



## MINUTES

### WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION WEDNESDAY – SEPTEMBER 4, 2024

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 4<sup>th</sup> day of September 2024 at its meeting place at the Waller County Joe Kuciamba Annex, Hempstead, Texas.

#### CALL TO ORDER

The meeting was called to order by Presiding Judge Commissioner Justin Beckendorff at 9:04 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 – arrived to meeting at 9:19 a.m.  
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

Commissioner Smith, made motion to approve agenda, seconded by Commissioner Amsler.

**Motion carried** by 3-0 vote.

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

#### PUBLIC COMMENT

1. Judge JR Woolley
2. Mildred Jeffries

***Court recessed due to audio issues at 9:08 a.m.***

***Commissioner Jones arrived at 9:19 a.m.***

***Court reconvened at 9:20 a.m.***

***Continued with Public Comment***

3. Marva Wills

#### 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 Minutes – August 21, 2024 Regular Session
3. Request by County Treasurer for Approval of Payroll Disbursements.
4. Request by County Auditor to approve 2024 budget adjustments and departmental line-item transfers.
5. Request by County Tax Assessor-Collector to approve refunds in excess of \$500.00 in accordance with Article 31.11 State Property Tax Code.
6. Approve the 2025 Sheriffs' and Contables' Fees as recommended by the County Sheriff.
7. Request to approve payments on the following:
  - \$78,048.89 for Invoice #2401500201 to Thompson Consulting Services, LLC from line item 110-530-569311 [DR-4781] for disaster monitoring associated with Texas Severe Storms, Straight-Line Winds, Tornadoes, and Flooding.
8. \$49,560.00 for Invoice #101-24-020 to DRC Emergency Services from line Item 110-530-569311 [DR-4781] for County debris removal associated with Texas Severe Storms, Straight-Line Winds, Tornadoes, and Flooding.
9. \$107,496.25 for Invoice #102-24-020 to DRC Emergency Services from line Item 110-530-569311 [DR-4781] for County debris removal associated with Texas Severe Storms, Straight-Line Winds, Tornadoes, and Flooding.
10. \$87,640.00 for Invoice #103-24-020 to DRC Emergency Services from line Item 110-530-569311 [DR-4781] for County debris removal associated with Texas Severe Storms, Straight-Line Winds, Tornadoes, and Flooding.
11. Request by County Auditor to Approve and/or Ratify Accounts Payable.
12. Request by County Engineer for acceptance of Trails of Cochran Ranch - Section 1- Substantial Completion performed. Maintenance period starting date of July 23rd, 2024.
13. Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way on Joseph Rd, Oak Hollow Blvd, and Rolling Hills Dr for AT&T (Millennium Geospatial) for installation of Fiber Optic lines 24.UP.028.
14. Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way on Sorsby Rd, Austin Branch Rd, and Old Houston Hwy for Comcast (Quassar Inc) for installation of Fiber Optic lines 24.UP.029.
15. Request by County Engineer to approve the Final Plat of Sunterra Section 73 and accept the Construction Bond in Precinct 3.
16. Request by County Engineer to approve the Final Plat of Sunterra Section 74 and accept the Construction Bond in Precinct 3. *(this item is rescinded on the September 18, 2024 Commissioners Court Meeting and re-approved with changes)*

17. Request by County Engineer to approve the Final Plat of Sunterra Section 75 and accept the Construction Bond in Precinct 3.
18. Request by County Engineer to approve the Final Plat of Grange Section 1 and accept the Construction Bond in Precinct 4.
19. Request by County Engineer to approve the Final Plat of Grange Section 2 and accept the Construction Bond in Precinct 4.
20. Request by County Engineer to approve the Final Plat of Grange Franz Road Extension and Model Home Park and accept the Construction Bond in Precinct 4.
21. Request by County Engineer to approve the Final Plat of Arborwood Estates and accept the Construction Bond in Precinct 2.
22. Request by County Engineer to approve the Final Plat of Sunterra Lift Station No. 6 in Precinct 3.
23. Request by County Engineer to approve the Final Plat of Sunterra Section 56 and accept the Construction Bond in Precinct 3.
24. Request by County Engineer to 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 October 2, 2024 Replat of West Magnolia Forest Lot 41 and East 88.5 Feet of Lot 42. The revision is to create 3 Residential Lots which will consist of two 5.000- acre lots and one 5.509-acre lot by Khalid Khan and Nuzhat Khan.
25. Request by County Engineer to 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 October 2, 2024 Replat of Katy Elementary No. 48 Crystal Vista Drive south extension, Sunterra Shores Drive Street Dedication Section 2, by Katy Elementary School District. The revision will abandon the south extension of Crystal Vista Drive to allow the Katy Independent School District Elementary School No. 48 main entrance and exit driveway direct access to Sunterra Shores Drive.
26. \$28,739.10 for Pay App #3 to the Lonnie Lischka Company, L.P. from line Item 241-595-561209 [ARPA Miscellaneous] for the Goya Road Drainage Improvement Project.

Motion to approve Consent Agenda 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

## WALLER COUNTY CHILD WELFARE BOARD

27. Approve the appointment / re-appointment of the following Child Welfare Board members:

Jory Chevis and Robert Goodspeed for a 1 year term beginning September 4, 2024

through December 31, 2025 and the re-appointment of Audrey Luther for a 2 year term beginning September 4, 2024 through December 31, 2026.

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

## COUNTY ENGINEER

### 28. Discuss and take action to approve Hoover Lane Development Agreement.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

Motion to amend made by Commissioner Jones, seconded by Commissioner Smith to approve the development agreement general plan and variances as presented.

**Amendment carried** by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

**Amended Motion carried** by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

### 29. Approve payment of \$200,241.53 for Invoice #202428948 to LJA Engineering, Inc. for Professional Services rendered 05/15/2024 through 07/26/2024 (1st Invoice). Funding to be paid from line item 605-605-545405 [Prof. Services].

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

### 30. Approve the proposed Waller County Thoroughfare Plan Amendment with the Realignment of F.M. 529.

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

## SHERIFF

### 31. Approve purchase of Southern Software Command Center Web Application in the amount of \$8,500.00 to be paid from ARPA funds [241-595-561209].

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

### 32. Approve purchase of Southern Software CAD Response Plan application in the amount of \$6,000.00 to be paid from ARPA funds [241-595-561209].

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

### COMMISSIONER, PRECINCT 3

33. Approve Resolution Declaring September 17, 2024 as Waller County Voter Registration Day.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

(Denise Mattox made public comment on agenda item # 33)

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

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

34. Discuss and take action for approval of appraisal of 5-7 acres of land in Precinct 3 by Southwest Realty Consultants. (no backup submitted)

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

### JUSTICE OF THE PEACE, PRECINCT 2

35. Approve payment of \$6,115.98 for Invoice #10758530379 to Dell Technologies. Funds to be paid from line item 119-429-581815 [Justice Court Technology Fund].

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

### DISTRICT ATTORNEY

36. Approve purchase of necessary equipment for vehicle upfitting and installation for District Attorney Investigator's vehicle. Funds to be paid from line item 241-595-561209 [ARPA Miscellaneous].

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

37. Approve Subscription Agreement with Thomson Reuters for Westlaw legal resources for the District Attorney's Office. Funds to be paid from line item 241-595-561209 [ARPA Miscellaneous].

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

38. Approve purchase of Utility Helios evidence management software. Funds to be paid from line item 241-595-561209 [ARPA Miscellaneous].

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



## TREASURER

39. Approve the 2024-2025 Renewal Notice and Benefit Confirmation for medical, dental, vision, and life insurance coverages through Texas Association of Counties.

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

**Advanced to Agenda Items # 41-57 (Agenda Item # 40 addressed on page 8)**

## GRANT MANAGER

41. Award bid for airboat and trailer associated with RFP #240724-53.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Commissioner Beckendorff made motion to amend to award the bid to Patriot Airboat Corp., seconded by Commissioner Jones.

**Amendment carried** by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Yes

**Amended Motion carried** by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Yes

42. Publicly **open** proposals received pursuant to RFP #240807-30: Constables, Precinct 3 and Precinct 4 Fleet Vehicles Upfitting and Installation.

**The following proposals were submitted to and opened by the Court:**

1. Received September 3, 2024 at 11:43 a.m. from Dana Safety Supply.

43. Approve Amendment No. 2 to the contract between the County and DRC Emergency Services, LLC relative to disaster debris removal.

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

## DIRECTOR OF FACILITIES

44. **Update** on Courthouse Project. *No action required.*

45. Approve Payment of \$1,590,384.32 for Application #22 to Sedalco, Inc. to be paid from the following line items:

\$33,026.91 - 604-604-545045 [Professional Services].

\$1,557,357.41 - 604-604-581000 [Bldg Purch, Const, or Improv].

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

46. **Update** On Modular Buildings. *No action required.*

47. Approve payment of \$3,257.00 for Invoice #6 to Sedalco. Funds to be paid from line item 125-600-581620 [Justice Center Modular Building Design Fees].

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

48. Approve the Agreement between Waller County and CASA for Kids of South Central Texas and payment of \$10,000.00 from line item 125-411-546100 [Casa/Child Advocate] as allocated in the 2024 Budget.

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

49. Approve payment of \$12,000.00 for Invoice #141693 to Burditt Consultants, LLC from line item 125-401-540900 [Prof Consultant Services] for Park and County annex Candidate Site Assessment for Precinct 2.

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

50. Approve payment of \$2,900.00 for Invoice # 24-028 to Southwest Realty Consultants for professional services rendered. Funding to be paid from line item 125-600-581901.

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

51. Approve payment of \$19,105.71 for Project # 2021-2347-11, appraisal reports for 3 tracts of land, to Deal Sikes for professional services rendered. Funding to be paid from line item 125-600-571500.

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

52. ~~Approve deliberation of 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.**

53. Approve deliberation of 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 Jones, seconded by Commissioner Smith.

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

Judge Trey Duhon – Absent

Commissioner Amsler – Yes  
Commissioner Jones – Yes

Commissioner Smith – Yes  
Commissioner Beckendorff – Yes

## EXECUTIVE SESSION

54. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
55. 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.
56. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.

**Court convened to Executive Session at 10: 44 a.m.**

**Court reconvened from Executive Session at 11:05 a.m.**

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

### **Returned to Agenda Item #40**

40. Approve Ameriprise Financial Workplace Solutions Agreement.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

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

Judge Trey Duhon – Absent

Commissioner Amsler – Yes  
Commissioner Jones – Yes

Commissioner Smith – Yes  
Commissioner Beckendorff – Yes

## ADJOURN MEETING

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

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

Judge Trey Duhon – Absent

Commissioner Amsler – Yes  
Commissioner Jones – Yes

Commissioner Smith – Yes  
Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 11:06 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 18<sup>th</sup> day of September 2024.

*Carbett "Trey" J. Duhon, III*

Carbett "Trey" J. Duhon, III  
County Judge