

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – JUNE 28, 2023

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 28th day of June 2023 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Presiding Judge Commissioner Justin Beckendorff at 9:00 a.m. with the following members of the Court present to-wit:

John A. Amsler, Commissioner Precinct 1
Walter Smith, Commissioner Precinct 2
Kendric D. Jones, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4 – *Presiding Judge*
Debbie Hollan, County Clerk
Absent: Carbett "Trey" J. Duhon III, County Judge

Delivery of Invocation by: Commissioner Amsler
Pledge to the American Flag and Texas Flag led by: Commissioner Smith

1. **Approval of Agenda.**

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

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

PUBLIC COMMENT

1. Kathy Carpenter
2. Malcom Jackson

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** – June 21, 2023 Regular Session
3. **Request by County Treasurer for approval of Payroll.**
4. **Request to approve payment on the following:**
 - (a) \$200.00 to Danny Rothe for City Zoning Variance Fee – Height Variance to be paid from line item 604-604-581000 [Bldg. Purch, Const, or Improv].
5. **Request by County Auditor for approval and/or ratification of Accounts Payable.**
6. **Request by County Auditor for approval of official documents and all monthly reports.**
7. **Request by County Treasurer for approval of payment for retiree insurance.**
8. **Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.**

9. Request by County Engineer to approve a Utility Permit for San Bernard Electric Cooperative, Inc., to install 2 power poles within the right-of-way of Stepan Road in Pct. 3.
10. Request by County Engineer to approve a Utility Permit for Black & Veatch (Permitting on behalf of Comcast of Houston, L.L.C.), to install an aerial over-lash on existing poles within the right-of-way of Robinhood Lane, and Magnolia Road in Pct. 2.
11. *Agenda Item #11 removed from Consent Agenda for Court to discuss and approve separately.*

Motion made to approve the Consent Agenda minus #11 made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

Court addressed Agenda Item #11 which was removed from the Consent Agenda

11. Request by County Engineer to approve the Final Plat of Houston Oaks Section 6 Subdivision in Precinct 2.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

COUNTY ENGINEER

12. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding a shared access easement with multiple properties by Elisbrenda Roman.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

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

Motion carried by 4-0 vote. **Item TABLED.**

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

Advanced to Agenda Items #15-18

15. Discuss and take action to approve Subdivision Development Agreement with Maple Reserve, LLC for the Maple Reserve subdivision.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Commissioner Jones left meeting at 9:33 a.m.

Motion carried by 3-0 vote.

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

FIRE MARSHAL

16. Discuss and take action to issue a notice of award and authorize the Emergency Management Coordinator to commence negotiations relative to All Hazards Preparedness, Planning, Consulting, and Recovery Services (RFQ# 230531-20).

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Commissioner Smith made motion to amend to select Tetra Tech, seconded by Commissioner Amsler.

Amendment carried by 3-0 vote.

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

Amended Motion carried by 3-0 vote.

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

- 17. Discuss and take action to accept the donation of thirty (30) pet oxygen masks from Invisible Fence to distribute to Waller County First Responders at an estimated value of \$3,000.00.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 3-0 vote.

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

- 18. Discuss and take action to accept the donation of fire investigative equipment from American Fire Systems valued at \$1,852.39.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 3-0 vote.

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

Proceeded with Agenda Item #13

- 13. **Presentation** by County Engineer on the restructuring of the Road and Bridge Department.
No action required.

Commissioner Jones returned to meeting at 9:47 a.m.

- 14. Discuss and take action to authorize the County Judge to sign a letter of intent to participate in the H-GAC’s LiDAR 2014 **2024** Program.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

- 15. *Court addressed Agenda Item #15 earlier in meeting. (page 2)*
- 16. *Court addressed Agenda Item #16 earlier in meeting. (page 2)*
- 17. *Court addressed Agenda Item #17 earlier in meeting. (page 3)*
- 18. *Court addressed Agenda Item #18 earlier in meeting. (page 3)*

GRANT MANAGER

- 19. Discuss and take action to approve the fee proposal submitted by Titan Commercial Valuation, LLC relative to real property appraisal reports needed for the CDBG-DR Diemer Road Project. (Waller County Contract No. 20-065-062-C180).

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

20. Discuss and take action to authorize the County Judge to execute a contract with Titan Commercial Valuation, LLC relative to real property appraisal reports needed for the CDBG-DR Diemer Road Project (Waller County Contract No. 20-065-062-C180).

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

21. Discuss and take action to approve fee proposal submitted by Atrium Real Estate Services relative to independent real property appraisal reviews needed for the CDBG-DR Diemer Road Project (Waller County Contract No. 20-065-062-C180).

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

22. Discuss and take action to authorize the County Judge to execute a contract with Atrium Real Estate Services relative to independent real property appraisal reviews needed for the CDBG-DR Diemer Road Project (Waller County Contract No. 20-065-062-C180).

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

AUDITOR

23. Discuss and take action to approve 2023 budget amendments and departmental line-item transfers.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

MISCELLANEOUS

24. ~~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.

25. ~~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. Item WITHDRAWN.~~

EXECUTIVE SESSION

- 26. ~~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**.
- 27. ~~Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.~~
Item **WITHDRAWN**.
- 28. ~~Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.~~
Item **WITHDRAWN**.
- 29. ~~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 Amsler, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 10:05 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 5th day of July 2023.

Trey Duhon

Carbett "Trey" J. Duhon, III
County Judge