

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – AUGUST 26, 2020

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 26th day of August 2020 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 by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

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/swagit.com/live>.

1. Scott Green announced the Waller County Welfare Charity Sporting Clay Event is scheduled for October 24th at Westside Sporting Place.

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 19, 2020 Regular Session
3. Request by County Treasurer for approval of Payroll.
4. Request to approve payment on the following:
 - (a) \$1,015.00 for invoice dated August 10, 2020 and \$1,090.00 for invoice dated August 10, 2020 for a total of \$2,105.00 to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].

(b) \$26,045.10 for invoice # W10593B to Telomack Cabling Solutions from line item 125-600-581610 [Precinct 4 Building].

(c) \$2,304.00 for invoice # W10563B, \$1,505.00 for invoice # W10572A, and \$285.68 for invoice # W10564B for a total of \$ 4,094.68 to Telomack Cabling Solutions from line item 601-601-581000 [Building Purch. Const. or Improv.].

(d) \$300.00 for invoice # 27489 to Metro Container LLC from line item 125-600-587526 [Library].

(e) \$2,872.75 for invoice # 4907 to Blueline from line item 125-600-581610 [Precinct 4 Building].

(f) \$10,760.00 for invoice dated February 27, 2020 to James Newcomb Furniture from line item 125-600-587521 [~~CAHL~~ CALH Donation].

5. Request by County Auditor for approval and/or ratification of Accounts Payable.
6. Request by County Engineer to approve a Utility Permit from AT&T Communications, Inc. to install fiber optic cable within the right-of-way of Krezdorn Road.
7. Request by County Engineer to approve a Utility Permit from AT&T Communications, Inc. to install fiber optic cable within the right-of-way of Margerstadt Road.
8. Request by County Engineer to approve a Utility Permit from AT&T Communications, Inc. to install fiber optic cable within the right-of-way of Margerstadt Road.

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

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Advanced to Agenda Items #17, 18, 20-22.

COUNTY ENGINEER

17. Discuss and take action to approve a variance request to the Waller County 2019 Major Thoroughfare Plan regarding platting and ROW dedication from Mr. Paul Denton.

Judge Duhon made motion to discuss and take action to approve a variance request to the subdivision and development regulations in relation to the Waller County 2019 Major Thoroughfare Plan regarding platting and right of way dedication for Mr. Paul Denton, seconded by Commissioner Amsler.

Motion carried by 4-1 vote. **Variance GRANTED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

18. Discuss and take action to approve a variance request to the Waller County 2019 Major Thoroughfare Plan regarding platting and ROW dedication from Mr. Joey Headley.

Judge Duhon made motion to discuss and take action to approve a variance request to the subdivision and development regulations in relation to the Waller County 2019 Major Thoroughfare Plan regarding platting and right of way dedication for Mr. Joey Headley, seconded by Commissioner Amsler.

Motion carried by 4-1 vote. **Variance GRANTED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

20. Discuss and take action to approve a variance request to the Waller County 2019 Major Thoroughfare Plan regarding platting and ROW dedication from Mr. John Kerr.

Judge Duhon made motion to discuss and take action to approve a variance request to the subdivision and development regulations in relation to the Waller County 2019 Major Thoroughfare Plan regarding platting and right of way dedication for Mr. John Kerr, seconded by Commissioner Amsler.

Motion carried by 4-1 vote. **Variance GRANTED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

21. Discuss and take action to approve a variance request to the Waller County 2019 Major Thoroughfare Plan regarding platting and ROW dedication from Mr. and Mrs. Thomas Laughlin.

Judge Duhon made motion to discuss and take action to approve a variance request to the subdivision and development regulations in relation to the Waller County 2019 Major Thoroughfare Plan regarding platting and right of way dedication for Mr. & Mrs. Thomas Laughlin, seconded by Commissioner Amsler.

Motion carried by 4-1 vote. **Variance GRANTED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

22. Discuss and take action to approve a variance request to the Waller County 2019 Major Thoroughfare Plan regarding platting and ROW dedication from Ms. Dale Shafer.

Judge Duhon made motion to discuss and take action to approve a variance request to the subdivision and development regulations in relation to the Waller County 2019 Major Thoroughfare Plan regarding platting and right of way dedication for Ms. Dale Shafer, seconded by Commissioner Amsler.

Motion carried by 4-1 vote. **Variance GRANTED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Moved to Agenda Items #19, 23-24, 15

19. Discuss and take action to approve a variance request to the Waller County 2019 Major Thoroughfare Plan regarding platting and ROW dedication from Mr. Donald Stowe, Jr.

Judge Duhon made motion to discuss and take action to approve a variance request to the subdivision and development regulations in relation to the Waller County 2019 Major Thoroughfare Plan regarding platting and right of way dedication for Mr. Donald Stowe, Jr., seconded by Commissioner Beckendorff.

Motion carried by 4-1 vote. **Variance GRANTED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – No

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Commissioner Beckendorff made motion to grant the variance on the flag lot and the driveway width and the length of drive, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

23. Discuss and take action to approve a variance request to the Waller County Subdivision Regulations regarding driveways from Mr. Samuel Ayers.

Motion made by Commissioner Beckendorff, seconded by Commissioner Barnett.

Judge Duhon made motion that we grant the variance with the distance between the driveways being a minimum of at least 100 feet within those two driveways, seconded by Commissioner Amsler.

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

24. Discuss and take action to approve a variance request to the Waller County Subdivision Regulations regarding the minimum 60 foot right-of-way from Mrs. Maria Rodriquez.

Motion made by Commissioner Beckendorff, seconded by Commissioner Barnett.

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

ENVIRONMENTAL

15. 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. Joseph White.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Resumed to Agenda #9

COUNTY JUDGE

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

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

PUBLIC HEARING

10. **Public Hearing** – Proposed Tax Rate.

Judge Duhon announced the Waller County Commissioners are proposing to adopt a total tax rate of **\$.616662** cents per \$100 valuation, the same rate being a combination of rates for the Waller County General Fund rate of **\$.519603** and the Farm to Market Flood control rate of **\$.029517** and to the Debt Service Fund rate of **\$.067542**.

Commissioners Court will vote on the proposed tax rate on August 26, 2020 at 9:00 a.m. at its meeting place in the Waller County Courthouse located at 836 Austin Street, Hempstead, Texas.

Public Hearing began at 9:48 a.m.

Court held discussion – No Public comments received.

Public Hearing ended at 9:55 a.m.

PUBLIC HEARING

11. **Public Hearing** – 2021 Proposed Budget.

Public Hearing began at 9:56 a.m.

Court held discussion – No Public comments received.

Public Hearing ended at 10:07 a.m.

12. Discuss and take action to adopt the 2021 Budget.
Judge Duhon made motion to amend the 2021 Proposed Budget to include a \$20,000 increase to the EDP budget, seconded by Commissioner Barnett.

Motion carried by 5-0 vote.

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

Motion made by Commissioner Beckendorff, seconded by Commissioner Amsler to reduce the Court Coordinator salary back to the same rate as it was last year which would be \$67,740.36.

Motion FAILED by 2-3 vote.

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

Judge Duhon made motion to adopt the 2021 Budget with the amendments we've made today, 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 Barnett</i> – Yes	<i>Commissioner Beckendorff</i> – Yes

Court reconsidered Agenda Item #12 further in the meeting (page 7)

13. Discuss and take action to ratify the property tax increase based on new value reflected in the 2021 Budget.

Commissioner Beckendorff moved to ratify the property tax increase based on the new value reflected in the 2021 Budget, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

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

14. Discuss and take action to adopt the Tax Rate for 2020.

Commissioner Beckendorff moved that the property tax rate be decreased by the adoption of a tax rate of \$.616662 which is effectively a 6.88 percent decrease in the tax rate. In adopting this 2020 total tax rate, the court orders the total tax rate to be levied as follows for the following funds: \$.519603 per \$100 of taxable property for maintenance and operations of the General Fund; \$.029517 per \$100 of taxable property to the Farm-to-Market Roads; and \$.067542 per \$100 of taxable property for the interest and sinking fund to the General Fund, seconded by Commissioner Barnett.

Motion carried by 5-0 vote.

Vote by Roll Call:

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

15. *Court addressed Agenda Item #15 earlier in meeting (page 4)*

LIBRARY

16. Discuss and take action to approve NewWave Internet services for the Hempstead Library replacing the AT&T DSL.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

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

COUNTY ENGINEER

- 25. Discuss and take action to approve proposal for engineering services with EHRA, Inc. related to the interim improvements and ultimate expansion of Woods Rd between IH-10 and US 90.

Motion made by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion made to table agenda item by Commissioner Smith, seconded by Commissioner Amsler.

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

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

- 26. Discuss and take action to approve proposal for surveying services with Windrose Surveying & Land Services, LLC related to the expansion of Woods Rd. south of IH-10.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Judge Duhon made motion to amend #26 to approve the proposal for a total payment of \$14,825.00 to be paid from line item 110-530-545800, seconded by Commissioner Smith.

Amendment carried by 5-0 vote.

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

Amended Motion carried by 5-0 vote.

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

- 27. Discuss and take action to approve the Sunterra General Plan and associated Development Agreement, with exhibits.

Motion made by Commissioner Beckendorff, seconded by Commissioner Amsler.

Motion carried by 5-0 vote.

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

- 28. Discuss and take action to approve the Final Infrastructure Development Plan of Country Home Mobile Home Community.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 3-0 vote, 2 abstained.

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

Advanced to Agenda Item #40

- 40. Discuss and take action to approve Business Associate Agreement and agreement for COVID-19 testing with AccessHealth.

Motion made by Commissioner Beckendorff, seconded by Commissioner Barnett.

Commissioner Beckendorff made motion to table, seconded by Judge Duhon.

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

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

Court recessed at 11:57 a.m.
Court reconvened at 12:21 p.m.

Reconsider Agenda Item #12

Judge Duhon made motion to reconsider #12 to discuss and take action to adopt the 2021 Budget, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

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

12. Discuss and take action to adopt the 2021 Budget.

Judge Duhon made motion to amend the 2021 Proposed Budget to include a \$20,000 increase to the EDP budget, seconded by Commissioner Barnett.

Motion carried by 5-0 vote.

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

Motion made by Commissioner Beckendorff, seconded by Commissioner Amsler to reduce the Court Coordinator salary back to the same rate as it was last year which would be \$67,740.36.

Motion FAILED by 2-3 vote.

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

Judge Duhon made motion to adopt the 2021 Budget with the amendments we've made today, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

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

Action taken upon Reconsideration:

Commissioner Beckendorff made motion to keep the District Court Coordinator at the original \$67,740.36, seconded by Commissioner Amsler.

Motion carried by 3-2 vote.

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

Judge Duhon made motion to adopt the proposed 2021 Budget with the amendment we just made, seconded by Commissioner Beckendorff. *(Per Judge, that's with the EDP amendment in there and then the Court Coordinator salary is not, it's been nullified)*

Judge Duhon made motion to reconsider the vote, seconded by Commissioner Amsler.

Vote to reconsider:

Commissioner Beckendorff made motion to keep the District Court Coordinator at the original \$67,740.36, seconded by Commissioner Amsler.

Motion carried by 4-1 vote.

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

Judge Duhon made motion to adopt the 2021 Budget as amended, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

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

FIRE MARSHAL

29. ~~Discuss and take action on Burn Ban.~~ **Item WITHDRAWN.**

36. Discuss and take action to approve the SAVNS Maintenance Grant Contract between the Office of the Attorney General and Waller County and authorize the County Judge to sign said contract.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

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

37. Discuss and take action to approve Resolution for the Nomination for a Board of Director for the Waller County Appraisal District to replace the recently vacated position by Roosevelt Alexander.

Commissioner Barnett made motion to select Thaddeus Singleton, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

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

38. *Agenda Item #38 addressed after Executive Session (page 10)*

Advanced to Agenda Items #39, 41-43

39. ~~Discuss and take action to distribute CARES Act funds to the local school districts for COVID-19 needs. Item WITHDRAWN.~~

40. *Court addressed Agenda Item #40 earlier in meeting (page 6)*

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

42. Discuss and take action to publish notice of Request for **Qualifications Proposals** related to the CDBG Mitigation funding for the Hazard Mitigation Grant Program.

Motion made by Commissioner Beckendorff, seconded by Commissioner Barnett.

Commissioner Beckendorff made motion to amend to procure a company for the mitigation, seconded by Judge Duhon.

Amendment carried by 5-0 vote.

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

Amended Motion carried by 5-0 vote.

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

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

Motion made by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried by 5-0 vote.

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

Court convened to Executive Session at 1:38 p.m.
Court reconvened from Executive Session at 1:44 p.m.

EXECUTIVE SESSION

- 44. Deliberate business and financial issues related to contracts being negotiated pursuant to Government Code Section 551.0725.
- 45. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
- 46. ~~Reconvene in Open Session to take any action necessary on matters discussed in Executive Session. Item WITHDRAWN.~~
- 38. ~~Discuss and take action to approve Memorandum of Understanding with the Panther Hill apartment complex for office space to be used by the Precinct 3 Constable's Office. Item WITHDRAWN.~~

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Smith, 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 Barnett</i> – Yes	<i>Commissioner Beckendorff</i> – Yes

Meeting was **ADJOURNED** at 1:45 p.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 2nd day of September 2020.

Justin Beckendorff
Commissioner Justin Beckendorff
Presiding Judge