

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – DECEMBER 23, 2015

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 23rd 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 9:02 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
Debbie Hollan, County Clerk

Absent: Justin Beckendorff, Commissioner Precinct 4

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 Barnett, seconded by Commissioner Klecka.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Absent

PUBLIC COMMENT

1. LaVaughn Mosely expressed his disappointment with this court by not urging the resignation of Sheriff Glenn Smith and advised as a result of the decision from the grand jury to have no indictments, effective immediately the students will be boycotting the City of Hempstead. until
2. Gloria Marie Thompson addressed the court with concerns of decreasing the early voting polling locations down to two for the March 2016 Primary Election.
3. Luther Jones commented to the court with his concerns on the decrease of early voting polling locations.
4. Janet Fisher advised she is backing up the previous two speakers regarding the decrease in early voting polling locations.
5. Dr. Denise Mattox stated to the court that we need an early voting polling location in Prairie View.
6. John Nicks commented on his support for Sheriff Glenn Smith.
7. Rosa Harris commented to the court with her concerns for the reduction of early voting polling locations and to please consider the north east area of Waller County.

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 16, 2015 Regular Session, December 16, 2015 Special Session.
3. **Request by County Treasurer for approval of payroll.**

4. Request to approve payment on the following:
 - (a) \$2,887.00 for Invoice # AH010871, \$2,887.00 for Invoice # AH010873, \$2,887.00 for Invoice # AH010874, and \$2,887.00 for Invoice # AH010872 for a total of \$11,548.00 to Harris County Treasurer from line item 125-423-540702 [Autopsy].
 - (b) \$449.00 for Invoice to Dana DeBeauvoir, County Clerk from line item 125-411-561501 [Medical/Commitment Fees].
 - (c) \$1,000.00 for Invoice # 147053 to Hills Construction from line item 600-600-587518 [Pct 2].
5. Request by County Auditor for approval and/or ratification of Accounts Payable.

Motion to **approve** consent agenda items #2-5 by Commissioner Barnett, seconded by Commissioner Klecka.

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 – Absent</i>

Advanced to Agenda Item #16

COUNTY JUDGE

6. Discuss and take action to approve appointment of two BlueBonnet Groundwater Conservation District Directors to represent rural water supply interests and agricultural interests.

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

Motion to **amend** by Commissioner Amsler, seconded by Commissioner Barnett by appointing **Charles Muse** for the agricultural interests and **Bob Gage** for the water supply interests.

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 – Absent</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 – Absent</i>

JUSTICE OF THE PEACE, PRECINCT 3

7. Discuss and take action to approve transfer of \$1,000.00 from line item 125-411-569600 [Contingency] to the following line items:
 - \$325.00 to 125-420-510101 [Part-Time Clerical]
 - \$175.00 to 125-420-581813 [Equipment Rental] and
 - \$500.00 to 125-420-563000 [Training and Conference].

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

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 – Absent</i>

TREASURER

8. Discuss and take action per request by Personnel Policy Committee to amend the Waller County Personnel Policy Manual.

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

Motion carried.

DISTRICT ATTORNEY

9. Discuss and take action to authorize the County Treasurer to receive funds from the Waller County District Attorney to pay salary supplements for Third DA Assistant in the amount of \$6,000.00 and Second DA Assistant in the amount of \$3,000.00 for calendar year 2016. Attendant increases in benefits to be paid from funds received from the District Attorney.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Absent

10. Discuss and take action to create five (5) Reserve District Attorney Investigator positions in the Waller County District Attorney’s Office.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Absent

MAINTENANCE

11. Discuss and take action to approve transfer of \$15,000.00 from line item 125-411-569600 [Contingency] to line item 125-442-544700 [Repair & Replacement].

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Absent

COUNTY ENGINEER

12. Discuss and take Action to award Bids for:

- All Season Pre-Coated Patching Mixture (ASPPM) Graduation IV
- Cold Mix Asphaltic Pavement
- Construction Equipment Rental
- Crushed Concrete
- Crushed Limestone
- Debris Removal, Reduction & Disposal
- Emulsified Asphalt & Hauling
- Gasoline and Diesel Fuels
- Hauling Services for Gravel & Aggregate Material
- High Density Polyethylene (HDPE) Pipe
- Pct. 1 and Pct. 2 - Hot Mix Asphaltic Concrete Pavement (HMAC) & Hauling
- Pct. 3 and Pct. 4 - Hot Mix Asphaltic Concrete Pavement (HMAC) & Hauling
- Hydrated Lime
- Mowing Contract

Precoated Aggregate
Reclaimed Asphalt Pavement
Reinforced Concrete Pipe
Roadside Vegetative Management
Used Tank Cars

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

Judge Duhon read list of recommendation from County Engineer

Motion to **amend** by Commissioner Amsler, seconded by Commissioner Barnett to award bids as listed.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Absent

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Absent

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

Item **WITHDRAWN** as requested by County Engineer

TAX ASSESSOR COLLECTOR

14. Discuss and take action to approve refunds in excess of \$500.00 in accordance with Article 31.11 State Property Tax Code.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Absent

15. **Spread** upon the minutes the continuing education certificates of completion for Ellen Shelburne, Tara Schovajsa, and Marcy Richard in compliance with Section 6.231 of the Texas Tax Code.

No action required.

ELECTIONS ADMINISTRATOR

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

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

Motion to **amend** by Commissioner Barnett, seconded by Commissioner Amsler to include St Francis Episcopal Church, if no permission the Panther Plaza, if no permission then Prairie View City Hall.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Absent

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Barnett – Yes

Commissioner Klecka – Yes

Commissioner Beckendorff – Absent

Returned to Agenda Item #6

MISCELLANEOUS

17. Discuss and take action to approve Court Order setting the pay for Jurors in 2016 and providing food and lodging for Jurors in certain cases and instances.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Absent

18. Discuss and take action to approve Court Order setting allowances for travel outside the County in 2016.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Absent

19. Discuss and take action to approve Official Bond and Oaths for Elected Officials.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Absent

20. **Spread** upon the minutes the Order Granting Exemption to Competitive Requirements for Certain Purchases for emergency repairs to the Historical Museum.

No action required.

AUDITOR

21. Discuss and take action for approval of official documents and all monthly reports.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Absent

22. Request by County Auditor to **spread** upon the minutes Certification of Funds for the \$14,250.00 received for State Supplement for the County Judge.

No action required.

23. Discuss and take action to amend the 2015 Budget to accommodate the \$14,250.00 received for State Supplement for the County Judge.

Motion to **approve** by Commissioner Barnett, seconded by Judge Duhon.

Motion FAILED.

Judge Trey Duhon – Yes

Commissioner Amsler – No

Commissioner Klecka – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Absent

EXTENSION OFFICE

24. **Presentation** by AgriLife and Cooperative Extension Agents on the 2015 results and efforts of the Waller County Office of Texas A & M AgriLife Extension and Cooperative Extension Programs.

No action required.

EXECUTIVE SESSION

- 25. Consultation with District Attorney about pending or contemplated litigation.
- 26. 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)].
- 27. 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)].
- 28. 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 Klecka, seconded by Commissioner Barnett

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

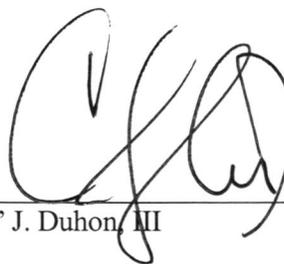
Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 10:49 a.m.

APPROVED this the 6th day of January 2016.



Carbett "Trey" J. Duhon, III
County Judge

ATTEST:



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

