



MINUTES

WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION WEDNESDAY – JULY 10, 2024

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 10th day of July 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 9:03 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 Jones 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. Art Hernandez
2. Mildred Jefferson

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 – June 26, 2024 Regular Session
3. Request by County Treasurer for approval of Payroll disbursements.
4. Request by County Auditor to approve Quarterly Reimbursement of Juror Payments.

5. Request by County Engineer to approve the Final Plat Partial Replat No. 1 of Forest Hills Estates Section 1, Lot 3 in Precinct 2.
6. Request by County Engineer to approve a Permit to Construct Utility within Waller County Right of Way by CenterPoint Energy for installation of 234' of 2" IP Pla, Svc gas along 27878 Clay Rd.
7. Request to approve payment on the following:
\$1,750.00 for Invoice # 0000050 to Stephens & Flowers Funerals and Cremations from line item 125-411-561502 [Pauper Burial Expense].
8. \$1,125.00 for Invoice dated June 18, 2024 to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].
9. Approve payment of \$115.00 for Invoice # 123592 to Bickerstaff Heath Delgado Acosta LLC from line item 125-411-540300 [Legal] for Early Voting Lawsuit.
10. Request by County Auditor to Approve and / or Ratify Accounts Payable.
11. Ratify subrecipient agreement with TDEM relative to administered grant award(s) associated with FEMA 4781-DR-TX.
12. Request by County Engineer to approve the application to Amend the Major Thoroughfare Plan/Map by Gamal 318 Acres LLC, and authorize the Road and Bridge Department to issue a public notice in the Katy Times, for two consecutive weeks, establishing a public hearing during the regular session of Commissioner's Court August 7, 2024.
13. Request by County Engineer to approve the Final Plat of Kingsland Boulevard West Street Dedication in Precinct 4.
14. Request by County Engineer to approve the Final Plat of Sunterra Commercial Development Section 1 and accept the Letter of Credit in Precinct 3.

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

WALLER COUNTY CHILD WELFARE BOARD

15. Approve appointment of Child Welfare Board member Earlynne Campbell for a 3-year term beginning January 2024 thru December 2027.

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

COUNTY ENGINEER

16. **Public Hearing:** On notice of application for Partial Replat No.1 of Blinka Estates Subdivision, to revise Lots 8 and 9. The revision will divide those lots into three separate lots, by Trang Nguyen in Precinct 3.

Public Hearing began at 9:21 a.m.

No public comments received.

Public Hearing ended at 9:22 a.m.

17. Approve contract with Ben E. Smith Tractors, Inc., for mowing county right-of-way (All Precincts).

Motion made by Commissioner Beckendorff, 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

18. Ratify Grange Development Agreement approved on May 1, 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

19. Approve Award on Drainage Specific Engineering Services (RFP# 240320-31).

Commissioner Jones made motion to award Pape Dawson on Drainage Specific Engineering Services, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote with 1 Abstained.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Abstained

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

20. Approve Resolution to Texas Department of Transportation (TXDOT) regarding FM 2855 Project in the Brookshire area for commitment and support of road widening and reconstruction project.

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

21. Approve Resolution to Texas Department of Transportation (TXDOT) regarding FM 1489 Project in the Brookshire area for commitment and support of road widening and reconstruction project.

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

22. Authorize the Waller County Auditor to conduct the Sheriff's Department annual Chapter 59 Asset Forfeiture/Seizure Audits.

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

IT

23. Approve renewal and upgrade on Internet connectivity for Road and Bridge and Precinct 2 locations.

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

Court returns to agenda item #23 later in meeting. (page 4)

LIBRARY

24. Approve donation to Waller County Library from Costco Wholesale for \$100.00 and add to line item 125-537-~~3536600~~ 536600 [Donations/Library].

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

25. Approve donation to Waller County Library from Dollar General for \$1500.00 and add to line item 125-537-~~3536600~~ 536600 [Donations/Library].

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 Jones made motion to reconsider Agenda Item #23, 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

Returned to Agenda Item #23

23. Approve renewal and upgrade on Internet connectivity for Road and Bridge and Precinct 2 locations.

Commissioner Beckendorff made motion to approve a 5 year contract, 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

COMMISSIONER, PRECINCT 4

26. Approve discretionary exemption for the purchase of a hovercraft pursuant to Local Government Code Section 262.024(7) and 2 CFR 200.320(c)(2).

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

27. ~~Approve purchase of a hovercraft and trailer from Neoteric Hovercraft Inc. in the amount of \$100,700. Funding to be paid from Line Item 241-595-561209 [ARPA Miscellaneous].~~
Item WITHDRAWN.

JUSTICE OF THE PEACE, PRECINCT 1

28. Approve lease agreement with Quadient for the lease of iX-3 Series Base w/5lb Integrated Weigh Platform Postal Meter, for a 60-month term at the monthly rate of \$65.15. Funds to be paid from line item 125-418-531400 [Postage].

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

AUDITOR

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

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

DIRECTOR OF FACILITIES

30. **Update** on courthouse project. *No action required.*

31. Approve Payment of \$2,154,326.96 for Application #20 to Sedalco, Inc. to be paid from the following line items:

\$51,743.91- 604-604-545045 [Professional Services].

\$2,102,583.05 - 604-604-581000 [Bldg. Purch, Const, or Improv].

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

32. **Update** on modular buildings. *No action required.*

33. Approve payment of \$6,583.00 for Invoice #4 to Sedalco. Funds to be paid from line item 125-600-581620 [Justice Center Modular Building Design Fees].

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

34. Approve two (2) modular buildings at the Joe Kuciemba Annex, and nine (9) at the 506 Court Annex. Costs to be paid from line item 241-595-561209 [ARPA Miscellaneous].
(no backup submitted)

Judge Duhon made motion to approve the floor plans for two (2) modular buildings at the Joe Kuciemba Annex, and nine (9) at the 506 Court Annex, 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

35. Approve discretionary exemption for AT&T utility equipment relocation along Austin Street pursuant to Local Government Code Section 262.024(7).

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

36. Approve proposal from AT&T to relocate primary phone lines along Austin Street to underground in the amount of \$47,228.98 to be allocated to courthouse rebuild project soft cost budget.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

Commissioner Smith made motion for funds to be paid from line item 604-604-581839, 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

MISCELLANEOUS

37. Approve payment of \$9,015.79 for Invoice # 6087 to Randle Law Office from line item 125-411-540300 [Legal] for General Matters.

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

38. 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 Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

39. 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 Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

EXECUTIVE SESSION

40. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
41. 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.
42. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.

Court convened to Executive Session at 11:11 a.m.
Court reconvened from Executive Session at 11:34 a.m.

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

Judge Duhon made motion to offer the owners of the property located at 425 Business 290 in Hempstead, Texas \$730,000.00 to purchase the property, seconded by Commissioner Amsler.

Motion carried by 5-0 vote.

<i>Judge Trey Duhon</i>	<i>– Yes</i>	<i>Commissioner Amsler</i>	<i>– Yes</i>	<i>Commissioner Smith</i>	<i>– Yes</i>
		<i>Commissioner Jones</i>	<i>– Yes</i>	<i>Commissioner Beckendorff</i>	<i>– Yes</i>

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Amsler, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

<i>Judge Trey Duhon</i>	<i>– Yes</i>	<i>Commissioner Amsler</i>	<i>– Yes</i>	<i>Commissioner Smith</i>	<i>– Yes</i>
		<i>Commissioner Jones</i>	<i>– Yes</i>	<i>Commissioner Beckendorff</i>	<i>– Yes</i>

Meeting was **ADJOURNED** at 11:35 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 24th day of July 2024.

Carbett “Trey” J. Duhon, III
County Judge