

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – JULY 26, 2023

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 26th day of July 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 9:05 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

1. **Approval of Agenda.**

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

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** – July 19, 2023 Regular Session

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

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

(a) \$1,295.00 for Invoice dated July 15, 2023 to Magnolia Funeral Home, Inc. from line item 125-423-540705 [Transport to Morgue].

(b) \$7,500.00 for Invoice # 7905 to Brazos Valley Council of Governments from line item 125-525-546900 [BVCOG] for Quarterly Payment as allocated in the 2023 Budget.

(c) \$112.50 for Invoice # 3369379 to Husch Blackwell for Total Professional Services for the Woods Road Project from line item 125-411-540300[Legal].

(d)\$1,687.50 for Invoice # 3369380 to Husch Blackwell for Total Professional Services for the Diemer Road Re-Alignment Project from line item 125-411-540300[Legal].

(e) \$472.50 for Invoice # 3369381 to Husch Blackwell for Total Professional Services for the Evaluation of Subdivision Regulations from line item 125-411-540300[Legal].

- 5. Request by County Auditor for approval and/or ratification of Accounts Payable.
- 6. Request by County Auditor for approval of official documents and all monthly reports.
- 7. Request by County Treasurer for approval of payment for retiree insurance.
- 8. Request by County Engineer to approve a Utility Permit for Black & Veatch (permitting on behalf of Comcast of Houston, L.L.C.), to install 979’ of new aerial cable with 5157’ of over-lash cable within the right-of-way of Owens Road and Mayer Road in Precinct 2.
- 9. Request by County Engineer to approve the Final Plat of Enterprise Park at Twinwood in Precinct 4.

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

Motion carried by 5-0 vote.

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

WALLER COUNTY CHILD WELFARE BOARD

- 10. **Presentation** by Sherry McIntyre on the status of the Child Welfare Board.
No action required.
- 11. Discuss and take action to approve the Agreement for Child Welfare Board Services and payment of \$15,000.00 from line item 125-411-547220 [Waller Co. Child Welfare Board] as allocated in the 2023 Budget.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

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

ECONOMIC DEVELOPMENT

- 12. Discuss and take action to approve assignment of Tax Abatement Agreement with Clay Partners – Twinwood Distribution #2, L.P., Contract ID# 220511-16.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

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

COUNTY ENGINEER

- 13. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding Platting Procedure 3.4.8 Flag lot access length which is 1224.48’ more than allowed by regs, 500ft. for each acre greater than 10, by Wesley Rankin in Precinct 2.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote. **Variance Granted.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

14. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding a shared access easement less than 60 ft. off Bosque Road in Precinct 1, by Joshua Gullede.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote. **Variance Granted.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes
Commissioner Jones – Yes

Commissioner Smith – Yes
Commissioner Beckendorff – Yes

15. Discuss and take action to amend the Waller County Subdivision and Development Regulations, Appendix E, Section V – Detention Facilities, to include an alternative detention requirement for rural subdivisions with lot sizes of 5 acres or greater.

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 CLERK

16. Draw three (3) public members and three (3) alternate members to serve on the Salary Grievance Committee pertaining to the 2024 Budget.

Public Members Drawn:

1. Tammie Harris of Brookshire.
2. Joy Davis of Katy.
3. William Kyle Travis of Katy.

Alternate Members Drawn:

1. Amy Lehman of Brookshire.
2. Joe Jimenez of Hockley.
3. Jimmy Wilson of Waller.

GRANT MANAGER

17. Discuss and take action to approve updates to the County’s Financial Policies and Procedures.

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

18. Discuss and take action to approve updates to the County’s Procurement Policies and Procedures.

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

JUSTICE OF THE PEACE, PRECINCT 3

19. Discuss and take action to approve payment of \$260.00 for Invoice #'s 67132 and 67052 to Texas State University for two (2) part-time employees' Training Fees. Funds to be paid from line item 125-420-563000 [Training & Conference Expense].

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

20. Discuss and take action to approve payment balance of 7.30 hours accrued vacation by Diana Duncan as a Full-Time Justice Court Clerk for Precinct 3 at an hourly rate of \$25.30. Funds to be paid from line item 125-420-510027 [Full Time].

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

FIRE MARSHAL

21. Discuss and take action on Burn Ban.

Commissioner Beckendorff made motion to initiate the Burn Ban, 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

Advanced to Agenda Items #26-28

26. Discuss and take action to approve the re-appointment of Sue Fagan for position #8 representing Waller County on Texana Center Board of Trustees for a two-year term beginning September 1, 2023.

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

27. Discuss and take action to withdraw bid notice and approve a discretionary exemption pursuant to Section 262.024(a)(2) of the Texas Local Government Code relative to contracts associated with deceased body transport services.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Amsler made motion to table, seconded by Commissioner Jones

Motion carried by 5-0 vote. **Item TABLED.**

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

28. ~~Discuss and take action to approve Waller County Deceased Body Transport Services Policies and Procedures. Item WITHDRAWN.~~

CONSTRUCTION MANAGER

- 22. **Update** on the design phase of the Waller County Courthouse Replacement and Annex Project. *No action required.*
- 23. ~~Discuss and take action to approve payment of Application #1 for \$6,834.60 to Sedaleo from line item 603-603-545405 [Professional Services].~~
Item WITHDRAWN.
- 24. ~~Discuss and take action to approve payment of Application #8 for \$529,589.91 to Sedaleo from line item 603-603-545405 [Professional Services].~~
Item WITHDRAWN.
- 25. ~~Discuss and take action to approve payment of Invoice #10 for \$1,814.25 to King Architectural Consulting Services PLLC. Funds to be paid from line item 603-603-545405 [Professional Services].~~
Item WITHDRAWN.

MISCELLANEOUS

- 26. *Court addressed Agenda Item #26 earlier in the meeting. (page 4)*
- 27. *Court addressed Agenda Item #27 earlier in the meeting. (page 4)*
- 28. *Court addressed Agenda Item #28 earlier in the meeting. (page 4)*
- 29. Discuss and take action to approve Agreement between Waller County and Fort Bend Seniors Meals on Wheels and payment of \$40,000.00 for Invoice # 4329 from line item 125-411-547315 [Ft. Bend Seniors Meals on Wheels] as allocated in the 2023 Budget.
Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.
Motion carried by 5-0 vote.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Jones – Yes</i>	<i>Commissioner Beckendorff – Yes</i>
- 30. Discuss and take action to approve Resolution Authorizing County Grant Program for the Texas Department of Agriculture Home-Delivered Meal Grant Program for 2024.
Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.
Motion carried by 5-0 vote.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Yes</i>	<i>Commissioner Smith – Yes</i>
	<i>Commissioner Jones – Yes</i>	<i>Commissioner Beckendorff – Yes</i>
- 31. Discuss and take action to approve the KHR Environmental contract and payment of \$840.00 for the septic inspection for JP4 Building. Funds to be paid from line item 125-442-544700 [Repair & Replacement].
Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.
Motion carried by 5-0 vote.

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

32. ~~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.~~

Item WITHDRAWN.

33. ~~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.~~

Item WITHDRAWN.

EXECUTIVE SESSION

34. ~~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.

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

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

Court convened to Executive Session at 11:47 a.m.

Court reconvened from Executive Session at 12:12 p.m.

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 Beckendorff.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 12:13 p.m.

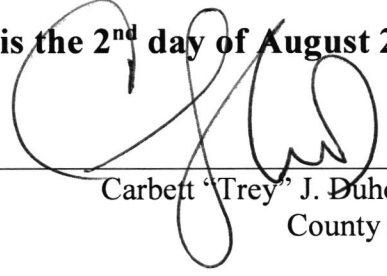
I **ATTEST** that the above proceedings are the true and correct minutes taken in my capacity as Ex-Officio for the Commissioners' Court of Waller County.

Debbie Hollan

Debbie Hollan
Waller County Clerk



APPROVED this the 2nd day of August 2023.



Carbett "Trey" J. Duhon, III
County Judge