

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – APRIL 27, 2022

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 27th day of April 2022 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.

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

PUBLIC COMMENT

To slow the spread of COVID-19, the public may make public comment at the beginning of the meeting by teleconference. **Local callers should call 979-921-6212.** Non-local callers should call 800-576-1131. The user code for both numbers is **14329937**. Callers will be asked if they would like to make public comment. After public comment, the teleconference line will be closed. The public may continue to watch the meeting streamed online at <http://wallercountytexas.com/live>.

1. Rhonda Jordan *via teleconference*
2. Dr. Denise Mattox
3. Larry Parr
4. Gloria Milsap – *Representative for Senator Joan Huffman*

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 20, 2022 Regular Session
3. Request by County Treasurer for approval of accounts payable for retiree insurance.
4. Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 of the Texas Tax Code.

5. Request by County Auditor for approval and/or ratification of Accounts Payable.
6. Request by County Engineer to approve a Utility Permit for Consolidated Communications, to install fiber optic cable within the right-of-way of Gassner Lane.
7. Request by County Engineer to approve a Utility Permit for Consolidated Communications, to install fiber optic cable within the right-of-way of Neuman Road.
8. Request by County Engineer to approve a Utility Permit for Consolidated Communications, to install fiber optic cable within the right-of-way of Prairie Grass Lane.
9. Request by County Engineer to approve a Utility Permit for Consolidated Communications, to install fiber optic cable within the right-of-way of Bermuda Drive.
10. Request by County Engineer to approve a Utility Permit for Consolidated Communications, to install fiber optic cable within the right-of-way of Grass Meadows Drive.
11. Request by County Engineer to approve a Utility Permit for Consolidated Communications, to install fiber optic cable within the right-of-way of Quail Hollow Drive.
12. Request by County Engineer to approve sub-contract revisions with Halff Associates for the Flood Infrastructure Fund Brazos River (PN 13806) project.
13. Request by County Engineer to approve sub-contract revisions with Halff Associates for the Flood Infrastructure Fund Spring Creek (PN 13807) project.
14. Request by County Engineer to approve the applications for replat of Quinteros Subdivision, to revise Tract 4 to partition into two lots, by Santos and Sonia Quinteros, 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 June 8, 2022.

Motion to approve Consent Agenda made by Commissioner Jones, 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

PRESENTATION

15. **Presentation** and update of Focusing Families by Kim Mathis Goodrum, Executive Director of Focusing Families. *(No backup submitted)*
No action required.

TREASURER

16. Discuss and take action to approve Treasurer's office equipment purchase to be paid from line item 241-595-561209 [ARP Miscellaneous].

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 DEPT.

17. 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 Erica Jones.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Smith made motion to table agenda item and not charge a fee to come back to us once she's solved the problem, seconded by Commissioner Amsler.

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

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

18. Discuss and take action to approve a variance request regarding plat exemption to the Subdivision Development Regulations, Engineering Design Standards, Section 2-Lot size, regarding the minimum lot size per dwelling, by Jaime Garcia.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

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

19. Discuss and take action to approve a variance request regarding plat exemption to the Subdivision Development Regulations, Engineering Design Standards, Section 2-Lot size, regarding the minimum lot size per dwelling, by Jeffery Groves.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion FAILED by 0-5 vote. **Variance Denied.**

<i>Judge Trey Duhon – No</i>	<i>Commissioner Amsler – No</i>	<i>Commissioner Smith – No</i>
	<i>Commissioner Jones – No</i>	<i>Commissioner Beckendorff – No</i>

20. Discuss and take action to approve part-time Administration position. *(no backup submitted)*

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

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

21. Discuss and take action to approve quotes for the following equipment for the part-time Administration position:

- \$699.60 – Canon Image Formula DR-C240 Office Document Scanner
- \$1,740.18 – Dell Computer, Monitor, Keyboard, and Hardware
- \$715.60 – Mitel MiVoice Phone
- \$489.00 – Office 2019 Professional
- \$750.00 – Network Drops

Total Cost of \$4,394.38.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Judge Duhon made motion to amend to add \$2,000.00 for copier rental (\$250.00 a month) for a total cost \$6,394.38, seconded by Commissioner Smith to be paid out of contingency.

Amendment carried by 5-0 vote.

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

Amended Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

COUNTY ENGINEER

22. Discuss and take action to approve a variance request related to minimum driveway spacing requirements according to Waller County Subdivision and Development Regulations, Appendix A – Engineering Design Standards 11.1 by Marcus Kmiec (Pct. 2).

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

23. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding Platting Procedure 3.4.8 Flag lot access length which is more than allowed by regs, 500 ft. for each acre greater than 10 and access easement right-of-way 30 ft. instead of 40 ft. by Beacon Land Services, represented by Andrew Allemant (Pct 4).

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

Advanced to Agenda Item #25

FIRE MARSHAL

25. Discuss and take action to accept donation of 50 battery powered smoke alarms from American Fire Systems (AFS) with a value of \$300.00. *(no backup submitted)*

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 approve Waller County ESD 200 to pay for maintenance and repairs recommended by Texas Communications for the VHF repeater owned by Waller County. *(no backup submitted)*

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

27. ~~Discuss and take action to approve Burn Ban.~~ **Item WITHDRAWN.**

AUDITOR

28. Discuss and take action to approve official documents and all monthly reports.

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. **Spread** upon the minutes the Annual Financial Report for Fiscal year 2021.
No action required.

MISCELLANEOUS

- 30. Discuss and take action to amend County policies in relation to COVID-19.
No action taken.

Advanced to Agenda Items 34 & 35

- 34. Discuss and take action to deliberate business and financial issues related to contractual matters in executive session based on a determination from the District Attorney’s Office that deliberation in an open meeting 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

- 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 in Precinct 2 and Precinct 4 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

- 36. Deliberate business and financial issues related to contractual matters pursuant to Government Code Section 551.0725.
- 37. Deliberate business and financial issues related to the purchase, exchange, lease, or value of real properties in Precinct 2 and Precinct 4 pursuant to Government Code Sections 551.072 and 551.0725.
- 38. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 10:48 a.m.

Court reconvened from Executive Session at 11:32 a.m.

Returned to Agenda Items #24, #31-33

- 24. Discuss and take action to approve the construction price escalation request from JD Abrams for the Robin Hood Ln Bridge over Brushy Creek. Funding to be paid form line item 110-530-590000 [Bridge Replacement].

Judge Duhon made motion discuss and take action to approve the construction price escalation request from JD Abrams for the Robin Hood Ln Bridge over Brushy Creek with a price escalation of \$60,000.00 with a notice to proceed within 30 days and completion within 86 days from starting funding to be paid from line item 110-530-590000 [Bridge Replacement], 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

31. Discuss and take action to approve a Resolution Expressing Intent to Finance and Reimburse Expenditures to be Incurred by Waller County, Texas.

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

32. Discuss and take action to approve an Order Authorizing the Issuance of “Waller County, Texas Tax Notes, Series 2022” and Enacting Provisions Incident and Related to the Issuance of said Notes.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Beckendorff made motion to select Regions Bank, seconded by Commissioner Jones.

Amendment carried by 5-0 vote.

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

Amended Motion carried by 5-0 vote.

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

33. Discuss and take action to approve Exhibit B to the agreement with SEDALCO for design-build 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

Proceeded with Agenda Item #39

39. ~~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 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

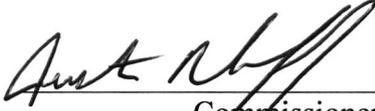
Meeting was **ADJOURNED** at 11:51 a.m.

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
Waller County Clerk



APPROVED this the 4th day of May 2022.


Commissioner Justin Beckendorff
Presiding Judge