



MINUTES

WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION WEDNESDAY – AUGUST 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 August 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
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler

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

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

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. Brian Cantrell – Fire Marshal

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 – July 24, 2024 Regular Session
3. Request by County Treasurer for approval of Payroll disbursements.
4. Request by County Auditor to approve 2024 budget adjustments and departmental line-item transfers.

5. Request by County Tax Assessor-Collector to approve refunds in excess of \$500.00 in accordance with Article 31.11 State Property Tax Code.
6. Request to approve payments on the following:
\$7,500.00 for Invoice # 08883 to Brazos Valley Council of Governments from line item #125-525-546900 [BVCOG].
7. \$69,076.25 for Invoice #100-24-020 to DRC Emergency Services from line Item #110-530-569311 [DR-4781] for County debris removal associated with Texas Severe Storms, Straight-Line Winds, Tornadoes, and Flooding (DR-4781).
8. Request by County Auditor to Approve and / or Ratify Accounts Payable.
9. Request by County Engineer for approval of a Permit to Construct Utility in Waller County Right of Way of Rock Island Rd. for a guy wire 4' on county right of way.
10. Request by County Engineer to approve the application for Replat of Katy ISD Elementary No. 48 to revise 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 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 September 4, 2024.
11. Request by County Engineer to approve a Permit to Construct Utility in the right of way of Jordan Ranch Blvd by CenterPoint Energy Gas for a 2" Main and a 2" SVC.
12. Request by County Engineer to approve a Permit to Construct Utility in the right of way of Wilson Rd by Comcast of Houston for a 40' Aerial Fiber Cable.
13. Request by County Engineer to use the online auctioning service of GovDeals.com to sell the surplus, used equipment, and miscellaneous supplies for the Road and Bridge Department.
14. Request by County Engineer to approve Final Acceptance of Sunterra Section 50 and accept the roads for County Maintenance.

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

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Yes

Advanced to Agenda item #16

COUNTY JUDGE

16. Accept the Certification of the 2024 Waller County Appraisal Roll as required under Property Tax Code 26.04(b).

Motion made by Commissioner Beckendorff, 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

AUDITOR

17. **Presentation** by Lewis Crain from the audit firm of Rutledge, Crain & Company, PC of the fiscal year 2023 Waller County Financial Audit Report.

No action required.

18. Approve the fiscal year 2023 Waller County Financial Audit Report.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

19. Approve the following debt payments due August 15, 2024:

- (a) WC General Obligation Bonds, Series 2017 totaling \$108,700.00, to Amegy Bank.
- (b) WC General Obligation Bonds, Series 2018 totaling \$433,378.00, payable to Amegy Bank.
- (c) WC Tax Notes, Series 2020 totaling \$710,114.00, payable to JP Morgan Chase.
- (d) WC Tax Notes, Series 2022 totaling \$65,794.00, payable to Regions Equipment Finance Corp.
- (e) WC Certificates of Obligation, Series 2022 totaling \$74,350.00, payable to Amegy Bank.
- (f) WC Certificates of Obligation, Series 2023 totaling \$610,500.00, payable to Amegy Bank.

Total of \$2,002,836.00 to be paid from the following budget line items:

\$695,000.00 from 515-635-575000 (Principal)

\$1,307,836.00 from 515-635-576000 (Interest)

Motion made by Commissioner Smith, 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

JUSTICE OF THE PEACE, PRECINCT 2

20. **Spread** upon the minutes for Judge Woolley being honored with the Judge of the Year award by the Justices of the Peace and Constables Association of Texas at the annual conference in Fort Worth. *No action required.*
21. **Spread** upon the minutes for the installation of Judge Woolley as the Second Vice-President of the Justices of the Peace and Constables Association of Texas at the annual conference in Fort Worth. *No action required.*

COUNTY ENGINEER

22. Approve Advertisement of RFQ for Engineering and Design Professional Services to be published in the Waller County Express relative to the 2023 Mobility Bond. Funds to be paid from line item 125-401-544100 [Bid Notices and Printing].

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

SHERIFF

23. **Award** bid for Sheriff's Office fleet vehicle associated with Resolicited RFP #240626-30.

Brooke presented recommendation to Court to accept Sames Auto Group for the amount of \$50,500.00.

Court took a vote but no motion had been made. (Action for this item is ratified on the 8/21/2024 Commissioners Court)

5-0 vote.

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

EXTENSION OFFICE

24. Approve Lease Agreement with Xerox for one (1) C8145H2 Copier. Funds to be paid from line item 125-540-581813 [Copier/Printer].

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

IT

25. Approve Agreement pursuant to Texas DIR Contract DIR-CPO-5092 with Designs That Compute d/b/a Visionality for Courtroom Audio Services at the Joe Kuciembra Annex.Total Cost of \$45,629.23 to be paid from line item 125-600-583500 [Capital Outlay - Computers, Software, Equipment].

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

GRANT MANAGER

26. Approve purchase of two (2) 2024 Chevrolet Tahoe PPV 2WD vehicles for Constable, Precinct 3 from Caldwell Country Chevrolet pursuant to BuyBoard Contract No. 724-23. Funding to be paid from line item 241-595-561209 [ARPA Miscellaneous].

(no backup submitted)

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Commissioner Beckendorff made motion to approve purchase of two (2) 2024 Chevrolet Tahoe PPV 2WD vehicles in the amount of \$104,700.00 for Constable, Precinct 3 from Caldwell Country Chevrolet pursuant to BuyBoard Contract No. 724-23. Funding to be paid from line item 241-595-561209 [ARPA Miscellaneous], seconded by Commissioner Jones.

Amendment carried by 5-0 vote.

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

Amended Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

27. Approve purchase of one (1) 2024 Chevrolet Tahoe PPV 2WD vehicle in the amount of \$52,800 for Constable, Precinct 4 from Caldwell Country Chevrolet pursuant to BuyBoard Contract No. 724-23. Funding to be paid from line item 241-595-561209 [ARPA Miscellaneous].

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

28. Approve purchase of one (1) 2024 Ford F-150 Crew 4X4 in the amount of \$46,872.75 for Constable, Precinct 4 from Silsbee Ford pursuant to TIPS USA Contract No. 210907 Automobiles. Funding to be paid from line item 241-595-561209 [ARPA Miscellaneous].

Motion made by Commissioner Beckendorff, 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

- ~~29. Approve advertisement of RFP for fleet vehicles for Constables, Precinct 3 and 4 to be published in the Waller County Express. Funds to be paid from line item 125-401-544100 [Bid Notices and Printing]. Item WITHDRAWN.~~

30. Approve advertisement of RFP for fleet vehicle upfitting and installation for Constables, Precinct 3 and 4 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 Beckendorff, 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

31. Approve subrecipient agreement between the County and the Houston-Galveston Area Council (H-GAC) relative to the H-GAC Solid Waste Management Grant. Total grant award is \$97,364.00.

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

FIRE MARSHAL

32. Approve purchase and agreement with ESO Software. Funds to be paid from line item 132-509-568400 [Miscellaneous].

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

COMMISSIONER, PRECINCT 3

33. Discuss the creation of a Tax Increment Reinvestment Zone in Precinct 3.

No action required.

34. Discuss proposed site development of county land in Sunterra.
No action required.

TREASURER

35. Approve 2024.10 Salary Order amendment effective 08/18/24.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

DIRECTOR OF FACILITIES

36. **Update** on Courthouse Project. *No action required.*

37. Approve Payment of \$1,223,950.99 for Application #21 to Sedalco, Inc. to be paid from the following line items:

\$33,026.91 - 604-604-545045 [Professional Services].

\$1,190,924.08 - 604-604-581000 [Bldg. Purch, Const, or Improv].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

38. **Update** on Annex and Justice Center Modular Buildings. *No action required.*

39. Approve payment of \$17,823.63 for Invoice #5 to Sedalco. Funds to be paid from line item 125-600-581620 [Justice Center Modular Building Design Fees].

Motion made by Commissioner Beckendorff, 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

MISCELLANEOUS

40. Approve the Waller County 2025 Holiday Schedule.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

41. Approve Texas Department of Motor Vehicles Imposition of Optional Fees for Calendar Year (CY) 2025 for Waller County.

Motion made by Commissioner Smith, 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

42. Ratify submission to the Texas Comptroller of Public Accounts for the Unclaimed Property Capital Credits.

Motion made by Commissioner Smith, 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

COUNTY JUDGE

15. Approve an Order to authorize the issuance and sale of "Waller County, Texas General Obligation Bonds, Series 2024"; levying a tax in payment thereof; approving an official statement and the execution of a purchase contract; and enacting other provisions relating to the issuance of said bonds, with such terms of financing as presented by the County's financial advisor.

Commissioner Beckendorff moved to award the bonds to BOK Financials Securities, Inc. per the terms discussed, 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

Advanced to Agenda Items #45 - #50

45. 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 5-0 vote.

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

46. 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 5-0 vote.

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

EXECUTIVE SESSION

47. Consultation with District Attorney and outside counsel, including consultation with outside counsel regarding procurement and ethics compliance pursuant to Government Code Section 551.071.
48. 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.
49. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.

Court convened to Executive Session at 11:03 a.m.

Court reconvened from Executive Session at 1:12 p.m.

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

Returned to Agenda Items #43 and #44

43. Approve Real Estate Contract for the purchase of property in Hempstead, Texas (property ID 7628) and authorize County Judge to sign closing documents.
(no backup submitted)

Judge Duhon made motion to approve the Real Estate Contract for the purchase of property in Hempstead, Texas (property ID 7628) with Jason and Heather McCue as the sellers as heirs of the Estate and/or Administrators and authorize the County Judge to sign closing documents, seconded by Commissioner Beckendorff

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Jones

– Yes

Commissioner Smith

– Yes

Commissioner Beckendorff – Yes

44. ~~Discuss and take action to acquire certain land along Adams Flat Road in Precinct 3.~~
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

– Absent

Commissioner Smith

– Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 1:14 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 21st day of August 2024.

Carbett "Trey" J. Duhon, III
County Judge