

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – FEBRUARY 24, 2016

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 24th 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 9:00 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
Stephanie Tompkins, Deputy 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. Gary Sloan discussed subdivision issues.
2. Sidney Marie Chipman introduced the House of Help program and asked for support.

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 16, 2016 Regular Session
3. **Request to approve payment on the following:**
 - \$183.33 for Invoice # SOP005168 to County Information Resources Agency from line item 125-441-562302 [License Fees] for Website Content Management and Hosting.
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. **Presentation** by Kim Parmer on the “Hello Hempstead” project.
No action required.
6. Discuss and take action on allowing the Road and Bridge Department to assist the Monaville Fire Department with distribution of gravel at the Monaville Fire 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

COUNTY JUDGE

Advanced to Agenda Item #8

7. Discuss and take action to approve Order Authorizing Texas Independence Day Fireworks Sales.
Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.
Motion to **amend** by Judge Duhon, seconded by Commissioner Beckendorff by inserting “c” on the order *prohibiting the sale of skyrocketes with sticks and missiles with fins.*
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
8. Discuss and take action to approve Burn Ban.
Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.
Motion to **table** by Judge Duhon, seconded by Commissioner Klecka.
Motion carried – Item TABLED.
Judge Trey Duhon – Yes Commissioner Amsler – Yes Commissioner Klecka – Yes
Commissioner Barnett – No Commissioner Beckendorff – Yes

Returned to Agenda Item #7

9. Discuss and take action to approve an Appraisal Report to be done by Valbridge Property Advisor for the acquisition of 0.4983 acres out of a 42.369 acre tract located at the southeast corner of FM 1488 and Hegar Road in Waller County, Texas.
Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.
Motion to **amend** by Commissioner Barnett, seconded by Commissioner Beckendorff *to pay from line item 110-530-545800 [Professional Consulting/Flood Plain Management]*
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

COUNTY ENGINEER

10. **Public Hearing:** The establishment of speed limits and the installation of speed limit signs on the following roads:

Rolling Hills Subdivision – all roads – of 30 mph.

Mound Creek – from Mathis Road to County line – of 35 mph.

Addie Gee – entire length – of 45 mph.

Public Hearing began at 10:05 a.m.

No public comments received.

Public Hearing ended at 10:05 a.m.

11. Discuss and take action to approve the establishment of speed limits and the installation of speed limits signs on the following roads:

Rolling Hills Subdivision – all roads – of 30 mph.

Mound Creek – from Mathis Road to County line – of 35 mph.

Addie Gee – entire length – of 45 mph.

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 to approve a variance request to the Waller County Subdivision and Development Regulations, Section 5.3, “Construction Bond” for Houston Oaks, Section 3 (Lazy Lane) by Houston Oaks Venture, L.P.

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

13. Discuss and take action to approve plat and dedication of Houston Oaks, Section 3.

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

14. Discuss and take action to approve Agreement with TAC Security Systems for the installation for up to 5 additional security cameras to be installed in the Waller County Elections Offices. Payment of \$500.00 for installation and \$75.00 monthly fee to be paid from line item 117-428-568425 [Courthouse Security-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

MISCELLANEOUS

15. Discuss and take action to approve the private resale offer for the following property: Lot 2, 1.0 acre, Block 38, Brookshire Outlots to the City of Brookshire, Waller County, Texas, tax account R15264 in the amount of \$9,500.00 by Robert Richards and authorize the County Judge to sign a resale deed for said property to Robert Richards.

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

16. Discuss and take action to approve payment of \$5,100.00 for Invoice # 106250 to Fritz, Byrne, Head & Fitzpatrick, PLLC from line item 125-411-540300 [Legal] 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

17. Discuss and take action to approve payment of \$187.50 for Invoice # 106251 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

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

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

EXECUTIVE SESSION

19. Consultation with District Attorney about pending or contemplated litigation pursuant to Government Code Section 551.071.

Court **convened** to Executive Session at 10:14 a.m.

Court **reconvened** from Executive Session at 10:43 a.m.

20. ~~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)].~~ Item **WITHDRAWN**.

21. ~~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)].~~ **Item WITHDRAWN.**

22. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

Motion made by Judge Duhon to request that our District Attorney make a demand to Tاراcon, Texas Central Railway and any other responsible parties to return any and all samples and materials obtained from Waller County right of way and destroy any data related to the same and demand compensatory punitive damages for the county of \$10,000.00 in relation to an incident which occurred on or about February 15, 2016 which Tاراcon drilled on County right of way on Hegar Road near 1488 after being denied a permit to do so, seconded by Commissioner Beckendorff.

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 Klecka, seconded by Commissioner Beckendorff.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

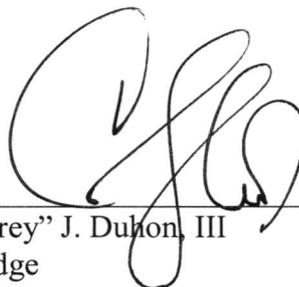
Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 10:44 a.m.

APPROVED this the 2nd day of March 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

By: 
Stephanie Tompkins, Deputy County Clerk

