

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – JANUARY 23, 2019

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 23rd day of January 2019 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Waller County Judge Trey Duhon at 9:02 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge
John A. Amsler, Commissioner Precinct 1
Walter E. Smith, Commissioner Precinct 2
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk

Absent: Jeron Barnett, Commissioner Precinct 3

Delivery of Invocation by: Commissioner Amsler

Pledge to the American Flag and Texas Flag led by: Commissioner Beckendorff

1. **Approval of Agenda**

Motion to **approve** agenda by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

PUBLIC COMMENT – None

CONSENT AGENDA

Items identified within the consent agenda are of a routine nature, and will be passed with one vote without being discussed separately. If a member of the court or public requests that a particular item be discussed, that agenda item will be pulled from the Consent Agenda and discussed as part of the regular agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.

2. **Approval of the minutes** – January 16, 2019 Regular Session

3. **Request to approve payment on the following:**

(a) \$1,065.00 for invoice dated January 10, 2019 to Schmidt Funeral Home, from line item 125-423-540705 [Transport to Morgue].

(b) \$257.50 for invoice #NRDD-0004087 to Texas Association of Counties from line item 125-411-560300 [Ins Equip/build/Pub Liab.].

(c) \$21,250.00 for invoice #1832 to Waller County Economic Development from line item 125-411-547200 [Economic Development] as allocated in the 2019 Budget.

(d) \$15,000.00 for Invoice # ECN-034656 to Onsolve from line item 125-411-545001 [Maintenance Contracts] for CodeRED.

4. **Request by County Auditor for approval and/or ratification of Accounts Payable.**

5. **Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.**

6. Request by Designated Representative, Environmental Division for approval of transfer of assets from the Road and Bridge Department.
7. Request by County Engineer to approve a Utility Permit for San Bernard Electric, for the installation of one pole within the right-of-way of Kildare Street.

Motion to **approve** consent agenda by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Barnett – Absent</i>	<i>Commissioner Beckendorff – Yes</i>

COUNTY ENGINEER

8. Discuss and take action to approve a variance request to the Subdivision Regulations, Engineering Design Standards, Section 2 – Lot size, regarding minimum lot size per dwelling by Donna Kmiec.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried – Variance Approved.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Barnett – Absent</i>	<i>Commissioner Beckendorff – Yes</i>

9. Discuss and take action to approve the acceptance of road improvement work performed on Clay Road on behalf of Trendmaker Homes, Inc. valued at \$180,000.00.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Barnett – Absent</i>	<i>Commissioner Beckendorff – Yes</i>

10. Discuss and take action to approve line item transfer within the Road and Bridge Department Budget:

Transfer \$2,000.00 from 110-524-544900 [Service Contracts/Repairs, Leases] to 110-524-531400 [Postage].

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Barnett – Absent</i>	<i>Commissioner Beckendorff – Yes</i>

ECONOMIC DEVELOPMENT

11. Discuss and take action to approve Tax Abatement Agreement with Clay Partners – Pederson Distribution #1, L.P.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Barnett – Absent</i>	<i>Commissioner Beckendorff – Yes</i>

COUNTY JUDGE

12. Discuss and take action to approve Resolution in Opposition to Unfunded Mandates.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

FIRE MARSHAL

- 13. Discuss and take action to rescind Engineering Services award made on December 19, 2018 to JD Mercer & Associates for the 2019-2020 TxCDBG grant program.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

TAX ASSESSOR COLLECTOR

- 14. Discuss and take action to approve Maintenance Agreement with Precision for 60 months beginning February 1, 2019. Payment of \$80.00 per month to be paid from line item 125-411-545001 [Maintenance Contracts].

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

SHERIFF

- 15. **Spread** upon the minutes the Waller County Sheriff’s Office 2018 Racial Profiling Report as presented to the Texas Commission on Law Enforcement. *No action required.*

- 16. Discuss and take action to approve the submission of a continuation grant and Resolution from the Office of Governor, Public Safety Office, Violence Against Women Justice and Training Program to fund the sexual assault investigator position with the Sheriff’s Office.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

- 17. Discuss and take action to approve the submission of a grant and Resolution from the Office of the Governor, Public Safety Office, Criminal Justice Division, to fund 2 inmate and mental health consumer transport vehicles.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

- 18. Discuss and take action to approve the submission of a grant from the Office of the Governor, Public Safety Office, State Homeland Security Program to fund a project to “Sustain Special Response Teams and First Responder Capabilities and Biohazards Response” of Waller County Sheriff’s Deputies.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion to **amend** agenda item by Commissioner Beckendorff, seconded by Commissioner Smith to include **weapons of mass destruction.**

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

AUDITOR

19. Discuss and take action to approve moving long distance calling from AT&T at \$.06 per minute to Texas DIR at \$.02 per minute.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

20. **Spread** upon the minutes Certification of Funds for the State Criminal Alien Assistance Program. *No action required.*

21. Discuss and take action to amend the 2019 Budget to accommodate funds from the State Criminal Alien Assistance Program.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

22. **Spread** upon the minutes Certification of Funds for the donation from Waller-Harris EDS ESD 200. *No action required.*

23. Discuss and take action to amend the 2019 Budget to accommodate the donation from Waller-Harris ESD 200.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

TREASURER

24. Discuss and take action to amend the 2019 Salary Order to add a dispatcher at the rate of ~~\$19.65~~ \$20.24 per hour to Fund 125-Department 517 Sheriff-Communications funded by the Waller-Harris ESD 200 donation.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

MISCELLANEOUS

25. Discuss and take action to approve Agreement with CASA For Kids of South Central Texas and payment of \$10,000.00 as allocated in the 2019 Budget. Funds to be paid from line item 125-411-546100 [Casa/Child Advocate].

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

26. Discuss and take action to approve the appointment of Bridgett Ross to the HGAC Advisory Committee representing Area Local Development Corporation for the term June 2018 – May 2020.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

27. Discuss and take action to approve payment of \$6,627.09 to ICS for hardware Support and Maintenance on Mitel Phone systems and Access Control Systems in Waller County. Funds to be paid from line item ~~125-411-542501 [Telephone/Equip & Srv.]~~ **125-411-545001 [Maintenance Contracts]**

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Smith by changing the line item to 125-411-545001 [Maintenance Contracts]

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

28. Discuss and take action to approve payment of \$3,386.24 to ICS for Software Assurance and Software maintenance for the Mitel Phone Systems in Waller County. Funds to be paid from line item ~~125-411-542501 [Telephone/Equip. & Srv.]~~ 125-411-545001[Maintenance Contracts].

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

29. Discuss and take action to approve the addition of one 2019 Ford F-150 to the contract with Enterprise Fleet Management.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

30. Discuss and take action to deliberate business and financial issues in executive session based on determination and recommendation from the District Attorney's Office that deliberation in an open meeting regarding business and financial issues related to contract negotiations for the Justice Center Project would have a detrimental effect on the position of the County in negotiations with third persons.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Absent

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

Court convened to Executive Session at 9:51 a.m.

EXECUTIVE SESSION

- 31. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.
- 32. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
- 33. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

Court reconvened from Executive Session at 10:42 a.m.

Motion made by Judge Duhon, seconded by Commissioner Beckendorff to authorize the District Attorney to file a mandamus to the Texas Supreme Court on procedural issue related to the 1st Court of Appeals decision Cause No. 01-16-01005-CV.

Motion carried.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Barnett – Absent</i>	<i>Commissioner Beckendorff – Yes</i>

ADJOURN MEETING

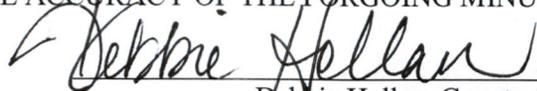
Motion to **adjourn** meeting by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Barnett – Absent</i>	<i>Commissioner Beckendorff – Yes</i>

Meeting was **ADJOURNED** at 10:44 a.m.

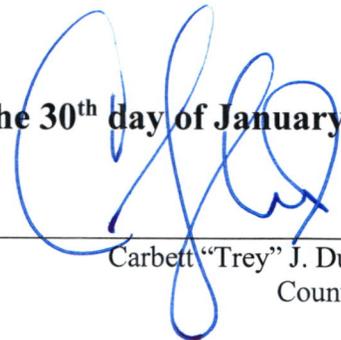
I ATTEST TO THE ACCURACY OF THE FORGOING MINUTES:



Debbie Hollan, County Clerk
And Ex-Officio Clerk of the Commissioners'
Court of Waller County, Texas



APPROVED this the 30th day of January 2019.



Carbett "Trey" J. Duhon, III
County Judge