

COMMISSIONERS COURT DOCKET SEPTEMBER 4, 2012  
SPECIAL SESSION

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 4<sup>th</sup> day of September, 2012 the Honorable Commissioners Court of Montgomery County, Texas, was duly convened in a Special Session in the Commissioners Courtroom of the Alan B. Sadler Commissioners Court Building, 501 N. Thompson, 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 James Noack

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 Chance, to approve Commissioners Court agenda for discussion and necessary action. Motion carried.

2. CONSENT AGENDA APPROVED - AGENDA ITEMS 7A-H

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the Consent Agenda, removing Item 7A1, as follows:

COUNTY AUDITOR - AGENDA ITEMS 7A

A. BUDGET AMENDMENTS for FY2012 approved, as follows:

1. VARIOUS: To fund overtime for departments that handled Spindletop Refuge (M24/07.23.12).
2. ANIMAL CONTROL: To transfer funds as approved in CC (07.30.12).
3. BUILDING MAINTENANCE: To adjust line items and transfer funds for inspection of generator.
4. CIVIC CENTER: To correct duplicate budget amendment.
5. COBRA COVERAGE: Budget adjustment as of 07.31.12.
6. COMMISSIONER PCT. 1: To recognize and allocate fees.
7. CONSTABLE PCT. 3: To transfer funds for VPN tokens.
8. COUNTY ATTORNEY: To adjust line items.
9. COUNTY AUDITOR: To transfer funds for new desk.

10. COUNTY JUDGE: To fund payoff for Ann Carr (M5&6/02.13.12).
11. COUNTY TREASURER: To allocate Texpool deposit.
12. DPS: To fund payoff for C. Davis (M8/07.09.12).
13. 221<sup>st</sup> District Court: To adjust line items.
14. 418<sup>th</sup> District Court: To adjust line items.
15. EMERGENCY MANAGEMENT: To adjust line items.
16. EMPLOYEE HEALTH: Budget adjustment as of 07.31.12.
17. EMPLOYEE LIFE: Budget adjustment as of 07.31.12.
18. ENVIRONMENTAL HEALTH: To adjust line items and transfer funds for desk build.
19. FIRE MARSHAL: To adjust line items.
20. JUVENILE PROBATION/STATE AID-A/12: To adjust line items for cell phone allowance.
21. JUVENILE PROBATION/STATE AID-A/12: To adjust line items.
22. MANAGED ASSIGNED COUNSEL PROGRAM: To adjust line items.
23. OPTIONAL BENEFITS: Budget adjustment as of 07.31.12.
24. RETIREE HEALTH: Budget adjustment as of 07.31.12.
25. SHERIFF: To recognize and allocate restitution.
26. SHERIFF: To recognize and allocate restitution.
27. SHERIFF: To adjust line items.
28. SHERIFF: Adjust Sheriff budget based upon receipt posting for contract.
29. TAX ASSESSOR/COLLECTOR: To allocate lease revenue.
30. WELLNESS CLINIC: Budget adjustment as of 07.31.12.

#### TREASURER - AGENDA ITEM 7B

- B. STATEMENT OF BALANCES APPROVED for the month ending June, 2012.

#### TAX ASSESSOR/COLLECTOR – AGENDA ITEM 7C

- C. TAXES DECLARED UNCOLLECTABLE for mobile homes that are beyond the 4 year statute of limitations for personal property, 10 year statute of limitations for suit filing, and on one that was a double assessment by MCAD and subsequently purchased by a church for use as "exempt" housing and now located on church property for their assistant pastor.

D. TAX RE-SALE VOIDED on property that was double assessed in error and combined with other accounts, and refunding is approved to the purchaser, Melva Haynes Harris, in the amount of \$1950.00, and the County Attorney is authorized to prepare and file an order signed by the County Judge voiding the Special Warranty Deed to Melva Harris.

#### PURCHASING DEPARTMENT - AGENDA ITEM 7D

E. RENEWALS APPROVED for the following contracts:

1. THYSSENKRUPP ELEVATOR CORPORATION (PO #2011232) for elevator products and services, expires 09.30.12 - Various Departments.
2. OZARKA NATURAL SPRING WATER (PO #2009067) for drinking water and purification systems, expires 10.31.12 - Various Departments.
3. ALL AMERICA SALES CORPORATION (PO #2012051) for spike systems for law enforcement, expires 11.18.12. - Various Departments.

F. DISCRETIONARY EXEMPTIONS APPROVED as follows:

1. Twincrest Technologies for the purchase of Bluetooth to Ethernet or serial capture device in the amount of \$38,250.00 though the TxSmartBuy contract #550-A2 - Precinct 3.
2. Utilize the contract with Knight Security Systems through the Texas Department of Information Resources for hardware, software and related services for surveillance, security, and monitoring, contract #DIR-SDD-1725 - Various Departments.
3. OCLC Online Computer Library Center, Inc. for OCLC services - Library.

G. CHANGE ORDER APPROVED for the following:

1. Change Order #5, PO #2008276 to Western Union Financial Services for service for providing money transfers for collection of fines. Cancel contract in its entirety, effective 09.28.12 - Collections.

H. NAME CHANGE ACKNOWLEDGED for W.T. Cox Subscriptions, Inc. to W.T. Cox Information Services, effective immediately.

#### RISK MANAGEMENT - AGENDA ITEM 7E

I. ACTION APPROVED FOR SURETY BOND as follows:

1. 61449078 Brian Smith/Const. Pct. 2 \$5000.00 Reserve/New

#### COMMISSIONERS - AGENDA ITEM 7F

##### PRECINCT 3

J. PUBLIC HEARING DATES SET for 9:30 a.m. Monday, September 24, 2012 in Commissioners' Court for the following:

1. Consider the discontinuance, abandonment and vacation subject to a restriction for landscape use only of more or less than 70,000 square feet of unneeded right-of-way along Rayford Road where the road was re-aligned to modify the radius of the curve.
2. Consider the discontinuance, abandonment and vacation of more or less 2,865 square feet of unneeded right-of-way along Riley Fuzzel Road at Lockeridge Farms Drive.

#### PRECINCT 4

K. CHECK ACCEPTED in the amount of \$2016.24 from the Montgomery County Constable Pct. 4 for fuel used for the month of July, 2012. (check forwarded to Auditor for further processing)

#### CONSTABLE PRECINCT 2 – AGENDA ITEM 7G

L. RESERVE DEPUTY APPROVED: Brian S. Smith.

#### COUNTY JUDGE - AGENDA ITEM - 7H

M. USE AGREEMENT APPROVED for the following:

1. Montgomery County Women's Council of Realtors - War Memorial Park - Operation Holidays for Heroes.

Motion carried.

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#### END OF CONSENT AGENDA

3. CALENDAR APPROVED - COMMISSIONERS' COURT DATES - COUNTY HOLIDAYS - COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the proposed 2013 calendar for Commissioners' Court dates and Montgomery County holidays. Motion carried.

#### COMMISSIONERS' COURT RECESSED FOR PUBLIC HEARING.

#### PUBLIC HEARING - ADOPTING FY 2013 BUDGET

Proper notice having been given, Judge Sadler declared open a public hearing in regard to adopting the FY 2013 Montgomery County, Texas, budget. There being no one present who wished to address this matter, Judge Sadler declared the public hearing closed.

#### COMMISSIONERS' COURT WAS RECONVENED.

4. FY 2013 MONTGOMERY COUNTY BUDGET ADOPTED - COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Rinehart, to approve the proposed FY 2013 Montgomery County, Texas, budget as submitted by the County Auditor. Motion carried.

5. RESOLUTION AND ORDER APPROVED - 2012 AD VALOREM TAX RATE - MAINTENANCE AND OPERATIONS - TAX ASSESSOR/COLLECTOR

Motion by Judge Sadler, seconded by Commissioner Doyal, to adopt the 2012 ad valorem tax rate for maintenance and operations as .4179/\$100. The tax rate will effectively be raised by 2.1% and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$8.60. Motion carried.

6. RESOLUTION AND ORDER APPROVED - AD VALOREM TAX RATE FOR DEBT SERVICE - TAX ASSESSOR/COLLECTOR

Motion by Judge Sadler, seconded by Commissioner Doyal, to adopt and set the 2012 ad valorem tax rate for debt service at .0659/\$100. Motion carried.

AGENDA ITEM 10A - CONSTABLE PCT. 5 - DEFERRED

7. POSITION CHANGES APPROVED - FORENSIC SERVICES

Motion by Judge Sadler, seconded by Commissioner Meador, to approve the following changes:

- A. Close position #6303-4213-1
- B. Open position #6303-2605-1

Motion carried.

8. TRANSFER OF FUNDS APPROVED - FORENSIC SERVICES

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve the following budget transfer:

- A. \$34,134.10 FROM: 6303-4213-1 TO: 6303-2605-1

Motion carried.

9. RECLASSIFICATION OF POSITION APPROVED - LIBRARY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the reclassification of the 20-hour per week Shelving Clerk I position #6511-5100-507, to a 20-hour per week Library Assistant II position and transfer \$1895.00 from position #6511-7051-13 into the reclassified position. Motion carried.

AGENDA ITEMS 13A – PURCHASING DEPARTMENT

RECOMMENDATIONS AND CONTRACTS DEFERRED – AGENDA ITEMS 13A1 - 13A11

10. PROPOSAL APPROVED - ELECTRONIC TRANSACTION CONSULTANTS - PRECINCT 2/ENGINEERING (MCTP) - PURCHASING

Motion by Commissioner Doyal, seconded by Commissioner Chance, to approve a proposal from Electronic Transaction Consultants (ETC) to provide design, installation, and testing of Phase 2 of the SH 242 electronic toll collection system in the amount of \$283,815.90.

11. DISCRETIONARY EXEMPTION APPROVED - PRECINCT 3 - PURCHASING

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve a discretionary exemption for Texas Highway Products, LTD. for the purchase of SmartMonitor for WAN capability through the TxSmartBuy contract #550-A2. Motion carried.

12. PUBLIC STREET EASEMENT APPROVED - CITY OF CONROE - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a public street easement to the City of Conroe, related to construction of Technology Park connector road and authorize the County Judge to execute same. Motion carried.

13. AMENDMENT APPROVED - AIRPORT PROJECT PARTICIPATION AGREEMENT - AIRPORT - COUNTY ATTORNEY CONTRACT REVIEW COMMITTEE

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve an amendment to the Airport Project Participation Agreement between Montgomery County and the Texas Department of Transportation to study and develop a plan for south side development of aviation facilities at the Lone Star Executive Airport, and authorize Judge Sadler to sign the agreement. The additional \$553.00 match funds will come from contingency. Motion carried.

EXECUTIVE SESSION – AGENDA ITEM 16A-C

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 TAKEN ON EXECUTIVE SESSION MATTERS

14. COURT ADJOURNED

Motion by Commissioner Chance, seconded by Commissioner Meador, 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

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COUNTY JUDGE