

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – SEPTEMBER 14, 2022

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 14th day of September 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 9:07 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 Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT - *None*

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.swagit.com/live>.

PUBLIC HEARING

Judge Duhon announced the Waller County Commissioners are proposing to adopt a total tax rate of \$.548445 cents per \$100 valuation, the same rate being a combination of rates for the Waller County General Fund rate of \$.464595 and the Farm to Market Flood control rate of \$.025852 and to the Debt Service Fund rate of \$.057998.

Commissioners Court will vote to adopt the tax rate on September 14, 2022 at its posted meeting immediately following this public hearing, in its meeting place in the Waller County Courthouse located at 836 Austin Street, Hempstead, Texas.

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

Commissioners Court will vote on the proposed tax rate on September 14, 2022 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 9:13 a.m.

No public comments received.

Public Hearing ended at 9:13 a.m.

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Amsler, 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 9:13 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 21st day of September 2022.

Trey Duhon

Carbett "Trey" J. Duhon, III
County Judge

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Walter Smith, Commissioner Precinct 2
Kendric D. Jones, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk

1. **Approval of Agenda.**

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

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.swagit.com/live>.

1. Judge J.R. Woolley 2. David Sanders 3. Larry Parr 4. Caren Cook Burbach

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** – September 7, 2022 Regular Session

3. **Request to approve payment on the following:**

(a) \$1,150.00 for Invoice dated September 6, 2022 to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].

(b) \$1,295.00 for Invoice dated August 29, 2022 and \$2,271.00 for Invoice dated September 1, 2022 for a total of \$3,566.00 to Magnolia Funeral Home, Inc. from line item 125-423-540705 [Transport to Morgue].

(c) \$41,838.00 for Invoice # 34740-WC4 to Texas Association of Counties (TAC) for 4th Quarter Worker's Compensation Coverage from line item 125-411-560300 [Ins Equip/Build/Pub Liab].

(d) \$85.00 for Invoice # 22547409 [Courthouse, Hold-Up Alarm], and \$995.00 for Invoice # 22112409 [Courthouse Camera Surveillance], for a total \$1,080.00 payable to TAC Security from line item 117-428-568425 [Courthouse Security/Misc. Security].

4. Request by County Auditor for approval and/or ratification of Accounts Payable.
5. Request for approval of Treasurer's Monthly Report.
6. Request by County Engineer to approve a Utility Permit for Black & Veatch (Permitting on behalf of Comcast of Houston, L.L.C.), to place a fiber optic cable, within the right-of-way along Texas Heritage Parkway.
7. *Removed Item #7 from the Consent Agenda to discuss and vote on separately per the request of Commissioner Smith.*
8. Request by County Engineer to approve the Final Plat of Woods Road Industrial.
9. Request by County Engineer to approve the Final Plat of Sunterra Section 26 and accept the Construction Bond.
10. Request by County Grant Manager to authorize the County Judge to sign a letter of support relative to H-GAC's pursuit of the Safe Streets and Roads for All Grant Opportunity for Safety Action Plans.

Motion to approve Consent Agenda with item #7 removed made by Commissioner Beckendorff, seconded by Commissioner Jones.

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>

7. Request by County Engineer to advertise for a Public Hearing on September 28, 2022 to consider the establishment of load limits and the installation of "Load Limit" signs on the following roads:

- Twinwood Parkway – Precinct 4

Advertising to be posted in the Katy Times Newspaper, payment to be funded from line item 125-401-544100 [Bid Notices and Printing].

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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>

Advanced to Agenda Items #37 and #38 – Executive Session

EXECUTIVE SESSION

37. Deliberate the employment, evaluation, or duties of the County Engineer pursuant to Government Code Section 551.074.
38. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 9:37 a.m.
Court reconvened from Executive Session at 11:11 a.m.

Court proceeded with Agenda Item #11

PUBLIC HEARING

11. Public Hearing: 2023 Proposed Budget.

Public Hearing began at 11:11 a.m.

- | | | |
|--|------------------|--------------------|
| 1. Tracy Sebesta | 3. Larry Parr | 5. Malcolm Jackson |
| 2. Judge J.R. Woolley and Judge Ted Krenek | 4. Ceal Wiktorik | |

Public Hearing ended at 12:29 p.m.

12. Discuss and take action to adopt the 2023 Budget.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend to transfer \$17,500.00 from 125-000-475500 to the following line items in the following amounts: JP1 125-418-510027 \$1,500.00; JP2 125-419-510027 \$6,500.00; JP3 125-420-510027 \$3,000.00; JP4 125-421-510027 \$6,500.00, seconded by Commissioner Amsler.

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>

Judge Duhon made motion to amend to add \$4,000.00 to line item 125-506-545310 [Training] and to add \$9,200.00 to 125-506-587523 [Lease Vehicle] and those amounts, \$13,200.00 to be taken from 125-000-467550 [Interest Earnings], seconded by Commissioner Beckendorff.

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>

Commissioner Jones made motion to increase Flood Plain Stipend \$3,351.00 for County Engineer, seconded by Judge Duhon. Adding to line item 110-524-510085 [Flood Plain Supplement], coming from line item 110-000-475004, 125-411-569800 \$3,351.00, fund all of this with Interest Earnings 125-000-467550.

Amendment carried by 4-1 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 – No</i>

Amended 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>

13. Discuss and take action to ratify the property tax increase based on new value reflected in the 2023 Budget.

Commissioner Beckendorff moved to ratify the property tax increase based on the new value reflected in the 2023 Budget, seconded by Commissioner Jones.

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>

14. Discuss and take action to adopt the Tax Rate for 2022.

Commissioner Beckendorff moved that the property tax rate be increased by the adoption of a tax rate of \$0.548445, which is effectively a 6.81% increase in the tax rate. In adopting this 2022 total tax rate the court orders the total tax rate to be levied as follows for the following funds:

\$.464595 per \$100 of taxable property for maintenance and operation of the General Fund

\$.025852 per \$100 of taxable property for the Farm-to-Market Roads

\$.057998 per \$100 of taxable property for interest and sinking fund of the General Fund, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

<i>Vote by Roll Call:</i>	<i>Commissioner Amsler</i>	- Aye
	<i>Commissioner Smith</i>	- Aye
	<i>Commissioner Jones</i>	- Aye
	<i>Commissioner Beckendorff</i>	- Aye
	<i>Judge Duhon</i>	- Aye

COUNTY ENGINEER

15. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding (Appendix A) Engineering Design Standards Minimum Street Requirements 4.2.5 minimum collector street centerline radius from 1200' to 650' minimum centerline radius in Precinct 3 by Brad Sweitzer.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

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

16. Discuss and take action to approve multiple variance requests to the Waller County Subdivision and Development Regulations for Riverwood Farms project in Precinct 4 from Justin Wagner.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Beckendorff made motion to amend on the #3 variance to minimum right of way of 60' with 50' of pavement, seconded by Judge Duhon.

Amendment carried by 5-0 vote.

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

Amended Motion carried by 5-0 vote. **Variance GRANTED as amended.**

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

17. **Public Hearing:** On the notice of application for partial replat of Forest Hills Estates Subdivision, to revise Lot 3, Section 1, by Dawn Abernathy and Brent Petroski.

Public Hearing began at 1:03 p.m.

No public comments received.

Public Hearing ended at 1:03 p.m.

18. **Public Hearing:** For the installation of “No Thru Trucks” signs on the following roads:
- Robinhood Lane – Pct. 2
 - Lakeside Drive – Pct. 2
 - Clear Creek Road – Pct. 2
 - Clapp Road – Pct. 4
 - Sterling Road – Pct. 4

Public Hearing began at 1:03 p.m.

No public comments received.

Public Hearing ended at 1:04 p.m.

19. Discuss and take action to establish and install “No Thru Trucks” signs on the following roads:
- Robinhood Lane – Pct. 2
 - Lakeside Drive – Pct. 2
 - Clear Creek Road – Pct. 2
 - Clapp Road – Pct. 4
 - Sterling Road – Pct. 4

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

20. **Public Hearing:** On the renaming of Pederson Road to Texas Heritage Parkway (IH-10 to the Fort Bend County Line).

Public Hearing began at 1:05 p.m.

Robert Pechukas explained reason for name change

Public Hearing ended at 1:07 p.m.

21. Discuss and take action to rename Pederson Road to Texas Heritage Parkway.
(From I-10 to the Fort Bend County Line, South of I-10)

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

22. Discuss and take action to approve Price Increase request from Waller County Asphalt, for Hot Mix Asphaltic Concrete, and ASPPM Cold Mix.

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

23. Discuss and take action to approve General Land Plan for Gassner 362 in Precinct 3.

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

24. Discuss and take action to approve General Land Plan/Master Plan for Riverwood Farms Subdivision.

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

25. Discuss and take action to approve the Amending of Plat No. 1, for Sunterra, Section 10.

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 the Amending of Plat No. 1, for Sunterra, Section 12.

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

SHERIFF

27. Discuss and take action to approve inmate housing interlocal agreements with Austin County and Trinity 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

28. ~~Discuss and take action to approve Request for Proposals for body cams.~~
Item WITHDRAWN.

29. Discuss and take action to accept \$10.00 donation from Angela Love and post the donation to revenue budget line 125-000-470200 [Donations/Animal Control]. The proceeds will be expended from budget line 125-515-536700 [Donations/Animal Control]. *(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

TREASURER

30. Discuss and take action to amend the 2022 Salary Order.

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

31. Discuss and take action to distribute balance of Available School Funds to the four school districts within Waller County in accordance with the Texas Education Code.

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

AUDITOR

32. Discuss and take action to approve the Environmental Department line-item budget transfer, WC 2022-34.

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

33. **Spread** upon the minutes the Juvenile Probation/Detention Department line-item budget transfer, WC 2022-37.

No action required.

34. Discuss and take action to approve Community Supervision & Corrections Department line-item budget transfer, WC 2022-38.

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

MISCELLANEOUS

35. Discuss and take action to approve members of the Waller County Historical Commission for 2023 & 2024.

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

36. Discuss and take action to approve Digital Imaging Agreement with FamilySearch.

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

EXECUTIVE SESSION

37. Deliberate the employment, evaluation, or duties of the County Engineer pursuant to Government Code Section 551.074.

38. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 9:37 a.m.

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

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 Amsler, 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 1:26 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 21st day of September 2022.

Trey Duhon

Carbett "Trey" J. Duhon, III
County Judge