

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – DECEMBER 19, 2018

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 19th day of December 2018 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
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 Klecka.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – 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** – December 12, 2018 Regular Session
3. **Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.**
4. **Request by County Treasurer for approval of Payroll.**
5. **Request by County Engineer to approve the final plat of Spurr 4.494 on Joseph Rd.**
6. **Request to approve payment on the following:**
 - (a) \$3,112.00 for Invoice # AH018443 to Harris County Treasurer from line item 125-423-540702 [Autopsy].
 - (b) \$35.00 for Invoice to Employees Retirement System of Texas from line item 125-411-562300 [County Organizational Dues].
 - (c) \$918,134.81 for Invoice #10841 to Sedalco, Inc. from line item 601-601-581000 [Bldg. Purch., Cons., or Improv.]
 - (d) \$82,963.12 for Invoice # 17 to Brinkley Sargent Wiginton Architects from line item 601-601-545405 [Professional Services Jail].

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

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

EXTENSION OFFICE

8. **Presentation** by AgriLife and Cooperative Extension Agents on the 2018 results and efforts of the Waller County Office of Texas A&M AgriLife Extension (TAMU) and Cooperative Extension Program (PVAMU). *No action required.*

ECONOMIC DEVELOPMENT

9. Discuss and take action to approve Drainage Right-Of-Way Easement from WCF, LLC.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

10. Discuss and take action to amend Tax Abatement Agreement with WCF, LLC.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

506TH DISTRICT JUDGE

11. Discuss and take action to approve the Contract Indigent Defense attorneys for Waller County for Calendar year 2019, and authorize the County Judge to sign the contracts on behalf of the County.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

COUNTY ENGINEER

12. Discuss and take action to approve the application for the replat of Restricted Reserve “A” and Lot 21, Block One, Reata Creek by Heritage Ranch, Inc., and authorize the Road and Bridge Department to issue a public notice in the Brookshire Times Tribune for three consecutive weeks, establishing a public hearing during the regular session of Commissioners’ Court on January 16, 2019. Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

13. Discuss and take action to approve the application for the replat of Lot 152 of Peregrine Estates, Section II, by Maria Pabla Luna Martinez, and authorize the Road and Bridge Department to issue a public notice in the Brookshire Times Tribune for three consecutive weeks, establishing a public hearing during the regular session of Commissioners' Court on January 16, 2019. Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

TREASURER

14. Discuss and take action to approve payment to Brown County Appraisal District for \$555.19 for Waller County School Land 2018 taxes from Available School Fund revenue.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

15. Discuss and take action to approve the distribution of the balance of Available School Funds to the four school districts within Waller County in accordance with Texas Education Code.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

FIRE MARSHAL

16. Discuss and take action to award Engineering/Architectural/Surveying Services.

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Klecka to award bid for Engineering/Architectural/Surveying Services to **Jones Carter** and award bid for the General Land Office Community Development and Revitalization CDBG-Disaster Recovery (Harvey) to **Mercer**.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

17. Discuss and take action to adopt resolution designating an engineering service provider to complete application and project related engineering services for the General Land Office Community Development and Revitalization CDBG-Disaster Recovery (Harvey) funding.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

18. 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 Texas Community Development Block Grant funding.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

SHERIFF

19. Discuss and take action to approve Agreement with IHS Pharmacy for providing inmate pharmacy services to the Waller County Jail.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

JUSTICE OF THE PEACE, PRECINCT 3

20. Discuss and take action to approve the following transfer from within the Justice of Peace, Precinct 3 Budget:

\$221.76 from 125-420-563000 [Training and Conference] to 125-420-581817 [Technology Enhancements].

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

SOLID WASTE

21. Discuss and take action to approve the following transfer from within the Solid Waste Budget:

\$400.00 from 125-527-544805 [Tire and Oil Disposal] to 125-527-581700 [Equipment].

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

AUDITOR

22. **Spread** upon the minutes the 2019 Annual Budget and the 2019 Salary Order for the Waller County Auditor and the Auditor's Assistants. *No action required.*

23. Discuss and take action to approve annual review of Fund Balance.

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

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

Motion carried – Item TABLED.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Proceeded to Agenda Items #24-25.

Returned to Agenda Item #23 after Item #25

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Amsler to approve Fund Balance Policy with allowing no less than 4 months of General Fund Operating Expenses.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Proceeded to Agenda Item #26

24. Discuss and take action to approve official documents and all monthly reports.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

25. Discuss and take action to approve increase of Committed Fund Balance (Construction) from the current amount of \$6,000,000 to \$7,500,000.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Returned to Agenda Item #23

26. Discuss and take action to amend the 2018 budget for Capital Projects Fund 601.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

CONSTRUCTION MANAGER

27. ~~Discuss and take action to approve contract with Alpha Testing for the Precinct 4 Annex Building project. Item WITHDRAWN.~~

MISCELLANEOUS

28. Discuss and take action to approve request by Rob Leal to use the Community Center on a continued basis every Monday evening for AA meetings.

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Klecka to approve use of the Community Center every Monday from 6:00 p.m. – 10:00 p.m. for 6 months at a reduced rate of \$10.00 per meeting.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

29. Discuss and take action to approve the re-appointment of Joe Garcia to the Gulf Coast Workforce Board for a two year term beginning January 1, 2019.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

30. Discuss and take action to create the Waller County Environmental Department.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

31. Discuss and take action to amend Waller County Personnel Policy 2.03 and 4.03 to accommodate the newly created Environmental Department.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

32. Discuss and take action to appoint an Environmental Designated Representative as the department head of the newly created Environmental Department.

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

Motion to **amend** to appoint Tonya Mewis as the Environmental Designated Representative by Commissioner Beckendorff, seconded by Commissioner Klecka.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

33. Discuss and take action to approve line item transfers.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

34. Discuss and take action to abandon easement dedicated by Ronald E. Holmes, Laura M. Holmes, Lawrence D. Osborn, Charles Richard Osborn, and Van Poorman.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Advanced to Agenda Items #37-39

35. ~~Discuss and take action to transfer funds to line item 125-411-561301 [Willow Creek Farms].~~ **Item WITHDRAWN.**

36. Discuss and take action to approve payment to the Willow Creek Farms Municipal Utility District pursuant to the Transportation Development Agreement. Funds to be paid from line item 125-411-561301 [Willow Creek Farms].

Motion to **approve** final payment in the amount of \$500,000.00 to the Willow Creek Farms Municipal Utility District by Commissioner Beckendorff, seconded by Commissioner Amsler.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Absent

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Proceeded to Adjournment

EXECUTIVE SESSION

Court convened to Executive Session at 10:36 a.m.

- 37. ~~Deliberate the appointment of an Environmental Designated Representative pursuant to Government Code Section 551.074. Item WITHDRAWN.~~
- 38. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
- 39. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

Court reconvened from Executive Session at 10:55 a.m.

Commissioner Klecka dismissed from Court after Executive Session.

Returned to Agenda Items #35-36.

ADJOURN MEETING

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Absent

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 10:58 a.m.

~~LATEST~~ **LATEST 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 2nd day of January 2019.

Trey Duhon, III

Carbett “Trey” Duhon, III
County Judge