THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 11th day of February, 2013 the Honorable Commissioners Court of Montgomery County, Texas, was duly convened in a Regular 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 – James Noack
Commissioner, Precinct #4 - Ed Rinehart
Also - Francine Nichols, County Clerk’s Office

INVOCATION GIVEN BY Mary Hammer.

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 Noack, seconded by Commissioner Doyal, to approve Commissioners’ Court agenda for discussion and necessary action. Motion carried.

EMPLOYEE COMMITTEE PRESENTED DETECTIVE VINCE HATFIELD WITH THE EMPLOYEE OF THE MONTH AWARD PLAQUE FOR JANUARY 2013.

2. PROPOSAL APPROVED – FIRE STATION CONSTRUCTION – PRECINCT 4

   Motion by Commissioner Rinehart, seconded by Commissioner Noack, to approve a long term lease as proposed of ESD #4 to lease a portion of county property located at Tamina Community Park, 19500 Main Street and begin construction for a fire station. The County Attorney is to negotiate the lease. Motion carried.

3. MINUTES APPROVED – COMMISSIONERS’ COURT - COUNTY CLERK

   Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve Commissioners’ Court Minutes for Special Session January 28, 2013, as presented by the County Clerk. Motion carried.

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

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

   COUNTY AUDITOR - AGENDA ITEMS 9A1-4

   A. ACCOUNTS APPROVED, as submitted by the County Auditor.

   B. BUDGET AMENDMENTS for FY12 approved, as follows:

   1. CDBG DISASTER REC ENTITLE GRANT: To adjust CISD match to appropriate account.
C. BUDGET AMENDMENTS for FY13 approved as follows:

1. ADULT PROBATION: To transfer funds for RSA tokens.
2. ANIMAL CONTROL: To adjust line items.
3. BUILDING MAINTENANCE: To adjust line items and transfer funds.
4. C/P ROAD BONDS 2004: To adjust line items to fund PO 2006548.
5. COMMISSIONER PCT. 2: To adjust line items.
6. COMMISSIONER PCT. 3: To recognize and allocate revenue.
7. COMMISSIONER PCT. 3: To adjust line items.
8. COMMISSIONER PCT. 3: To fund cell phone allowance for Phillip D. Tyler.
9. COMMISSIONER PCT. 3: To fund cell phone allowance for Justin Scharnhorst.
10. COMMISSIONER PCT. 3: To fund cell phone allowance for Chad Jamieson.
11. COMMISSIONER PCT. 3: To fund cell phone allowance for Matthew Beasley.
12. DISTRICT ATTORNEY: To transfer funds for remodel.
13. DISTRICT CLERK: To adjust line items.
14. ELECTIONS ADMINISTRATOR: To transfer funds for VPN.
15. FIRE MARSHALL: To transfer funds for VPN.
16. FORENSIC SERVICES: To adjust line items.
17. HGAC – JUVENILE MH SERVICES: To set up Regional Juvenile Mental Health Service Contract with HGAC (M14/01.14.13),
18. JUSTICE OF PEACE PCT. 3: To adjust line items.
19. JUSTICE OF PEACE PCT. 4: To transfer funds for VPN.
20. MCCD: CDBG DISASTER REC ENTITLE GRANT: To add additional CISD match for CDBG Disaster Recovery Entitlement Grant.
21. MCCD: CDBG/DR ROUND 2 – OWNER HSNG: To adjust line items.
22. SHERIFF: To adjust line items.

D. INTERIM ARBITRAGE REBATE ANALYSIS accepted for Montgomery County, Texas Certificates of Obligation, Series 2007.

TREASURER - AGENDA ITEM 9B

E. MONTHLY INVESTMENT REPORT APPROVED for the month ending January 31, 2013.
F. INVESTMENT REPORT APPROVED for week of January 28 – February 1, 2013.
TAX ASSESSOR/COLLECTOR – AGENDA ITEM 9C

G. JANUARY 2013 SUPPLEMENTAL CHANGES APPROVED from Harris County Appraisal District for property located in Harris County for New Caney ISD and The Woodlands Township that is collected by the Tax Assessor office.

H. TEMPORARY PROMOTION AUTHORIZED for an employee to fulfill the job functions of another employee absent on FMLA, as needed, and salary to be adjusted accordingly.


PURCHASING DEPARTMENT - AGENDA ITEM 9D

J. ACTION APPROVED for the following bid/proposal:

1. Reject any and all bids received for Modular Homes – Round 2 - Project #2013-0005 (12/06/12) – MCCD.

K. RENEWALS APPROVED for the following contracts:

1. ELLIOTT ELECTRIC SUPPLY (PO #2009128) for electrical items and miscellaneous supplies, expires 01/22/13. NOTE: Month to month – Various Departments.

2. BUCKEYE CLEANING CENTER (PO #2012200) for janitorial supplies, equipment, maintenance and repair – TCPN contract #R5118, expires 02/28/13 – Various Departments.

3. COGNISERVE (PO #2012297) for electronic imaging of tax office accounting records, expires 03/08/13 - NOTE: Changes per documents on file - Various Departments.

4. WILKINS LINEN & DUST CONTROL SERVICES (PO #2009147) for dust mop, floor mat, shop, textile, bath towel and fender cover services, expires 03/14/13. NOTE: Changes per documents on file. Various Departments.

5. WOODFOREST NATIONAL BANK (PO #2008324) for installation of automated teller machines, expires 04/07/13 – Various Departments.

6. TELEPHONE DATA & SOUND (PO #2012250 and PO #2012250X) for inmate telephone system maintenance, expires 04/08/13 – Infrastructure.

7. A & B CRUSHED CONCRETE, LLC (PO #2011294) for haul service for miscellaneous materials, expires 04/10/13 – Precinct #4.

8. SMITH AND COMPANY (PO #2012449) for rehabilitation of roads, expires 04/14/13 – Various Precincts.

9. GHA TECHNOLOGIES, INC. (PO #2012448) for computer peripherals, expires 04/18/13 – Various Departments.

10. BNB ENVIROTECH, INC. (PO #2012265) for mowing right-of-ways, expires 04/22/13 – Precinct #2.
L. CHANGE ORDERS APPROVED for the following:

1. Change Order #3, PO #2011104 to Policereports.us LLC for on-line accident report distribution service, to cancel contract in its entirety effective 02/16/13 – Sheriff.

2. Change Order 1, PO #2012509 to Diamond Commercial Construction, Inc. for Montgomery County courthouse re-roof of the north and south wings, to add seven (7) calendar days and for change, as per documents on file, in the amount of $5,876.00 – Infrastructure.

M. DISCRETIONARY EXEMPTIONS APPROVED as follows:

1. Juanita Stanley for research in support of the development of the Consolidated Planning document required by the U.S. Department of Housing and Urban Development (HUD) for the fiscal years 2013-2017 in the amount of $4,800.00 – MCCD.

2. State of Texas Department of Information Resources (DIR) and CANON U.S.A., INC. for products and related services for copier leases through Contract #DIR-SDD-1662 – Various Departments.

3. Farmer & Associates, Inc. (Project #2013-0014) for asbestos-containing building materials inspection of Railroad Bridge at East of State Highway 242 and IH-45, Conroe, TX (CSJ No. 3538-01-030) construction of an interchange facility, in the amount of $2,710.00 – Engineering/Precincts 2 and 4 (MCTP).

4. Mint Physician Staffing for Locum Tenens Coverage through Locum Healthcare Providers at the monthly amount of $11,400.00 – Sheriff.

5. S.J. Williams Environmental Consulting for environmental services for the League Line Road extension in an amount not to exceed $16,231.46 – Precinct 1.

N. APPROVE NAME CHANGE of Highsmith, LLC TO DEMCO, INC. - Purchasing

RISK MANAGEMENT - AGENDA ITEM 9E

O. BOND CHANGES, ADDITIONS AND RELEASES APPROVED for the following:

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COMMISSIONERS - AGENDA ITEM 9F

PRECINCT 2

P. CHECK ACCEPTED in the amount of $76.84 from The Friendship Center for reimbursement of fuel usage for December 2012 to be deposited into account 613-7357. (Check forwarded to Auditor for further processing.)

PRECINCT 4

Q. CHECK ACCEPTED in the amount of $2,079.38 from Montgomery County ESD 7 for the purchase of fuel for the month of December, 2012 to be deposited into account 615-7926. (Check forwarded to Auditor for further processing.)

R. CHECK ACCEPTED in the amount of $400.67 from The Friendship Center for fuel used for the month of December 2012, to be deposited into account 615-7926. (Check forwarded to Auditor for further processing.)

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

PRECINCT 1

S. RESOLUTION AND ORDER APPROVED to accept and acknowledge finally executed Special Warranty Deed and License Agreement evidencing conveyance of 4.430 acres of land and improvements commonly known as Memory Park to the City of Montgomery.

T. ORDER APPROVED of Road Construction Project to extend League Line Road under Interlocal Agreement between City of Conroe and Montgomery County, in accordance with Texas Government Code §791.014.

U. ORDER APPROVED accepting road known as Lakecrest Drive into Montgomery County road maintenance system upon finding of prescriptive right based on public use.

PRECINCT 2

V. ORDER APPROVED authorizing abandonment of 10’ utility easements located on Lots 53 and 54, Block 1, Ridgelake Shores Section 3.

W. ORDER APPROVED authorizing abandonment of 10’ utility and drainage easements located on Lots 74 and 75, Block 1, Ridgelake Shores Section 4.

PRECINCT 3

X. MODIFICATION OF LEASE APPROVED between Montgomery County and The Woodlands Township for The Woodlands Central Fire Station.

PRECINCT 4

Y. ORDER APPROVED accepting Warranty Deed for Parcel 3 of the Lexington Drive project and authorizing County Judge to sign for the acceptance of the Warranty Deed.

Z. ORDER APPROVED authorizing lease of real property described as Tracts 329, 330 and 331 in Krohn Ranchettes, an unrecorded subdivision out of the S.H. Bryan Survey, Abstract 70 and appointing Julie Stewart as Special Commissioner to conduct lease auction on March 15, 2013.
AA. ORDER APPROVED authorizing lease of real property described as Lots 27 and 28 in Lake Adams subdivision, and appointing Julie Stewart as Special Commissioner to conduct lease auction on April 12, 2013.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEM 9H

PRECINCT 1

BB. REQUEST APPROVED from Mid-South Synergy to place an overhead 14.4 kV, #2 ACSR line within the right of way of Bays Chapel Road.

CC. REQUEST APPROVED from Mid-South Synergy to place an overhead 7.2kV, #2 ACSR line within the right of way of Johnson Road.

PRECINCT 2

DD. FINAL PLAT APPROVED of Durango Creek, Section 5, 13.756 acres, 75 lots, John Dorsey Survey, A-169.


FF. REQUEST APPROVED from MSEC Enterprises, Inc. to place a water line within the right of way of Lyndsey Drive, Leah Drive and Fish Creek Thoroughfare.

PRECINCT 3

GG. ADVANCE FUNDING AGREEMENT APPROVED between the State of Texas and Montgomery County to construct noise abatement walls related to the State Highway 99 project, as per documents on file.

HH. FINAL PLAT APPROVED of Melda Road Subdivision, 1.19 acres, John Taylor Survey, A-547.

II. FINAL PLAT APPROVED of Spring Surgical Center Subdivision, .8959 acres, Charles Eisterwall Survey, A-191.

JJ. ROADS ACCEPTED into the one year maintenance period effective 02/11/13 in Legends Ranch, Section 10, 1384.55 LF - .27 Miles.

KK. REQUEST APPROVED from Level 3 Communications to place a fiber optic cable within the right of way of Lake Robbins Road.

PRECINCT 4

LL. REQUEST APPROVED from Porter Special Utility District to place a waterline within the right of way of various roads, as per documents on file.

MM. PUBLIC HEARING DATE APPROVED for March 11, 2013 to establish a one-way stop sign control on the eastbound approach of the south Donwick Drive and Fawn Trail intersection.

SHERIFF – AGENDA ITEM 9I

NN. CHECK ACCEPTED from Montgomery County Crime Stoppers, Inc. in the amount of $64.85 for cell phone donation for Brandy Bice for the month of January 2013 and record in line item 560163-7424. (Check forwarded to Auditor for further processing.)
COUNTY JUDGE – AGENDA ITEM 9J

OO. USE AGREEMENTS APPROVED as follows:

PRECINCT 1

1. Willis High School Softball – Tournament
   Willis Softball Parks

2. Montgomery County Employee Committee – Bake Sale
   Alan B. Sadler Commissioners’ Court Building

PRECINCT 2

1. Magnolia Historic Society, Inc. – Annual “Depot Days”
   Malcolm Purvis Library Parking Lot

Motion carried.

END OF CONSENT AGENDA

5. DUES APPROVED – COUNTY JUDGES & COMMISSIONERS ASSOCIATION OF TEXAS – COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve annual Montgomery County dues assessed for calendar year 2013 in the amount of $2,100.00 payable to County Judges and Commissioners Association of Texas. Motion carried.

6. DUES APPROVED – TEXAS ASSOCIATION OF COUNTIES – COUNTY JUDGE

Motion by Judge Sadler, seconded by Commissioner Meador, to approve 2013 annual membership dues in the amount of $2,440.00, payable to Texas Association of Counties (TAC). Motion carried.

7. REQUEST APPROVED - TRANSFER OF FUNDS - SHERIFF

Motion by Commissioner Doyal, seconded by Commissioner Noack, to approve the transfer of $895.95 in salary funding from position 5601-3940-9 to 5601-3940-30. The transfer of funds pertains to civilian positions and does not increase the current salary structure. Motion carried.

7. REQUEST APPROVED – TRANSFER OF EXCESS FUNDS – SHERIFF

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the transfer of excess position funds within the Sheriff’s admin and Jail budgets to the funding position line 9999-999. The transfer of funds pertains to civilian positions and does not increase the current salary structure. Note: There was a typo on a position number on page 2; the Clerk’s record will reflect the change. Typo does not reflect on dollar amounts. Motion carried.

9. THIS MOTION NUMBER INTENTIONALLY BLANK.

10. FUNDING APPROVED – ALARM PERMITS EQUIPMENT LEASE – SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve funding in the amount of $996.96 for Alarm Permits mail equipment lease. When Alarm Permits transferred from Environmental to the Sheriff’s office, their budget was short two months of payments. The funding is to be applied to budget line 56011-7419 and request a funding source. The Auditor is going to recognize additional revenue for this. Motion carried.
11. FEES SCHEDULE APPROVED – MCSO TRAINING ACADEMY – SHERIFF

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve the revised MCSO Training Academy’s in-service fee schedule. The fees will only apply to law enforcement personnel not employed by Montgomery County, as per documents on file. Motion carried.

12. AMENDMENT APPROVED – INTERLOCAL AGREEMENT – SHERIFF

Motion by Commissioner Noack, seconded by Commissioner Doyal, to approve an amendment to the 2013 Interlocal Law Enforcement Agreement between Montgomery County and The Woodlands Township. Motion carried.

13. REQUEST APPROVED – ALLOCATING REIMBURSEMENTS – SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve allocating all MCSO fugitive transport reimbursements to the Sheriff’s Admin budget line item 5601-443331011 (State Inmate Transport). Motion carried.

14. REQUEST APPROVED – ALLOCATING REIMBURSEMENTS – SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve allocating all US Marshall reimbursements paid to the Sheriff’s Office to the Sheriff’s overtime budget line 5601-7104. The funds are for overtime reimbursement paid by our agency in support of the Joint Law Enforcement Operations program. Motion carried.

15. REQUEST APPROVED – SUBMIT GRANT FOR DIRECTIONAL RADAR TRAILERS – SHERIFF

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the submission of the grant application only, not the funding. This was a misprint in stating to “consider and accept $56,999.07 in funding from the FY14 CJD - Directional Radar Trailer Project Grant”. Motion carried.

16. PURCHASE APPROVED – MOBILE DATA TERMINAL – CONSTABLE PCT 3

Motion by Commissioner Noack, seconded by Commissioner Rinehart, to approve amending Agenda Item 12A to move the mobile radio from the purchase request and fund from Contingency the purchase of a mobile data terminal (laptop) in the amount of $6,800. Motion carried.

17. ACTION APPROVED – COMMISSIONER PRECINCT 3 OFFICE BUILDING – INFRASTRUCTURE

Motion by Judge Sadler, seconded by Commissioner Noack to begin a funding source by moving funds ($740,000 in Contingency and $110,000 from Spring Creek) to build a new office structure on 9.95 acres of County owned land. The only action approved at this time is to move the funds. It was stated that cost would be approximately 1.4 million overall. No construction will be approved until plans, specs and hard numbers are addressed. Further discussion will take place during the Budget Hearing in July/August 2013. Motion carried.

18. REQUEST APPROVED – PARTIAL DEFAULTS TO TAX ABATEMENTS – TAX ASSESSOR-COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve partial default to the tax abatement by and between the following:

a. Forest Ridge Office Condominiums (FROC) and Montgomery County. Building 3 Unit 302; identified by Tax Account Number 00.5151.00.01000.
b. Forest Ridge Office Condominiums (FROC) and Montgomery County. Building 3 Unit 301; identified by Tax Account Number 00.5151.00.00900. Motion carried.

19. **REQUEST APPROVED – 2013 SALARY GRIEVANCE COMMITTEE – COUNTY CLERK**

Motion by Commissioner Doyal, seconded by Commissioner Noack, to approve the 2013 Salary Grievance Committee being comprised of six elected officials and three citizens or being comprised of nine citizens. Motion carried.

**AGENDA ITEM 15B DEFERRED**

20. **REQUEST APPROVED – DEPOT DAY – LIBRARY**

Motion by Commissioner Doyal, seconded by Commissioner Noack, to approve closing the Malcolm Purvis Library and using the entire parking lot for the Magnolia Historical Society’s Depot Day celebration on April 20, 2013. Motion carried.

21. **REQUEST APPROVED – STAFF RECOGNITION PLAQUES – LIBRARY**

Motion by Commissioner Noack, seconded by Commissioner Meador, to approve request to proceed with preparation of plaques for staff recognition in participation of presentations during the MCMLS Staff Development Day on March 8, 2013. Motion carried.

22. **REQUEST APPROVED – RESIGNATION/APPOINTMENT – MANAGED ASSIGNED COUNSEL**

Motion by Commissioner Meador, seconded by Commissioner Doyal, to accept the resignation of Cindy Sill from the Managed Assigned Counsel Mental Health Oversight Board and to approve the appointment of Evan Roberson to same board as replacement of Cindy Sill. Motion carried.

23. **RESOLUTION AND ORDER APPROVED – VARIOUS APPOINTMENTS – COUNTY ATTORNEY**

Motion by Commissioner Noack, seconded by Judge Sadler, to accept the Resolution and Order appointing J.D. Lambright, County Attorney and B.D. Griffin, Assistant County Attorney, as the exclusive contacts and spokespersons for Montgomery County regarding:

a. Montgomery County Jail Financing Corporation;
b. Joe Corley Detention Center;
c. Mental Health Facility;
d. And related contracts and agreements with GEO Group, Inc., GEO Care, and any governmental agency or institution.

Commissioners Meador and Rinehart opposed. Motion carried with a vote of 3-2.

24. **PAYMENT APPROVED - RENEWAL OF LICENSE – MENTAL HEALTH TREATMENT FACILITY**

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve payment to Texas Department of State Health Services for renewal of license to operate psychiatric hospital and authorize Commissioner Meador to sign renewal notice as set forth in documents on file. Motion carried.
25. **REVISIONS APPROVED – MANAGEMENT PLAN – MENTAL HEALTH TREATMENT FACILITY**

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve revisions to two polices in the Management Plan as recommended by the Montgomery County Mental Health Treatment Facility Advisory Board and as set forth in documents on file. Motion carried.

AUDITOR – AGENDA ITEM 19

26. **REQUEST APPROVED – TRAINING FUNDS – JUSTICE OF THE PEACE PCT. 1**

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve the request from Justice of the Peace Pct. 1 to use $312.50 from the JP Technology Fund for training. Motion carried.

PURCHASING DEPARTMENT – AGENDA ITEMS 20

27. **CONTRACT AWARDED**

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the following contract:

a. Smiths Detection for GC/MS system with options, in the amount of $137,080.00. Funded out of the 2011 UASI grant. Project #2013-0020. – Emergency Management. Motion carried.


Motion by Commissioner Doyal, seconded by Commissioner Rinehart, to approve proposal from LJA Engineering, Inc. to provide construction phase services for CSJ No. 3538-01-030 (Project #2013-0014) construction of an interchange facility, in an amount not to exceed $100,000.00. Motion carried.

29. **PROPOSAL APPROVED – INTERCHANGE FACILITY – ENGINEERING/ PRECINCTS 2 & 4 (MCTP)**

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve proposal from HTS, Inc. Consultants to provide construction materials testing and inspection services for CSJ No. 3538-01-030 (Project #2013-0014) construction of an interchange facility, in an amount not to exceed $306,248.00. Motion carried.

COUNTY ATTORNEY – AGENDA ITEMS 21

AGENDA ITEM 21A – DEFERRED

30. **AGREEMENT APPROVED – ALEX TAYLOR – COUNTY ATTORNEY**

Motion by Commissioner Meador, seconded by Commissioner Noack, to approve personal service agreement with Alex Taylor to provide services for the Information Technology department of Montgomery County, Texas. Motion carried.

31. **AGREEMENT APPROVED – CHDO – COUNTY ATTORNEY**

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Community Housing Development Organization (CHDO) Agreement granting FY2012 Home Program Federal Funds to Walker Montgomery Community Development Corporation. Motion carried.
32. Resolution and Order Approved – Kemp Smith, LLP – County Attorney

Motion by Commissioner Noack, seconded by Commissioner Doyal, to approve Resolution and Order clarifying the funding source previously authorized by Commissioners’ Court on April 11, 2011, related to the retention of Kemp Smith, LLP as outside counsel for the County in SOAH Docket numbers 582-07-2673 and 582-07-2674. Funding source will remain Contingency until the Budget Hearings in July and August. Motion carried.

33. Assignment Approved – KH Aviation, LLC. – County Attorney

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the assignment of 1.414 acres of land leased at the Lone Star Executive Airport, from Killion Air, LLC to KH Aviation, LLC, subject to the same terms and conditions as existing lease. Motion carried.

Commissioners’ Court recessed for public hearing.

Public Hearing – Agenda Item 22

Proper notice having been given, Judge Sadler declared a public hearing in regard to establishing a “Loading Zone” on the west side of Waterway Avenue, south of Lake Robbins Drive. The proposed zone would occupy the first three parking spaces on the west side of Waterway Avenue. During periods of the day it may also serve as a valet drop-off and pick-up area.

A member of the public spoke requesting approval of the loading zone to alleviate traffic.

JR Moore expressed concern regarding the valet parking.

There being no other members of the public wishing to address this matter, Judge Sadler declared the public hearing closed.

Commissioners’ Court reconvened

34. Action Taken – Loading Zone – Precinct 3

Motion by Commissioner Noack, seconded by Commissioner Doyal, to approve establishing a “Loading Zone” on the west side of Waterway Avenue, south of Lake Robbins Drive. Motion carried.

Commissioners – Agenda Items 23-24

35. Changes Approved - Positions and Transfer of Funds - Precinct 3

Motion by Commissioner Noack, seconded by Commissioner Rinehart, to approve the following:

a. Open position #614-8557-1
b. Close position #614-8550-1

Transfer of funds and associated benefits:

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Agenda Item 23A3 – Removed.
COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEM 24

36. AMENDMENT APPROVED – PASS-THROUGH TOLL – ALL PRECINCTS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to approve an Amendment to the Pass-Through Toll Agreement executed on August 29, 2005 between the State of Texas and Montgomery County to reduce Montgomery County’s obligation to reinvest a portion of its pass-through toll reimbursements into future transportation projects from $76 million to $56 million, as per Amendment on file. Motion carried.

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, ARTICLES 551.071, 551.0712.

EXECUTIVE SESSION – AGENDA ITEM 25

COURT RECONVENED WITH ALL MEMBERS PRESENT.

TAKE ACTION ON MATTERS IN EXECUTIVE SESSION – AGENDA ITEM 26

NO ACTION TAKEN.

CITIZENS – AGENDA ITEM 27

BILL O’SULLIVAN – PERTAINING MONTGOMERY COUNTY LOBBYING TO GET CERTAIN CHANGES TO SENATOR WILLIAM’S BILL.

JON BAUGHMAN – REGARDING THE MEMORANDUM OF UNDERSTANDING FOR FINANCING A PORTION OF THE TOMBALL PARKWAY TO BE LOCATED IN MONTGOMERY COUNTY.

CHERYL WISE – REQUESTING THE COURT TO SUPPORT THE “CAR LESS” ISSUE IN MONTGOMERY COUNTY.

UNIDENTIFIED GENTLEMAN – SUGGESTED THAT THE PUBLIC BE ALLOWED TO VOTE REGARDING TAXES PERTAINING TO THE FINANCING OF A PORTION OF THE TOMBALL PARKWAY TO BE LOCATED IN MONTGOMERY COUNTY.

37. 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 284th District Court to increase salary of Lindsey H. Karm, Court Coordinator I, due to switch of position with Laurie A. Watson, effective 02/02/13.

Request of 284th District Court to change position of Laurie A. Watson, Court Coordinator 1 with Lindsey H. Karm, effective 02/02/13.

Request of Custodial to place Karla D. Davis, Custodian, on payroll as replacement for Virginia Garcia, effective 02/08/13.

Request of Custodial to increase salary of Hillary Grace Hillyard, Custodian, due to probationary period completed, effective 02/04/13.

Request of Custodial to place Elvia Macedo, Custodian, on payroll due to return from unpaid FMLA/Disability leave, effective 01/28/13.

Request of Custodial to place Graciela D. Medrano, Custodian, on payroll as replacement for Sergio Martinez, effective 02/04/13.
Request of Custodial to increase salary of Eulices Vargas-Sanchez, Custodian II, due to promotion as replacement for Jarrett Hicks, effective 02/04/13.

Request of Commissioner Pct. 3 to increase salary of Charles Cobb, Traffic Operations Manager, due to transfer as replacement for Fred Koehler, effective 02/11/13.

Request of Commissioner Pct. 3 to accept resignation of James Mosbey II, Signal Technician I, effective 01/25/13. (80.00 hours or balance of vacation, 8.00 hours or balance of holiday)

Request of Constable Pct. 3 to place Ronny G. Keener, Jr., Sergeant, on payroll as replacement for Keith Hansford, effective 01/28/13.

Request of Constable Pct. 3 to place Ralph Scott Furches, Deputy, on payroll as replacement for Christopher Hoffmeyer, effective 01/28/13.

Request of County Attorney to increase salary of Julie Stewart, Attorney I, due to status change from part-time to full time, effective 01/28/13.

Request of County Auditor to place Stephanie Eckert, Grants Accountant, on unpaid leave of absence, effective 02/07/13.

Request of County Auditor to place Sueya Frost, General Ledger Accountant, on payroll as replacement for Christopher Roos, effective 02/11/13.

Request of County Auditor to discharge Cheryl Jakoby, Internal Audit Supervisor, effective 01/29/13. (36.55 hours or balance of vacation)

Request of District Attorney to increase salary of Ilda Martinez Rupert, Victim Assistance Coordinator, due to transfer as replacement for Jeff Helms, effective 02/09/13.

Request of District Clerk to place Russell Brumlow, Court Clerk II, on payroll as replacement for Jeffrey McCarron, effective 02/04/13.

Request of Drug Court to accept resignation of Stacy Cartwright, Senior Diversion Officer, effective 02/01/13. (161.74 hours or balance of vacation, 8.00 hours or balance of holiday)

Request of Elections to increase salary of Margarita A. Villarreal, Temporary Voter Clerk, due to increased responsibilities, effective 02/02/13.

Request of Fire Marshall to place Thomas H. Baxter, III, PT Arson Investigator, on payroll in pooled position, effective 01/28/13.

Request of Juvenile to place Charles Bonner, Mechanic, on payroll as replacement for Jason Barajas, effective 02/04/13 (State funded county employee).

Request of Juvenile to discharge Todderick Allen Jones, Juvenile Supervision Officer – Substitute, effective 01/22/13. Not eligible for re-hire. (No benefits due)

Request of Juvenile to discharge Robert Lee Sawyer, Juvenile Supervision Officer, effective 01/24/13. Not eligible for re-hire. (10.16 hours or balance of vacation, 9.00 hours or balance of holiday)

Request of Central Library to place Kaylee M. Castanon, Shelving Clerk I, on payroll as replacement for Roberta L. Rosencutter, effective 01/30/13.
Request of Mitchell Branch Library to place Laci Rene Martinez, Reference Librarian, on payroll due to return from unpaid FMLA/Disability leave, effective 01/30/13.

Request of Mitchell Branch Library to place Dara Neyland, Library Assistant II, on payroll as replacement for Karen Hiarker, effective 02/19/13.

Request of Central Library to increase salary of Roberta Lynn Rosencutter, Library Assistant II, due to promotion as replacement for Grace Silver, effective 01/28/13.

Request of Sheriff to place Matthew Amador, Officer – Civilian Detention, on payroll as replacement for Luis Macias, effective 01/26/13.

Request of Sheriff to transfer Patrick Cherry, Deputy – Patrol District VI, as replacement for Amber Harrison, effective 01/19/13.

Request of Sheriff to place Bobby Horn, Jr., Officer – Civilian Detention, on payroll as replacement for Charlie Lowery, effective 01/26/13.

Request of Sheriff to place Preston Lawson, Officer – Civilian Detention, on payroll as replacement for Charles Mazur, effective 02/02/13.

Request of Sheriff to place Amanda McDermott, Dispatcher, on payroll as replacement for Brandie Morley, effective 01/26/13.

Request of Sheriff to increase salary of Richard Needham – Clerk IV – Recruiting, to bring in line with Grade 7 dept. pay scale, effective 02/02/13.

Request of Sheriff to place Breck Simmons, Dispatcher, on payroll in new position approved in CC December 2006, effective 01/26/13.

Request of Sheriff to place Johnny Williams, Jr., Officer – Civilian Detention, on payroll as replacement for Thomas Lambert, effective 01/26/13.

Request of CCL #1 to increase salary of Jessica Lamas, Court Clerk II, due to probationary period completed, effective 02/16/13.

Request of Sheriff to transfer Lindsay Hall, Clerk IV, as replacement for Connie Sibley, effective 02/02/13.

Request of Sheriff to accept resignation of Donna McCann, Medic, effective 02/10/13. (9.38 hours or balance of compensatory, 29.50 hours or balance of holiday)

Request of Sheriff to place Vicente Suarez, Officer – Civilian Detention, on unpaid Military leave expected to last 9 months, effective 01/05/13.

Request of Commissioner #3 to change status of Jo Dell Whitehead, Adm. Assistant I, from part time to full time employee as replacement for Cynthia Jamieson, effective 02/04/13.

Motion carried.

RECESS MONTGOMERY COUNTY COMMISSIONERS’ COURT AND CONVENE MEETING OF MONTGOMERY COUNTY TOLL ROAD AUTHORITY.

38. MOU APPROVED – TOMBALL PARKWAY – TOLL ROAD AUTHORITY

Motion by Commissioner Doyal, seconded by Commissioner Meador to approve the Memorandum of Understanding for financing of the design and construction of a portion of the Tomball Parkway to be located in Montgomery County. Motion carried.
WORKSHOP AND DISCUSSION OF VARIOUS PROPOSED TOLL PROJECTS AND FEASIBILITY STUDY PRESENTED BY PATE TRANSPORTATION PARTNER.

COMMISSIONER MEADOR STATED THAT THEY NEED TO LOOK AT ANOTHER TRANSPORTATION BOND ISSUE.

THE JUDGE AND COMMISSIONERS AGREE THAT THEY WOULD LIKE TO HAVE PATE PROVIDE A PROPOSAL TO TAKE THE NEXT STEP ON THE TOLL ROAD.

39. MEETING ADJOURNS

Motion by Commissioner Doyal, seconded by Commissioner Meador, to adjourn meeting of Montgomery County Toll Road Authority. Motion carried.

COMMISSIONERS' COURT RECONVENED WITH ALL MEMBERS PRESENT.

40. COURT ADJOURNED

Motion by Commissioner Meador, seconded by Commissioner Doyal, 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