

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – OCTOBER 23, 2019

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 23rd day of October 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 9:01 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
Jeron Barnett, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk

Absent: Walter Smith, Commissioner Precinct 2

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** by Commissioner Beckendorff, seconded by Commissioner Barnett.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

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** – October 16, 2019 Regular Session.

3. **Request by County Treasurer for approval of Payroll.**

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

(a) ~~\$8,488.64 for invoice # 0919WCA1801 and \$41.47 for invoice E0919WCA1801 for a total of \$8,530.11 to Turner Duran Architects from line item 125-600-581610 [Precinct 4 Building]. Item WITHDRAWN.~~

(b) \$870.00 for invoice # 40584 to HTS, Inc. from line item 601-601-545405 [Professional Services Jail].

(c) ~~\$33,461.83 for invoice # 17 to Brinkley Sargent Wiginton Architects from line item 601-601-545405 [Professional Services Jail]. Item WITHDRAWN.~~

(d) \$21,250.00 for invoice # 1879 to Waller County Economic Development from line item 125-411-547200 [Economic Development].

(e) \$1,420.00 for invoice # NRDD-0005278 to Texas Association of Counties from line item 125-411-560300 [Ins Equip/Build/Pub Liab].

(f) \$111.24 for invoice to The Banner-Press from line item 125-401-544100 [Bid Notices and Printing].

5. Request by County Auditor for approval and/or ratification of Accounts Payable.
6. Request by County Engineer to approve a Utility Permit for AT & T Communications, Inc., to place a PFP within the right-of-way of Sand Trap Road.
7. Request by County Engineer to approve a Utility Permit for Consolidated Communications to add a fiber optic cable within the right-of-way of Schlipf Road.
8. Request by County Engineer to approve the final Re-Plat of Kickapoo Hills Section 3, Partial Re-Plat Number 1.

Judge Duhon announced consent agenda items 4(a) and 4(c) need to be withdrawn.

Motion to **approve** the consent agenda as modified by Commissioner Beckendorff, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY ENGINEER

9. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding the minimum width of a detention pond berm from Mr. Gary Concialdi.

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

10. **Public Hearing:** On notice of application of the revision of Sky Lakes Club Addition, Lot 11, Block 6, Section 1, by Rex R. and Barbara Griffin.

Public Hearing began at 9:07 a.m.

No public comments received.

Public Hearing ended at 9:08 a.m.

11. Discuss and take action to approve the final Re-Plat of Sky Lakes Club Addition, Lot 11, Block 6, Section 1, Partial Re-Plat Number 1.

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

12. Discuss and take action to advertise for Competitive Bids for Installation of Headwalls and Wingwalls at various locations in Precinct 1. Advertising to be posted in the newspaper of general circulation and payment for advertising to be funded from line item 125-401-544100 [Bid Notices and Printing].

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

Motion to **amend** to be advertised in the Katy Times by Commissioner Beckendorff, seconded by Commissioner Barnett.

Amendment carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Amended Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY JUDGE

- 13. Discuss and take action to approve the appointment of Carl Bowles to the HGAC Workforce Development as the Waller County Representative.

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

COUNTY TREASURER

- 14. Discuss and take action to approve the County Judge to sign TAC Health County Member Contact Designation Form.

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

FIRE MARSHAL

- 15. Discuss and take action on Burn Ban.

Commissioner Beckendorff made motion to authorize Marshal Cantrell to lift the Burn Ban if the KBDI drops below 500, seconded by Commissioner Barnett.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

CONSTRUCTION MANAGER

- 16. ~~Discuss and take action to approve contract with Alpha Testing, Inc. for the Precinct 4 Annex Project. Item WITHDRAWN.~~

- 17. Discuss and take action to approve payment of \$200,122.14 for invoice to Collier Construction, LLC from line item 125-600-581610 [Precinct 4 Building].

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

AUDITOR

- 18. **Spread** upon the minutes Certification of Funds in the amount of \$15,220.00 for the Waller County Constable Precinct 2 Radio Project. *No action required.*

- 19. Discuss and take action to amend the 2019-2020 Budget to accommodate the Waller County Constable Precinct 2 Radio Project.

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

20. **Spread** upon the minutes Certification of Funds in the amount of \$36,200.00 for the Waller County Sheriff's WMD Grant. *No action required.*
21. Discuss and take action to amend the 2019-2020 Budget to accommodate the Waller County Sheriff's WMD Grant.

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

Motion carried by 4-0 vote.

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

MISCELLANEOUS

22. Discuss and take action to approve the transfer of \$70,000.00 from line item 125-411-569600 [Contingency] to line item 125-411-540300 [Legal].

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

Motion carried by 4-0 vote.

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

23. Discuss and take action to approve payment of \$29,828.50 for invoice # 110563 to Bickerstaff Heath Delgado Acosta LLP from line item 125-411-540300 [Legal].

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

Motion carried by 4-0 vote.

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

24. Discuss and take action to issue letter of approval to Veterans EMS Service to provide emergency medical services in Waller County.

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

Motion carried by 4-0 vote.

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

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 the value of real property in Precinct 2 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 by 4-0 vote.

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

EXECUTIVE SESSION

26. Deliberate business and financial issues related to the value of real property in Precinct 2 pursuant to Government Code Sections 551.072 and 551.0725.
27. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened into Executive Session at 9:26 a.m.

Court reconvened from Executive Session 10:31 a.m.

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

No action taken from Executive Session.

ADJOURN MEETING

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Barnett – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 10:31 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 30th day of October 2019.

Trey Duhon

Carbett "Trey" J. Duhon, III
County Judge