

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – FEBRUARY 10, 2016

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 10th day of February 2016 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 9:03 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. Irene Mattox asked the court to be sure and explain agenda items #6 thru 9.
2. Rosa Harris thanked everyone involved in the organization of the high speed rail meeting held yesterday at Prairie View A&M University. Mrs. Harris also commented to the court regarding last week's agenda item concerning signs in the right of way.
3. Dr. Denise Mattox shared an experience she had yesterday that involved a county sheriff deputy.

CONSENT AGENDA (2-4 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** – February 3, 2016 Regular Session
3. **Request to approve payment on the following:**
 - \$1,360.00 to Texas Association of Counties from line item 125-411-562300 [County Organizational Dues] for Annual Membership Dues.
4. **Request by County Auditor for approval and/or ratification of Accounts Payable.**

Motion to **approve** consent agenda items #2-4 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, PRECINCT 3

5. Discuss and take action to approve Proclamation observing February as Black History Month.

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

(Commissioner Barnett read Proclamation)

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY JUDGE

6. **Presentation** by George Patterson, CEO of Texana Center on the services of the Texana Center.

No action required.

7. Discuss and take action to approve payment of \$35,933.00 to Texana from line item 125-411-542254 [Texana Ctr Behavioral Healthcare Clinic] as allocated in the 2016 Budget.

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

8. **Presentation** by Jim Bethke, Indigent Defense Commission Executive Director on the review of Waller County’s indigent defense system.

Senator Rodney Ellis was also present to give a presentation regarding indigent defense system.

No action required.

506TH DISTRICT JUDGE

9. **Presentation** and discussion by the District Judge of the Waller County Indigent Defense Plan, procedures, policies, reports and compliance. The presentation will also include internal control measures used by the District Judge, the County Auditor, the District Clerk, the District Attorney, and Contract Defense Attorneys, in compliance with the Waller County Indigent Defense Plan.

No action required.

COMMISSIONER, PRECINCT 4

10. Discuss and take action on the occurrence of outdoor signs on public rights-of-way, including the appointment of Road and Bridge personnel to remove said signs in accordance with section 393.003 of the Texas Transportation 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

COMMISSIONER, PRECINCT 2

11. Discuss and take action to approve Quitclaim Deeds regarding a right of way in Century Oaks Estates and authorize the County Judge to sign deeds for the 6 affected lots.

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

12. Discuss and take action for the Waller County Commissioners Court to direct the County Auditor Alan Younts to conduct a thorough audit of the Inventory and whereabouts of all weapons bought or maintained by the Waller County Sheriff's Office to include a review of all weapons transfers. This Audit should include recommendations for procedural changes to monitor the transfer or sale of any assets of Waller County.

The Audit should also include the property room of the Waller County Sheriff's Office.

The Commissioners Court also directs the County Auditor to reconcile the expenditures of the Sheriff Discretionary Funds including the Forfeiture and Imprest Funds, against the Budget approved by Commissioners Court during each of the last three years, and the expenditures as detailed by the Waller County Sheriff's Office.

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

Motion to **amend** by Judge Duhon, seconded by Commissioner Barnett to request that Auditor Alan Younts in addition to his normal audits of the Sheriff's office that he is going to be performing in the coming months that he also conduct an audit of all the weapons that are brought or maintained of the Waller County Sheriff's office, a thorough audit with reconciliation.

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

TREASURER

13. 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

14. 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

COUNTY CLERK

15. Discuss and take action to approve the transfer of fixed assets to the Maintenance Department.

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 3

16. Discuss and take action to approve payment of \$1,000.00 to Tyler Technologies for the registration fee for Diana Duncan and Trenae Bennett to attend Odyssey 2016 User Conference, March 28 – March 30, 2016 in Austin, Texas. Payment to be taken from line item 119-429-581817 [Technology Enhancements].

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

17. Discuss and take action to approve payment of \$639.40 to Hilton Austin for lodging expenses for Diana Duncan and Trenae Bennett to attend Odyssey 2016 User Conference March 28 – March 30, 2016 in Austin, Texas. Payment to be taken from line item 119-429-581817 [Technology Enhancements].

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 4

18. Discuss and take action to approve the installation of two additional panic buttons in the Justice Court, Precinct 4 by TAC Security System. Total payment of \$75.00 to TAC Security Payment for installation. Payment to be taken from line item 123-431-568425 [Misc. Security].

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

19. Discuss and take action to approve the additional monthly fee of \$5.00 for the installation of two additional panic buttons in the Justice Court, Precinct 4 by TAC Security System. Monthly payment to be taken from line item 123-431-568425 [Misc. Security].

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

20. Discuss and take action to approve the transfer of fixed assets to the Elections Department.

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

21. Discuss and take action to approve the plat and dedication of Choctaw Lane and Cherokee Road Street Dedication Plat.

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

22. Discuss and take action to accept the Maintenance Bond for Choctaw Lane and Cherokee Road.

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

23. Discuss and take action to approve the Resolution for the 2016 Homeland Security Grant Program and authorize the County Judge to certify and submit 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

24. Discuss and take action to approve the Resolution of the CJD Justice Assistance Grant for the purchase of three patrol cars and authorize the County Judge to certify and submit 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

25. Discuss and take action to approve the Resolution for the CJD Body Worn Camera Grant and authorize the County Judge to certify and submit 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

MISCELLANEOUS

26. Discuss and take action to adopt order abandoning Glass Road, as approved by Commissioners Court at the December 2, 2015 regular session.

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

Motion carried.

- 27. **Spread** upon the minutes the withdrawal of the private tax resale offer by John and Kimberley Hailey for the following property: Lot 37, of Clear Creek Forest, Section 6, Waller County, Texas, tax account R16021, in the amount of \$14,010.00.
No action required.

- 28. Discuss and take action to change the procedure for the private tax resale of Waller County trust property to require a deposit to be submitted along with a bid for consideration.

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Barnett to accept the policy change in the parameters outlined by Otilia Gonzales.

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Abstained
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

- 29. Discuss and take action to approve Annual Maintenance Contract with Mitel Network for December 31, 2015 – December 30, 2016 and payment of invoice to ICS for \$6,283.22. Payment to be funded from line item 125-411-545001 [Maintenance Contracts].

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

EXECUTIVE SESSION

- 30. Consultation with District Attorney about pending or contemplated litigation pursuant to Government Code Section 551.071.
- 31. 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)].
- 32. 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)].
- 33. 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 Barnett, seconded by Commissioner Beckendorff.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

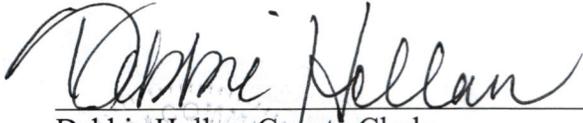
Meeting was **ADJOURNED** at 11:59 a.m.

APPROVED this the 16th day of February 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

