

**MINUTES**  
**WALLER COUNTY COMMISSIONER'S COURT**  
**REGULAR SESSION**  
**WEDNESDAY – OCTOBER 11, 2023**

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 11<sup>th</sup> day of October 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 9:01 a.m. with the following members of the Court present to-wit:

John A. Amsler, Commissioner Precinct 1  
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  
Walter Smith, Commissioner Precinct 2

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

1. **Approval of Agenda.**

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

**PUBLIC COMMENT** – *None*

**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 as corrected** – September 27, 2023 Regular Session  
October 4, 2023 Regular Session
3. **Request by County Auditor for approval and/or ratification of Accounts Payable.**
4. **Request by County Engineer to accept a Formal Notice of Proposed Utility Work for Terra Texas Land Development to place a Forced Main Discharge Line (6" CL 200 PVC) within the right of way of Kickapoo Road in Precinct 2 a total of 106 feet.**
5. **Request by County Engineer to approve the application for Partial Replat of Briar Meadow Subdivision, Section 1, by ~~Tiffany Nelson~~ **Tonya Coury**, and 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 Commissioner's Court on November 15, 2023.**

Motion to approve Consent Agenda with correction made to #5 made by Commissioner Amsler, seconded by Commissioner Jones.

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

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

## PROCLAMATION

6. Discuss and take action to approve the Proclamation declaring October 2023 as Domestic Violence Awareness Month in Waller County.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

## COUNTY ENGINEER

7. Discuss and take action to approve a Variance request to the Waller County Subdivision and Development Regulations regarding Appendix A – Engineering Design Standards 2.1 Lot Size by Juan Plate in Precinct 2.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

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

## COMMISSIONER, PRECINCT 3

8. Discuss and take action to approve Subdivision Development Agreement with LGI Homes-Texas, LLC for the Dewberry Hills subdivision.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

Commissioner Jones made motion to table agenda item, seconded by Commissioner Amsler.

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

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

9. Discuss and take action to approve Open Space License Agreement for Due Diligence Studies. *(no backup submitted)*

*Discussed only - No action taken.*

## TREASURER

10. Discuss and take action to approve Texas County and District Retirement System Agreement for 2024.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

## GRANT MANAGER

11. Discuss and take action to authorize the County Judge to sign a required Grant Resolution and the Grant Manager to submit a FY2024 Formula Grant Program application to the Texas Indigent Defense Commission.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

12. Discuss and take action to award bid for construction services associated with the Goya Road Drainage Improvement Project.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

Commissioner Beckendorff made motion to amend by selecting the Lonnie Lischka Company for the total base bid \$647,874.73, seconded by Commissioner Amsler.

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

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

## **FIRE MARSHAL**

13. Discuss and take action on Burn Ban.

Commissioner Amsler made motion to lift the Burn Ban, seconded by Commissioner Jones.

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

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

## **AUDITOR**

14. Discuss and take action to approve quarterly reimbursement of Juror Payments.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

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

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

## **MISCELLANEOUS**

16. **Open** responses to Request for Proposals # 230913-25 for Courthouse Moving Services.

The following Proposals were submitted and opened by the Court:

1. East End Transfer & Storage, Inc. and Rentacrate received October 10, 2023 at 10:13 a.m.
2. Wald Relocation Services LTD received October 10, 2023 at 1:17 p.m.
3. Belfor Property Restorations Courthouse Moving Services received on October 19, 2023 at 1:51 p.m.

17. Discuss and take action to approve Resolution for the Nomination for Board of Directors of the Waller County Appraisal District.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

Commissioner Jones made motion to nominate Brenda Nichols, seconded by Commissioner Amsler.

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

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

18. 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.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

19. 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.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

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

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

## **EXECUTIVE SESSION**

20. 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.
21. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.
22. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

**Court convened to Executive Session at 9:45 a.m.**

**Court reconvened from Executive Session at 10:19 a.m.**

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

Commissioner Jones made motion to offer the owners of Property ID 8683 \$230,044.00 related to the Diemer Road realignment project, seconded by Commissioner Amsler.

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

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

Commissioner Jones made motion to offer the owners of Property ID 167095 \$25,200.00 related to the Diemer Road realignment project, seconded by Commissioner Amsler.

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

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

**ADJOURN MEETING**

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

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

*Judge Trey Duhon – Absent*

*Commissioner Amsler – Yes*

*Commissioner Smith – Absent*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

Meeting was **ADJOURNED** at 10:20 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*  
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Debbie Hollan  
Waller County Clerk

**APPROVED** this the 18<sup>th</sup> day of October 2023.

*Trey Duhon*  
\_\_\_\_\_  
Carbett "Trey" J. Duhon, III  
County Judge