



MINUTES

WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION WEDNESDAY – DECEMBER 20, 2023

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 20th day of December 2023 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 9:05 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

PUBLIC COMMENT

1. Byron Johnson 2. Danny Rothe 3. Larry Parr

Commissioner Beckendorff made motion to approve agenda, 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

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.

1. Approval of Minutes – December 13, 2023 Regular Session
2. Request by County Treasurer for approval of Payroll.
3. Request by County Treasurer for approval of payment for retiree insurance.
4. Request by County Treasurer for approval of Treasurer's Monthly Report.

5. Request by County Auditor to approve official documents and all monthly reports.
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 Centric Fiber, LLC and Hooks Gas Pipeline for a proposed placement of a 8" HDPE natural gas line joint trenched with two 1.25" fiber conduit lines in the right of way of Morton Rd.
8. Request approval to reject all proposals for Road and Bridge Software Application & Services opened by Commissioners Court on March 8, 2023.

Requests to approve payments on the following:

9. \$7,500.00 for Invoice # 08029 to Brazos Valley Council of Governments from line item 125-525-546900 [BVCOG].
10. \$13,000.00 for Invoice # 1287 to Fort Bend Medical Examiner from line item 125-423-540702 [Autopsy].
11. \$1,984.03 for Invoice #24 to King Architectual Consulting Services to be paid from line-item 604-604-545405 [Professional Services].

Motion to approve Consent Agenda 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

Advanced to Agenda Items #42, and #22

42. Discuss and take action to approve request by the 4-H Horse Club to use the Community Center on a continued basis for the 2nd Tuesday each month for 2024 beginning January 09, 2024.

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

22. Discuss and take action to authorize the County Grant Manager to partner with the Texana Center in order to submit two (2) Mental Health Grant for Justice-Involved Individuals (MHGJII) applications to the Texas Department of Health and Human Services.

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

Proceeded with Agenda Item #12

ECONOMIC DEVELOPMENT

12. Discuss and take action to approve second amendment to the Tax Abatement Agreement with Brookshire Drying Co, Inc. and Texas Rice Milling, Inc. Brookshire Drying Company, Inc. applied for a tax abatement for property owned by Brookshire Drying Company, Inc. The property, located at 1019 Bains, in Brookshire, has been designated as Waller County Brookshire Rice Dryer Reinvestment Zone 7. Brookshire Drying Company, Inc. will construct a rice milling facility on the property at an estimated cost, including real and personal property, of \$6,300,000.

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

13. Discuss and take action to terminate two Tax Abatement Agreements for spec buildings with Woods Road Industrial LLC (contract ID # 220928-17a and 220928-17b).

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

COUNTY ENGINEER

14. **Public Hearing:** Proposed Major Thoroughfare Plan/Map Amendment, by Thomas C. Sikora, North Pines 1488 LP.

Public Hearing began at 9:53 a.m.

1. Luke Fortkamp – Assistant County Engineer advised there are no objections from Engineering Department.

2. Larry Parr

Public Hearing ended at 9:57 a.m.

15. Discuss and take action to approve the Major Thoroughfare Plan/Map Amendment, by Thomas C. Sikora, North Pines 1488 LP.

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

16. Discuss and take action to approve the acceptance of the following three roads in Sunterra Subdivision, Section 22 into the County Road Maintenance System and Release the Maintenance Bond: Inglenook Grove Drive .166 miles
Sonder Shore Drive .117 miles
Camino Cove Court .038 miles.

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

17. **Spread** upon the minutes the allotment of 1,609.7 Cubic Yards of RAP material valued at \$32,194.00 for 2024 from the Texas Department of Transportation(TxDOT).

No action required.

Advanced to Agenda Items #19-35

GRANT MANAGER

19. Discuss and take action to authorize the County Grant Manager to submit a Selective Traffic Enforcement Program (STEP)-Commercial Motor Vehicles (CMV) FY2025 Grant Application to the Texas Department of Transportation.

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

20. Discuss and take action to authorize the County Grant Manager to submit a Selective Traffic Enforcement Program (STEP)-Comprehensive (COMP) FY2025 Grant Application to the Texas Department of Transportation.

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

21. Discuss and take action to accept a grant award in the amount of \$29,620.00 from the United States Department of Justice pursuant to the Bureau of Justice Assistance's FY23 State Criminal Alien Assistance Program (SCAAP).

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

22. Court addressed agenda item #22 earlier in the meeting. (page 2)

23. Publicly **open** sealed bids submitted for professional home demolition services associated with the County's CDBG-DR Buyout Program (CDBG-DR Project 20-066-011-C074).

The following bids were opened by the Court:

1. From James W. Turner Construction date received 12.18.2023 at 10:00 a.m.
2. From RNDI Companies, Inc. date received 12.15. 2023 (no time provided)

24. Authorize the County Grant Manager to apply for SB22 Law Enforcement Grant Funds.

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

25. Discuss and take action to approve the creation of an Animal Control Administrative position at an hourly rate of \$22.25. Funding to be paid from line item ~~241-595-561209~~ [ARPA Miscellaneous] **241-595-510027 [Staff Salaries]**.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend 25 to be paid from line item 241-595-510027 [Staff Salaries], seconded by Commissioner Beckendorff.

Amendment carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

Amended Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

26. Discuss and take action to approve two Court Security Positions in the amount of \$81,862 per position. Funds to be paid from line item ~~241-595-561209 [ARPA Miscellaneous]~~ **241-595-510027 [Staff Salaries]**.

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

DISTRICT ATTORNEY

27. Discuss and take action to approve at \$15,000 increase in funding for the civil attorney position created on approved on November 15, 2023. Funds to be paid from ~~241-595-561209 [ARPA Miscellaneous]~~ **241-595-510027 [Staff Salaries]**.

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. Discuss and take action to approve the creation of a felony prosecutor supervisor position. Funding to be paid from line item ~~241-595-561209 [ARPA Miscellaneous]~~ **241-595-510027 [Staff Salaries]**.

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

TREASURER

29. Discuss and take action for annual review and approval of Waller County Investment Policy.

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

30. Discuss and take action to approve the 2024 Salary Order.

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

31. Discuss and take action to amend the Personnel Policy Manual.

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

AUDITOR

32. Discuss and take action to approve 2023 Engagement Letter between Waller County and Rutledge, Crain and Company, PC to be paid from line item 125-411-540700 [Audit].

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

33. Discuss and take action to approve annual review of Fund Balance Policy.

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

34. Discuss and take action to approve 2023 budget amendments and departmental line-item transfers.

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

FIRE MARSHAL

35. Discuss and take action to authorize the County Judge to enter into a contract with H2O Partners relative to the County's Hazard Mitigation Plan Update.

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

Advanced to Agenda Items #48-52

48. Discuss and take action to deliberate 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 Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

49. Discuss and take action to deliberate 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 Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

EXECUTIVE SESSION

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.

52. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 10:45 a.m.
Court reconvened from Executive Session at 12:59 p.m.

Returned to Agenda Item #18

DIRECTOR OF POLICY AND ADMINISTRATION

18. ~~Discuss and take action to advertise RFQ for Program Manager for the Mobility Bond Projects.~~ Item **WITHDRAWN**.

Proceeded with Agenda Item #36

DIRECTOR OF FACILITIES

36. Discuss and take action to approve payment of \$7,379.00 for Estimate # 38113 and \$209.00 for Estimate # 38122 for a total of \$7,588.00 to Automate Shade for window and teller window blinds at the Waller County Joe Kuciemba Annex. Funds to be paid from line-item 604-604-581837 [Swing Space].

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

37. **Update** on the Macerator for the Waller County Jail.

No action required.

38. Discuss and take action to approve payment of Application #2 for \$247,741.98 to Sedalco from line item 602-602-581838 [WCJC Macerator].

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

39. **Update** on the construction phase of the Waller County Courthouse Replacement and Annex Project.

No action required.

40. Discuss and take action to approve payment of Application #13 for \$1,274,173.50 to Sedalco to be paid from the following:
\$494,827.02 from line-item 604-604-545405 [Professional Services]
\$678,282.90 from line-item 604-604-581000 [Bldg Purch, Const, or Improv]
\$101,063.58 from line-item 604-604-581837 [Swing Space].

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

41. Discuss and take action to approve Lease Agreement and ~~payment~~ **in total amount of** \$22,924.86 for Agreement # Q-1605365 and **payment of** \$3,483.49 for Invoice # 9019616565 for a total of \$26,408.35 to Williams Scotsman Inc. for CCL#2 temporary office space. Funds to be paid from line item 604-604-581837 [Swing Space].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend to approve lease agreement in total amount of \$22,924.86 and payment of \$3,483.49, seconded by Commissioner Smith.

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

MISCELLANEOUS

42. Court addressed agenda item #42 earlier in the meeting. (page 2)

43. ~~Discuss and take action on RFP for outside counsel for mobility bond projects.~~
Item WITHDRAWN.

44. Discuss and take action to approve Interlocal Agreement with Harris County for Performance of Postmortem Examinations by Harris County Institute of Forensic Sciences.

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

45. Discuss and take action to approve official bond and oaths for Elected Officials.

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. Discuss and take action to approve Drainage Right-Of-Way Easement from WCF, LLC (Houston Executive Airport) and related agreement for Cardiff Road.

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

47. Discuss and take action to approve the IRS standard mileage rate for business travel at 67 cents per mile for 2024.

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

48. Court addressed agenda item #48 earlier in the meeting. (page 6)

49. Court addressed agenda item #49 earlier in the meeting. (page 6)

EXECUTIVE SESSION

50. Court addressed agenda item #50 earlier in the meeting. (page 6)

51. Court addressed agenda item #51 earlier in the meeting. (page 6)

52. Court addressed agenda item #52 earlier in the meeting. (page 7)

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

Commissioner Amsler moved to approve acquisition agreement with Alberta Diemer Ranch LLC, owners of Property Id #8683 for the Diemer Road realignment project, seconded by Commissioners Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

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 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 1:30 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 10th day of January 2024.

Carbett "Trey" J. Duhon, III
County Judge