



MINUTES

WALLER COUNTY COMMISSIONERS COURT REGULAR SESSION TUESDAY – FEBRUARY 20, 2024

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Tuesday, the 20th 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 9:01 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge – *via zoom meeting*
John A. Amsler, Commissioner Precinct 1
Walter Smith, Commissioner Precinct 2
Kendric D. Jones, Commissioner Precinct 3 – *arrived 9:18 a.m.*
Justin Beckendorff, Commissioner Precinct 4 – *Presiding Judge*
Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler

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

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Absent

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. 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 – February 7, 2024 Regular Session
3. Request by County Treasurer for approval of payroll.
4. Request by County Treasurer to approve disbursement of funds for Retiree Insurance Premiums.
5. Request by County Treasurer for approval of Monthly Report.

6. Request by County Auditor to approve official documents and all monthly reports.
7. Request by County Auditor for approval and / or ratification of Accounts Payable.
8. *Removed from Consent Agenda to vote on separately.*
9. Request from County Engineer to declare miscellaneous supplies and equipment to be surplus property under Local Government Code 263.152 and auction said items through the services of Rene Bates Auctioneers, Inc.
10. Request by County Engineer to approve the Final Plat of Trails at Cochran Ranch Section One and accept the Construction Bond in Precinct 3.
11. Request by County Engineer to approve the Final RePlat of Twinwood Commerce Center Reserve 15 in Precinct 4.
12. Request by County Engineer to approve the Final Plat of Corner at Kingsland in Precinct 4.

Requests to approve payments on the following:

13. \$2,212.99 for Invoice #26 to King Architectural Consulting Services to be paid from line-item 604-604-545405 [Professional Services].
14. \$5,000.00 for Invoice # 2328 to TAG Houston Region from line-item 125-411-562300 [County Organizational Dues].
15. \$7,500.00 for Invoice # 08143 to Brazos Valley Council of Governments from line-item 125-525-546900 [BVCOG].
16. \$1,500.00 for Invoice # 2024-1002 to Highway 36A Coalition from line-item 125-411-561302 [Highway 36A Coalition].
17. \$2,016.00 for Invoice dated January 18, 2024 to Magnolia Funeral Home, Inc. from line-item 125-411-561502 [Pauper Burial Expense].

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

Motion to approve Consent Agenda minus #8 by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

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

8. Approve payment of \$7,588 for Invoice# 38097 to Automated Shades for installation of shades in the Kuciamba Annex. Funds to be paid from line item 604-604-581837 [Swing Space].

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Commissioner Smith made motion to amend by adjusting the amount to \$7,188.00, seconded by Commissioner Amsler.

Amendment carried by 4-0 vote.

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

Amended Motion carried by 4-0 vote.

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

ECONOMIC DEVELOPMENT

18. Approve Tax Abatement Agreement with CIV FCD Jordan Ranch, LLC and Coloplast Manufacturing US, LLC. Coloplast is the tax abatement applicant and tenant for property owned by CIV FCD Jordan Ranch. The property is located in the reinvestment zone known as Waller County Jordan Ranch Reinvestment Zone 14, located south of Interstate 10 near the intersection of Jordan Ranch Boulevard and Kingsland Boulevard. Coloplast will install equipment for manufacturing and distributing medical products at an estimated cost of \$1,300,000 over a period of 10 years.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Absent

Commissioner Beckendorff – Yes

19. Terminate Tax Abatement Agreement with CIV FCD Jordan Ranch, LLC for spec building 2 (Contract ID # 221130-15b).

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Absent

Commissioner Beckendorff – Yes

20. Approve Tax Abatement Agreement with Urban Twinwood, LP, the tax abatement applicant and owner of the property located in Twinwood Business Park. The property is in the reinvestment zone known as Waller County Twinwood Business Park Reinvestment Zone 12, located south of Interstate 10 and west of Woods Road. Urban Twinwood will construct an office, manufacturing, warehouse facility of approximately 50,000 square feet at an estimated cost of approximately \$4,000,000.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Absent

Commissioner Beckendorff – Yes

21. Approve amendments to six (6) Tax Abatement Agreements with SRPF B/Empire West Phase II, L.P., the tax abatement applicant and owner of the property located between Interstate 10 and Highway 90 west of Woods Road in Brookshire, Texas. The property is in the reinvestment zone known as City of Brookshire Reinvestment Zone 20.01. The Tax Abatement Agreements will be for the following spec buildings:

- a. Building 4, a building of approximately 666,360 square feet at an estimated cost of \$23,000,000.
- b. Building 5, a building of approximately 229,150 square feet at an estimated cost of \$8,000,000.
- c. Building 6, a building of approximately 127,382 square feet at an estimated cost of \$4,000,000.
- d. Building 7, a building of approximately 132,662 square feet at an estimated cost of \$4,000,000.
- e. Building 8, a building of approximately 124,700 square feet at an estimated cost of \$4,000,000.
- f. Building 9, a building of approximately 1,039,060 square feet at an estimated cost of \$36,000,000.

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Absent

Commissioner Beckendorff

– Yes

Commissioner Jones arrived to meeting.

COUNTY ENGINEER

22. Approve advertisement of RFP for ditch maintenance services 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 Smith, seconded by Commissioner Amsler.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

GRANT MANAGER

23. Authorize the County Judge to execute a contract with Matagorda Construction & Materials in an amount not to exceed \$1,076,376.85 for construction services associated with the Diemer Road Infrastructure Project (GLO Contract #20-065-062-C180) and the County Engineer to issue a Notice to Proceed post contract execution.

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

24. Discuss and take action to approve payment of \$269,754.00 to the owners of Parcel #1 for 4.810 acres of land associated with the CDBG-DR Diemer Road Project (Contract No. 20-065-062-C180).

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

MAINTENANCE

25. Approve advertisement of RFP for maintenance department fleet vehicles 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 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler

– Yes

Commissioner Smith

– Yes

Commissioner Jones

– Yes

Commissioner Beckendorff

– Yes

SHERIFF

26. **Spread** upon the minutes the Waller County Sheriff's Office 2023 Racial Profiling Report as presented to the Texas Commission on Law Enforcement.

No action required.

TREASURER

27. Approve amendments to the 2024 Salary Order to be effective February 25, 2024.

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

AUDITOR

28. ~~Approve 2024 budget adjustments and departmental line item transfers.~~
Item **WITHDRAWN**.

DIRECTOR OF FACILITIES

29. Discuss and take action to approve payment of Application # 15 for \$731,559.82 to Sedalco to be paid from the following:

\$100,528.00 from line-item 604-604-545405 [Professional Services]

\$551,231.44 from line-item 604-604-581000 [Bldg Purch, Const, or Improv]

\$79,800.38 from line-item 604-604-581837 [Swing Space].

Motion made by Commissioner Smith, seconded by Commissioner Amsler.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

MISCELLANEOUS

30. Approve discretionary exemption pursuant to Local Government Code Section 262.024 to hire outside counsel related to litigation with Awry Ready Mix Concrete (Cause No. CV24-01-0991).

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

31. Approve Representation Agreement with Hance Scarborough related to litigation with Awry Ready Mix Concrete (Cause No. CV24-01-0991).

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

32. ~~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.~~ Item **WITHDRAWN**.

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 contract negotiations for it would have a detrimental effect on the position of the County in negotiations with third persons.~~ Item **WITHDRAWN**.

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

Court convened to Executive Session at 9:40 a.m.
Court reconvened from Executive Session at 9:59 a.m.

Judge left meeting after Executive Session.

EXECUTIVE SESSION

35. ~~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.~~ Item **WITHDRAWN**.
36. ~~Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.~~ Item **WITHDRAWN**.
37. ~~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 – Absent

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 9:59 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

Debbie Hollan
Waller County Clerk

APPROVED this the 6th day of March 2024.

Carbett "Trey" J. Duhon, III

Carbett "Trey" J. Duhon, III
County Judge