

**MINUTES**  
**WALLER COUNTY COMMISSIONER'S COURT**  
**REGULAR SESSION**  
**WEDNESDAY – AUGUST 19, 2015**

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 19<sup>th</sup> day of August 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 9:03 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. Rosa Harris addressed the court opposing agenda item #21, recommended changing the Democratic Election Judges at voting precincts 309 and 312.

**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 – August 12, 2015 Regular Session
3. Request by County Treasurer for approval of payroll.
4. Request to approve payment on the following:
  - (a) \$985.00 for Invoice to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].
  - (b) \$30.00 to TAC Security & Video for invoice # 15522008 [JP 1 Hold-Up Alarm]  
\$204.50 to TAC Security & Video for invoice # 15111608 [JP 2 Burglar Alarm & DVR System]  
\$280.00 to TAC Security & Video for invoice # 15540908 [JP 3]  
\$190.00 to TAC Security & Video for invoice # 15520108 [JP 4 Burglar Alarm, Hold-Up, Access Control & DVR Monitors only]

\$885 to TAC Security & Video for invoice # 15112408 [Waller Courthouse 29 Camera Surveillance System]

\$50.00 to TAC Security & Video for invoice # 15544908 [Waller County Election Office Burglar Alarm]

\$80.00 to TAC Security & Video for invoice # 15547408 [Waller Courthouse Hold-Up Alarm] from Line Item 117-428-568425 [Special Revenue Courthouse Security – Miscellaneous Security].

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

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*

### **CONSTABLE PRECINCT 3**

6. Discuss and take action to approve Official Bond and oath for John Jay Portillo as Reserve Deputy Constable for Precinct 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*

### **TREASURER**

7. Discuss and take action to approve County 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*

8. Discuss and take action to approve County Treasurer's 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**

9. Discuss and take action to approve payment in the amount of \$2,350.00 payable to Image Tek for Commissioners Court Minutes Software Program for the period of October 2015 thru September 2016. Funds to be paid from line item 115-426-545512 [County Clerk Records Preservation Fund]

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

10. Discuss and take action to approve Interlocal Agreement between Waller County and H-GAC for E9-1-1 Public Safety Answering Point Services

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

11. **Presentation** by Ellen Shelburne, Tax Assessor/Collector on the effective 2015 Property Tax Rate calculation.

No action required.

## COUNTY JUDGE

12. Discuss and take action to accept the Certification of the 2015 Waller County Appraisal Roll as required under Property Tax Code 26.04(b).

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 appropriate action regarding the 2015 tax rate.

Commissioner Barnett moved that the Waller County Commissioners Court propose to adopt a total tax rate of **\$0.654806** cents per \$100 valuation, the same rate being a combination of rates for the Waller County General Fund rate of **\$ .620370** per \$100 valuation and the Farm to Market Flood Control rate of **\$ .034436** and to schedule the Public Hearings for the 2015 tax rate on September 9, 2015 at 9:00 a.m. at the Waller County Courthouse in Hempstead, Texas and on September 16, 2015 at 9:00 a.m. at the Waller County Courthouse in Hempstead, Texas. Seconded by Commissioner Beckendorff.

**Motion carried.**

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Klecka – Yes*

*Commissioner Barnett – Yes*

*Commissioner Beckendorff – Yes*

**Judge Duhon announced the meeting to adopt the tax rate will be held on September 23, 2015 at 9:00 a.m. at the Waller County Courthouse in Hempstead, Texas.**

14. Discuss and take action to authorize the County Judge to publish the Notice of Public Hearing on Tax Increase and the notice of Tax Revenue Increase in the Times Tribune, News Citizen, Waller Times, Hot Line Press and on the County website to be paid from line item 125-401-544100 [Bid Notices & Printing].

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*

15. ~~Discuss and take action to authorize the County Judge to publish the Notice of Tax Revenue Increase in the Times Tribune, News Citizen, Waller Times, Hot Line Press and on the County website to be paid from line item 125-401-544100 [Bid Notices & Printing].~~

**Item WITHDRAWN.**

16. Discuss and take action to authorize the County Judge to publish the Notice of Salary Increases for Elected Officials in the Times Tribune, News Citizen, Waller Times, Hot Line Press and on the County website to be paid from line item 125-401-544100 [Bid Notices & Printing].

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

**Motion carried.**

Judge Trey Duhon – Yes

Commissioner Amsler – No

Commissioner Klecka – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

17. Discuss and take action to authorize the County Judge to publish the Notice of Budget Hearing in the Times Tribune, News Citizen, Waller Times, Hot Line Press and on the County website to be paid from line item 125-401-544100 [Bid Notices & Printing].

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

## **ELECTION ADMINISTRATOR**

18. Pursuant to Texas Election Code 501.032 and 501.033: Discuss and take action to record in minutes that a petition was presented to the Waller County Elections Office on July 20, 2015, and the names of the signers are attached, the number of accepted signatures being 3,647, the required number being 3,258. ~~Discuss and take action to record certification of signatures by the Waller County Elections Administrator on August 13, 2015.~~

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Barnett by striking out the last sentence of the agenda item.

**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

Discuss and take action to record certification of signatures by the Waller County Elections Administrator on August 13, 2015.

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. Consider and Take Action to order an election on November 3, 2015 to legalize the sale of alcohol throughout Waller County pursuant to Texas Election Code 3.006, 501.032, 501.034 and other applicable codes, the issue to be voted on being “the legal sale of all alcoholic beverages, including mixed beverages.

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

20. Consider and take action to pursue and draw up an interlocal agreement for the sale of 45 mini laptops to Guadalupe 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*

21. Consider and take action to approve the lists of presiding and alternate judges submitted by the Democratic Party Chair for the 2015-2016 term.

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

***Vote postponed till Democratic Party Chair could be present to answer question on list of judges provided. Advanced to Executive Session.***

**Motion carried.**

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Klecka – Yes*

*Commissioner Barnett – Yes*

*Commissioner Beckendorff – Yes*

## **EXECUTIVE SESSION**

22. Consultation with District Attorney about pending or contemplated litigation.
23. 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)].
24. 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)].

Court **convened** to Executive Session at 9:56 a.m.

Court **reconvened** from Executive Session at 10:38 a.m.

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

No action taken from Executive Session.

***Returned to Agenda Item #21***

## **ADJOURN MEETING**

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

**Motion carried.**

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

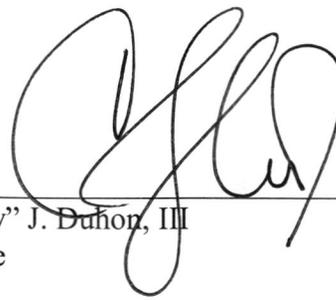
*Commissioner Klecka – Yes*

*Commissioner Barnett – Yes*

*Commissioner Beckendorff – Yes*

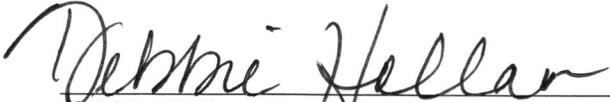
Meeting was **ADJOURNED** at 10:45 a.m.

**APPROVED** this the 26<sup>th</sup> day of August 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

