



MINUTES

WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION WEDNESDAY – MARCH 6, 2024

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 6th day of March 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 9:01 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
Kendric D. Jones, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, 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

Commissioner Jones made motion to approve agenda, seconded by Commissioner Beckendorff.
Motion and Second WITHDRAWN.

Commissioner Jones made motion to approve agenda with change to #45 - adding second Invoice #10107601 in the amount of \$67,500.00, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler
Commissioner Jones

– Yes
– Yes

Commissioner Smith
Commissioner Beckendorff

– Absent
– Yes

PUBLIC COMMENT

1. Danny Rothe – County Facilities Director

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 – February 20, 2024 Regular Session

3. Request by County Treasurer for approval of payroll disbursements.

4. Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.
5. Request by County Auditor for approval and/or ratification of Accounts Payable.
6. Request by County Engineer to approve a Permit to Construct Utility in Waller County right of way, by American Communications Construction, Inc. (Black & Veatch, Comcast of Houston LLC) for an underground and aerial fiber cable within the right of way of Wilson Road in Precinct 3.
7. Ratify executed Amendment No. 5 to the County's GLO Contract No. 20-066-011-CO74 (CDBG-DR Buyout Program).

Requests to approve payments

8. \$183,309.50 for Invoice # 02152024GWA to Waller County Appraisal District from line item # 125-437-540500 [Tax Appraisal District].

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff

– Yes

CHILD WELFARE BOARD

9. Approve appointment of Child Welfare Board member Patricia Sanderlin for a 2-year term beginning January 2024 thru December 2025.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff

– Yes

10. Approve 2024 Agreement between Waller County and Waller County Child Welfare Board and payment of \$30,000.00 from line item 125-411-547220 [Waller Co Child Welfare Board] as allocated in the 2024 Budget.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff

– Yes

11. **Introduction** of newly appointed Child Welfare Board Members.

No action required.

12. Summary Report of 2023 Child Welfare Board activities.

No action required.

COUNTY JUDGE

13. Approve discretionary exemption pursuant to Local Government Code Section 262.024 to hire outside counsel for review of subdivision development agreements.

(no backup submitted)

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

14. Authorize the Director of Policy and Administration to enter contract negotiations for outside counsel services for review of subdivision development agreements.
(no backup submitted)

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

COUNTY ENGINEER

15. Approve the Final Acceptance of Sunterra Section 15 and accept roads for County Maintenance, as recommended.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

16. Approve the Substantial Completion/One Year Warranty Period for Kingsland Heights Section 5, with the maintenance period to be 08-24-2023 thru 08-24-2024.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

17. **Presentation** of Sunterra West - Phase 1 General Plan in Precinct 3.

No action required.

18. Approve the General Land Plan for Sofi Lakes Development in Precinct 3.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Beckendorff made motion to amend to include finalization and approval of a Development Agreement and a Traffic Impact Analysis, seconded by Commissioner Jones.

Amendment carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

Amended Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

19. Approve the General Land Plan of Margerstadt Road North Tract in Precinct 2.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Commissioner Beckendorff made motion to amend 19 to make the approval conditional on a Development Agreement also being approved, seconded by Commissioner Jones.

Amendment carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

Amended Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

20. Approve advertisement in The Waller County Express of a request for qualifications for traffic-specific engineering services. Funding to be paid from line item 125-401544100 [Bid Notices and Printing].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

21. Rescind approval of Consent Agenda item #12 (approval of the Final Plat at Corner of Kingsland) from the February 20, 2024 Commissioners Court Meeting.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

22. Approve the final plat of Corner at Kingsland in Precinct 4, which was presented to Commissioners Court on February 20, 2024, with the following changes:

- Removal of waterline easement that was shown in error.
- Removal of storm sewer easement that was shown in error.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

23. Rescind RFQ for Drainage-Specific Engineering Services (RFQ # 240207-14).

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

ENVIRONMENTAL DEPARTMENT

24. Approve a variance request to the Subdivision Development Regulations, Engineering Design Standards, Section 2-Lot size, regarding the minimum lot size per dwelling, by Mrs. Celia Perez.

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 Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

RECYCLE CENTER

25. Approve electronic recycling policies and prices.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

SHERIFF

26. Approve purchase of 14 patrol and administrative vehicles.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

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

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

27. Approve the creation of a Vehicle Maintenance division within the Sheriff's budget for the service and maintenance of all county owned and leased passenger trucks and vehicles.

Commissioner Beckendorff 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

– Absent

Commissioner Jones

– Yes

Commissioner Beckendorff – Yes

COMMISSIONER, PRECINCT 3

28. Approve Sunterra West-Phase 1 General Plan. (no backup submitted)

Commissioner Beckendorff made motion to approve subject to approval of Traffic Impact Analysis and Drainage Impact Analysis, 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

GRANT MANAGER

29. Approve the purchase and installation of keypads and door locks for the Precinct 4 Annex in an amount not to exceed \$5,387.50. Funds to be paid from line item 241-595-561209 [ARPA Miscellaneous].

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

30. Authorize the County Judge to execute Amendment No. 3 relative to the Spring Creek Watershed Study (TWDB Commitment No. G1001333).

Motion made by Commissioner Jones, 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

31. Authorize the County Judge to execute Amendment No. 3 relative to the Brazos River Flood Study (TWDB Commitment No. G1001319).

Motion made by Commissioner Jones, 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

TREASURER

32. Approve renewal of Affordable Care Act Reporting and Tracking Service (ARTS) agreement with Texas Association of Counties.

Motion made by Commissioner Jones, 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

33. Spread upon the minutes the 2023 Certificates of Compliance awarded to Joan Sargent, County Treasurer.

No action required.

MAINTENANCE

34. Approve the purchase and installation of a truck bed from Texan Trailer- Big Tex Trailer World for \$8,390.00. Funds to be paid from line item 125-442-581700 [Equipment].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

AUDITOR

35. Approve 2024 budget adjustments and line-item transfers.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

DIRECTOR OF FACILITIES

36. **Discuss** the Design of the moving of the generator from the old courthouse to the Annex. *No action required.*

37. Approve the cost of the Judges Bench requested for County Court at Law #2 in the amount of \$12,878.13.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend to pay from line item 604-604-581837 [Swing Space], seconded by Commissioner Jones.

Amendment carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

Amended Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

38. ~~Presentation of Audio/Visual equipment for temporary courtroom.~~ Item **WITHDRAWN.**

MISCELLANEOUS

39. Approve Official Bonds and Oaths for County Court at Law Judge Carol Chaney.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

Advanced to Agenda Items #41 –46

41. Designate Brian McQuiston II as the Public Information Coordinator.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

42. Approve Agreement between Waller County and Texana and payment of \$35,933.00 from line item 125-411-542254 [Texana Ctr Behavioral Healthcare] as allocated in the 2024 Budget.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Absent
Commissioner Beckendorff – Yes

43. Approve Interlocal Cooperation Contract for Failure to Appear Program between the Texas Department of Public Safety and Waller County, and authorize the County Judge to sign.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff – Yes

44. Approve 2023 Agreement between Colorado Valley Transit and Waller County and payment of \$10,000.00 from line item 125-411-547320 [Colorado Valley Transit] as allocated in the 2023 Budget.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff – Yes

45. Approve payment of \$33,594.00 for Invoice # 10113464 to Halff from line item 125-401-54090 [Prof. Consultant Services] **and pay \$67,500.00 for Invoice #10107601 from same line item, 125-401-54090 [Prof. Consultant Services].**

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff – Yes

46. Approve Agreement between Waller County and CIRA for Website Hosting Services and Support. Payment of \$3,200.00 for Invoice # SOPO18804 from line item 125-411-545001 [Maintenance Contracts].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff – Yes

Proceeded with Agenda Item #40

40. **Presentation** by the 36A Coalition.

No action required.

47. 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 Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff – Yes

48. 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 Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff – Yes

EXECUTIVE SESSION

49. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
50. 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.
51. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.

Court convened to Executive Session at 11:53 a.m.

Court reconvened from Executive Session at 12:35 p.m.

52. ~~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 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Absent

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 12:36 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

APPROVED this the 20th day of March 2024.

Carbett "Trey" J. Duhon, III
County Judge