

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – SEPTEMBER 21, 2016

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 21st day of September 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 9:02 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
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 – None

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** – September 14, 2016 Regular Session

3. **Request to approve payment on the following:**

(a) \$1,065.00 for Invoice to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].

(b) \$3,028.00 for Invoice # 0003449 to Johnston, LLC from line item 600-600-587520 [Community Center] for Professional Services August 1 – August 31, 2016.

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

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

Commissioner

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY ENGINEER

5. Discuss and take action to approve a variance request to the Subdivision and Development Regulations by Mr. Emilio Montejano on Marti Ln.

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

6. Discuss and take action to approve a variance request to the Subdivision and Development Regulations by Mr. Jose Guerrero, et al on Schlipf Rd.

Motion to **approve** 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

7. Discuss and take action to approve the plat and dedication of Young Ranch Water Plant and Detention Reserve 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

COUNTY JUDGE

8. ~~Discuss and take possible action on Burn Ban.~~ **Item WITHDRAWN.**

JUSTICE OF THE PEACE, PRECINCT 1

9. Discuss and take action to approve request to increase Justice of the Peace Pct. 1 part-time position hourly rate from \$8.00 per/hr. to \$10.00 per/hr. effective as of ~~September 14, 2016~~ **September 21, 2016.**

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Barnett to be effective as of September 21, 2016.

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

JUSTICE OF THE PEACE, PRECINCT 4

10. Discuss and take action to approve payment of \$1,155.46 to Office Depot for the purchase of four (4) printer toner cartridges. Payment to be taken from line item 119-429-581815 [Justice Court Technology 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

11. Discuss and take action on pricing and selling surplus case file cabinets to the Brookshire Municipal Court.

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Barnett to sell the cabinets for **\$1.00 each**.

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

MAINTENANCE

12. Discuss and take action to approve transfer of \$18,000.00 from line item ~~125-411-569600~~ [~~Contingency~~] **125-442-544700 [Repair and Replacement]** to line item 125-442-545400 [Contract Labor].

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

Motion to **amend** by Commissioner Beckendorff, seconded by Commissioner Barnett to transfer from line item 125-442-544700 [Repair and Replacement].

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

TAX ASSESSOR COLLECTOR

13. Discuss and take action to authorize the County Judge to sign 5 tax resale deeds for the private tax resale of 7 properties currently held in trust by Waller County pursuant to Section 34.05(h)(2) of the Texas Tax 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

RECYCLE CENTER

14. Discuss and take action to approve the infrastructure improvement for the recycling center by Straight Line Metal Buildings. \$ 29,357.80 to be paid from line item 125-600-581901 [Capital Outlay].

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

DISTRICT ATTORNEY

15. Discuss and take action to approve VINE agreements as provided by the Texas Attorney General for the purpose of providing automated electronic updates to crime victims.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

16. Discuss and take action on agreement with Prairie View A & M University for the provision of finances for charitable purposes/social programs in Waller County.

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

PUBLIC HEARING

17. Public Hearing – 2017 Proposed Budget.

Public Hearing began at 9:48 a.m.

1. Constable Hershel Smith commented to the court regarding his proposed 2017 Salary.
2. Mrs. Irene Mattox asked the court to reconsider adopting this budget at a later date.

Public Hearing ended at 10:20 a.m.

18. Discuss and take action to adopt the 2017 Budget.

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

Motion to **amend** by Judge Duhon to give supplement to VOCA clerk to be furnished by DA for \$2,400.00 by debiting \$2400.00 to line item 125-416-510028 [Supplement to VOCA Clerk], \$184.00 to 125-416-520100 [Social Security], \$196.00 to 125-416-520201 [Retirement TCDRS] and giving a credit of \$2,780.00 to 125-000-472400 [DA Salary Supplement], seconded by Commissioner Beckendorff.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

Advanced to Agenda Items #26 - #27

(Returned from Executive Session)

Motion to **bring off table** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

Motion to **amend** by Judge Duhon to increase JP1 Part-Time line by \$3,000.00 debiting \$3,000.00 to 125-418-510101 [Part-Time], \$230.00 to 125-418-520100 [Social Security], \$245.00 to 125-418-520201 [Retirement TCDRS], and credit \$3,475.00 to 125-000-475005 [Transfer from Fund Balance], seconded by Commissioner Beckendorff.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Barnett – Yes

Commissioner Klecka – Yes
Commissioner Beckendorff – Yes

Motion to **amend** by Judge Duhon to reduce JP4 staff salary line by debiting \$ -679.00 to 125-421-510027 [Staff Salary], \$ -52.00 to 125-421-520100 [Social Security], \$ -56.00 to 125-421-520201 [Retirement TCDRS], and crediting \$ +787.00 to 125-000-475005 [Transfer from Fund Balance], seconded by Commissioner Amsler.

Amendment carried.

- 19. Discuss and take action to ratify the property tax increase reflected in the 2017 Budget.

Commissioner Beckendorff made motion to **ratify** the property tax increase that is reflected in the 2017 Budget, seconded by Commissioner Amsler.

Motion carried.

- 20. Discuss and take action to adopt the Tax Rate for 2016.

Commissioner Beckendorff made motion that the property tax rate be increased by the adoption of a tax rate of \$0.633760 which is effectively a 4.00 percent increase in the tax rate. In adopting this 2016 total tax rate, the court orders the total tax rate to be levied as follows for the following funds:

\$0.033326 per \$100 of taxable property for the Farm-to-Market Roads

\$0.585252 per \$100 of taxable property for maintenance and operation of the General Fund

\$0.015182 per \$100 of taxable property for interest and sinking fund to the General Fund

Seconded by Commissioner Barnett.

Motion carried.

ELECTIONS

- 21. Discuss and take action to allow a three year warranty, license and support agreement to be signed with HART Intercivic in order to freeze the yearly license and support fees at \$35,258.00 annually for three years.

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

Motion carried.

AUDITOR

- 22. **Spread** upon the minutes the Certification of Funds for the Purchase of Patrol Vehicles Grant, Grant Number 3080901, for the Waller County Sheriff’s Office.

No action required.

- 23. Discuss and take action to amend the 2016 Grant Budget to accommodate the Purchase of Patrol Vehicles Grant, Grant Number 3080901, for the Waller County Sheriff’s Office.

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

Motion carried.

- 24. **Spread** upon the minutes the Certification of Funds for the Texas Community Development Block Grant (TxCDBG) Program, Contract Number 7216479.

No action required.

- 25. Discuss and take action to amend the 2016-2018 Grant Budget to accommodate the Texas Community Development Block Grant, (TxCDBG) Program, Contract Number 7216479.

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

Advanced to Adjournment

EXECUTIVE SESSION

26. Consultation with District Attorney and outside counsel about pending or contemplated litigation pursuant to Government Code Section 551.071.

Court **convened** to Executive Session at 10:50 a.m.

Court **reconvened** from Executive Session at 11:25 a.m.

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

Motion made by Judge Duhon that we approve a mediated settlement agreement between Geneva Reed-Veal in the Estate of Sandra Bland and Waller County, the settlement agreement provides for a settlement of 1.8 million dollars, \$1,000.00 to be paid in a deductible by Waller County with the remainder to be paid by the Texas Association of Counties Risk Management Pool.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

(Judge Duhon read his Press Release)

Returned to Agenda Item #18

ADJOURN MEETING

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

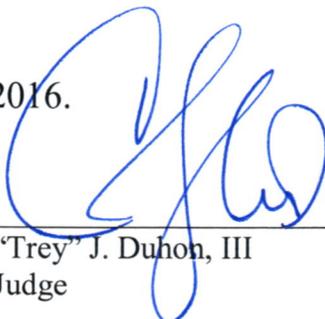
Commissioner Klecka – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 11:38 a.m.

APPROVED this the 28th day of September 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