

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – FEBRUARY 13, 2019

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 13th day of February 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 Smith, Commissioner Precinct 2
Jeron Barnett, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler
Pledge to the American Flag and Texas Flag led by: Commissioner Barnett

1. **Approval of Agenda.**

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. Deborah English, resident of Waller County advised court she has a baseball encampment located in the North East of the County and has been waiting on a commercial permit from the County for quite some time.
2. Commissioner Justin Beckendorff announced the Katy FFA Show and Sale will be going on this weekend and encouraged everyone to come out and support the kids.
3. Alvin Garfield announced he is selling tickets again for the annual "Kiss the Pig" fundraiser.

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** – February 6, 2019 Regular Session
3. **Request by County Treasurer for approval of Payroll.**
4. **Request by County Clerk for approval of transfer of assets to the IT Department.**
5. **Request to approve payment on the following:**
 - (a) \$1,065.00 for invoice dated February 2, 2019 to Schmidt Funeral Home, from line item 125-423-540705 [Transport to Morgue].
 - (b) \$1,065.00 for invoice dated February 4, 2019 to Schmidt Funeral Home, from line item 125-423-540705 [Transport to Morgue].
 - (c) \$80.00 for invoice #19547402 [Courthouse, Hold-Up Alarm], and \$995.00 for

invoice #19112402 [Courthouse Camera Surveillance], for a total of \$1075.00 payable to TAC Security from line item 117-428-568425 [Courthouse Security/Misc. Security].

(d) \$18,712.00 for invoice # 108580 to Bickerstaff Heath Delgado Acosta LLP from line item 125-411-540300 [Legal].

6. Request by County Auditor for approval and/or ratification of Accounts Payable.
7. Request by County Engineer to approve a Utility Permit for Consolidated Communications to add one pedestal in the right-of-way of Bozeman Rd.
8. Request to approve Order Authorizing Texas Independence Day Fireworks Sales.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COMMISSIONER, PRECINCT 3

9. **Presentation** by Canton Franz with ConnetGen LLC., on establishing a solar energy entity in Waller County. *No action required.*

Advanced to Agenda Item #28

CONSTABLE, PRECINCT 3

10. **Spread** upon the minutes the Waller County Constable Precinct 3 2018 Racial Profiling Report as presented to the Texas Commission on Law Enforcement. *No action required.*

COUNTY ENGINEER

11. Discuss and take action to approve Clean Vehicle Program Funds and the authorization to remove the following from Road and Bridge inventory and deliver to HGAC approved scrap yard for destruction:

Unit 1 1HTSCANN3WH508430, Dump Truck

Unit 12 1HTSCAAN9VH425910, Dump Truck

Unit 49 1HTSCAANXXH640425, Fuel Truck

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

12. Discuss and take action to purchase one (1) 926M Wheel Loader from Mustang CAT through HGACBuy for the purchase price of \$179,268.03, funding to be paid from line item 110-530-581100 [Construction Equipment] within the Road and Bridge Department Budget.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

13. Discuss and take action to approve the final Re Plat for Reata Creek, Restrictive Reserve "A".

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

14. Discuss and take action to approve the final Re Plat for Stonegate Business Center, Partial Re plat No. 3.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

15. Discuss and take action to accept 30 foot of Roadway and Utility Easement for Joseph Road from Timothy Phelan.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

16. Discuss and take action to release the Maintenance Bond from Trendmaker Homes, Inc., for Lake House, Section 2.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

17. Discuss and take action to accept an additional Maintenance Bond for Arrowbrook Lane in Willow Creek Farms II, Section 4.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Proceeded to Agenda Item #20

18. Discuss bridge replacement and maintenance matters in Waller County.

Discussion only – no action required.

19. Discuss and take action to approve Resolution between Waller County and the Texas Department of Transportation for the Penick Road at Mound Creek Bridge and authorize the County Judge to sign.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Court recessed at 10:48 a.m.

Court reconvened at 10:55 a.m.

Advanced to Agenda Item #27

20. Discuss and take action to approve an Interlocal Road Project Agreement between Waller County and the City of Pattison for drainage work and asphalt overlay on Durkin Road.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

21. Discuss and take action to approve an Interlocal Agreement for the Installation and Maintenance of Gage Stations between Waller County and the Harris County Flood Control District. The cost is \$8,700.00 and will be funded from line item 110-530-545800 [Professional Consult/Flood Plain Mgmt.] within the Road and Bridge Department Budget.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

22. Discuss and take action to establish a part-time hourly rate of \$17.00 per hour for the part-time position in Department 524, Road and Bridge Administration.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

23. ~~Discuss and take action to approve the County Engineer, Road Superintendent, and General Foreman to be permitted to have a designated take home vehicle, according to the Vehicle Policy, 5.11, of the Waller County Personnel Policy. Item WITHDRAWN.~~

SHERIFF

24. **Spread** upon the minutes the Waller County Sheriff's Office 2018 Equitable Sharing Agreement and Certification. *No action required.*

AUDITOR

25. **Spread** upon the minutes Certification of Funds for donations to the Waller County Library. *No action required.*

26. Discuss and take action to amend the 2019 Budget to accommodate the donations to the Waller County Library.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Proceeded to Agenda Item #29

MISCELLANEOUS

27. Discuss and take action to adopt resolution designating an engineering service provider to complete application and project related engineering services for the Texas Department of Agriculture's 2019-2020 TxCDBG Community.

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Smith to select GLS.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Returned to Agenda Item #10

28. Discuss and take action to approve Resolution for conceptual plan for Pederson Road and I-10.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Moved to Agenda Items #18 & #19

29. Discuss and take action to approve extension of current AT&T contract.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

30. Discuss and take action to adopt the Waller County Policy for Selling or Leasing Real Property Through Sealed-Bid Procedure.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

31. ~~Discuss and take action to approve publication of Notice of Intent to Sell the Waller County School Lands twice in both the Times Tribune and the Brownwood Bulletin. Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].~~

Item WITHDRAWN.

32. Discuss and take action to approve add alternates for the Justice Center project.

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

Motion to **table** agenda item by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried – Item TABLED.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Returned from Executive Session

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith to approve the male housing quad for \$574,206.00 and authorize County Judge to sign change order for the add alternate.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Proceeded to Adjournment

- 33. 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 Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

EXECUTIVE SESSION

Court convened to Executive Session at 11:42 a.m.

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

Court reconvened from Executive Session at 1:01 p.m.

Returned to Agenda Item #32

ADJOURN MEETING

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 1:04 p.m.

I ATTEST TO THE ACCURACY OF THE FORGOING MINUTES:

Debbie Hollan

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



APPROVED this the ^{19th} ~~20th~~ day of February 2019.

Trey Duhon

Carbett “Trey” J. Duhon, III
County Judge