

**MINUTES**  
**WALLER COUNTY COMMISSIONER'S COURT**  
**REGULAR SESSION**  
**WEDNESDAY – NOVEMBER 16, 2022**

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 16<sup>th</sup> day of November 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 9:03 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge – *dismissed at 10:00 a.m.*  
John A. Amsler, Commissioner Precinct 1  
Walter Smith, Commissioner Precinct 2  
Kendric D. Jones, Commissioner Precinct 3  
Justin Beckendorff, Commissioner Precinct 4 – *Presiding Judge once Judge Duhon dismissed from court.*  
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>.

1. Dr. Denise Mattox    2. Commissioner Kendric Jones

**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** – November 9, 2022 Regular Session
3. **Request by County Treasurer for approval of Payroll.**
4. **Request to approve payment on the following:**  
(a) \$85.00 for Invoice # 22547411 [Courthouse, Hold-Up Alarm], and \$995.00 for Invoice # 22112411 [Courthouse Camera Surveillance], for a total \$1,080.00 payable to TAC Security from line item 117-428-568425 [Courthouse Security/Misc. Security].

5. Request by County Auditor for approval and/or ratification of Accounts Payable.
6. Request by County Grant Manager to submit an application for funds to the Southeast Texas Housing Finance Corporation requesting an amount not to exceed \$50,000.00.
7. Request by County Engineer to approve the Final Plot of Sunterra Section 27 in Precinct 3.
8. Request by County Engineer to approve the Final Plat of Stockdick Road Street Dedication Section 1 in Precinct 3.

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 |

## ECONOMIC DEVELOPMENT

9. Discuss and take action to approve Resolution Granting Variance from the Tax Abatement and Incentives Policy for Pederson Road Town Center – 139, LLC.

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 |

10. Discuss and take action to approve Economic Development Agreement with Pederson Road Town Center – 139, LLC.

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 |

## ELECTIONS

11. Discuss and take action to approve canvass for the 2022 General 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 |

***Judge Duhon dismissed from Court at 10:00 a.m. – Commissioner Justin Beckendorff continued as Presiding Judge.***

## COMMISSIONER, PRECINCT 2

12. Discussion of potential development on Old Joseph Road in Precinct 2.  
*No action required.*

## DISTRICT ATTORNEY

13. **Spread** upon the minutes the District Attorney’s 2022/2023 asset forfeiture budget.  
*No action required.*

**TREASURER**

- 14. Discuss and take action to approve continuation of policies and payment of invoices for Texas Association of Counties for Auto Liability, Auto Physical Damage, and General Liability coverages effective January 1, 2023.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

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

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

**GRANT MANAGER**

- 15. ~~Discuss and take action to select an Engineering and Surveying firm(s) for the CDBG-MIT Regional Mitigation Program, and authorize the County Engineer to commence negotiations with selected firm(s).~~

**Item WITHDRAWN.**

**CONSTRUCTION MANAGER**

- 16. Discuss and take action to approve payment of Invoice # 5 for \$682,981.91 to Sedalco from line item 603-603-545405 [Professional Services].

Motion made by Commissioner Jones, seconded by Commissioner Smith.

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

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

- 17. **Update** on the design phase of the Waller County Courthouse Replacement, Judicial and Elections/Permitting Project.

*No action required.*

**MISCELLANEOUS**

- 18. Discuss and take action to approve agreement with Husch Blackwell for the Diemer Road realignment project.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

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

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

- 19. Discuss and take action to approve contract to purchase property ID 163221 next to the Precinct 3 Annex.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Commissioner Jones made motion to amend to be paid for out of 125-600-571500 seconded by Commissioner Amsler.

**Amendment carried** by 4-0 vote.

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

**Amended Motion carried** by 4-0 vote.

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

20. 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 Amsler.

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

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

21. 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 Amsler.

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

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

## **EXECUTIVE SESSION**

22. 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.
23. Deliberate business and financial issues related to contract negotiations pursuant to Government Code 551.0725.
24. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

**Court convened to Executive Session at 11:05 a.m.**

**Court reconvened from Executive Session at 11:34 a.m.**

25. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

*No action taken from Executive Session.*

## **ADJOURN MEETING**

Motion to **adjourn** meeting by Commissioner Amsler, seconded by Commissioner Smith.

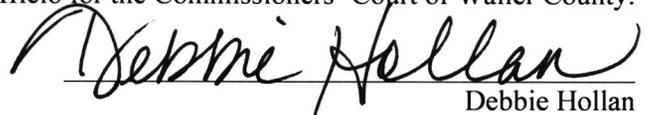
**Motion carried** by 4-0 vote.

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

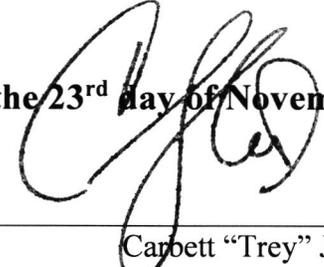
Meeting was **ADJOURNED** at 11:35 a.m.

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  
Waller County Clerk

APPROVED this the 23<sup>rd</sup> day of November 2022.

  
Carbett "Trey" J. Duhon, III  
County Judge