

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – DECEMBER 16, 2015

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 16th day of December 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 9:00 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.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. John Nicks thanked the court for removing the uninsured motorist cameras issue as well as encouraged people to support for Sheriff Glenn Smith in the March primary. Mr. Nicks ended by wishing all a Merry Christmas.

CONSENT AGENDA (2-5 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.

2. **Approval of the minutes** – December 9, 2015 Regular Session
3. Request by County Treasurer for approval of Longevity Payroll.
4. Request by County Auditor for approval and/or ratification of Accounts Payable.
5. Request to approve payment on the following:
 - (a) \$219.05 to Johnston, LLC for invoice # 003244 from line item 125-401-540900 [Prof Consultant Services] for professional services for Community Center from 11-1-15 to 11-30-15.
 - (b) \$ 80.00 for Invoice # 15547412 [Courthouse, Hold-up Alarm],
\$50.00 for Invoice #15544912 [Courthouse Burglar Alarm],
\$885.00 for Invoice # 15112412 [Courthouse Camera Surveillance],
\$30.00 for Invoice # 15522012 [JP #1 Hold-up Alarm],

\$204.50 for Invoice # 15111612 [JP #2 Burglar Alarm / DVR System],
\$280.00 for Invoice # 15540912 [JP #3 DVR],
\$115.00 for Invoice # 15520111 [JP #4 Burglar, Hold-Up, Access Control, DVR
Monitors], for a total of \$1,644.50 to TAC Security & Video from line item 117-428-
568425 [Courthouse Security-Miscellaneous Security].

Motion to **approve** consent agenda items #2-5 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

WALLER COUNTY ECONOMIC DEVELOPMENT

6. **Presentation** of quarterly report by Vince Yokom.

No action required.

7. Discuss and take action to approve the 2016 Agreement between Waller County and
the Waller County Economic Development Partnership.

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

506TH DISTRICT JUDGE

8. Discuss and take action to approve the Interlocal Agreement between Lubbock
County, Texas, concerning the Regional Public Defender for Capital Cases, for
representation of indigent capital murder defendants in Waller County for calendar
2016, and subsequent years; and authorize the County Judge to sign the Agreement on
behalf of Waller County.

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

9. Discuss and take action to approve payment of \$18,172.96 to Regional Public
Defender for Capital Cases from line item 125-422-567101 [Capital Murder Cases].

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

TREASURER

10. Discuss and take action to approve Treasurer's Report.

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

11. Discuss and take action to approve Investment Report.

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

JUSTICE OF THE PEACE, PRECINCT 1

12. Discuss and take action to approve transfer of \$2,000.00 from line item 125-418-530200 [Supplies] to line item 125-418-568400 [Miscellaneous] for services provided by Shred-it.

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

CONSTABLE, PRECINCT 3

13. Discuss and take action to approve the following transfers:

\$1,260.00 from 125-513-563000 [Training & Conference],

\$1,480.00 from 125-513-581700 [Equipment],

\$480.00 from 125-513-581800 [Furniture & Equipment],

~~\$164.00~~ **\$88.00** from 125-513-581816 [Air Card/Wireless]

for a total of ~~\$3,384.00~~ **\$3,308.00** to line item 125-513-568400 [Miscellaneous].

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

Motion to **amend** agenda item by Commissioner Beckendorff, seconded by Commissioner Barnett to change the Air Card/Wireless amount to **\$88.00**, changing the total to **\$3,308.00**.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

CONSTABLE, PRECINCT 4

14. Discuss and take action to approve the Bond and Oath for Terry Hall as Reserve Deputy for Waller County Constable, Precinct 4.

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

COUNTY ENGINEER

15. ~~Discuss and take action to accept Anserra Trail into the County Road Log for future maintenance.~~

Item WITHDRAWN as requested by County Engineer

16. Discuss and take action to release Road Bond No. 59BSBGL2785, for Willow Creek Farms II, Section 2, submitted by Pulte Homes of Texas, L.P., in the amount of \$490,400.00.

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

SHERIFF

17. Discuss and take action to award Bids for 2016 Jail Food Services contracts for meat products, non-perishable food items, and produce food items.

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

Motion to **amend** item by Commissioner Beckendorff, seconded by Commissioner Barnett by awarding the bid to **Sysco** for meat products, non-perishable food items, and produce food items.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

DISTRICT ATTORNEY

18. Discuss and take action to approve/accept HGAC Grant for drunk driver eradication efforts (no-refusal)/holiday enforcement operations and to authorize the County Treasurer to pay over-time from grant proceeds to assistant criminal district attorneys as required by the terms of the grant.

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

COUNTY COURT AT LAW

19. Discuss and take action to approve transfer of \$1,482.62 from line item 125-412-563000 [training and conference] to line item 125-412-581800 [furniture and equipment].

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

TAX ASSESSOR COLLECTOR

20. Discuss and take action to authorize the County Judge to sign one tax resale deed for the private tax resale of one property currently held in trust by Waller County pursuant to Section 34.05(h)(2) of the Texas Tax Code.

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

ELECTIONS ADMINISTRATOR

21. Discuss and take action to approve the early voting hours and the branch early voting locations and hours for the March 1, 2016 primary elections.

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Amsler by changing the early voting locations to the Courthouse and Brookshire Library only for two weeks, 8:00 a.m. to 5:00 p.m. first week, 8:00 a.m. to 8:00 p.m. second week.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

22. Discuss and take action to approve the maximum number of main and branch early voting workers for the March 1, 2016 primary elections at 4 each.

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

23. Discuss and take action to supplement the State rate of pay (\$8.00/hour) for election day pollworkers for the March 1, 2016 primary elections by adding \$1.00/hour for clerks (\$9.00/hour total) and \$2.00/hour (\$10.00/hour total) for presiding and alternate judges.

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 action to approve the rate of pay for deputy early voting clerks for the March 1, 2016 primary elections at \$9.00/hour and lead deputy early voting clerks at \$10.00/hour.

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

25. Discuss and take action to approve payment for up to 4 hours of training for the March 1, 2016 primary elections, for all early voting and election day pollworkers, hourly wages to be \$9.00/hour for all clerks and \$10.00/hour for lead deputy early voting clerks and presiding and alternate judges.

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

26. Discuss and take action to enter into an agreement for joint elections with the Waller County Republican and Democratic Parties.

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

MISCELLANEOUS

27. Discuss and take action to approve the payment of \$15,000.00 to the Waller County Historical Commission as allocated in the 2015 Budget from line item 125-538-568400 [County Museum].

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 the 2016 Appointment for the HGAC Transportation Policy Council.

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Barnett by keeping County Engineer Orval Rhoads and Commissioner Justin Beckendorff on the Transportation Policy Council.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

29. Discuss and take action to approve the 2016 Appointment for the HGAC Technical Advisory Committee.

Motion to **appoint** Assistant County Engineer Yancy Scott and Commissioner Russell Klecka to the Technical Advisory Committee.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

30. Discuss and take action to approve the following budget amendments:
\$30,000 from line item 125-411-569600 [Contingency] to line item 125-416-510101 [Criminal D.A. – Salary Part Time]

\$30,000.00 from line item 125-411-569600 [Contingency] and
\$75,000.00 from line item 125-516-533000 [Sheriff Administration-Fuel and Oil] to the following line items:

\$60,000.00 to 125-505-544920 [Sheriff Jail/Building Maintenance]

\$1,000.00 to 125-517-530200 [Sheriff Communications/Supplies & Stationery]

\$2,000.00 to 125-517-563000 [Sheriff Communications/Training & Conference]

\$2,000.00 to 125-517-581800 [Sheriff Communications/Furniture & Equipment] and

\$40,000.00 to 125-518-536400 [Law Enforcement Maintenance/Parts & Repair]

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

31. Discuss and take action to approve Agreement between Waller County and CASA for Kids.

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

32. Discuss and take action to approve payment of \$10,000.00 to CASA for Kids as allocated in the 2015 Budget from line item 125-411-546100 [CASA/Child Advocate].

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

33. Discuss and take action to approve the 2016 Interlocal Agreement with Grimes County for the Cost Sharing of the 506th District Court Coordinator and Court Reporter.

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

34. Discuss and take action to approve payment of \$637.50 for Invoice # 105750 to Fritz, Byrne, Head & Fitzpatrick, PLLC from line item 125-411-540300 [Legal] Pintail Landfill.

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

35. Discuss and take action to approve payment of \$2,212.50 for Invoice # 105751 to Fritz, Byrne, Head & Fitzpatrick, PLLC from line item 125-411-540300 [Legal] Objection to CenterPoint Power Lines.

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

AUDITOR

36. **Spread** upon the minutes the 2016 Annual Budget and the 2016 Salary Order for the Waller County Auditor and the Auditor's Assistants.

No action required.

37. Discuss and take action for approval of annual review of Fund Balance Policy.

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

38. Discuss and take action to increase Committed Fund Balance (Construction) from the current amount of \$3,500,000 to \$6,000,000.

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

39. Discuss and take action to reduce Committed Fund Balance (OPEB) from the current amount of \$500,000 to \$0.00.

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

EXECUTIVE SESSION

40. Consultation with District Attorney about pending or contemplated litigation pursuant to Government Code Section 551.071.
41. Consultation with Attorney JD Head of Fritz, Byrne, Head & Fitzpatrick, PLLC, via telephone conference call, regarding contested case hearing in SOAH Docket No. 582-14-3597, and 2011 Landfill Ordinance [Executive Session as requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].
42. Consultation with Attorney JD Head of Fritz, Byrne, Head & Fitzpatrick, PLLC, via telephone conference call, regarding pending or contemplated litigation with CenterPoint Energy Houston Electric, LLC [Executive Session as requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].
43. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.
No executive session needed.

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Beck/Bar

seconded by Commissioner

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

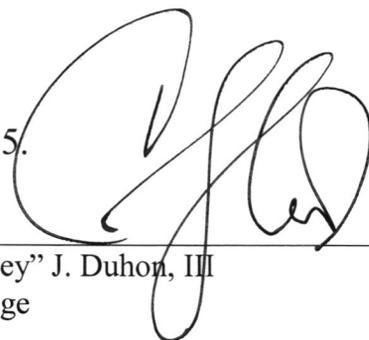
Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 10:53a.m.

APPROVED this the 23rd day of December 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

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
SPECIAL SESSION
WEDNESDAY – DECEMBER 16, 2015

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **SPECIAL SESSION** on Wednesday, the 16th day of December 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 2:00 p.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

1. **Approval of Agenda.**

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

2. **Discuss courthouse security.**

No action taken.

3. **Take action on courthouse security.**

Motion **made** by Commissioner Amsler, seconded by Commissioner Klecka to keep what we are doing, no changes at this time, maintain same policy for Courthouse, all four JP offices, and Probation.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

ADJOURN MEETING

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

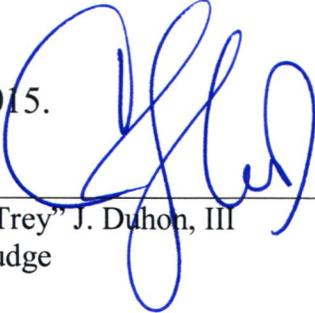
Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

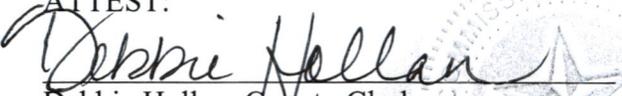
Meeting was **ADJOURNED** at 2:54 p.m.

APPROVED this the 23rd day of December 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