

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – AUGUST 16, 2023

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 16th day of August 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 9:01 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. Tracy Sebesta 2. Larry Parr 3. Kathy Carpenter

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** – August 9, 2023 Regular Session
3. **Request to approve payment on the following:**
(a) \$4,048.00 for invoice # 13480 to Harris County from line item 125-423-540702 [Autopsy].
(b) \$85.00 for Invoice # 23547408 [Courthouse, Hold-Up Alarm], and \$995.00 for Invoice # 23112408 [Courthouse Camera Surveillance], for a total \$1,080.00 payable to TAC Security from line item 117-428-568425 [Courthouse Security/Misc. Security].
4. **Request by County Auditor for approval and/or ratification of Accounts Payable.**
5. **Request by County Treasurer for approval of Treasurer's Monthly Report.**
6. **Request by County Engineer to add Unit #1, a 2020 Ford F-350, VIN #FT7W2B62LEC47246 as an available take home vehicle.**

7. Request by County Engineer to approve the application for replat of Shiloh Subdivision, to revise Lot 5 Block 1, subdivide 1 residential lot to create 3 residential lots by Laura Angela Frayre and Misael Frayre-Sierra, and authorize the Road and Bridge Department to issue a public notice in the Katy Times, for three consecutive weeks, establishing a public hearing during the regular session of Commissioners' Court on September 20, 2023. Funds to be paid from line item 125-401-544100 [Bid Notices & Printing].
8. Request by County Engineer to approve a Utility Permit for Si Energy, L.P. to install a 6-inch diameter low pressure HDPE natural gas line within the right-of-way of Jordan Ranch Blvd in Precinct 4.
9. Request by County Engineer to approve a Utility Permit for Matterhorn Express Pipeline, LLC. to install a 24" natural gas line within the right-of-way of Morton Road in Precinct 4.
10. Request by County Engineer to approve a Utility Permit for Matterhorn Express Pipeline, LLC. to install a 24" natural gas line within the right-of-way of Schlipf Road – (Location A) in Precinct 4.
11. Request by County Engineer to approve a Utility Permit for Matterhorn Express Pipeline, LLC. to install a 24" natural gas line within the right-of-way of Schlipf Road – (Location B) in Precinct 4.
12. Request by County Engineer to approve a Utility Permit for Matterhorn Express Pipeline, LLC. to install a 24" natural gas line within the right-of-way of Cardiff Road in Precinct 4.
13. Request by County Engineer to approve a Utility Permit for Matterhorn Express Pipeline, LLC. to install a 24" natural gas line within the right-of-way of Neuman Road in Precinct 4.
14. Request by County Engineer to approve a Utility Permit for Matterhorn Express Pipeline, LLC. to install a 24" natural gas line within the right-of-way of Wilpitz Road in Precinct 1.
15. ~~Request by County Engineer to approve the Final Plat of Park at Anserra Section 4 in Precinct 4. Item WITHDRAWN.~~

Motion to approve Consent Agenda with #15 removed 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

COUNTY ENGINEER

16. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding (Appendix A) Engineering Design Standards Minimum Street Requirements 4.2.5 minimum collector street centerline radius from 1200' to 650' minimum centerline radius in Precinct 4 by Brad Sweitzer for the Morton 180 Tract.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

17. Discuss and take action to approve the Final Plat of Sunterra Section 53 and accept the Construction Bond (Pct. 3)

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

18. Discuss and take action to approve the Final Plat of Bluestem Section 3 and accept the Construction Bond (Pct.3)

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

911 ADDRESSING

19. Discuss and take action to approve variance request from the 911 Addressing Regulations for Houston Oaks Section 6 regarding address number assignments as requested by Steve Alvis.

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

ENVIRONMENTAL

20. Discuss and take action to approve a variance request to the Subdivision Development Regulations, Engineering Design Standards, Section Lot-size, regarding the minimum lot size per dwelling by Oliva Macias Serrano.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

Judge Trey Duhon – No

Commissioner Amsler – No

Commissioner Smith – No

Commissioner Jones – No

Commissioner Beckendorff – No

21. Discuss and take action to approve a variance request to the Subdivision Development Regulations, Engineering Design Standards, Section 2-Lot size, regarding the minimum lot size per dwelling by Nancy Macias Romo.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Beckendorff made motion to table, seconded by Commissioner Jones.

Motion carried by 5-0 vote. **Item TABLED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

TREASURER

22. Discuss and take action to approve an amendment to the 2023 Salary Order effective August 21, 2023.

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

GRANT MANAGER

23. Discuss and take action to accept a grant award from the Texas Department of Transportation pursuant to the Texas Traffic Safety STEP Comprehensive 2024 grant program in the amount of \$21,359.40 (local match requirement of \$6,764.31).

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

24. Discuss and take action to accept a grant award from the Texas Department of Transportation pursuant to the Texas Traffic Safety STEP CMV 2024 grant program in the amount of \$36,721.25 (local match requirement of \$11,471.65).

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

COUNTY JUDGE

25. Discuss and take appropriate action regarding the 2023 tax rate.

Commissioner Beckendorff moved that the Waller County Commissioners Court propose to adopt a total tax rate of \$.522943 cents per \$100 valuation, the same rate being a combination of rates for the Waller County General Fund rate of \$.436122 per \$100 valuation and the Farm to Market Flood control rate of \$.024252 and to the Debt Service Fund rate of \$.062569 and to schedule the Public Hearing for the 2023 tax rate on September 6, 2023 at 9:00 a.m. at the Waller County Courthouse in Hempstead, Texas, 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

Judge Duhon announced the Waller County Commissioners Court has proposed to adopt a total tax rate \$.522943 cents per \$100 valuation, the same rate being a combination of rates for the Waller County General Fund rate of \$.436122 and the Farm to Market Flood control rate of \$.024252 and to the Debt Service Fund rate of \$.062569.

As the proposed rate exceeds the No New Revenue Rate by 6.04%, Commissioners Court will hold a Public Hearing on a Tax Increase on September 6, 2023 at 9:00 a.m. at its meeting place in the Waller County Courthouse located at 836 Austin Street, Hempstead, Texas.

26. Discuss and take action to set salaries, expenses, and other allowances of all elected county and precinct officers.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-1 vote.

Judge Trey Duhon – Yes *Commissioner Amsler – No* *Commissioner Smith – Yes*
Commissioner Jones – Yes *Commissioner Beckendorff – Yes*

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

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*

28. Discuss and take action to authorize the County Judge to publish the Notice of 2023 Tax Year Proposed Tax Rate for Waller County in the Katy Times, Waller Times, Hot Line Press, The Waller County Express and on the County website to be paid from line item 125-401-544100 [Bid Notices & 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*

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

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*

FIRE MARSHAL

30. ~~Discuss and take action on Burn Ban.~~
Item WITHDRAWN.

AUDITOR

31. ~~Discuss and take action to approve the following debt payments due August 15, 2023:~~
~~(a) WC Certificates of Obligation, Series 2014 totaling \$6,604.51, payable Truist Governmental Finance.~~
~~(b) WC General Obligation Bonds, Series 2017 totaling \$114,775.00, payable to Amegy Bank.~~
~~(c) WC General Obligation Bonds, Series 2018 totaling \$462,628.13, payable to Amegy Bank.~~
~~(d) WC Tax Notes, Series 2020 totaling \$708,805.25, payable to JP Morgan Chase.~~

~~(e) WC Tax Notes, Series 2022 totaling \$77,893.74, payable to Regions Equipment Finance Corporation.~~

~~(f) WC Certificates of Obligation, Series 2022 totaling \$117,409.72, payable to Fidelity Capital Markets.~~

~~(g) WC Certificates of Obligation, Series 2023 totaling \$754,722.22, payable to KeyBanc Capital Markets.~~

~~To be paid from the following line items:~~

~~\$690,000.00 from 515-635-575000 (Principal).~~

~~\$1,552,838.57 from 515-635-576000 (Interest).~~

Item WITHDRAWN.

32. Discuss and take action to approve 2023 budget amendments and departmental 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

Advanced to Agenda Items #36-39

36. 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 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

EXECUTIVE SESSION

37. ~~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.~~

Item WITHDRAWN.

38. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.

39. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 10:52 a.m.

Court reconvened from Executive Session at 11:41 a.m.

Proceeded with Agenda Item #33

MISCELLANEOUS

- 33. Discuss and take action to approve An Order Calling A Bond Election To Be Held November 7, 2023 Within Waller County, Texas, Making Provision For The Conduct And Giving Notice Of Said Election, And Containing Other Provisions Necessary And Incidental To The Purposes Hereof.

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

- 34. Discuss and take action to approve an Addendum to USCA Agreement with U.S. Capital Advisors for financial advisory services.

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

- 35. ~~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.~~

Item WITHDRAWN.

- 36. Court addressed agenda item #36 earlier in meeting. (page 6)

- 37. Court addressed agenda item #37 earlier in meeting. (page 6)

- 38. Court addressed agenda item #38 earlier in meeting. (page 6)

- 39. Court addressed agenda item #39 earlier in meeting. (page 6)

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

Judge Duhon made motion to send a Notice of Violation to Awry Ready Mix Concrete at 1441 Cardiff Road regarding concrete and concrete byproduct deposits in the County right-of-way, 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

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Amsler, 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

Meeting was **ADJOURNED** at 11:51 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 23rd day of August 2023.

Carbett "Trey" J. Duhon, III

Carbett "Trey" J. Duhon, III
County Judge