



MINUTES

WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION WEDNESDAY – FEBRUARY 7, 2024

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 7th day of February 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 9:02 a.m. with the following members of the Court present to-wit:

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

Absent: Carbett "Trey" J. Duhon III, County Judge

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 – Absent

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. Ramiro Bautista 2. Lesha Roberts 3. Larry Parr

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 – January 24, 2024 Regular Session
3. Request by County Treasurer for approval of payroll.
4. Request by County Treasurer to transfer fixed assets to the IT Department.
5. Request by County Treasurer for approval of stale dated check list.
6. Request by County Auditor for approval and / or ratification of Accounts Payable.

7. Request by County Engineer to approve a Permit to Construct Utility in Waller County Right of Way by JM Hodges, Inc. on behalf of Verizon Wireless, for the purpose of a proposed installation of a Small Cell Node- Tamarron SC1 within the right of way of Jordan Ranch Blvd, Katy, Tx.
8. *Removed from Consent Agenda for Court to discuss and vote on separately per Commissioner Smith's request.*

Requests to approve payments

9. \$7,800.00 for Invoice # 1297 to Fort Bend Medical Examiner from line item 125-423-540702 [Autopsy].
10. \$2,000.00 for Invoice dated December 25, 2023 to Singleton & Sons Funeral Home, Inc. from line item 125-423-540705 [Transport to Morgue].

Commissioner Smith made motion to approve Consent Agenda with #8 being removed, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

8. Request by County Engineer to approve the final partial replat of West Magnolia Forest Section 11, Lot 62 in Precinct 2.

Motion to approve by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 3-1 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– No

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

RESOLUTION

11. Approve Resolution honoring James Koch and his services to Waller County.

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

(Commissioner Beckendorff read Proclamation)

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

12. Approve Resolution recognizing Waller High School's Culinary Team for participating in the Taste of the Championship affiliated with the 2024 CFP National Championship.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

(Commissioner Beckendorff read Proclamation)

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

PROCLAMATION

13. Approve Proclamation observing February as Black History Month.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

(Commissioner Jones read Proclamation)

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

COUNTY ENGINEER

14. Approve advertisement in the Katy Times, The Hotline Press, The Waller County Express, and The Waller Times a request for qualifications for drainage-specific engineering services. Funding to be paid from line item 125-401544100 [Bid Notices and Printing].

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

15. Accept the Maintenance Declaration from Harris-Waller Counties Municipal Utility District No. 4, as it relates to improvements in the Sunterra development.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

16. Approve new Road and Bridge fee schedule for building permits and plan reviews.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Commissioner Smith made motion to amend, seconded by Commissioner Jones to amend with the correct numbers the County Engineer just provided. (on the non-residential personal building permit fees fill and lot grading permit only, the flood zone should actually be the \$200.00 and the non-flood zone should be the \$100.00, so this is the Commercial Building Permit Fees)

Amendment carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

Amended Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

SHERIFF

17. **Spread** upon the minutes the Waller County Sheriff's Office Federal Forfeiture (Equitable Sharing) Fund 2024 Budget. *No action required.*

DISTRICT CLERK

18. **Spread** Upon the Minutes Certificate of Completion awarded to Liz Pirkle, Waller County District Clerk for completing the required 20 hours of Continuing Education for 2023 as prescribed in Section 51.605 of the Texas Government Code. *No action required.*

COUNTY CLERK

19. **Spread** upon the minutes Certificate of Completion awarded to Debbie Hollan, Waller County Clerk for completing the required 20 hours of Continuing Education for 2023 as prescribed in Section 51.605 of the Texas Government Code. *No action required.*

ELECTIONS

20. Approve Joint Resolution and Contract for Primary election.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

21. Approve Early voting Schedule for Main Early voting Location and three (3) Permanent Branch Locations.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

22. Approve publication of Notice of the 2024 Joint Primary Election in the Waller County Express and the Katy Times. Funds to be paid from line item 125-401-544100 [Bid Notices and Printing].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

COMMISSIONER, PRECINCT 3

23. Approve adoption of the Standard Form 330 Policy.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Commissioner Jones made motion to table agenda item, seconded by Commissioner Smith.

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

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

Advanced to Agenda Item #25

GRANT MANAGER

25. **Award** bid for construction services associated with the CDBG-DR Diemer Road Project (Contract No. 20-065-062-C180).

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Commissioner Jones made motion to amend, seconded by Commissioner Smith to conditionally award bid for construction services associated with the CDBG-DR Diemer Road Project (Contract No. 20-065-062-C180) contingent upon complete acquisition, possession, and funding for all four (4) required properties. (conditionally award to Matagorda Construction & Materials)

Amendment carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

Amended Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

Advanced to Agenda Items #27-37

DIRECTOR OF POLICY & ADMINISTRATION

27. ~~Discussion and take possible action to update Comprehensive Major Thoroughfare Plan.~~ **Item WITHDRAWN.**

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion and Second WITHDRAWN.

28. Update and approve members for the Subdivision and Development Regulations and Mobile Home Regulations Committee.

Recommended list of members: Commissioner Smith, Commissioner Jones, County Engineer and Assistant County Engineer, Environmental Chief, Jim Russ, Assistant DA, Bill Kotlan, Brandee Tiemann and Vince (Yokom).

Motion to approve made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Yes

AUDITOR

29. Approve 2024 budget adjustments and departmental line-item transfers.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Yes

30. Approve the following debt payments due February 15, 2024:

- (a) WC Certificates of Obligation, Series 2014 totaling \$561,604.50, payable to Trust Governmental Finance.
- (b) WC General Obligation Bonds, Series 2017 totaling \$519,775.00, payable to Amegy Bank.
- (c) WC General Obligation Bonds, Series 2018 totaling \$1,632,628.13, payable to Amegy Bank.
- (d) WC Tax Notes, Series 2020 totaling \$15,113.75, payable to JP Morgan Chase.
- (e) WC Tax Notes, Series 2022 totaling \$957,893.75, payable to Regions Equipment Finance Corp.
- (f) WC Certificates of Obligation, Series 2022 totaling \$176,850.00, payable to Amegy Bank.
- (g) WC Certificates of Obligation, Series 2023 totaling \$897,500.00, payable to Amegy Bank.

To be paid from the following budget line items:

\$3,390,000.00 from - 515-635-575000 [Principal]

\$1,371,365.13 from - 515-635-576000 [Interest].

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Yes

MISCELLANEOUS

31. ~~Approve Agreement between Waller County and Texana and payment of \$5,000.00 from line item 125-411-542254 [Texana Ctr Behavioral Healthcare] as allocated in the 2024 Budget. Item WITHDRAWN.~~

32. Approve Order Authorizing Texas Independence Day Fireworks Sales.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Yes

33. 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 – Absent

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

34. 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 Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

EXECUTIVE SESSION

35. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
36. 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.
37. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.

Court convened to Executive Session at 10:35 a.m.

Court reconvened from Executive Session at 11:41 a.m.

Returned to Agenda Items #24 and #26

24. Approve advertisement of RFP for outside counsel for mobility bond projects to be published in the Waller County Express. Funds to be paid from line item 125-401-544100 [Bid Notices and Printing].

Motion made by Commissioner Jones, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

26. Approve advertisement of RFQ for the Mobility Bond Program Manager to be published in the Waller County Express. Funds to be paid from line item 125-401-544100 [Bid Notices and Printing].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

Proceeded with Agenda Item #38

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

Commissioner Jones moved to approve condemnation proceedings against the owners of Property ID 8683 if no agreement is reached by February 9, 2024, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Absent

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – 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 – Absent

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 11:43 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 20th day of February 2024.

Carbett "Trey" J. Duhon, III
County Judge