

MINUTES
WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – NOVEMBER 30, 2022

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 30th 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 9:04 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>.

1. Veda Brown 2. Alan Younts

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 23, 2022 Regular Session
3. **Request by County Treasurer for approval of Payroll.**
4. ~~**Request by County Treasurer for approval of elections payroll.**~~ **Item WITHDRAWN**
5. **Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.**

6. Request to approve payment on the following:
 - (a) \$1,100.00 for invoice dated November 7, 2022 to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].
 - (b) \$ 7,118.00 for invoice # 10639 to Harris County from line item 125-422-541600 [Pro Rata Share Court Expense] for Appellate Court reimbursements.
 - (c) \$3,652.00 for invoice # 3180 to Harris County from line item 125-423-540702 [Autopsy]
7. Request by County Auditor for approval and/or ratification of Accounts Payable.
8. Request by County Auditor for approval of official documents and all monthly reports.
9. Request by County Engineer to approve advertising for Competitive Bids in the Katy Times, Hot Line Press, and Waller County Express, payment for advertising to be funded from line item 125-401-544100 [Bid Notices and Printing] for:
 - (a) ALL SEASON PRE-COATED PATCHING MIXTURE (ASPPM) GRADATION IV
 - (b) COLD MIX ASPHALTIC PAVEMENT
 - (c) CRUSHED LIMESTONE
 - (d) EMULSIFIED ASPHALT & HAULING
 - (e) HAULING SERVICES FOR GRAVEL & AGGREGATE MATERIAL
 - (f) HIGH DENSITY POLYETHYLENE (HDPE) PIPE
 - (g) HYDRATED LIME
 - (h) TYPE A GRADE 2 BASE
 - (i) RECLAIMED ASPHALTIC PAVEMENT
 - (j) REINFORCED CONCRETE PIPE
 - (k) ROADSIDE VEGETATIVE MANAGEMENT
 - (l) STABILIZED SAND
 - (m) USED TANK CARS
 - (n) PAVEMENT MARKINGS AND REFLECTIVE PAVEMENT MARKERS
 - (o) BRIDGE GUARDRAIL REPAIR AND IMPROVEMENTS
10. Request by County Engineer to approve the acceptance of existing right-of-way on Hegar & Joseph Road dedicated by Timothy Phelan in Precinct 2.
11. *Item #11 removed – Court to address separately.*
12. *Item #12 removed – Court to address separately.*
13. *Item #13 removed – Court to address separately.*
14. ~~Request by County Engineer for the approval of the Final Plat of Tantara Bend Drive Street Dedication & Reserves and accept the Construction Bond in Precinct 3.~~
Item #14 WITHDRAWN – *Court reconsiders Consent Agenda and removes item #14 later in meeting. (page 6)*

Motion to approve Consent Agenda with 4 items removed made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

11. ~~Request by County Engineer to approve the Final Plat of Sunterra Section 22 and accept the Construction Bond in Precinct 3. Item WITHDRAWN.~~
12. ~~Request by County Engineer to approve the Final Plat of Sunterra Section 49 and accept the Construction Bond in Precinct 3. Item WITHDRAWN.~~
13. ~~Request by County Engineer to approve the Final Plat of Sunterra Section 50 and accept the Construction Bond in Precinct 3. Item WITHDRAWN.~~

ECONOMIC DEVELOPMENT

15. Discuss and take action to approve five (5) Tax Abatement Agreements with CIV FCD Jordan Ranch, LLC, a Delaware limited liability company, the tax abatement applicant and owner of the property located south of Interstate 10 and southwest of the intersection of Jordan Ranch Boulevard and Kingsland Boulevard in Brookshire, Texas. The property is in the reinvestment zone known as Waller County Jordan Ranch Reinvestment Zone 14. The Tax Abatement Agreements will be for the following spec buildings:
 - a. Building 1, a building of approximately 127,000 square feet at an estimated cost of \$6,000,000.
 - b. Building 2, a building of approximately 283,000 square feet at an estimated cost of \$13,000,000.
 - c. Building 3, a building of approximately 855,000 square feet at an estimated cost of \$41,000,000.
 - d. Building 4, a building of approximately 315,000 square feet at an estimated cost of \$14,000,000.
 - e. Building 5, a building of approximately 501,000 square feet at an estimated cost of \$24,000,000.

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>

Advanced to Agenda Item #23

23. Discuss and take action to approve request by Demetria Diggs with The Bilingual Institute – The Reclamation LLC with Prairie View A & M University to rent the Community Center on a recurring basis every Wednesday beginning January 18, 2023 thru ~~May 3, 2023~~ ***April 19, 2023.***

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend thru April 19, 2023, seconded by Commissioner Beckendorff.

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>

Proceeded to Agenda Item #16

COMMISSIONER, PRECINCT 3

- 16. Discuss and take action on mobility needs assessment.
Discussion only – no action taken.

Advanced to Agenda Item #26

- 26. Discuss and take action to approve agreements with Alpha Testing for construction materials testing services.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Judge Duhon made motion to amend to approve the agreement for the courthouse subject to Liz and Danny’s final approval of the final revision and to be paid from line item 604-604-545405 [Professional Services], 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>

Proceeded to Agenda Item #17

COUNTY ENGINEER

- 17. Discuss and take action to approve the County Engineer to attend the 2023 NACE (National Association of County Engineers) Annual Conference in Orange Beach, Alabama on April 16-19, 2023.

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>

DIRECTOR OF POLICY AND ADMINISTRATION

- 18. Discuss and take action to advertise the compensation and classification study RFP in the Waller County Express. Funding to be paid from line item 125-401-544100 [Bid Notices and Printing].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Commissioner Beckendorff made motion to amend to add Katy Times, 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>

GRANT MANAGER

- 19. Discuss and take action to approve the CDBG Mitigation Method of Distribution Citizen Participation Plan for Waller County.

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

JUSTICE OF THE PEACE, PRECINCT 4

- ~~20. Discuss and take action to approve the acceptance of a framed U.S. flag detailing the names of the people killed on September 11, 2011, in the World Trade Center attack donated to Waller County by the Chris Walthal family to be displayed in the Waller County, Precinct 4 Courthouse Annex. Item WITHDRAWN.~~

AUDITOR

- 21. Discuss and take action to approve Sheriff Department line-item transfer WC 2022-52.

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

- 22. Discuss and take action to approve Maintenance Department line-item transfer WC 2022-53.

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

MISCELLANEOUS

- 23. Court addressed Agenda Item #23 earlier in meeting. (page 3)

- 24. Discuss and take action to approve the use of ARPA funds to purchase a cell phone booster system for Precinct 4. Annex Facility. (no backup submitted)

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to table, seconded by Commissioner Amsler.

Motion carried by 5-0 vote.

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

- ~~25. Discuss and take action to approve updates to the Community Center Rules and Regulations and rental documents. Item WITHDRAWN.~~

- 26. Court addressed agenda item #26 earlier in meeting. (page 4)

27. Discuss and take action to approve Resolution Declaring the Existence Of A Public Necessity for the Acquisition, Establishment, Development, and Construction for the Re-Alignment of Diemer Road Located South of Mt Zion Road and North of Garrett Road, and Authorizing The Acquisition, By Donation, Purchase, Or Exercise Of The Power Of Eminent Domain, Of Property and Property Interests Necessary For Such Facilities In Connection With The Diemer Road Re-Alignment Project.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote with 1 Abstained.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Abstained

Court recessed at 10:14 a.m.

Court reconvened at 10:54 a.m.

Commissioner Jones made motion to reconsider Consent Agenda (to remove item #14), seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Commissioner Jones made motion to approve Consent Agenda with items 4, 11, 12, 13, and 14 withdrawn, seconded by Commissioner Amsler.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

Proceeded with Agenda Item #28

28. Discuss and take action to approve an Order authorizing the issuance of “Waller County, Texas Certificates of Obligation, Series 2023” in an aggregate principal amount not to exceed \$28,500,000; authorizing the sale thereof; and enacting provisions incident and related to the issuance of said certificates.

Judge Duhon made motion to approve an Order authorizing the issuance and sale of the County’s Series 2023 Certificates of Obligations to KeyBanc Capital Markets at the price and under the terms and conditions recommended by the County’s Financial Advisor and as stated in the Order, seconded by Commissioner Smith.

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. ~~Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071. Item WITHDRAWN.~~
30. ~~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 Jones.

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 11:08 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 7th day of December 2022.

Trey Duhon

Carbett "Trey" J. Duhon, III
County Judge