

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – MARCH 4, 2015

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 4th day of March 2015 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
Russell Klecka, 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** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

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

2. **Approval of the minutes – 1 Set**

Motion to **approve** one set of minutes by Commissioner Barnett, seconded by Commissioner Beckendorff.

Motion carried.

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

Minutes approved: February 25, 2015 Regular Session

PUBLIC COMMENT

1. Larry Parr addressed the court with concerns on behalf of tax payers from the Monaville area regarding the decision on settlement amounts pertaining to the Pintail Landfill suit as well as commented on agenda item #9 and funds needed to repair the Waller County Library.
2. Becky Gage requested the court to have H-GAC make a similar statement to TCEQ, similar to the Resolution – Agenda Item #9 and asked court remove sign which states no beverages allowed in courtroom.
3. Bob Gage addressed the court regarding agenda items 9 & 10.
4. LaVaughn Mosely addressed the court with concerns regarding the Community Center and urges the court to work together in completing the project.

CONSENT AGENDA (3-5 Items)

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.

3. Request by County Treasurer for approval of payroll.
4. Request to approve payment on the following:
 - (a) \$465.00 for Invoice # W8281 to Telomack Cabling Solution from line item 600-600-587518 [JP 2].
 - (b) \$200.00 for Invoice # 239595/2370 to Texas Judicial Academy from line item 125-411-562300 [County Organizational Dues].
 - (c) \$299.50 for Invoice # S3015373.002 and a credit of \$19.28 for Invoice # S3015373.003 with a total of \$280.22 to Johnstone Supply from line item 600-600-587519 [JP 3].
 - (d) \$2,065.38 for Invoice # 0002923 to Johnston, LLC from line item 600-600-545405 [Professional Services]

5. Request by County Auditor for approval and/or ratification of Accounts Payable.
Motion to **approve Consent Agenda Items** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY ENGINEER

6. **Presentation** from the Harris County Fire Marshal’s Office regarding its activities related to the Interlocal Agreement with Waller County.
No action required.

COMMISSIONER, PRECINCT 3

7. **Presentation** by Mr. Tim Ottinger, Advocacy and Community Benefits Officer with the St. Joseph Health System on the “Texas Way Plan”, a plan to reduce the number of uninsured Texans.
No action required.
8. Request to begin to work with legal entities on a landfill ordinance to replace Ordinance # 2011-001.
Motion to **discuss** replacing Ordinance #2011-001 by Commissioner Barnett, seconded by Commissioner Beckendorff.
No action taken.

COMMISSIONER, PRECINCT 1

9. Discuss and take action to approve Resolution from Waller County to TCEQ declaring Waller County’s Opposition to Pintail Landfill.
Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.
Motion carried.
Judge Trey Duhon – Yes *Commissioner Amsler – Yes* *Commissioner Klecka – Yes*
Commissioner Barnett – Yes *Commissioner Beckendorff – Yes*

(Commissioner Amsler read Resolution)

10. Discuss and take action to terminate **all** contracts for present ~~and future~~ legal services by Allison, Bass & McGee, LLP and to request said firm to release all records pertaining to past services and litigation on behalf of Waller County.

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

Motion to **amend** item by Commissioner Amsler, seconded by Commissioner Klecka by inserting **all contracts**.

Amendment carried.

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

Motion to **amend** item by Commissioner Beckendorff, seconded by Commissioner Barnett by striking out “and future”.

Amendment carried.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – No</i>	<i>Commissioner Klecka – No</i>
	<i>Commissioner Barnett – Yes</i>	<i>Commissioner Beckendorff – Yes</i>

Amended Motion carried.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Klecka – Yes</i>
	<i>Commissioner Barnett – Yes</i>	<i>Commissioner Beckendorff – No</i>

COUNTY JUDGE

11. Discuss and take action regarding the Client Attorney privilege for District Attorney Elton Mathis in relation to matters preceding the Pintail Landfill litigation and related to same.

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

Motion carried.

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

12. Discuss and take action to submit letter to the Texas Comptroller of Public Accounts on the Capital Credit Funds requested previously by Waller County.

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

Motion carried.

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

COUNTY CLERK

13. Request approval of Court Payment Card Processing Participation Agreement between Waller County and Tyler Technologies regarding eFiling processing in the County and District Clerk offices.

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

Motion carried.

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

DISTRICT ATTORNEY

14. **Spread** upon the minutes the Waller County Criminal District Attorney’s Office auto-exemption for the 2014 Racial Profiling report as required by statute.

No action required.

ELECTION ADMINISTRATOR

15. **Presentation** by Dan Teed on Status of Redrawing Election Precinct Boundaries and Addressing Voter Registration Issues.
No action required.

TAX ASSESSOR COLLECTOR

16. Discuss and approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY ENGINEER

17. **Open Bids** for: Rental of Asphalt Reclaimer

The following Bids were received and opened in Court:

1. R.B. Everett & Company – 440 HP or larger Asphalt Reclaimer \$2,500.00/day, \$5,000/week, \$15,000.00/Month.
2. Nueces Power Equipment – 440 HP or larger Asphalt Reclaimer \$2,233.00/day, \$6,700/week, \$20,000.00/Month.

18. **Award Bids** for: Cold Mix Asphaltic Pavement, Crushed Limestone, and Precoated Aggregate.

Motion to **award** bids by Commissioner Beckendorff, seconded by Commissioner Barnett as recommended by Mr. Orval Rhoads, Waller County Engineer:

Cold Mix Asphaltic Pavement: **Vulcan Construction Materials, LP**

Precoated Aggregate: **Vulcan Construction Materials, LP**

Crushed Limestone: **Vulcan Construction Materials, LP** delivery to the Brookshire Yard, **BWF Freight, LLC** delivery to Hempstead Yard and delivery to the Job Site in Waller County

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

19. **Public Hearing:** On the replat of Houston Oaks, Section 2, Lots 1 through 11, Reserve A and B, all of Block 1, Lots 1 and 2; by Houston Oaks Venture, LP.

Public Hearing began at 11:09 a.m.

No public comments received.

Public Hearing ended at 11:10 a.m.

20. Discuss and take action to approve the replat of Houston Oaks, Section 2, Lots 1 through 11, Reserve A and B, all of Block 1; Lots 1 and 2; by Houston Oaks Venture, LP.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

21. **Spread** upon the minutes the most-up-to-date version of the Waller County Maintained Road Log.

No action required.

MISCELLANEOUS

22. Discuss and take action to accept termination letter from SEDALCO Inc. for construction of the Waller County Community Center.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

23. Discuss and take action to approve the Commercial Electric Service Agreement with AmeriPower LLC.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

24. Discuss and take action to approve the private resale offer for the following property “All that certain 0.3659 acre tract, more or less, out of J. Liendo Survey, Abstract 41, Waller County, Texas, tax account R7203, in the amount of \$1,388.25 by Mr. Edgar Eden Bazan-Lopez and authorize the County Judge to sign a resale deed for said property to Mr. Edgar Eden Bazan-Lopez.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

25. Discuss and take action to establish the Waller County Jail Review and Selection Committee and appoint Waller County Auditor Alan Younts, Waller County Jail Administrator Joe Hester, Waller County Jailer Matthew Mills, Waller County Engineer Orval Rhoads, and Tim Junek as members of said committee.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

26. Discuss and take action to approve payment of Invoice # 0002925 for \$52,623.48 to Johnston, LLC from line item 600-600-545405 [Professional Services] for Sheriff’s Department & Jail Project from January 1-31, 2015.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

27. Discuss and take action to approve payment of Invoice # TH05055315 for \$11,228.97 to Otis Elevator from line item 125-411-545001 [Maintenance Contracts] for Elevator Maintenance.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

28. Discuss and take action to approve payment to Hyas Corp. for \$80,815.00 from line item 125-411-561300 [Hyas Corp/ Chap 381 Agreement] per Chapter 381 Agreement.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Abstained

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Advanced to Agenda Item #31

29. ~~Request approval to transfer \$43,000.00 from line item 125-411-569600 [Contingency] to the following line items: \$25,000.00 to line item 125-401-560800 [Equipment & Supplies] and \$18,000.00 to line item 125-401-540900 [Prof. Consultant Services] for Commissioner Court Video Services.~~

Item WITHDRAWN.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

30. Discuss and take action to approve the proposal for \$42,922.00 from Swagit Productions, LLC for Equipment, Meeting Monitoring Services and indexing for Commissioners Court Video Streaming and Recording Services.

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

Swagit Productions gave presentation.

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

Motion carried – Item TABLED.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

31. ~~Discuss and take action to approve the Agreement between Waller County and Swagit Productions, LLC for Commissioners Court Video Services.~~

Item WITHDRAWN.

Proceeded to Agenda Item #30 & #29

EXECUTIVE SESSION

32. Review of applications and possibly interview applicants for Recycle Center Manager position.
33. Discuss and take action to hire Recycle Center Manager or to direct further efforts to hire a Recycle Center Manager.
34. Consultation with District Attorney about pending or contemplated litigation.

Court **convened** to Executive Session at 12:53 p.m.

Court **reconvened** from Executive Session at 1:51 p.m.

No action taken from Executive Session.

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Amsler, seconded by Commissioner Beckendorff

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

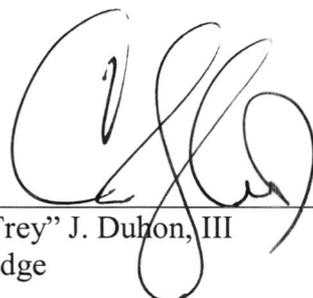
Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 1:51 p.m.

APPROVED this the 11th day of March 2015.



Carbett "Trey" J. Duhon, III
County Judge

ATTEST:



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

