

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – JANUARY 26, 2022

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 26th day of January 2022 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
Walter Smith, Commissioner Precinct 2
Kendric D. Jones, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk

Absent: John A. Amsler, Commissioner Precinct 1

Delivery of Invocation by: Commissioner Smith

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

1. **Approval of Agenda.**

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT

To slow the spread of COVID-19, the public may make public comment at the beginning of the meeting by teleconference. **Local callers should call 979-921-6212.** Non-local callers should call 800-576-1131. The user code for both numbers is **14329937**. Callers will be asked if they would like to make public comment. After public comment, the teleconference line will be closed. The public may continue to watch the meeting streamed online at <http://wallercountytexas.com/live>.

The following public members made public comment via teleconference:

1. Rhonda Jordan

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 – January 19, 2022 Regular Session
3. Request by County Treasurer for approval of Payroll.
4. Request by County Treasurer for approval of Treasurer's Monthly Report.
5. Request by County Treasurer for approval of accounts payable for retiree insurance.
6. Request by Sheriff's Office for approval of Fixed Asset Transfers.

7. Request by Constable, Precinct 4 for approval of Fixed Asset Transfers.
8. Request to approve payment on the following:
 - (a) \$85.00 for Invoice # 22547401 [Courthouse, Hold-Up Alarm], and \$1,070.00 for Invoice # 22112401 [Courthouse Camera Surveillance], for a total of \$1,155.00 payable to TAC Security from line item 117-428-568425 [Courthouse Security/Misc. Security].
9. Request by County Auditor for approval and/or ratification of Accounts Payable.
10. Request by County Auditor for approval and/or ratification of Accounts Payable for Construction Projects.
 - (a) \$189,652.00 from line item 125-600-587522 [Jail Demolition].
11. Request by County Engineer to accept Right-of-Way and/or Exclusive Easement dedications along Woods Rd., from IH-10 southward, necessary to expand the roadway. *No backup submitted*
12. Request by County Engineer to approve a Utility Permit for CenterPoint Energy to install 5' of HP pipe in the right-of-way of Schlipf and Clay Road.

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

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

COUNTY ENGINEER

13. **Open** and award bids.

The following bids were submitted and opened by the Court:

For Mowing Contract:

Received January 18, 2022 at 12:44 p.m. from MLR Services LLC

Received January 18, 2022 at 10:17 a.m. from Ben E. Smith Tractors, Inc.

For Gasoline and Diesel Fuel:

Received January 18, 2022 at 8:05 a.m. from Key Performance Petroleum

Received January 14, 2022 at 10:39 a.m. from Petroleum Traders Corporation

Received January 18, 2022 at 11:21 a.m. from Sun Coast Resources

Received January 18, 2022 at 11:26 a.m. from Global Montello Group Corp

Assistant Engineer Jared Chen took bids to review, court will hold on item and award bid later in the meeting. (page 4)

14. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding a shared access easement right-of-way is 30 ft. instead of 40 ft. from Nicole Simar.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

15. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding a shared access easement right-of-way less than 60 ft., minimum lot size and shared access easements for multiple properties by Andrew Allemand.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Beckendorff, made motion to table agenda item, seconded by Commissioner Jones.

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

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

16. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding right-of-way requirements less than 60 ft. by (Robert Hooper) Urban Construction Southwest, Inc.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

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

17. Discuss and take action to approve the Infrastructure Development Plan of Kickapoo Asset LLC.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

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

18. Discuss and take action to approve General Land Plan/Master Plan for Sage Ranch Subdivision.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Smith made motion to amend to read that we grant the approval of the general plan based on the 50 foot Right of Way with a 25 foot spill and set back line, seconded by Commissioner Jones.

Amendment carried by 4-0 vote.

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

Amended Motion carried by 4-0 vote.

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

19. Discuss and take action to approve the price increase from Vulcan Materials Company for Cold Mix Asphaltic Concrete and renew contract for 2022.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

20. Discuss and take action to approve the price increase from Vulcan Materials Company for Type A Grade 2 Flex Base and renew contract for 2022.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

21. Discuss and take action to approve the price increase with Waller County Asphalt for ASPPM Cold Mix and renew contract for 2022.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

22. Discuss and take action to approve bid renewals for 2022.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

23. Discuss and take action to approve Change Order #2 for the Laneview Rd. Reconstruction project (CDBG-DR 20-065-062-C180) and authorize the County Judge to sign the necessary form(s).

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

Returned to Agenda Item #13

13. Open and **award** bids.

Commissioner Beckendorff made motion to award the Gasoline and Diesel Fuels to Petroleum Traders Corp and then award the Mowing contract to Ben E. Smith Tractors, Inc. for 2022, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

SHERIFF

24. ~~Discuss and take action to approve MOUs with federal and local task forces.~~
Item WITHDRAWN.

25. Discuss and take action to approve exceptions to the compensatory time policy for law enforcement officers assigned to task forces through approved agreements and to pay overtime from line item 125-516-510080 [Overtime]. *No backup submitted.*

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

26. Discussion on the new Waller County medical insurance policy and its impact on current employees as well as employee retention and recruitment. *No backup submitted. No action required.*

ELECTIONS

27. Discuss and take action to approve Temporary Branch Early Voting Locations for the 2022 Primary Election.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend the proposed schedule that Christy has presented to add a location at the Monaville JP Office and an additional location on the south end of Precinct 1 at times to be determined by the Elections Administrator, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

COUNTY CLERK

28. **Spread** upon the minutes a Certification of Completion for the required hours of Continuing Education for 2021 as prescribed by Section 51.065 of the Texas Government Code. *No action required.*

DISTRICT CLERK

29. **Spread** upon the minutes a Certification of Completion for the required hours of Continuing Education for 2021 as prescribed by Section 51.065 of the Texas Government Code. *No action required.*

AUDITOR

30. **Spread** upon the minutes the certification of the Juvenile Probation, HGAC Grant in the amount of \$6,000.00 and amend the 2022 budget, WC 2022-01. *No backup submitted. No action required.*

31. Discuss and take action to approve the 2022 Interlocal Agreement with Grimes County for the Cost Sharing of 506th District Court personnel and related court expenses.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

32. Request by County Auditor for approval of official documents and all monthly reports.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

MISCELLANEOUS

33. Discuss and take action to approve Court Order setting the pay for Jurors in 2022 and providing food and lodging for Jurors in certain cases and instances.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

34. Discuss and take action to approve the appointment of Randy Loewe to the H-GAC Criminal Justice Advisory Committee replacing Harold Barthe for the remainder of the term, ending May 2022.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

35. Discuss and take action to amend County policies in relation to COVID-19.

No action taken.

36. 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 in Precinct 1, Precinct 3, and Precinct 4 would have a detrimental effect on the position of the County in negotiations with third persons.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

EXECUTIVE SESSION

37. Deliberate business and financial issues related to the purchase, exchange, lease, or value of real properties in Precinct 1, Precinct 3, and Precinct 4 pursuant to Government Code Sections 551.072 and 551.0725.

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

Court convened to Executive Session at 12:07 p.m.

Court reconvened from Executive Session at 1:39 p.m.

39. ~~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 Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Absent

Commissioner Smith – Yes

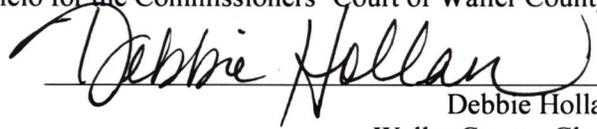
Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 1:39 p.m.

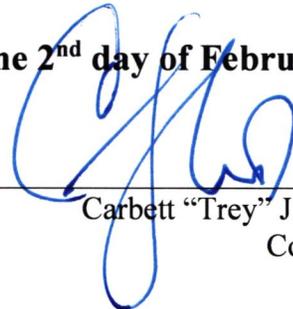
I **ATTEST** that the above proceedings are the true and correct minutes taken in my capacity as
Ex-Officio for the Commissioners' Court of Waller County.





Debbie Hollan
Waller County Clerk

APPROVED this the 2nd day of February 2022.



Carbett "Trey" J. Duhon, III
County Judge