

**MINUTES**  
**WALLER COUNTY COMMISSIONER'S COURT**  
**REGULAR SESSION**  
**WEDNESDAY – MAY 17, 2023**

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 17<sup>th</sup> 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 9:02 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.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Absent*

*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 the minutes** – May 10, 2023 Regular Session

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

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

(a) \$85.00 for Invoice # 23547405 [Courthouse, Hold-Up Alarm], and \$995.00 for Invoice # 23112405 [Courthouse Camera Surveillance], for a total \$1,080.00 payable to TAC Security from line item 117-428-568425 [Courthouse Security/Misc. Security].

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

6. **Request by County Treasurer for approval of Treasurer's Monthly Report.**

7. **Request by County Grant Manager to recognize Brooke Bacuetes as a Member of the Texas Broadband Development Office's Regional Working Group.**

8. Request by Assistant County Engineer to approve a Utility Permit for Black & Veatch (on behalf of Comcast of Houston L.L.C.), to install an aerial overlash on existing poles in the right-of-way of Rice Road in Precinct 2.
9. Request by Assistant County Engineer to approve a Utility Permit for MSEC Communications, to install a fiber optic cable in the right-of-way of Pinetree Court, Pinetree Lane, Forest Hills Court (New-Pine Tree Ct.), Forest Hills Lane (New- Pine Tree Ln.), Willow Bend Lane, Reids Prairie Road, Oakbourne Drive, N. Walnut Creek Road, S. Walnut Creek Road, Clark Road, N. Lake Road, N. Reids Prairie, Texas Oak Drive, Royal Oak Drive, Spanish Oak Drive, Kyle Drive, Mill Creek Road, West Loop Drive, E. Holly Hill Drive, Riley Road, Foxwood Drive, Lazy Ridge Drive, and Plantation Drive in Precinct 2.
10. Request by Assistant County Engineer to approve a Utility Permit for JM Hodges, Inc., to install antennas in the right-of-way of Spindletree Lane in Precinct 4.
11. Request by Assistant County Engineer to approve a Utility Permit for Black & Veatch (on behalf of Comcast of Houston L.L.C.), to install an aerial strand/lash on existing poles in the right-of-way of Magnolia Road and Murrel Road in Precinct 2.
12. Request by Assistant County Engineer to approve a Utility Permit for Black & Veatch (on behalf of Comcast of Houston L.L.C.), to install an aerial overlash on existing poles in the right-of-way of Robin Hood Lane, Robin Hood Court, Nottingham Circle, and Joseph Court in Precinct 2.
13. Request by Assistant County Engineer to approve a Utility Permit for AnSCO & Associates LLC, to install a fiber optic cable line within the right-of-way of Kulhanek Road and Blinka Road in Precinct 3.
14. Request by Assistant County Engineer to approve a Utility Permit for Black & Veatch (on behalf of Comcast of Houston L.L.C.), to install an aerial overlash on existing poles in the right-of-way of Lakeside Drive, Willow Creek Road, Creek Bend Road, North Clear Creek Road, Mathews Place Road, and Emily Way Road in Precinct 2.

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>

## **PROCLAMATION**

15. Discuss and take action to approve Proclamation Declaring May 15<sup>th</sup> through May 21<sup>st</sup>, 2023 as National Police Week and May 15<sup>th</sup>, 2023 as National Peace Officers Memorial Day in Waller County.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

(Judge Duhon read Proclamation)

**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>

**COUNTY JUDGE**

16. **Introduction** of County Engineer, Ross McCall.  
*No action required.*

**ASSISTANT COUNTY ENGINEER**

17. Discuss and take action to approve the acceptance of roads in Sunterra Subdivision Sections 2 and 4 into the Waller County Maintained Road Log and Release the Maintenance Bond.

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*

**COMMISSIONER, PRECINCT 3**

18. Discuss and take action to publish a notice of public hearing on amended resolution for 911 rural addressing standards in the Katy Times, the Hotline Press, and the Waller County Express. Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].

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*

**SHERIFF**

19. Discuss and take action to approve request to add additional funds for pending and future extradition expenses to GL Line 125-516-543600 [Out of State Travel].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Judge Duhon made motion to amend to transfer \$20,000 from 125-411-569600 [Contingency] to line item in the Sheriff's budget 125-516-543600 [Out of State Travel], seconded by Commissioner Smith.

**Amendment carried** by 4-0 vote.

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

**Amended Motion carried** by 4-0 vote.

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

**TREASURER**

20. Discuss and take action to approve \$378 payment to TAC for unmanned aircraft coverage on the General Liability policy from line item 125-411-560300 [Ins Equip/Build/Pub Liab].

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*

## GRANT MANAGER

21. **Open** Statements of Qualifications received pursuant to the County's RFQ Solicitation for a wetland determination and delineation relative to the County's CDBG-DR Diemer Road Project (CDBG-DR Project No. 20-065-062-C180).

The following were submitted and opened by the Court:

1. Received May 16, 2023 at 12:49 p.m. from SMC Consulting
2. Received May 16, 2023 9:53 a.m. from Holloway Environmental & Communication Services

22. Discuss and take action to advertise in the Katy Times, The Hotline Press, and The Waller County Express a Request for Qualifications (RFQ) for Property Appraisal Services associated with the County's CDBG-DR Diemer 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, seconded by Commissioner Smith.

**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

23. Discuss and take action to advertise in the Katy Times, The Hotline Press, and The Waller County Express a Request for Qualifications (RFQ) for Independent Property Appraisal Review Services associated with the County's CDBG-DR Diemer 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, seconded by Commissioner Smith.

**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

## DIRECTOR OF POLICY AND ADMINISTRATION

24. ~~Discussion on transport policy for Waller County.~~  
**Item WITHDRAWN.**

## MISCELLANEOUS

25. 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 Beckendorff, seconded by Commissioner Smith.

Judge Duhon made motion to amend 25, so we are approving Exhibit E to the agreement with SEDALCO for design-build services, Exhibit E establishes a GMP for swing space renovations to be paid from line item 604-604-581837, seconded by Commissioner Smith

**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

*Advanced to Agenda items #27-31*

27. 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 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*

28. 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.

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

## **EXECUTIVE SESSION**

29. 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.
30. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.
31. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

**Court convened to Executive Session at 9:43 a.m.**

**Court reconvened from Executive Session at 10:21 a.m.**

### ***Returned to Agenda Item #26***

26. Discuss and take action to authorize the County Judge or other authorized officials to execute the settlement participation and release forms regarding settlement offers in the matter of Texas opioid multi-district litigation for the County in the matter of *County of Waller v. Purdue Pharma, Inc., et al.*, MDL PRETRIAL MASTER CAUSE NO. 2018-0358, in the 152d District Court of Harris County, Texas.

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*

### ***Proceeded with Agenda Item #32***



32. ~~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 Beckendorff.

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

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Absent*

*Commissioner Beckendorff – Yes*

Meeting was **ADJOURNED** at 10:23 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*  
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Debbie Hollan  
Waller County Clerk

**APPROVED** this the 24<sup>th</sup> day of May 2023.

*Trey Duhon*  
\_\_\_\_\_  
Carbett "Trey" J. Duhon, III  
County Judge