

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – SEPTEMBER 13, 2023

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 13th 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 9:08 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 Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

PUBLIC COMMENT

1. Veda Brown 2. Dr. Denise Mattox

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 6, 2023 Regular Session**
3. **Request by County Auditor for approval and/or ratification of Accounts Payable.**
4. **Request by County Engineer to approve a Utility Permit for San Bernard Electric Cooperative, Inc., to bore under Hegar Rd. in two (2) areas – New Power Line x4 bores near the intersection of Hegar Rd. and Magnolia Rd., R.O.W.; with another x4 bores north of that on Hegar Rd. for the same project in Pct. 2.**
5. **Request by County Engineer to approve a Utility Permit for EPCOR Gas Texas, Inc., to install 6" HDPE 4710 Natural gas Pipeline (60 psig MAOP) within the right of way of Magnolia Rd. in Pct. 2.**
6. ~~**Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.**~~
Removed from Consent Agenda to be discussed and voted on separately.

Motion to approve Consent Agenda with #6 removed made by Commissioner Smith, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

6. Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

COUNTY JUDGE

7. Discuss and take action to adopt the 2024 Budget.

Judge Duhon made motion to adopt the 2024 Budget with the proposed amendments as presented, seconded by Commissioner Beckendorff.

Motion carried by 4-1 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – No

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

8. Discuss and take action to ratify the property tax increase based on new value reflected in the 2024 Budget.

Commissioner Beckendorff moved to ratify the property tax increase based on new value reflected in the 2023 Budget, seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Jones – Yes

Commissioner Smith – Yes

Commissioner Beckendorff – Yes

9. Discuss and take action to adopt the Tax Rate for 2023.

Commissioner Beckendorff moved that the property tax rate be increased by the adoption of a tax rate of \$.522943 which is effectively a 6.04% increase in the tax rate. In adopting this 2023 total tax rate, the court orders the total tax rate to be levied as follows for the following funds:

\$.436122 per \$100 of taxable property for maintenance and operation of the General Fund,

\$.024252 per \$100 of taxable property for the Farm-to-Market Roads,

\$.062569 per \$100 of taxable property for the interest and sinking fund of the General Fund,

seconded by Commissioner Jones.

Motion carried by 5-0 vote.

Vote by Roll Call: Commissioner Amsler – For

Commissioner Smith – For

Commissioner Jones – For

Commissioner Beckendorff – For

Judge Trey Duhon – For

SHERIFF

10. Discuss and take action to approve sole source discretionary exemption pursuant to Local Government Code Section 262.024(a)(7), authorize County Judge to sign Implementation and Service Agreement with PowerPhone for Total Response Call Handling System, and enter sole source statement into the minutes.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

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

<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

Court returns to Agenda Item #10 later in the meeting. (page 5)

ELECTIONS

11. Discuss and take action to approve Joint Resolution for Contract Services for the November 7, 2023 Election.

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

12. Discuss and take action for the Waller County Commissioner’s Court to Order the State Constitutional Amendment Election to be held on November 7, 2023.

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

13. Discuss and take action for the Waller County Commissioner’s Court to approve the consolidation of Election Day voting precincts for the State Constitutional Amendment Election to be held on November 7, 2023.

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

14. Discuss and take action to approve changing the monthly charge for the security camera located in the front room of the Annex Bldg. from the Road and Bridge account with TAC Security Systems to the Elections Office account with TAC Security Systems. *(no backup submitted)*

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

DIRECTOR OF POLICY AND ADMINISTRATION

15. Discuss and take action to approve payment of \$29,984.00 for Invoice # 10095469 payable to Halff from line item 125-401-540900 [Prof. Consultant Services].

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

GRANT MANAGER

16. Discuss and take action to authorize the acceptance of a grant award in the amount of \$18,937.00 from the United States Department of Justice, Office of Justice Programs pursuant to the BJA FY 2022 State Criminal Alien Assistance Program.

(no backup submitted)

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

17. Discuss and take action to award bid for professional home demolition services associated with the County's CDBG-DR Buyout Program (CDBG-DR Project 20-066-011-C074). *(no backup submitted)*

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

(approved recommendation to award bid to JWTC)

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

FIRE MARSHAL

18. Discuss and take action to accept the donation of \$500.00 from Metro Fire to purchase fire investigative tools and equipment.

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

19. ~~Discuss and take action on Burn Ban.~~

Item WITHDRAWN.

AUDITOR

20. Discuss and take action to approve 2023 budget amendments and departmental line-item transfers.

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

CONSTRUCTION MANAGER

21. **Update** on construction phase of the Swing Space Annex Project, and building phase of the Waller County Courthouse Replacement Project.

No action required.

22. Discuss and take action to approve payment of Pay Application #9 for \$254,028.14 to Sedalco, Inc. from line item 604-604-545405 Business Node from CO's [Professional Services].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Beckendorff made motion to amend to pay from line item 604-604-581837 [Swing Space], seconded by Commissioner Smith.

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>

23. Discuss and take action to approve check request to City of Hempstead for \$40,330.00 for Plan Check and Fees for the Waller County Courthouse Replacement Project. (Building Permit not included).

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Beckendorff made motion to table, 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>

24. Discuss and take action to approve design fees of \$199,450.00 to Sedalco/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.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

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>

25. Discuss and take action to advertise in the Katy Times, The Hotline Press, Waller Times, and The Waller County Express Request for Proposals (RFP) for Courthouse Moving Services. Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].

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>

Returned to Agenda Item #10

Commissioner Jones made motion to return to agenda item #10, 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>

10. Discuss and take action to approve sole source discretionary exemption pursuant to Local Government Code Section 262.024(a)(7), authorize County Judge to sign Implementation and Service Agreement with PowerPhone for Total Response Call Handling System, and enter sole source statement into the minutes.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 5-0 vote.

Proceeded with Agenda Item #26

MISCELLANEOUS

- 26. Discuss and take action to approve the Interlocal Agreement between the Regional Public Defender Office Local Government Corporation and Waller County for Capital Cases.

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

- 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 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

- 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 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

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 11:43 a.m.

Court reconvened from Executive Session at 12:47 p.m.

- 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 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

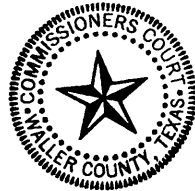
Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 12:47 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 20th day of September 2023.

Trey Duhon

Carbett "Trey" J. Duhon, III
County Judge