

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – AUGUST 7, 2019

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 7th day of August 2019 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 9:00 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
Jeron Barnett, 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 Barnett

1. **Approval of Agenda.**

Motion to **approve** agenda by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. Risheem Muhammad, founder of Retrain America EDS wanted to introduce himself to the community and advised he developed a platform for veterans to be able to work and to develop small businesses.

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** – July 31, 2019 Regular Session
3. **Request to approve payment on the following:**
 - (a) \$7,500.00 to Brazos Valley Council of Governments from line item 125-525-546900 [BVCOG] as allocated in the 2019 Budget.
4. **Request by County Auditor for approval and/or ratification of Accounts Payable.**
5. **Request by Constable, Precinct 1 for approval of Fixed Asset Transfers.**

Motion to **approve** consent agenda by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY JUDGE

- 6. **Presentation** of report on delinquent tax and fine and fee collection by Otilia Gonzales with Perdue Brandon Fielder Collins & Mott. *No action required.*

Advanced to Agenda Item #14

COUNTY ENGINEER

- 7. 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 Mr. Larry Zientek.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion to **table** agenda item by Judge Duhon, seconded by Commissioner Amsler.

Motion carried – Item TABLED.

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

- 8. 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, regarding the minimum lot size per dwelling, by Ms. Donna Atwell.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes Commissioner Amsler – Yes Commissioner Smith – Yes
Commissioner Barnett – Yes Commissioner Beckendorff – No

- 9. Discuss and take action to post notice for Competitive Bids for “McAllister Road Bridge Replacement Over Brookshire Creek”. Notice to be posted on the Waller County web-site and the designated areas in the Waller County Courthouse **and the Brenham Banner.**

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion to **amend** agenda item by Commissioner Beckendorff, seconded by Commissioner Smith to publish in the Brenham Banner.

Amendment carried.

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

Amended Motion carried.

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

ELECTION ADMINISTRATOR

- 10. Discuss and take action to approve Election Judges and Alternate Election Judges for the 2019 General Election as submitted by the Waller County Republic Chair and the Waller County Democratic Chair.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

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

- 11. ~~Discuss and take action to approve to consolidate voting precincts for the 2019 General Election.~~ **Item WITHDRAWN.**

12. Discuss and take action to approve to Order the November 5th, 2019 General Election.
Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

FIRE MARSHAL

13. Discuss and take action to approve Burn Ban.

Motion to **approve** Burn Ban by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Proceeded to Agenda Item #15

MISCELLANEOUS

14. Discuss and take action to approve the re-appointment of Mrs. Sue Fagan to Position #8 representing Waller County on the ~~Texas~~ **Texana** Center Board of Trustees.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion to **amend** agenda item to correct name to **Texana** and re-appoint Mrs. Sue Fagan to Position #8 by Commissioner Barnett, seconded by Commissioner Amsler.

Amendment carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Returned to Agenda Item #7

15. Discuss and take action to approve the re-appointment of Mary Anne Piacentini to the HGAC Natural Resources Advisory Committee.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

16. Discuss and take action to approve the re-appointment of Yancy Scott and Wayne Karstadt to the HGAC Regional Flood Management Committee.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

17. Discuss and take action to approve the Waller County 2020 Holiday Schedule.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

18. ~~Discuss and take action to approve the appointment of a Director to the Bluebonnet Groundwater Conservation District. Item WITHDRAWN.~~

19. Discuss and take action to approve the appointment of the following appointed Officials for a four year term effective September 1, 2019:

- Lynda Fairchild, Library Director
- Brian Derrick, Recycling Manager
- Robert Holloman, Maintenance Supervisor
- Garrett Nemec, Veterans Service Officer
- Danny Rothe, Construction Manager
- Tonya Mewis, Environmental Designated Representative

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

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

20. Discuss and take action to approve bond debt payments due August 15, 2019:
WC Certificates of Obligation, Series 2014, \$31,523.09 on B.B.& T. Government Finance
WC General Obligation Bonds, Series 2017, \$137,050.00 to B.B.&T. Government Finance
WC General Obligation Bonds, Series 2018, \$566,128.13 to Amegy Bank
WC Tax Notes, Series 2018, \$95,137.51 to Amegy Bank

To paid from the following line items:

\$90,000.00 from 515-635-575000 [Principal]

\$739,838.73 from 515-635-576000 [Interest]

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

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

21. Discuss and take action to approve the following line item transfer:

\$100,000.00 from 125-411-5613010 [Willow Creek Farms]

\$58,025.00 from 125-600-581901 [Buildings]

for a total of \$158,025.00 to 125-600-581616 [Courthouse Street Repair]

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried.

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

22. Discuss and take action to approve detention services agreements for detention services at the Victoria County Juvenile Justice Center, the Hays County Juvenile Center, the Gulf Coast Trades Center, and the Brazos County Juvenile Justice Center, *and TrueCore Behavioral Solutions LLC*

Motion to **approve** detention services agreements for detention services at the Victoria County Juvenile Justice Center, the Hays County Juvenile Center, the Gulf Coast Trades Center, Brazos County Juvenile Justice Center, and TrueCore Behavioral Solutions LLC by Judge Duhon, seconded by Commissioner Beckendorff.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

- 23. ~~Discuss large scale developments and their impacts on County road construction, maintenance, and repair. Item WITHDRAWN.~~

CONSTRUCTION MANAGER

- 24. Discuss and take action to approve the Electric Service Agreement with San Bernard Electric Coop. Inc. for the Waller County Jail Project and payment of invoice for \$30,280.36 from line item 601-601-581000 (Bldg Purch, Const, or Improv).

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

- 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 subcontractors for the Precinct 4 Annex would have a detrimental effect on the position of the County in negotiations with third persons.

Motion to **approve** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

EXECUTIVE SESSION

Court convened to Executive Session at 10:25 a.m.

- 26. Deliberate business and financial issues related to subcontractors for the Precinct 4 Annex pursuant to Government Code Section 551.0725.
- 27. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
- 28. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

Court reconvened from Executive Session at 11:44 a.m.

Motion made by Judge Duhon that we accept the subcontractor bids as recommended by our Construction Manager and the folks at Collier, seconded by Commissioner Barnett.

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

ADJOURN MEETING

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

Motion carried.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

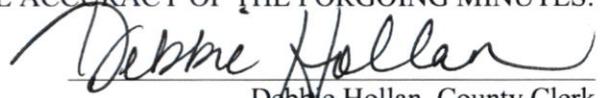
Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 11:45 a.m.

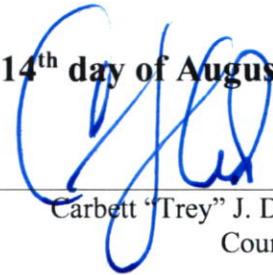
I ATTEST TO THE ACCURACY OF THE FORGOING MINUTES:



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



APPROVED this the 14th day of August 2019.



Carbett "Trey" J. Duhon, III
County Judge