

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – OCTOBER 27, 2021

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 27th day of October 2021 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 9:03 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
Kendric D. Jones, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4
Jenifer Deutrich, Deputy 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 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

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>.

The following Public Members made public comment:

1. Art Hernandez – Public Hearings
2. Dr. Denise Mattox – ARP Funds

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 20, 2021 Regular Session
3. **Request to approve payment on the following:**
 - (a) \$1,500.00 for Invoice dated September 1, 2021 to W.L. Simon Mortuary Transport from line item 125-423-540705 [Transport to Morgue].
 - (b) \$1,161.00 for Invoice #6224 to Harris County from line item 125-423-540702 [Autopsy].

4. Request by County Auditor for approval and/or ratification of Accounts Payable.
5. Request by County Auditor for approval and/or ratification of Accounts Payable for Construction Projects.
 - a) \$2,700.00 from line item 602-602-581835 [R&B/Canopy]
 - b) \$9,122.50 from line item 602-602-581836 [R&B/Fuel Depot]
 - c) \$580.00 from line item 125-600-581610 [Pct. 4 Building]
6. Request by County Engineer to accept Right-of-Way and/or Exclusive Easement dedications along Woods Rd., from IH-10 southward, necessary to expand the roadway.
7. Request by County Engineer to approve a Utility Permit for San Bernard to place one (1) power pole in the right-of-way of Newland Road in Precinct 2.

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

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

PROCLAMATION

8. Discuss and take action to approve Proclamation declaring October 28, 2021 as National First Responders Day in Waller County.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

COUNTY ENGINEER

9. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding a shared access easement right-of-way with multiple properties and minimum Lot size in Precinct 3.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

<i>Judge Trey Duhon</i> – No	<i>Commissioner Amsler</i> – No	<i>Commissioner Smith</i> – Absent
	<i>Commissioner Jones</i> – No	<i>Commissioner Beckendorff</i> – No

10. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding a shared access easement right-of-way that would require platting from Dana and Jane Lorio.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

<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

11. **Public Hearing:** Proposed Replat of Clear Creek Forest Estates, Section 2, Lot 4 and Clear Creek Forest Estates, Section 1, Lot 14 by Mrs. Pat Andrew Wagner & Mr. & Mrs. Matthew Garney.

Public Hearing began at 9:28 a.m.

The following Public Members

1. Matthew Sigmon

Public Hearing ended at 9:32 a.m.

12. Discuss and take action to approve multiple variance requests to the Waller County Subdivision and Development Regulations for the Lakeview Development in Pct. 3.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

ENVIRONMENTAL DEPT.

13. Discuss and take action to approve a variance request to the Subdivision Development Regulations, Engineering Design Standards, Section 2-Lot size, regarding the minimum lot size dwelling, by Jacqueline Nargang.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Absent

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

SHERIFF

14. ~~Discuss and take action to request authorization to design and begin planning for dog kennels. Item WITHDRAWN.~~

15. ~~Discuss and take action to request authorization to design and begin planning for livestock fencing. Item WITHDRAWN.~~

16. ~~Discuss and take action to accept donation of a livestock trailer from a citizen. Item WITHDRAWN.~~

IT DEPT.

17. Discuss and take action regarding Smarsh Proposal for 2021 Archival fees and future costs.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Commissioner Beckendorff withdrew Motion. **Item WITHDRAWN.**

AUDITOR

18. **Spread** upon the minutes the Juvenile Probation Department 2021 budget line item transfer, WC 2021-41.

No action required.

19. Discuss and take action to certify the WCOEM Radio Grant award of \$57,347.28 and approve amending the 2021 budget, WC 2021-42.

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

20. Discuss and take action to approve Adult Probation 2021 budget line item transfer, WC 2021-43.

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*

21. Discuss and take action to approve official documents and all monthly reports.

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*

CONSTRUCTION MANAGER

22. Discuss and take action to approve Inspection Agreement and costs with American Fire Protection Group for yearly required inspections of Fire Extinguishers, Backflows, Fire Alarms, Sprinkler Systems, and Jail Kitchen Hood.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Judge Duhon made motion to amend for it to be a one year contract, seconded by Commissioner Jones.

Amendment carried by 4-0 vote.

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

Amended Motion carried by 4-0 vote.

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

23. Discuss and take action to approve Work Authorization Contract with Belfor Property Restoration for renovations repairs to the County Clerk's office in the Courthouse for two recent water leak insurance claims with Texas Association of Counties (TAC) and possibly including roofing repairs from hail damage.

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*

24. Discuss and take action to approve design and drafting services with Dahvar Construction and Design for vehicle canopies at Road and Bridge. Costs of \$2,200.00 for bidding documents for three metal canopies.

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*

25. Discuss and take action to approve payment of \$34,367.53 for Invoice # 3 to Sedalco Construction Services from line item 125-600-581618 [Waller County Courthouse Renovation and Annex].

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

MISCELLANEOUS

- 26. Discuss and take action to amend County policies in relation to COVID-19.

(no backup submitted)

No action taken.

- 27. Discuss and take action to approve appointment of a Representative to the Post Oak RC&D Board of Directors for 2022.

Judge Duhon made motion to appoint Commissioner Beckendorff as the Representative for Waller County to the Post Oak RC&D Board of Directors for 2022, 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

Advanced to Executive Session

EXECUTIVE SESSION

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

Court convened to Executive Session at 10:50 a.m.

Court reconvened from Executive Session at 12:12 p.m.

Court Proceeded with the Agenda

- 28. **Public hearing** on redistricting proposals.

Public Hearing began at 12:12 p.m.

Public Hearing ended at 1:11 p.m.

- 29. Discussion of draft redistricting plan by the Commissioners Court and drawing session with consultants for any necessary revisions to the draft plan for future adoption.

No action required.

- 30. Discuss and take action to approve settlement offer in the matter of Texas opioid multi-district litigation, cause number 2018-63587, currently pending in the 152nd District Court in Harris County, Texas, and authorize execution of settlement documents.

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

EXECUTIVE SESSION

- 31. *Court addressed agenda item #31 earlier in the meeting. (page 5)*

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

Judge Duhon made motion to authorize condemnation proceedings against the owners of property ID 13313 in connection with the Woods Road Phase 2 Project, 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

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

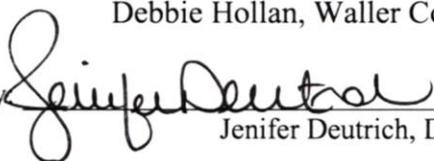
Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 1:28 p.m.

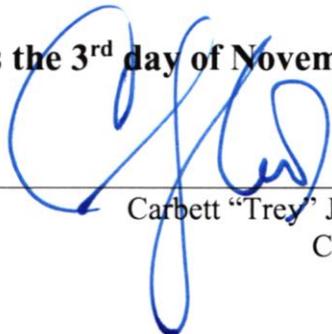
I **ATTEST** that the above proceedings are the true and correct minutes taken in my capacity as Ex-Officio for the Commissioners' Court of Waller County.

Debbie Hollan, Waller County Clerk

By  _____
Jenifer Deutrich, Deputy Clerk



APPROVED this the 3rd day of November 2021.

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Carbett "Trey" J. Duhon, III
County Judge