

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – FEBRUARY 13, 2013

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 13th day of February 2013 at its meeting place in the Waller County Courthouse, Hempstead, Texas. The meeting was called to order at 9:00 a.m. with the following members of the Court present to-wit:

Glenn Beckendorff, County Judge
John A. Amsler, Commissioner Precinct 1
Frank Pokluda, Commissioner Precinct 2
Jeron Barnett, Commissioner Precinct 3
Stan Kitzman, Commissioner Precinct 4
Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler

Pledge to the American Flag and Texas Flag led by: Commissioner Kitzman

1. **Approval of Agenda.**

Motion to approve by Commissioner Pokluda, seconded by Commissioner Barnett.

Motion carried.

Judge Glenn Beckendorff – Yes Commissioner Amsler – Yes Commissioner Pokluda – Yes
Commissioner Barnett – Yes Commissioner Kitzman – Yes

2. **Approval of the minutes – 2 Sets**

Motion to approve by Commissioner Pokluda, seconded by Commissioner Amsler.

Motion carried.

Judge Glenn Beckendorff – Yes Commissioner Amsler – Yes Commissioner Pokluda – Yes
Commissioner Barnett – Yes Commissioner Kitzman – Yes

Minutes approved: February 6, 2013 Regular Session, February 6, 2013 Workshop.

PUBLIC COMMENT

The following public members addressed the court with concerns and issues pertaining to the proposed Pintail Landfill and proposed ordinance:

Mike Woodward Rick Welch Mike McCall Dr. Tobi Kosanke

Dena Nolan – Recognized Debria Williams, Chief Juvenile Probation Officer for her 30 years of service with Waller County.

TREASURER

3. ~~Request by County Treasurer for approval and/or release of securities pledged by First National Bank and authorize the County Judge to sign.~~

Item WITHDRAWN.

SHERIFF

4. Discuss and take action to accept Equitable Sharing Agreement & Certification Report and authorize County Judge to sign.

Motion to approve by Commissioner Pokluda, seconded by Commissioner Barnett.

Motion carried.

Judge Glenn Beckendorff – Yes Commissioner Amsler – Yes Commissioner Pokluda – Yes
Commissioner Barnett – Yes Commissioner Kitzman – Yes

5. Discuss and take action to accept Chapter 59 Forfeiture Report and authorize County Judge to Sign.

Motion to approve by Commissioner Barnett, seconded by Commissioner Kitzman.

Motion carried.

Judge Glenn Beckendorff – Yes Commissioner Amsler – Yes Commissioner Pokluda – Yes
Commissioner Barnett – Yes Commissioner Kitzman – Yes

COUNTY ENGINEER

6. Discuss and take action to approve the Advance Funding Agreement between Texas Department of Transportation (TXDOT) and Waller County for the Bridge Replacement or Rehabilitation Off the State System program and authorize the County Judge to sign.

Motion to approve by Commissioner Kitzman, seconded by Commissioner Amsler.

Motion carried.

Judge Glenn Beckendorff – Yes Commissioner Amsler – Yes Commissioner Pokluda – Yes
Commissioner Barnett – Yes Commissioner Kitzman – Yes

7. Discuss and take action for the authorization to publish notice in the newspaper and payment for advertising to be funded from line item 125-401-544100 [Bid Notices and Printing] for the establishment of speed limit and the installation of speed limit signs on the following road: Country Lane Estates – Entire Length – 25 mph, and give notice of a public hearing during the regular session of Commissioners' Court meeting on March 6, 2013.

Motion to approve by Commissioner Pokluda, seconded by Commissioner Kitzman.

Motion carried.

Judge Glenn Beckendorff – Yes Commissioner Amsler – Yes Commissioner Pokluda – Yes
Commissioner Barnett – Yes Commissioner Kitzman – Yes

8. Discuss and take action to approve an agreement with Ben England to perform consulting services for asphalt distributor training for Waller County Road and Bridge *up to a maximum of 40 hours* and authorize the County Judge to sign. *Funds to be paid from line item 110-530-545800 [Professional Consultant].*

Motion to approve by Commissioner Pokluda, seconded by Commissioner Kitzman.

Motion to amend agenda item by Commissioner Pokluda, seconded by Commissioner Barnett by inserting “up to a maximum of 40 hours” and inserting “Funds to be paid from line item 110-530-545800 [Professional Consultant]”.

Amendment carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – Yes* *Commissioner Pokluda – Yes*
Commissioner Barnett – Yes *Commissioner Kitzman – Yes*

Amended Motion carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – Yes* *Commissioner Pokluda – Yes*
Commissioner Barnett – Yes *Commissioner Kitzman – Yes*

9. Discuss and take action to approve Utility Permit from San Bernard Electric for power pole replacements along Cochran/Herbert Road at FM 361.

Motion to approve by Commissioner Pokluda, seconded by Commissioner Barnett.

Motion carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – Yes* *Commissioner Pokluda – Yes*
Commissioner Barnett – Yes *Commissioner Kitzman – Yes*

10. Discuss and take action to approve Drainage and Detention Plan for Kmiec and Kmiec for development on Owens Roads.

Motion to approve by Commissioner Kitzman, seconded by Commissioner Pokluda.

Motion carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – Yes* *Commissioner Pokluda – Yes*
Commissioner Barnett – Yes *Commissioner Kitzman – Yes*

11. Discuss and take action to approve Utility Permit from Center Point Energy for HP gas line installation along Cardiff Road to service Goya Foods.

Motion to approve by Commissioner Kitzman, seconded by Commissioner Pokluda.

Motion carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – Yes* *Commissioner Pokluda – Yes*
Commissioner Barnett – Yes *Commissioner Kitzman – Yes*

MISCELLANEOUS

12. Discuss and take action to approve the payment of \$15,000.00 to the Waller County Historical Commission as allocated in the 2013 Budget from line item 125-538-568400 [County Museum].

Motion to approve by Commissioner Kitzman, seconded by Commissioner Amsler.

Motion carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – Yes* *Commissioner Pokluda – Yes*
Commissioner Barnett – Yes *Commissioner Kitzman – Yes*

AUDITOR

13. Request by County Auditor to publish Notice of Hearing regarding amendments to the 2013 County Auditor’s Budget and the County Salary Order, in the Waller County News Citizen for two weeks.

Motion to approve by Commissioner Kitzman, seconded by Commissioner Barnett.

Motion carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – Yes* *Commissioner Pokluda – Yes*
Commissioner Barnett – Yes *Commissioner Kitzman – Yes*

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

Motion to approve and/or ratify by Commissioner Pokluda, seconded by Commissioner Barnett.

Motion carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – Yes* *Commissioner Pokluda – Yes*
Commissioner Barnett – Yes *Commissioner Kitzman – Yes*

MISCELLANEOUS

Motion made by Commissioner Amsler, seconded by Commissioner Barnett to discuss agenda items 15 thru 17 in open court.

Motion FAILED.

Judge Glenn Beckendorff – No *Commissioner Amsler – Yes* *Commissioner Pokluda – No*
Commissioner Barnett – Yes *Commissioner Kitzman – No*

Court convened to Executive Session pursuant to Government Code, Section 551.071 at 9:36 a.m.

Court reconvened from Executive Session at 11:03 a.m.

15. Discussion and potential action regarding proposed Waller County Ordinance No. 2013-001; An Ordinance Prohibiting Solid Waste Disposal in Waller County, and Providing Civil and Criminal Penalties and Amending Waller County Ordinance No. 2011-001. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D. Section 551.071 (Consultation with Attorney)].

Motion to table agenda item by Commissioner Barnett, seconded by Commissioner Amsler.

Motion to table FAILED.

Judge Glenn Beckendorff – No *Commissioner Amsler – Yes* *Commissioner Pokluda – No*
Commissioner Barnett – Yes *Commissioner Kitzman – No*

Motion to approve agenda item by Commissioner Kitzman, seconded by Commissioner Pokluda.

Motion carried.

Judge Glenn Beckendorff – Yes *Commissioner Amsler – No* *Commissioner Pokluda – Yes*
Commissioner Barnett – No *Commissioner Kitzman – Yes*

16. Discussion and potential action regarding Proposed TCEQ Permit No. MSW 2377 and Proposed TCEQ Registration No. 40259. [Executive Session is requested pursuant to Texas Government Code, title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].

Motion to table agenda item by Commissioner Barnett, seconded by Commissioner Amsler.

Motion to table FAILED.

Judge Glenn Beckendorff – No *Commissioner Amsler – Yes* *Commissioner Pokluda – No*
Commissioner Barnett – Yes *Commissioner Kitzman – No*

Motion to table agenda item a second time by Commissioner Barnett.

Motion FAILED due to lack of second.

Motion to approve agenda item by Commissioner Kitzman, seconded by Commissioner Pokluda.

Motion carried.

Judge Glenn Beckendorff – Yes

Commissioner Amsler – No

Commissioner Pokluda – Yes

Commissioner Barnett – No

Commissioner Kitzman – Yes

17. Discussion and potential action concerning proposed Host Agreement between Waller County and Pintail Landfill, LLC. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, section 551.071 (Consultation with Attorney)].

Motion to approve by Commissioner Pokluda, seconded by Commissioner Kitzman.

Motion carried.

Judge Glenn Beckendorff – Yes

Commissioner Amsler – No

Commissioner Pokluda – Yes

Commissioner Barnett – No

Commissioner Kitzman – Yes

EXECUTIVE SESSION

18. ~~Consultation with attorney about pending or contemplated litigation.~~
Item **WITHDRAWN**.

ADJOURN MEETING

Motion to adjourn meeting by Commissioner Pokluda, seconded by Commissioner Kitzman.

Motion carried.

Judge Glenn Beckendorff – Yes

Commissioner Amsler – Yes


Commissioner Pokluda – Yes

Commissioner Barnett – Yes

Commissioner Kitzman – Yes


Meeting was **ADJOURNED** at 11:36 a.m.

APPROVED this the 21st day of February 2013.



Glenn Beckendorff
County Judge

ATTEST:



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