



MINUTES

WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION WEDNESDAY – MAY 29, 2024

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 29th day of May 2024 at its meeting place at the Waller County Joe Kuciemba Annex, Hempstead, Texas.

CALL TO ORDER

The meeting was called to order by Presiding Judge Commissioner Justin Beckendorff at 9:01 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge – *Present via Zoom*
John A. Amsler, Commissioner Precinct 1
Walter Smith, Commissioner Precinct 2
Kendric D. Jones, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4 – *Presiding Judge*
Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler

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

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

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. Ross McCall – County Engineer 2. Judge Trey Duhon

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 – May 15, 2024 Regular Session
3. Request by County Treasurer for approval of Payroll disbursements.
4. Approve schedule with take home vehicle change for the Fire Marshal.
5. Request by County Treasurer to approve disbursement of funds for Retiree Insurance Premiums.

6. Request by County Auditor to approve official documents and all monthly reports.
7. Request by County Engineer to approve the application for replat of Blinka Estates Subdivision, to revise Lots 8 and 9. The revision will divide lots into three separate lots, by Trang Nguyen, 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 July 10, 2024.
8. Ratify GLO Contract No. 22-130-043-E436 in the amount of \$100,000 pursuant to the GLO's Community Development Block Grant Local Hazard Mitigation Planning Program Non-Research & Development Mitigation Funding.
9. Accept a Formal Utility Notice - for Kingsland Blvd and Jordan Ranch Blvd from American Communications Construction, Inc. for an underground cable by Comcast.
10. Accept a Formal Utility Notice - for Beckendorff Road and Emerald Ocean Drive by American Communications Construction Inc. for Comcast underground cable alongside Beckendorff Road and Emerald Ocean Drive.
11. Accept a Formal Utility Notice - for Penick Road by American Communications Construction Inc. for Comcast aerial cable alongside Penick Road.
12. Accept a Formal Utility Notice - for Kickapoo Road by AT&T Communications for placement of a fiber optic cable.

Request to approve payments

13. Request to approve payment on the following:

\$1,300.00 for Invoice #WC-PU-00124 to Stephens & Flowers Funerals and Cremations from line item 125-423-540705 [Transport to Morgue].

14. \$2,887.00 for Invoice #0000017143 to Harris County Accounts Receivable from line item 125-423-540702 [Autopsy].

15. \$2,200.00 for Invoice dated May 2, 2024 to Singleton & Sons Funeral Home from line item 125-423-540705 [Transport to Morgue].

16. \$5,200.00 for Invoice #1346 to Fort Bend Medical Examiner from line item 125-423-540702 [Autopsy].

17. *Item #17 removed from Consent Agenda – Court addressed later in the meeting. (page 6)*

18. Request by County Auditor to approve and/or ratification of Accounts Payable.

Motion to approve Consent Agenda minus Item #17 made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Yes

Commissioner Beckendorff

– Yes

Advanced to Agenda Item #30

30. **Spread** upon the minutes the appointment of Judge JR Woolley to the Texas Indigent Defense Commission by Governor Abbott. *No action required.*

Proceeded with Agenda Item #19

FIRE MARSHAL

19. Approve continuation or renewal of declaration of local disaster pursuant to Government Code Section 418.108(b).

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

20. Severe storms **update** by Waller County Fire Marshal Brian Cantrell.
No action required.

21. Publicly **open** proposals received for All Hazards Preparedness, Planning, Consulting, and Recovery Services pursuant to RFP# 240417-30.

The following proposals were submitted and opened by the Court:

1. Received May 28, 2024 at 9:48 a.m. from Thompson Consulting Services
2. Received from Insight Planning and Development on May 28, 2024 at 7:27 am

COUNTY ENGINEER

22. Publicly **Open** Request for Proposals received for the following:

County-wide Seal Coating Services (RFP# 240320-30)

No proposals received

ARPA Funded Seal Coating Road Projects (RFP# 240320-52)

No proposals received

County-wide Road Tree Removal Services (RFP# 240320-73)

1. Received from Victor's Tree Service on May 14, 2024 at 8:09 a.m.
2. Received from ArborTrue, LLC on May 14, 2024 at 8:44 a.m.
3. Received from May 14, 2024 at 11:02 a.m. from Preston Davis

County-wide Roadside Vegetation Management Services (RFP# 240320-74)

1. Received from IVM Solutions on May 14, 2024 at 9:43 a.m.
2. Received May 10, 2024 at 11:12 a.m. from Opterra

County-wide Mowing Services (RFP# 240320-75)

No proposals received

Road Base and Construction Materials (RFP# 240320-76)

1. Received from Heise Trucking LLC on May 14, 2024 at 11:36 a.m.

Oils and Asphalts (RFP# 240320-77).

1. Received May 10, 2024 at 11:12 a.m. from Cleveland Asphalt
2. Received from Vulcan Materials Company on May 13, 2024 at 10:42 a.m.
3. Received from P2 Emulsions on May 9, 2024 at 1:15 p.m.
4. Received from Waller County Asphalt on May 13, 2024 at 1:21 p.m.

23. **Open** Request for Qualifications for Drainage Specific Engineering Services (RFP# 240320-31).

The following Request for Qualifications were submitted and opened by the Court:

1. Received May 14, 2024 at 10:14 a.m. from Colliers Engineering Design
2. From Strand Associates received May 14, 2024 at 1:23 p.m.
3. From Pape-Dawson received May 14, 2024 at 11:44 a.m.
4. From IEA Inc. received May 14, 2024 at 1:19 p.m.
5. From Krest Engineers LLC received May 14, 2024 at 10:57 a.m.
6. From Halff & Associates received May 14, 2024 at 11:26 a.m.
7. From McDonough Engineering Corporation received May 14, 2024 at 10:48 a.m.
8. From RG Miller, May 14, 2024 at 8:48 a.m.
9. From Walter P. Moore, May 13, 2024 at 2:01 p.m.
10. From Idcus, May 14, 2024 at 1:40 p.m.
11. From TNP received May 13, 2024 at 10:42 a.m.
12. From Parra & Company received May 8, 2024 at 10:47 a.m.

24. Approve Professional Services Agreement for Traffic Engineering Services with Randle Law Office LTD., L.L.P. **Motion FAILED.**

Motion made by Commissioner Beckendorff
Motion died due to lack of second.

Court returns to and takes action on Agenda Item #24 later in the meeting. (page 6)

25. GIS Update **Presentation.** *No action required.*

26. **Presentation** of Infrastructure Development Plan of Thompson Road RV Park in Precinct 2. *No action required.*

27. Approve the Infrastructure Development Plan of Thompson Road RV Park in Precinct 2.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

SHERIFF

28. **Award** bid(s) for Sheriff's Office Fleet Vehicles (RFP# 240403-21).

Commissioner Smith made motion to award bid to Sames Automotive Group to fulfill the county's request order relative to 2024 Chevrolet Equinox AWD LS at a price of \$27,185.00 with a lead time of 15 days, and the second recommendation is to select Caldwell County Chevrolet to fulfill the County's request order relative to 2024 Chevrolet 2500 HD 2WD at a per vehicle price of \$57,295.00 with a lead time of one (1) week, 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

29. **Award** bid for patrol vehicle upfitting and installation for the Sheriff's Office pursuant to RFP# 240417-34.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Commissioner Beckendorff made motion to award Dana Safety Supplies for upfitting and installation for Sheriff's Office, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

JUSTICE OF THE PEACE, PRECINCT 2

30. Court addressed Agenda Item #30 earlier in the meeting. (page 3)

ENVIRONMENTAL

31. ~~Approve a variance request to the subdivision Development Regulations, Engineering Design Standards, Section 2 Lot size, regarding the minimum lot size per dwelling, by Mr. Francisco Padilla. Item WITHDRAWN.~~

LIBRARY

32. Approve and accept donation of two checks for \$100.00 each to Waller County Library from Baker Moran Doggett Ma & Dobbs LLP.

Motion made 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

TREASURER

33. Approve policies and premiums with Texas Association of Counties for Law Enforcement Liability, Public Officials Liability, and Property coverages effective 07/01/2024. Total premium of \$411,411.00 to be paid from line item 125-411-530300 [Ins Equip/Build/Pub Liab].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

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

COMMISSIONER, PRECINCT 3

34. Approve the creation of a Waller County Workforce Development Board.

No action taken - Discussion only

35. Approve Precinct 3 TIRZ (Tax Increment Reinvestment Zone).

Commissioner Beckendorff made motion you (Commissioner Jones) and Robert (Pechukas) talk about making a TIRZ in Precinct 3, seconded by Commissioner Jones

Motion carried by 4-1 vote.

Judge Trey Duhon	– Yes	Commissioner Amsler	– No	Commissioner Smith	– Yes
		Commissioner Jones	– Yes	Commissioner Beckendorff	– Yes

DIRECTOR OF POLICY & ADMINISTRATION

36. Approve and authorize staff to move forward with obtaining and creating all necessary paperwork to possibly hold an election to create County Assistance Districts in the November general election.

Commissioner Beckendorff made motion to approve, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

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

37. Approve Amended Agreement with Randle Law Office LTD., L.L.P. for general legal services.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-1 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– No

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

Returned to Agenda Item #24

24. Approve Professional Services Agreement for Traffic Engineering Services with ~~Randle Law Office LTD., L.L.P~~ Cobb, Fendley & Associates.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

Proceeded with Agenda Item #38

AUDITOR

38. Approve ~~2024 Budget Adjustments and line item transfers.~~ Item **WITHDRAWN**.

DIRECTOR OF FACILITIES

39. Approve payment in the amount of \$134,829.00 to WPI for a Generac SG130 130kW Natural Gas Generator for the Waller County Joe Kuciemba Annex. Funds to be paid from line item 241-595-561209 [ARPA Miscellaneous].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

40. Approve payment in the amount of \$98,583.00 to WPI for a Generac SD060 60kW Diesel Generator for the Waller County Community Center. Funds to be paid from line item 241-595-561209 [ARPA Miscellaneous].

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

41. Approve payment of Application #3 for \$114.38 to Sedalco from line item 602-602-581838 [WCJC Macerator].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

42. Approve the Design-Build Change order form #001 in the amount of (\$9,625.04) for the Macerator.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

43. Approve cost estimate and agreement with Alpha Testing, LLC for construction materials testing for the courthouse construction project.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

Returned to Consent Agenda Item #17

17. \$8,373.00 for Invoice #169712, \$9,175.00 for Invoice #167530, and \$908.00 for Invoice #166428 for a total of \$18,456.00 to Alpha Testing, LLC from line item 604-604-545405 [Professional Services].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

Proceeded with Agenda Item #44

COUNTY ENGINEER

44. **Award** Bid for the following:

County-wide Seal Coating Services (RFP# 240320-30)

No bids received

ARPA Funded Seal Coating Road Projects (RFP# 240320-52)

No bid received

County-wide Road Tree Removal Services (RFP# 240320-73)

County Engineer recommends awarding to: ArborTrue, LLC

County-wide Roadside Vegetation Management Services (RFP# 240320-74)

County Engineer recommends awarding to: IVM Solutions

County-wide Mowing Services (RFP# 240320-75)

No bids received

Road Base and Construction Materials (RFP# 240320-76)

County Engineer recommends awarding to: Texas Star Transport, LLC and requests an Alternate to: Heise Trucking, LLC (the recommendation of an alternate is in case materials aren't available)

Oils and Asphalts (RFP# 240320-77).

County Engineer recommends awarding to: Waller County Asphalt, Inc. for the Hot Mix & Cold Mix;

Recommends award to Cleveland Asphalt Products, Inc. for SS1 CRS2 and Pug Mill Operations.

Requests an Alternate to Vulcan Construction Materials, LLC as an Alternate to the Hot Mix

Motion made by Commissioner Jones to select the bids that our County Engineer recommended, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

FIRE MARSHAL

45. **Award** Bid for All Hazards Preparedness, Planning, Consulting, and Recovery Services pursuant to RFP# 240417-30.

Motion made by Commissioner Beckendorff to award the bid to Thompson Consulting Services, 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

46. ~~Reject all bids for All Hazards Preparedness, Planning, Consulting, and Recovery Services (RFP# 240417-30).~~ **Item WITHDRAWN.**

47. Approve contract for debris monitoring services with co-op vendor.

Commissioner Smith made motion to approve the contract for debris monitoring services with co-op vendor Thompson Consulting Services, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

48. Issue Notices to Proceed to DRC (debris removal contractor) and debris monitoring company.

Motion made by Commissioner Jones to issue Notices to Proceed to DRC and Thompson Consulting, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

49. Approve purchase and Agreement with ESO Software.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Commissioner Jones made motion to approve subject to the edits, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

MISCELLANEOUS

50. Approve the appointment of Stephen McGrath and Monette Stephens to the East Waller County Management District through May 31, 2028.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Commissioner Jones made motion table, seconded by Commissioner Amsler.

Motion carried by 5-0 vote. **Item TABLED.**

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

Court returns to and takes action on Agenda Item #50 later in meeting. (page 9)

51. Approve payment of \$6,080.00 for Invoice #6003 to The Randle Law Office., L.L.P. from line item 125-401-540900 [Prof. Consultant Services].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

52. Approve payment of \$23,079.80 for Invoice #3926 to CRC for Kennels from line item 125-516-581700 [Equipment].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

Court returned to Agenda Item #50

Commissioner Smith made motion to reconsider Agenda Item #50, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

50. Approve the appointment of Stephen McGrath and Monette Stephens to the East Waller County Management District through May 31, 2028.

Commissioner Jones moved to approve #50, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff

– Yes

53. ~~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. Item WITHDRAWN.~~

54. ~~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. Item WITHDRAWN.~~

EXECUTIVE SESSION

55. ~~Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071. Item WITHDRAWN.~~
56. ~~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.~~
57. ~~Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725. Item WITHDRAWN.~~
58. ~~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 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 11:54 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 12th day of June 2024.

Commissioner Justin Beckendorff
Presiding Judge