

**MINUTES**  
**WALLER COUNTY COMMISSIONER'S COURT**  
**REGULAR SESSION**  
**WEDNESDAY – OCTOBER 28, 2020**

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 28<sup>th</sup> day of October 2020 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  
Justin Beckendorff, Commissioner Precinct 4  
Debbie Hollan, County Clerk  
Absent: Jeron Barnett, Commissioner Precinct 3

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 Beckendorff, seconded by Commissioner Smith.

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

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Barnett – Absent</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.com/live>.

1. Dr. Denise Mattox discussed her concerns with the local election that is taking place.
2. Douglas and Gayle Brown addressed the court regarding the bright lights that are coming from a baseball field in Precinct 3.

**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 21, 2020 Regular Session
3. **Request to approve payment on the following:**
  - (a) \$615.00 for invoice dated October 14, 2020 to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].

4. Request by County Auditor for approval and/or ratification of Accounts Payable.
5. Request by County Engineer to approve a Utility Permit for San Bernard Electric Coop., Inc. to add three poles and anchor guide wire in the right-of-way of Cochran Road.
6. Request by IT Department for approval of Fixed Asset Transfers.

Motion to approve consent agenda by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

## **ECONOMIC DEVELOPMENT**

7. **Presentation** by Lisa Murphy with AP Solar on a proposed solar farm in partnership with Rice University. *No action required.*
8. **Presentation** by Vince Yokom on Waller County Economic Development. *No action required.*
9. Discuss and take action to approve Resolution No. 201028-09 regarding compliance with the City of Houston’s Major Thoroughfare and Freeway Plan for land located at the northeast intersection of James Muse Parkway and U.S. Highway 290.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

## **COUNTY ENGINEER**

10. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding flag lot over flag lot and an access easement right-of-way is 30ft. instead of 40 ft. from Mr. & Mrs. John Wallace.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

11. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding shared easements for multiple single division tracts from Mr. Valenzuela Jr.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

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

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

12. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding only a portion of the major thoroughfare building set back from Mr. Karl Brounkowski.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Judge Duhon made an amendment by making a motion to not approve the variance but to refund Mr. Broukowski his variance fee, seconded by Commissioner Beckendorff.

**Amendment carried** by 4-0 vote.

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

**Amended Motion carried** by 4-0 vote.

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

13. Discuss and take action for the acceptance of existing right-of-way on Mathis Rd. dedicated by Frank Andrew Lenk III and Sandra Kay Lenk Haddock.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

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

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

14. Discuss and take action to approve an Agreement with Clear Span Engineering, Inc. for Tier 2 Bridge Inspection Services.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

15. **Open Bids** for “Type A, Grade 2, Flex Base.”

The following bids were submitted and opened by the Court:

1. BWF Freight received October 26, 2020 at 1:19 p.m.
2. Heise Trucking LLC received October 19, 2020 at 2:53 p.m.
3. Vulcan Materials Company received October 26, 2020 at 11:51 a.m.

## **PUBLIC HEARING**

16. **Public Hearing:** on the consideration to make Stop Sign changes at the following locations:

- Kyle Rd. – Westbound at Bowler/Howell Rd. Intersection – Add one Stop Sign. This will become an All Way Stop.
- Kyle Rd. – Westbound at Brooks Rd. – Remove Stop Sign.
- Curtis Rd. – Westbound at Brooks Rd. – Remove Stop Sign.

**Public Hearing began at 10:31 a.m.**

No Public Comments received.

**Public Hearing ended at 10:32 a.m.**

17. Discuss and take action to approve Stop Sign changes and the installation and removal of signs at the following locations:

- Kyle Rd. – Westbound at Bowler/Howell Rd. Intersection – Add one Stop Sign. This will become an All Way Stop.
- Kyle Rd. – Westbound at Brooks Rd. – Remove Stop Sign.
- Curtis Rd. – Westbound at Brooks Rd. – Remove Stop Sign.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

## PUBLIC HEARING

18. **Public Hearing:** on the establishment and the installation of Speed Limit Signs on the following roads:

- Kerr Rd. – Entire Length – 40 mph
- Holik Rd. – Entire Length – 40 mph
- Stefka Rd. – Entire Length – 40 mph
- Forest Hills Ln. – Entire Length – 35 mph
- E. Hollyhill Dr. – Entire Length – 35 mph
- West Loop Dr. – Entire Length – 30 mph
- Double Culvert Rd. – Entire Length – 40 mph
- Old Howth Rd. – Entire Length – 45 mph
- Texas Oak Dr. – Entire Length – 30 mph
- Kyle Rd. – Entire Length – 30 mph
- Royal Oak Dr. – Entire Length – 30 mph
- Spanish Oak Dr. – Entire Length – 30 mph
- Lake Rd. – Entire Length – 30 mph
- Thompson Rd. – Entire Length – 35 mph
- Clark Rd. – Entire Length – 35 mph
- Lone Star Blvd. – Entire Length – 35 mph
- Willow Bend Ln. – Entire Length – 30 mph
- N. Reids Prairie Rd. – Entire Length – 35 mph

**Public Hearing began at 10:36 a.m.**

No Public Comments received. County Engineer Yancy Scott spoke.

**Public Hearing ended at 10:40 a.m.**

19. Discuss and take action to establish and install Speed Limit Signs on the following roads:

- Kerr Rd. – Entire Length – 40 mph
- Holik Rd. – Entire Length – 40 mph
- Stefka Rd. – Entire Length – 40 mph
- Forest Hills Ln. – Entire Length – 35 mph
- E. Hollyhill Dr. – Entire Length – 35 mph
- West Loop Dr. – Entire Length – 30 mph
- Double Culvert Rd. – Entire Length – 40 mph
- Old Howth Rd. – Entire Length – 45 mph
- Texas Oak Dr. – Entire Length – 30 mph
- Kyle Rd. – Entire Length – 30 mph
- Royal Oak Dr. – Entire Length – 30 mph
- Spanish Oak Dr. – Entire Length – 30 mph
- Lake Rd. – Entire Length – 30 mph
- Thompson Rd. – Entire Length – 35 mph
- Clark Rd. – Entire Length – 35 mph
- Lone Star Blvd. – Entire Length – 35 mph
- Willow Bend Ln. – Entire Length – 30 mph

- N. Reids Prairie Rd. – Entire Length – 35 mph

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

**ELECTION ADMINISTRATOR**

20. Discuss and take action to approve Election Grant from the Center for Tech and Civic Life.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

**LIBRARY**

21. Discuss and take action to approve quote # 17789A from TESCO for additional shelving at the Library in the amount of \$3,879.00. Funds to be paid from line item 186-655-568411 [OGG Trust Miscellaneous].

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

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

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

22. Discuss and take action to approve quote # 17789AA from TESCO for additional shelving at the Library in the amount of \$ 13,207.00. Funds to be paid from line item 186-655-568411 [OGG Trust Miscellaneous].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

23. Discuss and take action to approve quote # 18063 from TESCO for COVID protection panels at the Library in the amount of \$2,940.00. Funds to be paid from line item 237-534-561202 [CARES ACT Grant – Public Health].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

**JUSTICE OF THE PEACE, PRECINCT 1**

24. Discuss and take action to approve the transfer of \$426.00 from line item 125-418-568400 [Miscellaneous] to line item 125-418-581813 [Copier/Printer] **in accordance with Budget Amendment #2020-44.**

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

**JUSTICE OF THE PEACE, PRECINCT 4**

25. Discuss and take action to approve payment of \$20,765.60 for Quote # 6302012 to Trox Igniting Curiosity from line item ~~125-600-581610~~ [~~Precinct 4 Building~~].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Judge Duhon made motion to amend to be paid from line item Technology Fund 119-429-581817 instead of the line item that's listed, seconded by Commissioner Smith.

**Amendment carried** by 4-0 vote.

Judge Trey Duhon – Yes                      Commissioner Amsler – Yes                      Commissioner Smith – Yes  
Commissioner Barnett – Absent                      Commissioner Beckendorff – Yes

**Amended Motion carried** by 4-0 vote.

Judge Trey Duhon – Yes                      Commissioner Amsler – Yes                      Commissioner Smith – Yes  
Commissioner Barnett – Absent                      Commissioner Beckendorff – Yes

**DISTRICT ATTORNEY**

26. **Spread** upon the minutes of the Court the District Attorney's Asset Forfeiture Budget for State Fiscal Year 2021. *No action required. (no supporting documents received)*

**COUNTY JUDGE**

27. Discuss and take action to approve Official Bond and Oath for County Judge.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

Judge Trey Duhon – Yes                      Commissioner Amsler – Yes                      Commissioner Smith – Yes  
Commissioner Barnett – Absent                      Commissioner Beckendorff – Yes

28. Discuss and take action to approve transfer of \$550.56 from line item 125-440-563000 [Training & Conference Expense] to the following line items:

- \$300.56 to 125-440-560100 [Bond Premiums].
- \$250.00 to 125-440-581816 [Air Card/Wireless].

**In accordance to Budget Amendment #2020-45.**

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

Judge Trey Duhon – Yes                      Commissioner Amsler – Yes                      Commissioner Smith – Yes  
Commissioner Barnett – Absent                      Commissioner Beckendorff – Yes

**AUDITOR**

29. Discuss and take action to approve Capital Outlay Department line item budget transfer, WC 2020-43.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

Judge Trey Duhon – Yes                      Commissioner Amsler – Yes                      Commissioner Smith – Yes  
Commissioner Barnett – Absent                      Commissioner Beckendorff – Yes

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

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

Judge Trey Duhon – Yes                      Commissioner Amsler – Yes                      Commissioner Smith – Yes  
Commissioner Barnett – Absent                      Commissioner Beckendorff – Yes

## CONSTRUCTION MANAGER

31. **Update** on Library Project. *No action required.*
32. Discuss and take action to approve payment of \$58,900.00 for Application No. 6 to Dahvar Construction and Design from line item 125-600-587526 [Library].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

33. Discuss and take action to approve purchase of new motor for Bucket Truck.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion made by Commissioner Smith to table, seconded by Commissioner Beckendorff.

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

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

## MISCELLANEOUS

34. Discuss and take action to approve Agreement with TISA Software for the Waller County Veterans Memorial Website.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

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

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

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

*No action taken.*

36. Discuss and take action to approve Waller County joining litigation against various federal agencies regarding the high speed rail.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend 36 to go ahead and join the litigation subject to in an agreement being worked out to Liz's satisfaction with the law firm, seconded by Commissioner Smith.

**Amendment carried** by 4-0 vote.

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

**Amended Motion carried** by 4-0 vote.

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

## EXECUTIVE SESSION

37. ~~Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.~~ **Item WITHDRAWN.**

38. ~~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 Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

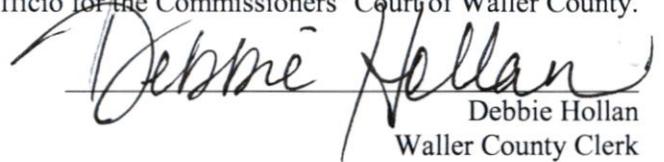
Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

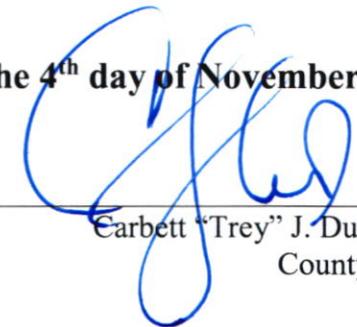
Meeting was **ADJOURNED** at 11:26 a.m.

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  
Waller County Clerk

**APPROVED this the 4<sup>th</sup> day of November 2020.**

  
Carbett "Trey" J. Duhon, III  
County Judge