



MINUTES

WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION WEDNESDAY – OCTOBER 2, 2024

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 2nd day of October 2024 at its meeting place at the Waller County Joe Kuciemba Annex, Hempstead, Texas.

CALL TO ORDER

The meeting was called to order by Waller County Judge Trey Duhon at 9:07 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
Kendric D. Jones, Commissioner Precinct 3
Debbie Hollan, County Clerk

Absent: Justin Beckendorff, Commissioner Precinct 4

Delivery of Invocation by: Commissioner Amsler

Pledge to the American Flag and Texas Flag led by: Commissioner Smith

Commissioner Jones, made motion to approve agenda, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Absent

PUBLIC COMMENT

1. David Luther

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 Minutes – September 18, 2024 Public Tax Rate Hearing and Regular Session
3. Request by County Treasurer for Approval of Payroll Disbursements.
4. Request to approve payments on the following:
\$75,000.00 for Invoice #2512 to Waller County Economic Development from line item 125-411-547200 [Economic Development].

5. Request by County Auditor to Approve and/or Ratify Accounts Payable.
6. Request by County Auditor to approve 2024 budget adjustments and departmental line item transfers. *(no backup submitted)*
7. Request by County Engineer to approve the Final Plat of Sunterra Detention Reserve in Precinct 3.
8. Request by County Engineer to approve the Final Plat of Lakeview Section 5 and accept the Construction Bond in Precinct 3
9. Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way on various roads for installation of Fiber Optic lines by AT&T - Millenium Geospatial 24.UP.036.
10. ~~Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way for Telephone Lines and Hand Holes for AT&T, within the right of way of Roehen Rd, Penick Rd, Shiloh Rd, and Guy Rd – 24.UP.046. Item WITHDRAWN.~~
11. ~~Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way for Telephone Lines and Hand Holes for AT&T, within the right of way of Cochran Rd – 24.UP.045. Item WITHDRAWN.~~
12. ~~Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way on Hebert Rd and Pattison Rd for installation of Fiber Optic lines by AT&T 24.UP.048. Item WITHDRAWN.~~
13. Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way on Hegar Rd for installation of Gas Service line by Centerpoint Energy 24.UP.050.
14. ~~Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way on various roads for installation of Fiber Optic lines by AT&T 24.UP.047. Item WITHDRAWN.~~
15. ~~Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way for Telephone Lines and Hand Holes for AT&T (Cabletex), within the right of way of Baethe Rd – 24.UP.043. Item WITHDRAWN.~~
16. ~~Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way for Power Poles for San Bernard Electric within the right of way of Mount Zion Rd – 24.UP.044. Item WITHDRAWN.~~
17. Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way of 23400 Hegar Rd for installation of Gas Service line by Centerpoint Energy 24.UP.042.
18. ~~Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way for Telephone Lines and Hand Holes for AT&T, (CableTex) within the right of way of Penick Rd, Val Verde St, and Londonberry Drive – 24.UP.041. Item WITHDRAWN.~~

19. Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way on Murrell Rd and Magnolia Rd for installation of Fiber Optic lines by AT&T 24.UP.038.
20. ~~Request by County Engineer to approve a Permit to Construct Utility in Waller County Right-Of-Way for Telephone Lines and Hand Holes for AT&T, within the right of way of Penick Rd, Bogie Ln, and Baethe Rd – 24.UP.040. Item WITHDRAWN.~~
21. ~~Approve acceptance of Bartlett Road Segment 1 & 2 and recommend that Waller County maintain the road(s). Item WITHDRAWN.~~
22. ~~Approve acceptance of Sunterra Section 20 and recommend that Waller County maintain the road(s). Item WITHDRAWN.~~
23. ~~Approve acceptance of roads in Sunterra Section 27 and recommend that Waller County maintain the road(s). Item WITHDRAWN.~~
24. ~~Approve acceptance of roads in Sunterra Section 46 and recommend that Waller County maintain the road(s). Item WITHDRAWN.~~
25. ~~Approve acceptance of Stockdick Rd Segment 1 & 2 and recommend that Waller County maintain the road(s). Item WITHDRAWN.~~

Motion to approve Consent Agenda with items #10, 11, 12, 14, 15, 16, 18, 20, 21-25 withdrawn made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Absent

COUNTY JUDGE

26. Approve Proclamation Observing Union Pacific "Big Boy No 4014 Day" in Waller County, Texas.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Absent

27. Delinquent tax and fine and fee collection report by Otilia Gonzales, Perdue Brandon Fielder Collins & Mott, LLP. *No action required.*

ENVIRONMENTAL DEPARTMENT

Advanced to Agenda Items #29-37

29. Approve a discretionary exemption for environmental cleanup services related to the emergency cleanup of abandoned jugs and drums of unknown liquids on 4/20/24 and 6/28/24 pursuant to Texas Local Government code 262.024(2). *(no backup submitted)*

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Absent

30. Approve payment of Invoices #1963 and #2320 totaling \$63,534.99 to Masters Advanced Remediation Services, LLC for environmental clean up services rendered on 4/20/24 and 6/28/24. Funding to be paid from line item 125-443-537100 [Nuisance Abatement].

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

COUNTY ENGINEER

31. Approve payment of \$98,690.05 for Invoice #202432767 to LJA Engineering, Inc. for Professional Services rendered 07/27/2024 through 08/31/2024 (2nd Invoice). Funds to be paid from line item 605-605-545405 [Prof. Services].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

32. Approve Acorn Ranch Development Agreement.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

33. Approve Oak Ridge Development Agreement.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

34. **Public Hearing:** Replat of West Magnolia Forest Subdivision Lot 41 and East 88.5 Feet of Lot 42. The revision is to create 3 Residential Lots which will consist of two 5.000 - acre lots and one 5.509 - acre lot by Khalid Khan and Nuzhat Khan.

Public Hearing began at 9:53 a.m.

1. Surveyor spoke on replat

Public Hearing ended at 9:55 a.m.

35. **Public Hearing:** Replat of Katy Elementary No. 48 Crystal Vista Drive south extension, Sunterra Shores Drive Street Dedication Section 2, by Katy Elementary School District. The revision will abandon the south extension of Crystal Vista Drive to allow the Katy Independent School District Elementary School No. 48 main entrance and exit driveway direct access to Sunterra Shores Drive.

Public Hearing began at 9:56 a.m.

No public comments received.

Public Hearing ended at 9:56 a.m.

36. Approve the Final Partial Replat of West Magnolia Forest Subdivision Lot 41 and East 88.5 Feet of Lot 42 in Precinct 2.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

37. Approve request to rent, install, and maintain a temporary portable bridge until a new permanent bridge structure can be constructed on Riley Rd @ Birch Creek draw.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Judge Duhon made motion to amend made pursuant to the public safety exception, seconded by Commissioner Smith.

Amendment carried by 4-0 vote.

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

Amended Motion carried by 4-0 vote.

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

Advanced to Agenda Items #39-55

SHERIFF

39. Approve purchase of Motorola MCC 7500E Dispatch Console Upgrade and Add-on to add a fourth dispatch console, pursuant to HGACBuy contract RA05-21. Purchase price of \$195,128.00 includes equipment, one year warranty, and systems integration, installation, and training. Funding source to be determined.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Commissioner Smith 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 – Yes
	Commissioner Jones – Yes	Commissioner Beckendorff – Absent

40. Approve purchase of dispatch console furniture and equipment from Watson Consoles in the amount of \$21,113.43, pursuant to HGACBuy contract EC07-23. Funding source to be determined.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

41. Approve request to Gulf Coast Regional Communications District to add a call taking position at no cost to the County.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

COMMISSIONER, PRECINCT 2

42. **Discussion** on proposed Chicken Farm in Precinct 2. *No action required.*

43. Discuss and take action concerning the requirement of sidewalks for all new subdivisions.

Discussion only, no action taken by the Court.

TREASURER

44. Approve changes to the take home vehicle schedule.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones – Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Absent

45. Approve the 2025 Renewal Notice and Benefit Confirmation for Post-65 group retiree healthcare.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones – Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Absent

GRANT MANAGER

46. Approve Change Order #2 relative to construction of the Goya Road Drainage Improvement Project in an amount not to exceed \$1,453.00.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones – Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Absent

47. \$1,456.00 for Pay App #4 to the Lonnie Lischka Company, L.P. from line item 241-595-561209 [ARPA Miscellaneous] for the Goya Road Drainage Improvement Project.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones – Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Absent

48. \$7,096.94 for Pay App #5 to the Lonnie Lischka Company, L.P. from line item 241-595-561209 [ARPA Miscellaneous] for the Goya Road Drainage Improvement Project.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones – Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Absent

49. Approve acceptance of the TxDOT STEP Comprehensive 2025 grant award in the amount of \$52,640.28 (Grant Funding Breakdown: TxDOT Grant-\$39,976.75; Local Match-\$12,663.53).

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones – Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Absent

50. Approve acceptance of the TxDOT STEP CMV 2025 grant award in the amount of \$36,196.21 (Grant Funding Breakdown: TxDOT Grant-\$27,528.56; Local Match-\$8,667.65).

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones – Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Absent

51. Accept the FY25 Statewide Automated Victim Notification Service (SAVNS) grant in the amount of \$18,571.30 and approve Appriss Service Agreement for services rendered pursuant to SAVNS Grant Program.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Absent

52. Authorize the County Judge to submit a FY25 Rural Sheriff's Office Salary Assistance Grant Program Application to the Texas Comptroller's Office. *(no backup submitted)*

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Absent

FIRE MARSHAL

53. Approve Burn Ban.

Motion to approve Burn Ban made by Commissioner Amsler, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Absent

54. Discuss and take action to authorize firework sales for Diwali or prohibit or restrict certain fireworks in unincorporated areas of Waller County.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Absent

DIRECTOR OF FACILITIES

55. Ratify Participation Agreement with Sourcewell signed on May 9, 2024.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Absent

Advanced to Agenda Items #57-68

MISCELLANEOUS

57. ~~Authorize the County Judge to execute contract with Dana Safety Supply for upfitting and installation associated with new vehicles purchased for Constable, Precinct 3 pursuant to RFP 240807-30. Funds to be paid from line item 125-513-581400 [Vehicle].~~
Item WITHDRAWN.

58. ~~Authorize the County Judge to execute contract with Dana Safety Supply for upfitting and installation associated with new vehicles purchased for Constable, Precinct 4 pursuant to RFP 240807-30. Funds to be paid from line item 125-600-581400 [Vehicle].~~
Item WITHDRAWN.

59. Approve payment of \$18,773.00 for Invoices #112809, #112616, #112373, and #112248 to Hance Scarborough, LLP for Professional Services rendered from 2/2/24 to 7/7/24. Funds to be paid from line item 125-411-540300 [Legal].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

60. Approve payment of \$36,120.00 for Invoice #3574060 to Husch Blackwell for Professional Services rendered through 7/31/24. Funds to be paid from line item 125-411-540300 [Legal].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

61. Approve payment of \$10,982.50 for Invoice #3574061 to Husch Blackwell for Professional Services rendered through 7/31/24. Funds to be paid from line item 605-605-545405 [Prof. Services].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

62. Approve deliberation of 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 Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

63. Approve deliberation of 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 Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Absent

EXECUTIVE SESSION

64. Discussion on 911 Addressing personnel matter pursuant to Government Code Section 551.074 Personnel Matters.
65. Consultation with District Attorney and outside counsel, including consultation with outside counsel regarding procurement and ethics compliance pursuant to Government Code Section 551.071.

66. 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.
67. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.

Court convened to Executive Session at 10:51 a.m.
Court reconvened from Executive Session at 11:39 p.m.

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

Returned to Agenda Items # 56, 38, and 28.

56. Approve contract with BOXX Modular for the purchase of modular buildings plus delivery fees in an amount not to exceed \$758,126.00. Funding to be paid from line item 241-595-561209 [ARPA Miscellaneous].

Judge Duhon made motion to approve the contract with BOXX Modular for the purchase of modular buildings plus delivery fees in an amount not to exceed \$758,126.00 subject to paragraph 10C being amended to give the County 10 days to provide notice of any potential defects, funding to be paid from line item 241-595-561209 [ARPA Miscellaneous], seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

38. Approve request to amend Waller County drainage easement at Sand Hill Farm Mitigation Bank near Penick Road in Precinct 3.

Judge Duhon made motion to approve request to amend Waller County drainage easement at Sand Hill Farm Mitigation Bank near Penick Road in Precinct 3 with the provision that the approval is subject to the requestor giving us something in writing that the County can drain across their property, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

28. Approve transfer of 911 Addressing personnel and functions from Environmental Department to Waller County Road and Bridge. *(no backup submitted)*

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

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

ADJOURN MEETING

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

Motion carried by 5-0 vote.

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

Meeting was **ADJOURNED** at 11:56 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 16th day of October 2024.

Carbett "Trey" J. Duhon, III
County Judge