

**MINUTES**  
**WALLER COUNTY COMMISSIONER'S COURT**  
**REGULAR SESSION**  
**WEDNESDAY – MARCH 23, 2022**

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 23<sup>rd</sup> day of March 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 9:02 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  
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.

<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>

**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.swagit.com/live>.

The following public members made public comment:

1. Larry Parr
2. Tracy Sebesta

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 – March 16, 2022 Regular Session
3. Request by County Treasurer for approval of Payroll.
4. Request for approval of accounts payable for retiree insurance.
5. Request to approve payment on the following:
  - (a) \$2,887.00 for Invoice # 8141 to Harris County from line item 125-423-540702 [Autopsy].

6. Request by County Auditor for approval and/or ratification of Accounts Payable.
7. 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.*
8. Request by County Engineer to approve a Utility Permit for American Communications Construction, Inc. (Comcast) to place Conduit/fiber cable within the right-of-way of Water Oak Lane.
9. Request by County Engineer to approve a Utility Permit for CenterPoint Energy to install 8" IP Plastic Pipe in the right-of-way of Clay Road (Sunterra).
10. Request by County Engineer to approve a Utility Permit for San Bernard Electric to place 1 power pole in the right-of-way of Newland Road in Precinct 2.
11. Request by County Engineer to approve a Utility Permit for CenterPoint Energy to install 1 Single – Mode Fiber cable within the right-of-way of Pitts and Morton Road.
12. ~~Request by County Engineer to approve the designation of take home vehicles within the Road and Bridge Department.~~ **Item removed from consent agenda – voted on separately.**

Motion to approve consent agenda with #12 removed 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>

12. Request by County Engineer to approve the designation of take home vehicles within the Road and Bridge Department.

Motion to approve 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>

## **SHERIFF**

13. Discuss and take action to approve the purchase of Southern Software for the four Constable agencies. Funds to be paid from line item 241-595-561209 [ARP Miscellaneous].

Motion to approve 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>

## **TREASURER**

14. Discuss and take action to approve amendments to the 2022 Salary Order.

Motion to approve 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>

15. Discuss and take action to approve amendments to the Waller County Personnel Policy. Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff. Judge Duhon made motion to amend #15 to set the per diem rate at \$64.00 a day, seconded by Commissioner Jones.

**Amendment 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>

**Amended 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>

### **CONSTABLE, PRECINCT 3**

16. **Spread** upon the minutes the 2021 Texas Commission on Law Enforcement Racial Profiling Report for Waller County Constable, Precinct 3.

*No action required.*

### **LIBRARY**

17. Discuss and take action to approve Jason Massey, Waller County Library, Tech Assistant, to attend the Naval Academy Centers of Influence Orientation Center in Annapolis, MD. April 11-14, 2022 for training. Expenses to be paid by the US Naval Academy for Air fare, lodging and some meals.

Motion to approve 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>

### **COUNTY ENGINEER**

18. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding a shared access easement for multiple properties by Graciela Antonio.

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

Motion to table agenda item made by Commissioner Smith, seconded by Commissioner Jones.

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

<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>

19. Discuss and take action to approve multiple variance requests to the Waller County Subdivision and Development Regulations for Bold Fox Development in Precinct 3 by Brad Sweitzer.

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

**Motion carried** by 4-0 vote with 1 Abstained. **Variance Granted.**

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

20. Discuss and take action to approve proposal from Jones & Carter, Inc. for Professional Engineering Services for Goya Road Drainage Improvements in the amount of \$99,500 and to approve an exemption under Local Government Code Section 262.024 for professional services.

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

Judge Duhon made motion to amend to be paid out of line item 241-595-561209, seconded by Commissioner Jones.

**Amendment 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

**Amended 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

21. Discuss and take action to approve proposal from SunCoast Land Services Inc. for Right-of-Way acquisition for the Murrell Road realignment project. The estimated fee is \$5,200, to be paid from line item 110-530-545800 [Prof Consult/Flood Plain Mgmt.].

Motion to approve 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

22. Discuss and take action to approve the construction price escalation request from JE Abrams for the Robin Hood Ln. Bridge over Brushy Creek. The increase is \$144,652.65 bringing the total costs to \$790,896.65, to be paid from line item 110-530-590000 [Bridge Replacement].

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

**Motion FAILED** by 0-5 vote.

<i>Judge Trey Duhon</i> – No	<i>Commissioner Amsler</i> – No	<i>Commissioner Smith</i> – No
	<i>Commissioner Jones</i> – No	<i>Commissioner Beckendorff</i> – No

23. Discuss and take action to approve the request for price increase from Cleveland Asphalt for Emulsified Asphalt & Hauling.

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

**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

24. Discuss and take action to approve the request for price increase form Waller County Asphalt for HMAC Pavement & Hauling (All Precincts).

Motion to approve 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

## **AUDITOR**

25. Discuss and take action to approve line-item budget transfer to create the position of Director of Policy and Administration, WC 2022-08.

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

**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

26. Discuss and take action to certify \$1,250.00 in donations and approve the Animal Control Department budget amendment, WC 2022-09.

Motion to approve 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*

27. Discuss and take action to certify value of \$1,000.00 in donated equipment and approve Fire Marshal Department budget amendment, WC 2022-10.

Motion to approve 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*

28. **Spread** upon the minutes the certification of the Juvenile Probation Department, TJJD Grant R award of an estimated \$35,000.00 and amend the 2022 budget, WC 2022-11.

*No action required.*

### **MISCELLANEOUS**

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

*No action taken.*

30. 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 to approve 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*

### **EXECUTIVE SESSION**

31. 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.

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

**Court convened to Executive Session at 11:04 a.m.**

**Court reconvened from Executive Session at 12:52 p.m.**

***Commissioner Amsler dismissed from Court.***

33. ~~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 12:53 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 30<sup>th</sup> day of March 2022.**

*Trey Duhon*

Carbett "Trey" J. Duhon, III  
County Judge