

MINUTES
WALLER COUNTY COMMISSIONER’S COURT
REGULAR SESSION
WEDNESDAY – SEPTEMBER 27, 2023

BE IT REMEMBERED that the Honorable Commissioner’s Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 27th day of September 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 9:03 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
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 Smith, seconded by Commissioner Beckendorff.

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** – September 20, 2023 Regular Session
3. **Request to approve payment on the following:**
 - (a) \$1,835.30 for Invoice # 14 to King Architectural Consulting Services PLLC from line item 604-604-545405, Business Node from CO’s [Professional Services].
4. **Request by County Auditor for approval and/or ratification of Accounts Payable.**
5. **Request by County Auditor for approval of official documents and all monthly reports.**
6. **Request by County Engineer to accept a Formal Notice of Proposed Utility Work for American Communications Construction, Inc. to place an Underground Conduit and Fiber Cable within the right-of-way of Joseph Rd at FM 1488 – a distance of approximately 467 feet along the west side of Joseph Rd in Pct. 2.**

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

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>

ECONOMIC DEVELOPMENT

7. Discuss and take action to approve Tax Abatement Agreement with Elin Energy, LLC the tax abatement applicant and tenant of property owned by Welcome Industrial Sub 65 LLC, located at 220 Twinwood Parkway in Brookshire, Texas 77423. The property is in the reinvestment zone known as Waller County Twinwood Business Park Reinvestment Zone 12 (reauthorized May 10, 2023), located south of Interstate 10 and west of Woods Road. Welcome Industrial Sub 65 LLC constructed a 200,000 square foot commercial building with an estimated value of \$5,000,000, and Elin Energy, LLC will install new manufacturing equipment over a ten-year period at an estimated cost of \$35,000,000.

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

TREASURER

8. **Presentation** of TAC Services Overview by Rhita Koches, TAC County Relations Officer.
No action required.

9. Discuss and take action to approve the 2024 Post-65 Group Retiree Healthcare Program.

Commissioner Smith made motion to approve Package #1 as presented, 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

COUNTY ENGINEER

10. Discuss and take action to Amend the Backup documents for Item # 7 from Commissioners Court of September 6th 2023 to correct the Vin/Serial to reflect Serial #: 1T0333GMEPF451217 of the 2023 John Deere 333G Track Loader.

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

11. Discuss and take action to approve multiple variance requests to the Waller County Subdivision and Development Regulations for Plow Tract in Precinct 4 presented by Jennifer Curtis.

Judge Duhon made motion to approve the 5 variance requests that are attached to the 4 applications on the backup, 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

COUNTY CLERK

12. Discuss and take action to approve the 2024 Sheriff's and Constable's Fees as recommended by the County Sheriff.

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

DISTRICT ATTORNEY

13. Discuss and take action to approve continuation of Victim Assistant Position in the District Attorney's Office and authorize the County Treasurer to pay salary and benefits for the same.

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

14. Discuss and take action to advertise in the Katy Times, The Hotline Press, Waller Times, and The Waller County Express for Request for Proposals (RFP) for Hazard Mitigation Plan Update. Funds 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

FIRE MARSHAL

15. ~~Discuss and take action on Burn Ban.~~
Item **WITHDRAWN**.

AUDITOR

16. Discuss and take action to approve 2023 budget amendments and departmental line-item transfers. *(no backup submitted)*

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

CONSTRUCTION MANAGER

17. ~~Discuss and take action to approve design fees of \$199,450.00 to Sedaleo/BSW/McLemore Luong for 10-11 Modular Buildings for the proposed complex at the Justice Center and for additional parking, fencing, and utilities. Complex will house chambers for two (2) Judges, a courtroom, offices for District Clerk, and a workroom for District Attorney. Item **WITHDRAWN**.~~

18. Discuss and take action to approve payment of Pay Application #10 for \$702,471.92 to Sedalco, Inc. from line item 604-604-545405 Business Node from CO's (Professional Services).

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Commissioner Smith made motion to table, seconded by Commissioner Amsler.

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

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)

MISCELLANEOUS

19. Discuss and take action to approve Designation of Representatives for Houston-Galveston Area Council 2023 General Assembly and Board of Directors.

Commissioner Beckendorff made motion to keep nominations the same as they are (On the Board of Directors Judge Duhon as the Primary and Commissioner Beckendorff as the Alternate; on the Alternates for the General Assembly is Commissioner Amsler and Commissioner Jones), 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 Order Designating an Area for the Sale of Real Property for the relocation of tax sales during the courthouse demolition and construction.

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

21. Discuss and take action to ratify selection of Southwest Realty Consultants for appraisal of 22892 Mack Washington Lane in Hempstead. *(no backup submitted)*

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

Returned to Agenda Item #18

Commissioner Smith made motion to reconsider #18, 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

18. Discuss and take action to approve payment of Pay Application #10 for \$702,471.92 to Sedalco, Inc. from line item 604-604-545405 Business Node from CO's (Professional Services).

Judge Duhon made motion to approve payment of Pay Application #10 to Sedalco for \$293,176.64 for the design services from line item 604-604-545405 Business Node from CO's (Professional Services) and ~~\$469,295.28~~ **\$409,295.28** from 604-604-581837 [Swing Space], 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 #22

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 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.~~
23. ~~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

24. ~~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.~~
25. ~~Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725. Item WITHDRAWN.~~
26. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.
- Court convened to Executive Session at 10:46 a.m.**
Court reconvened from Executive Session at 11:12 a.m.
27. ~~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 11:12 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 11th day of October 2023.

A handwritten signature in black ink, appearing to read "Just JB", written over a horizontal line.

Commissioner Justin Beckendorff
Presiding Judge