

MINUTES
WALLER COUNTY COMMISSIONER’S COURT
REGULAR SESSION
WEDNESDAY – OCTOBER 25, 2023

BE IT REMEMBERED that the Honorable Commissioner’s Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 25th 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 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
Walter Smith, Commissioner Precinct 2 - *Absent*
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 Beckendorff.

Motion carried by 4-0 vote.

<i>Judge Trey Duhon – Yes</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 – October 18, 2023 Regular Session**
3. **Request by County Auditor for approval and/or ratification of Accounts Payable.**
4. **Request by County Treasurer for approval of payment for retiree insurance.**
5. **Request by County Engineer to approve the applications for partial replats of:**
 - **Sunterra Sec 14 - Astro Sunterra, LP, a Delaware Limited Partnership, owner(s), are requesting to be allowed to revise the partial replat of 0.10-acre right-of-way of “Sunset Gables Drive” within Sunterra Sec 14. The revision will change the street name from “Sunset Gables Drive” to “Sunrise Gables Drive.”**
 - **Sunterra Sec 16 - Astro Sunterra Drive, LP, a Delaware Limited Partnership, owner(s), are requesting to be allowed to revise the partial replatting of 0.04-acre right-of-way of “Sunset Gables Drive” within Sunterra Sec 16. The revision will change the street name from “Sunset Gables Drive” to “Sunrise Gables Drive.”**

- Sunterra Sec 24 - Astro Sunterra Drive, LP, a Delaware Limited Partnership, owner(s), are requesting to be allowed to revise the 26.73 acres of Sunterra Sec 24. The revision will be for the purpose of creating 112 Lots, 4 Reserve, and 2 Blocks.
- Sunterra Sec 25 – Astro Sunterra, LP, a Delaware Limited Partnership, owners(s), are requesting to allow the partial replatting of 1.59 acres of the right of way of “Sunray Beach Drive (PVT),” “Sunlight Meadows Way (PCT),” a portion of Reserve “A” Block 1 and Reserve “E” Block 3 within Sunterra Sec 25. The revision will be for the purpose of changing the street name “Sunray Beach Drive” to “Malibu Glen Drive.”
- Sunterra Sec 29 – Astro Sunterra, LP, a Delaware Limited Partnership, owner(s), are requesting to be allowed to revise the partial replatting of 0.53-acre right-of-way of “Sol Vida Drive” and “Harbor Ridge Drive” within Sunterra Sec 29. The revision will change the street name “Sol Vida Drive” to “Apple Rose Lane” and “Harbor Ridge Drive” to “Golden Dust Drive.”
- Sunterra Sec 30 – Astro Sunterra, LP, a Delaware Limited Partnership, owner(s), are requesting to be allowed to revise the partial replatting of 0.32-acre right-of-way of “Seawest Lake Drive” within Sunterra Sec 30. The revision will change the street name “Seawest Lake Drive” to “Sorrento Hill Drive.”
- Sunterra Sec 31 – Astro Sunterra, LP a Delaware Limited Partnership, owner(s), are requesting to be allowed to revise the partial replatting of 0.63-acre right-of-way of “Myrtle Glass Drive (PVT)” within Sunterra Sec 31. The revision will change the street name “Myrtle Glass Drive (PVT)” to “Stingray Cove Drive (PVT).”
- Sunterra Shores Drive Street Dedication and Lift Station No 4 – Astro Sunterra, LP, a Delaware Limited Partnership, owner(s), are requesting to allow the partial replatting of 0.04-acre right-of-way of “Sunray Beach Drive (PVT)” within Sunterra Shores Drive Street Dedication and Lift Station No 4. The revision will be for the purpose of changing the street name “Sunray Beach Drive” to “Malibu Glen Drive.”

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 Commissioners’ Court on November 29, 2023.

6. Ratify publication of notice of bond election in the Waller County Express for two consecutive weeks. Funds to be paid from line item 125-401-544100 [Bid Notices and Printing].

Motion to approve Consent Agenda made by Commissioner Jones, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

PROCLAMATION

7. Discuss and take action to approve Proclamation declaring October 28, 2023 as National First Responders Day in Waller County.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

COUNTY ENGINEER

8. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding Platting Procedure 3.4.8 Flag lot access length which is 961.63 more than allowed by regs, 540 ft. for each acre greater than 10, by Gerardo Angel (Pct. 1).

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

9. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding Platting Procedure 3.4.8 Flag lot access length which is 1692, more than allowed by regs, 1175 ft. for each acre greater than 10, by Andy Brounkowski.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

SHERIFF

10. Discuss and take action to approve the addition of one Court Bailiff for the newly created County Court at Law #2 Court.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

11. Discuss and take action to accept donation of \$20.00 from Bernice Chaddick for Animal Control.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

RECYCLE CENTER

12. Discuss and take action to approve the new operating hours of the Recycle Center.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

GRANT MANAGER

13. Discuss and take action to advertise in the Katy Times, The Hotline Press, The Waller County Express, and The Waller Times requests for sealed bids associated with the construction of the CDBG-DR Diemer Road Realignment Project (Waller County Contract No. 20-065-062-C180). Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

14. ~~Discuss and take action to award bid for the County's Hazard Mitigation Plan Update (RFP# 230927-14). Item WITHDRAWN.~~

DIRECTOR OF POLICY AND ADMINISTRATION

15. Discussion on development agreement work flow.

Discussion only – no action required.

16. Discuss and take action on County Parks advisory board and bylaws.

Motion made by Commissioner Jones to approve with final changes being initially one year term then to be two years thereafter, and to be called the Waller County Parks Advisory Committee, and for approval of the Board pending Judge Duhon's recommendations, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

FIRE MARSHAL

17. ~~Discuss and take action on Burn Ban.~~

Item WITHDRAWN.

AUDITOR

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

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

CONSTRUCTION MANAGER

19. Discuss and take action to approve payment of \$260,621.86 to Sedalco for Payment app #11 from line-item 604-604-545405 [Professional Services].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend to be paid from line item 604-604-581837, seconded by Commissioner Amsler.

Amendment carried by 4-0 vote.

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

Amended Motion carried by 4-0 vote.

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

20. ~~Presentation on modular building swing space plan.~~

Item WITHDRAWN.

21. ~~Discuss and take action to approve modular building swing space plan.~~

Item WITHDRAWN.

MISCELLANEOUS

22. ~~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. Item WITHDRAWN.~~

23. ~~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. Item WITHDRAWN.~~

EXECUTIVE SESSION

24. ~~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. Item WITHDRAWN.~~
25. ~~Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725. Item WITHDRAWN.~~
26. ~~Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071. Item WITHDRAWN.~~
27. ~~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 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 9:58 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 6th day of June 2023.

Trey Duhon

Carbett "Trey" J. Duhon, III
County Judge