REVISED FEE SCHEDULE FOR COUNTY RADIO SYSTEM APPROVED – COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the revised fee schedule for system access on the county's radio system. Motion carried. (fee schedule on file)

26. AMENDMENT APPROVED – LAND LEASE – WING AVIATION – COUNTY ATTORNEY – AIRPORT

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the fifth amendment to the land lease agreement between Wing Aviation and Montgomery County for land at the Lone Star Executive Airport. Motion carried.

27. LAND LEASE AGREEMENT APPROVED – BLACKFOREST VENTURES – COUNTY ATTORNEY – AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve a land lease agreement between Montgomery County and Black Forest Ventures for lease of 15 acres of land at the Lone Star Executive Airport. Motion carried.

28. SHORT-TERM LEASE APPROVED – SOCIETY OF SAMARITANS – COUNTY ATTORNEY

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the short-term lease between Montgomery County and The Society of Samaritans for lease of space in the old Justice of the Peace 5 courthouse. The lease will be for \$10.00. Motion carried.

29a. AMENDMENT APPROVED – 2011 AIRPORT PROJECT PARTICIPATION AGREEMENT – CONTRACT REVIEW COMMITTEE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve an amendment to the 2011 Airport Project Participation Agreement between Montgomery County and the Texas Department of Transportation. Motion carried.

29b. AMENDMENT APPROVED – 2009 AIRPORT PROJECT PARTICIPATION AGREEMENT – CONTRACT REVIEW COMMITTEE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve an amendment to the 2009 Airport Project Participation Agreement between Montgomery County and the Texas Department of Transportation for the runway extension. Motion carried

30. AMENDMENT APPROVED – RAMP GRANT – CONTRACT REVIEW COMMITTEE

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve an amendment to the Fiscal Year 2011 RAMP (Routine Airport Maintenance Program) Grant between Montgomery County and the Texas Department of Transportation. Motion carried.

PUBLIC HEARINGS:

Pam Madrigal from AEI Engineering explained the need for a new well in Seven Coves in answer to some concerns voiced by citizens about replatting the land for the new well.

Reed Wilson of 1<sup>st</sup> National Bank of Edinburg answered citizens questions about concerns in covering a lake and replatting land in Lakewood estates.

31a. PARTIAL REPLAT APPROVED – COMMISSIONER PCT. 1

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the partial replat of that certain called 0.7004 acre Water Plant site and Lots 24 and 26, Block 1, Seven Coves, Section One, to be known as Montgomery County Utility District No. 2 Water Plant No. 1, Replat No. 1. Motion carried.

31b. PARTIAL REPLAT APPROVED – COMMISSIONER PCT. 2

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the partial replat of Lakewood Estates Section One, to be known as Lakewood Estates Commercial, 11.3 Acres, A.W. Springer Survey, A-490. Motion carried.

31c. ORDER APPROVED – ABANDON RIGHT-OF-WAY – PRECINCT 4

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the order closing, abandoning, and vacating the right-of-way described as a portion of Metts Road, which is approximately 60 feet in width, and 74 feet in length, located in the H.B. Littlefield Survey, Abstract 31. Motion carried.

32. PRIMACY RESCINDED – THE GRAND PARKWAY – AGENDA ITEM 10A – COUNTY JUDGE

Motion by Commissioner Rinehart, seconded by Commissioner Chance, to rescind the County's September, 2009 action under Section 228.0111(g), Transportation Code, of Montgomery County's exercise of primacy of segments G and H of the Grand Parkway, located within the County, and return the authority to develop the project to the Texas Department of Transportation with the understanding that the following will apply:

- A. A commitment from TXDOT of start and completion dates.
- B. Guarantee that TXDOT will develop Segment G in a priority that will be ahead of or concurrently with Segments F-1 and F-2.
- C. Agreement to integrate Montgoemry Parkway into the project and construct stub outs in the initial project.
- D. That TXDOT will provide for environmental mitigation for the project to be a part of the Spring Creek Greenway.
- E. After the initial project is complete, Montgomery County will receive pro-rata share of the Grand Parkway revenue for enhancement and connecting roadways as defined by the terms and conditions.

Motion carried with Commissioner Doyal opposed.

**33. RESTRICTIVE EASEMENT AGREEMENT APPROVED – ROAD AND BRIDGE – PRECINCT 2**

Motion by Commissioner Rinehart, seconded by Commissioner Doyal, to approve the restrictive easement agreement between Quadvest, LP and Montgomery County, Texas, prohibiting residential structures within the part of the buffer zone area around the Magnolia Lakes Wastewater Treatment Plant. Motion carried.

**AGENDA ITEMS 23B AND 24A – SEE MOTION 31**

**INDIGENT DEFENSE WORKSHOP – OFFICE OF COURT ADMINISTRATION**

Judge McDonald gave a presentation on possible options for reducing the costs of representation for the indigent, and introduced Mitch Michkowski as the new Director of the Office of Court Administration. Brian Wilson and Wesley Shackelford from the Task Force on Indigent Defense also answered some of the Court's questions, as well as Judge Edwards and Judge Woods. Janice Schwager, an attorney from Missouri, contributed her opinions on the benefits of a Public Defender's Office.

**EXECUTIVE SESSION – AGENDA ITEM 25**

THE COURT RECESSED FOR EXECUTIVE SESSION PURSUANT TO ONE OR MORE OF THE FOLLOWING PROVISIONS OF THE TEXAS GOVERNMENT CODE, TO WIT: CHAPTER 551, SUB-CHAPTER D, ARTICLE 551.071.

COURT RECONVENED WITH ALL MEMBERS PRESENT

NO ACTION WAS TAKEN ON EXECUTIVE SESSION ITEMS.

**CITIZENS – AGENDA ITEM 27**

PAUL JONES, a seller of fireworks, requested reduced restrictions on the fireworks ban passed earlier this court session.

**34. PAYROLL CHANGE REQUEST FORMS APPROVED – HUMAN RESOURCES**

Motion by Commissioner Meador, seconded by Commissioner Chance, to approve the following Payroll Change Request forms:

Request of 284<sup>th</sup> District Court to place Lindsey H. Karm, Court Coordinator I, on payroll as replacement for Victoria L. Thornton, effective 06.13.11.

Request of 284<sup>th</sup> District Court to accept the resignation of Victoria Lynn Thornton, Legal Assistant II, effective 06.10.11. (3.08 hours or balance of vacation, 1.00 hours or balance of compensatory time)

Request of Animal Shelter to discharge Michael Schiwart, Kennel Help, effective 06.10.11. (8.00 hours or balance of holiday time)

Request of Building Maintenance to accept the resignation of Alvaro Hernandez, Facility/Grounds Worker, effective 06.01.11. (55.44 hours or balance of vacation, 8.00 hours or balance of holiday time)

Request of Building Maintenance to place Jose Hurtado, Facility/Grounds Worker, on payroll as replacement for Marco Deneave, effective 06.20.11.

Request of Building Maintenance to place Uriel Lopez, Facility/Grounds Worker, on payroll as replacement for Carlos Martinez, effective 06.13.11.

Request of Convention Center to place Mart Keltch, Jr., Facility/Grounds Maintenance, on unpaid FMLA/disability leave, effective 06.07.11.

Request of Collections to place Hilda Nadine Jenkins, Director of Collections, on paid suspension, effective 06.06.11.

Request of Collections to discharge Kourtni Lafaye Martin, Office Supervisor I, effective 06.03.11. (no benefits due)

Request of Collections to place John S. West, Jr., Assistant Director of Collections, on paid suspension, effective 06.03.11.

Request of Commissioner Pct. 1 to place Kenneth Bailey, Seasonal Worker, on payroll in a new temporary position, effective 06.11.11.

Request of Commissioner Pct. 1 to increase the salary of James W. Lilley, Operator I, due to completion of probationary period, effective 06.18.11.

Request of Commissioner Pct. 2 to place Houston Hawthorne, Laborer, on payroll as replacement for Cody Peterson, effective 06.08.11.

Request of County Clerk to increase the salary of Jillian Reed Sartin, Clerk II-Part Time, due to completion of probationary period, effective 05.31.11.

Request of County Clerk to place Tara L. Watson, Clerk II-Part Time, on payroll, effective 06.06.11.

Request of Juvenile to place Jennifer Diane Bybee, Juvenile Supervision Officer-Detention, on unpaid leave of absence, effective 02.19.11.

Request of Juvenile to change the status of Jennifer Diane Bybee, Juvenile Supervision Officer - Substitute, from full to part time, effective 06.11.11.

Request of Juvenile to change the status of Linda Denise Hamilton, Juvenile Supervision Officer – Substitute, from full to part time, effective 06.25.11.

Request of Library to place Jane Williams Gillett, Reference Librarian, on payroll as replacement for Laura Brownell, effective 06.06.11.

Request of Library to place Susan Halydier, Reference Librarian, on payroll as replacement for Jessica Russell, effective 06.06.11.

Request of Library to place Laci R. Martinez, Reference Librarian, on payroll as replacement for Judith Lasher-Tidwell, effective 06.06.11.

Request of Library to change the status of Meagan Raimer, Shelving Clerk I, as replacement for Crystal Miller, effective 06.07.11.

Request of Library to remove Hailey Stoughton, Shelving Clerk I, from payroll due to job abandonment, effective 05.23.11.

Request of Office of Court Administration to place Steven Michkowski, Director of Office of Court Administration, on payroll to fill new position, effective 06.13.11.

Request of Sheriff to increase the salary of Brandon Bartoskewitz, Deputy, due to promotion as replacement for Jerry Guion, effective 06.18.11.

Request of Sheriff to increase the salary of James Blackwell, Detective, due to STEP increase, effective 07.23.11.

Request of Sheriff to increase the salary of Tony Bybee, Sergeant, due to promotion as replacement for Denise Wilkins, effective 06.18.11.

Request of Sheriff to increase the salary of Michael Cross, Deputy, due to STEP increase, effective 06.25.11.

Request of Sheriff to transfer Clint Curry, Deputy-Patrol District 4, as replacement for Jeffrey Herman, effective 06.04.11.

Request of Sheriff to increase the salary of Aaron Day, Deputy, due to promotion as replacement for Victoria Redd, effective 06.04.11.

Request of Sheriff to accept the resignation of Jason Edens, Deputy, effective 06.24.11. (77.05 hours or balance of vacation, 230.89 hours or balance of compensatory time, 16.00 hours or balance of holiday time)

Request of Sheriff to place Jacob Eisenmenger, Deputy, on payroll as replacement for Matthew Beasley, effective 06.11.11.

Request of Sheriff to increase the salary of Jeffrey Fowler, Deputy, due to STEP increase, effective 08.20.11.

Request of Sheriff to place Angelica Galczynski, Officer-Civilian Detention, on payroll as replacement for Aaron Day, effective 06.11.11.

Request of Sheriff to increase the salary of Patrick Gallagher, Corporal, due to promotion as replacement for Kerri Sample, effective 06.18.11.

Request of Sheriff to increase the salary of Jerry Guion, Corporal, due to promotion to replace Christopher Peckne, effective 06.18.11.

Request of Sheriff to increase the salary of Jennifer Heimer, Administrative Assistant I, due to correction to correspond with approved 2011 salary schedule, effective 10.02.10.

Request of Sheriff to place Joshua Hilado, Deputy, on payroll as replacement for Clint Curry, effective 06.11.11.

Request of Sheriff to place Kimberly Huckaba, Dispatcher, on payroll as replacement for Jamie Sutton, effective 06.11.11.

Request of Sheriff to increase the salary of Jack Hunter, Jr., Detective, due to STEP increase, effective 07.09.11.

Request of Sheriff to increase the salary of Clifford Maduzia, Deputy, due to STEP increase, effective 07.23.11.

Request of Sheriff to increase the salary of Robert Martin, Deputy, due to STEP increase, effective 09.03.11.

Request of Sheriff to place Michael McCurry, Officer-Civilian Detention, on payroll as replacement for Joshua Coffin, effective 06.11.11.

Request of Sheriff to accept the resignation of Christopher McKee, Officer-Civilian Detention, effective 06.16.11. (30.80 hours or balance of vacation, 48.38 hours or balance of compensatory time, 16.50 hours or balance of holiday time)

Request of Sheriff to increase the salary of William Neal, Deputy, due to STEP increase, effective 07.23.11.

Request of Sheriff to transfer Christopher Peckne, Corporal, as replacement for Tony Bybee, effective 06.18.11.

Request of Sheriff to reduce the salary of Victoria Redd, Officer-Civilian Detention, due to demotion at employee's request as replacement for David Krath, effective 05.28.11.

Request of Sheriff to increase the salary of Ricky Richey, Deputy, due to promotion as replacement for James Ashby, effective 06.04.11.

Request of Sheriff to increase the salary of Cathy Schuch, Administrative Assistant I, due to correction to correspond with approved 2011 salary schedule, effective 10.02.10.

Request of Sheriff to increase the salary of Michael Silvio, Sergeant, due to STEP increase, effective 08.06.11.

Request of Sheriff to increase the salary of James Solomon, Deputy, due to STEP increase, effective 06.25.11.

Request of Sheriff to increase the salary of Shannon Spencer, Detective, due to STEP increase, effective 06.25.11.

Request of Sheriff to increase the salary of Dana Vailes, Deputy, due to STEP increase, effective 09.03.11.

Request of Sheriff to increase the salary of Dawson Weatherford, Deputy, due to STEP increase, effective 06.25.11.

Request of Tax Office to increase the salary of Pamela Erwin, Deputy Specialist I, due to completion of probationary period, effective 06.25.11.

Request of Tax Office to change the name of Kelly L. Grimes, Deputy Specialist I, previous name was Kelly Dotson, effective 06.06.11.

Request of Tax Office to correct and increase the salary of Tina Jackson, Deputy Specialist IV, to new salary amount – original PCR went through CC 06.06.11, effective 05.14.11.

Request of Tax Office to correct and increase the salary of Debra Mayton, Deputy Specialist IV, to new salary amount – original PCR went through CC 06.06.11, effective 05.28.11.

Request of Tax Office to increase the salary of Jessica Rodriguez, Deputy Specialist I, due to completion of probationary period, effective 07.02.11.

Request of Pct. 3 Recycling to place William Fletcher, Driver-Mosquito, on payroll to fill temporary position, effective 06.20.11.

Request of Sheriff to reduce the salary of Kerri Sample, Deputy, due to demotion at employee's request as replacement for Patrick Gallagher, effective 06.18.11.

Request of Tax Office to increase the salary of Ryan McKinnies, Deputy Specialist IV, due to completion of education required and state certification, effective 06.06.11.

Motion carried.

## 35. COURT ADJOURNED

Motion by Commissioner Meador, seconded by Commissioner Rinehart, to adjourn this session of court . Motion carried.

The above and foregoing minutes were read and approved by the Court.

ATTEST:

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

BY: \_\_\_\_\_

COUNTY CLERK	COUNTY JUDGE
--------------	--------------