

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – MAY 3, 2023

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 3rd day of May 2023 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Waller County Judge Trey Duhon at 9:04 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
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk
Absent: Kendric D. Jones, Commissioner Precinct 3

Delivery of Invocation by: Commissioner Amsler
Pledge to the American Flag and Texas Flag led by: Commissioner Beckendorff

1. **Approval of Agenda.**

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

PUBLIC COMMENT – *None*

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 the minutes** – April 26, 2023 Regular Session

3. **Request by County Treasurer for approval of Payroll.**

4. **Request to approve payment on the following:**

(a) \$2,887.00 for Invoice # 12392 to Harris County from line item 125-423-540702 [Autopsy].

(b) \$1,295.00 for Invoice dated April 22, 2023 to Magnolia Funeral Home, Inc. from line item 125-423-540705 [Transport to Morgue].

(c) \$35,947.06 for Invoice # INV89349 to Smarsh from line item 125-411-542505 [County Cell Phone].

5. **Request by County Auditor for approval and/or ratification of Accounts Payable.**

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

Motion carried by 4-0 vote.

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

Advanced to Agenda Item #16

16. Discuss and take action to approve Addendum to Digital Imaging Agreement with FamilySearch.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

Proceeded with Agenda Item #6

GRANT MANAGER

6. Discuss and take action to approve order to raise the micro-purchase threshold under 2 C.F.R. 200 to \$50,000.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

7. Discuss and take action to advertise in the Katy Times, The Hotline Press, and The Waller County Express the Request for Qualifications (RFQ) for a wetland delineation relative to the County’s CDBG-DR Diemer and Laneview Road Project (CDBG-DR Project No. 20-065-062-C180). Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].

Motion made by Commissioner Beckendorff to Discuss and take action to advertise in the Katy Times, The Hotline Press, **The Waller Times**, and The Waller County Express the Request for Qualifications (RFQ) for a wetland delineation relative to the County’s CDBG-DR Diemer and Laneview Road Project (CDBG-DR Project No. 20-065-062-C180). Funding to be paid from line item 125-401-544100 [Bid Notices and Printing], seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

8. Discuss and take action to authorize the County Judge to sign an Amendment to the Contract for Engineering Services for CDBG-DR Diemer and Laneview Road Project (CDBG-DR Project No. 20-065-062-C180).

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

ENVIRONMENTAL

9. Discuss and take action to approve a variance request to the Subdivision Development Regulations, Engineering Design Standards, Section 2-Lot size, regarding the minimum lot size per dwelling, by Robert Orta.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote. **Variance GRANTED.**

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

COMMISSIONER, PRECINCT 4

10. ~~Discuss and take action to approve Cardiff Road Agreement.~~

Motion and second withdrawn – Item 10 WITHDRAWN.

SHERIFF

11. ~~Discuss and take action to approve Agreement with ICSolutions.~~

Item WITHDRAWN.

12. Discuss and take action to approve medical services agreement with BS, Correction Medical Services, PLLC.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Absent

Commissioner Beckendorff – Yes

13. ~~Discuss and take action to approve the service agreement and purchase of Total Response software from Powerphone at a cost of \$61,497.00 from ESD funds.~~

Item WITHDRAWN.

FIRE MARSHAL

14. Discuss and take action to approve Interlocal Agreement between Waller County and Texas Division of Emergency Management.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Absent

Commissioner Beckendorff – Yes

TREASURER

15. Discuss and take action to amend the 2023 Salary Order.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Absent

Commissioner Beckendorff – Yes

MISCELLANEOUS

16. *Court addressed Agenda Item #16 earlier in the meeting. (Page 6)*

17. Discuss and take action to approve agreement with Fort Bend County Medical Examiner's Office.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Absent

Commissioner Beckendorff – Yes

18. Discuss and take action to approve payment of \$455,456.00 to Amazon pursuant to the Chapter 381 Economic Development Incentive Agreement. Funds to be paid from line item 125-411-561315 [Amazon 381 Agreement] as allocated in the 2022 Budget.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

Court reconsiders Agenda Item #18 later in the meeting (page 4)

19. Discuss and take action to approve Real Estate Contract of Sale with Connie Kuciemba, on behalf of the Estate of Julian Paul Kuciemba, to purchase the Julio’s Restaurant in Hempstead (property ID 169747) and authorize the County Judge to sign closing documents.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

20. Discuss and take action to approve Exhibit E to the agreement with SEDALCO for design-build services. Exhibit E establishes a GMP for swing space renovations.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion to table made by Commissioner Beckendorff, seconded by Commissioner Smith.

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

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

Returned to Agenda Item #18

Commissioner Smith made motion to reconsider Agenda Item #18, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

18. Discuss and take action to approve payment of \$455,456.00 to Amazon pursuant to the Chapter 381 Economic Development Incentive Agreement. Funds to be paid from line item 125-411-561315 [Amazon 381 Agreement] as allocated in the ~~2022~~ **2023** Budget.

Commissioner Beckendorff made motion to amend to 2023, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

21. 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 Smith, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

- 22. 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 Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

EXECUTIVE SESSION

- 23. 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.
- 24. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.
- 25. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 10:40 a.m.

Court reconvened from Executive Session at 11:33 a.m.

- 26. ~~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 Smith, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Meeting was **ADJOURNED** at 11:33 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 10th day of May 2023.

Carbett "Trey" J. Duhon, III

Carbett "Trey" J. Duhon, III
County Judge