

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – APRIL 26, 2023

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 26th day of April 2023 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
Walter Smith, Commissioner Precinct 2
Kendric D. Jones, 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 Beckendorff

1. **Approval of Agenda.**

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. Larry Parr 2. Brett Sebastian 3. David Denton

CONSENT AGENDA

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** – April 19, 2023 Regular Session

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

(a) \$1,721.00 for Invoice dated April 4, 2023 to Schmidt Funeral Home from line item 125-411-561502 [Pauper Burial].

(b) \$1,225.00 for invoice dated April 6th and \$675.00 for Invoice dated April 13, 2023 for a total of \$1,900.00 to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].

(c) \$6,958.45 for invoice # 290771 to ICS from line item 125-411-542501 [Maintenance Contracts].

(d) \$7,500.00 for invoice # 7846 to Brazos Valley Council of Governments from line item 125-525-546900 [BVCOG].

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

5. **Request by County Auditor for approval of official documents and all monthly reports.**

6. Request by County Judge for approval of Fixed Asset Transfers.
7. Request by County Treasurer for approval of payment for retiree insurance.
8. Request by Assistant County Engineer to approve a Utility Permit for Centric Fiber, LLC to place a new fiber conduit utility line within the Right-of-Way of Stalknecht Road in Pct. 4.
9. Request by Assistant County Engineer to approve a Utility Permit for Hooks Gas Pipeline/Centric LLC to install 8” natural gas line, joint with a fiber optic line, within the Right-of-Way of Wilson Road in Pct. 3. Precinct 2.
10. Request by Assistant County Engineer to approve a Utility Permit for Black & Veatch (On Behalf of Comcast of Houston, LLC) to place an underground fiber cable within the Right-of-Way of Hoff Road in Pct. 4.

Motion to approve Consent Agenda made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

<i>Judge Trey Duhon</i> – Yes	<i>Commissioner Amsler</i> – Yes	<i>Commissioner Smith</i> – Yes
	<i>Commissioner Jones</i> – Yes	<i>Commissioner Beckendorff</i> – Yes

ASSISTANT COUNTY ENGINEER

11. Discuss and take action to approve the acceptance of roads in Sunterra Subdivision Section 1,3,8,9, and 11 into the Waller County Maintained Road Log and Release the Maintenance Bond.
 - Accept the Sunterra Subdivision Section 1, 3, 8, 9, and 11 into the County Maintained Road Log and Release the Maintenance Bond.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

<i>Judge Trey Duhon</i> – Yes	<i>Commissioner Amsler</i> – Yes	<i>Commissioner Smith</i> – Yes
	<i>Commissioner Jones</i> – Yes	<i>Commissioner Beckendorff</i> – Yes

12. Discuss and take action for approval of a variance request to have driveways that do not meet the minimum spacing requirements according to Waller County Subdivision and Development Regulations, Paragraph 11.1 by David Denton in Precinct 3.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote. **Variance GRANTED.**

<i>Judge Trey Duhon</i> – Yes	<i>Commissioner Amsler</i> – Yes	<i>Commissioner Smith</i> – Yes
	<i>Commissioner Jones</i> – Yes	<i>Commissioner Beckendorff</i> – Yes

COMMISSIONER, PRECINT 2

13. Discuss and take action on drainage criteria for large lot developments.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Jones made motion to amend to move forward with the revision on our drainage criteria for large lot developments, seconded by Commissioner Amsler.

Amendment carried by 5-0 vote.

<i>Judge Trey Duhon</i> – Yes	<i>Commissioner Amsler</i> – Yes	<i>Commissioner Smith</i> – Yes
	<i>Commissioner Jones</i> – Yes	<i>Commissioner Beckendorff</i> – Yes

Amended Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

COMMISSIONER, PRECINT 3

14. Discuss and take action to approve Maple Grove variance request. *(no backup submitted)*

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 5-0 vote. Variance GRANTED.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

15. Discuss and take action on Mobility Bond and process.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Jones made motion to amend by moving that Liz, Alan, Mike, and Robert start discussions with bond counsel so they can bring us back information, seconded by Commissioner Beckendorff.

Amendment carried by 3-2 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – No

Commissioner Smith – No

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Amended Motion carried by 3-2 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – No

Commissioner Smith – No

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Advanced to Agenda Item #18

TREASURER

18. Discuss and take action to approve renewal of Depository Services Contract.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Proceeded with Agenda Item #16

16. Discuss and take action to approve up to \$6,500 for KCI to inspect Clay Road.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

17. Discuss and take action to approve Highway 36A Coalition resolution.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion and Second WITHDRAWN.

TREASURER

18. *Court addressed agenda item #18 earlier in the meeting. (page 3)*

GRANT MANAGER

19. **Spread** upon the minutes executed Amendment No. 1 to TWBD Commitment No. G1001319 (Brazos River Flood Update Study).
No action required.
20. **Spread** upon the minutes executed Amendment No. 1 to TWBD Commitment No. G1001333 (Spring Creek Watershed Flood Protection Study).
No action required.

AUDITOR

21. Discuss and take action to approve 2023 budget adjustments and department line-item transfers.
Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.
Motion carried by 5-0 vote.
Judge Trey Duhon – Yes *Commissioner Amsler – Yes* *Commissioner Smith – Yes*
Commissioner Jones – Yes *Commissioner Beckendorff – Yes*
22. **Spread** upon the minutes the Annual Financial Report for Fiscal Year 2023.
No action required.

CONSTRUCTION MANAGER

23. Discuss and take action to approve Exhibit D to the agreement with Sedalco for design-build services to install a macerator system at the Waller County Jail.
Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.
Motion carried by 5-0 vote.
Judge Trey Duhon – Yes *Commissioner Amsler – Yes* *Commissioner Smith – Yes*
Commissioner Jones – Yes *Commissioner Beckendorff – Yes*

MISCELLANEOUS

24. Discuss and take action to authorize publication of a public notice for a public hearing to re-designate Waller County Twinwood Business Park Reinvestment Zone 12. Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].
Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.
Motion carried by 5-0 vote.
Judge Trey Duhon – Yes *Commissioner Amsler – Yes* *Commissioner Smith – Yes*
Commissioner Jones – Yes *Commissioner Beckendorff – Yes*
25. Discuss and take action to approve the Agreement between Waller County and CASA for Kids of South Central Texas and payment of \$10,000.00 from line item 125-411-546100 [Casa/Child Advocate] as allocated in the 2023 Budget.
Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.
Motion carried by 5-0 vote.
Judge Trey Duhon – Yes *Commissioner Amsler – Yes* *Commissioner Smith – Yes*
Commissioner Jones – Yes *Commissioner Beckendorff – Yes*

26. Discuss and take action to deliberate business and financial issues in executive session based on determination and recommendation from the District Attorney's Office that deliberation in an open meeting regarding business and financial issues related to the purchase, exchange, lease, or value of real properties would have a detrimental effect on the position of the County in negotiations with third persons.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes *Commissioner Amsler – Yes* *Commissioner Smith – Yes*
Commissioner Jones – Yes *Commissioner Beckendorff – Yes*

27. Discuss and take action to deliberate business and financial issues in executive session based on determination and recommendation from the District Attorney's Office that deliberation in an open meeting regarding business and financial issues related to contract negotiations for it would have a detrimental effect on the position of the County in negotiations with third persons.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes *Commissioner Amsler – Yes* *Commissioner Smith – Yes*
Commissioner Jones – Yes *Commissioner Beckendorff – Yes*

EXECUTIVE SESSION

28. Deliberate business and financial issues related to the purchase, exchange, lease or value of real properties pursuant to Government Code Sections 551.072 and 551.0725.
29. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.
30. Deliberate the appointment of a County Engineer pursuant to Government Code Section 551.074.
31. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 11:00 a.m.

Court reconvened from Executive Session at 11:50 a.m.

32. ~~Reconvene in Open Session to take any action necessary on matters discussed in Executive Session. Item WITHDRAWN.~~

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes *Commissioner Amsler – Yes* *Commissioner Smith – Yes*
Commissioner Jones – Yes *Commissioner Beckendorff – Yes*

Meeting was **ADJOURNED** at 11:50 a.m.

I ATTEST that the above proceedings are the true and correct minutes taken in my capacity as
Ex-Officio for the Commissioners' Court of Waller County.



Debbie Hollan

Debbie Hollan
Waller County Clerk

APPROVED this the 3rd day of May 2023.

Carbett "Trey" J. Duhon, III

Carbett "Trey" J. Duhon, III
County Judge