

# MINUTES

## WALLER COUNTY COMMISSIONER'S COURT REGULAR SESSION WEDNESDAY – DECEMBER 8, 2021

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 8<sup>th</sup> day of December 2021 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 9:00 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 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*

## 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/swagit.com/live>.

The following public members made public comment:

1. Tracy Sebesta
2. Lesha Roberts
3. Judge Carol Chaney invited everyone to attend Cookies with Santa this Friday honoring our First Responders.

## 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 – December 1, 2021 Regular Session
3. Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.

4. Request to approve payment on the following:
  - (a) \$31,792.42 for Invoice # 116031 to Bickerstaff Heath Delgado Acosta LLP from line item 125-411-540300 [Legal].
  - (b) 1,720.00 for Invoice dated November 18, 2021 to Schmidt Funeral Home from line item 125-411-561502 [Pauper Burial Expense].
  - (c) \$6,980.00 for Invoice #6560 to Harris County from line item 125-423-540702 [Autopsy].
  - (d) \$152,201.75 for Invoice # 112221GWA to Waller County Appraisal District from line item 125-437-540500 [Tax Appraisal District].
  - (e) \$5,000.00 for Invoice dated 11/29/2021 to Gulf Coast Rail District from line item 125-401-540900 [Professional Consultant Services].
  - (f) \$16,773.75 for Invoice # 15204647 to OnSolve LLC for CodeRed from line item 125-411-545001 [Maintenance Contracts].
5. Request by County Auditor for approval and/or ratification of Accounts Payable.
6. 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)*
7. Request by County Engineer for approval to advertise for the Public Hearing on the installation of “No Thru Trucks” signs on the following road:
  - Rothen Road – “No Thru Trucks”  
*(no backup submitted)*
8. Request by County Engineer for approval to advertise 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
  - Mowing Contract
  - Gasoline & Diesel Fuels
  - Bridge Guardrail & Improvements  
*(no backup submitted)*

*No action taken on Consent Agenda (oversight)*

## COUNTY COURT AT LAW

9. Discuss and take action to approve the Contract Indigent Defense Attorneys for Misdemeanor/Juvenile cases for Waller County for Calendar Year 2022, and authorize the County Judge to sign the contracts on behalf of the County.

Motion 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*

**Advanced to Agenda Items #24-25, #29-31**

24. Discuss and take action to approve County Court at Law Department 2021 budget line item transfer, WC 2021-60.

Motion 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

25. Discuss and take action to approve request by the 4H Horse Club to use the Community Center on a reoccurring basis the second Tuesday of every month in 2022. *(no backup submitted)*

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Commissioner Beckendorff made motion to amend to make from 6:00 p.m. to 10:00 p.m.

**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

29. 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 and Precinct 4 would have a detrimental effect on the position of the County in negotiations with third persons.

Motion 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

## **EXECUTIVE SESSION**

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

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

**Court convened to Executive Session at 9:20 a.m.**

**Court reconvened from Executive Session at 10:11 a.m.**

*Proceeded with Agenda Item #10*

## **ELECTIONS**

10. Discuss and take action to amend election precincts to eliminate irregular election precincts to conform to the State’s redistricting map. *(no backup submitted)*

Commissioner Beckendorff moved to amend the election precinct plan adopted on December 1<sup>st</sup> to create a new precinct encompassing the County’s Precinct 4 Annex, 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

## COUNTY ENGINEER

11. Discuss and take action to approve the Preliminary Infrastructure Development Plan of Bonjourland RV Park & Storage.

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

12. Discuss and take action to approve the proposal for Professional Surveying and Engineering for Field Store Rd at Spring Creek Bridge at a cost of \$31,000.00.

*(no backup submitted)*

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend to be paid from Professional Services 110-530-545800, seconded by Commissioner Jones.

**Amendment carried** by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

**Amended Motion carried** by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Jones – Yes

Commissioner Beckendorff – Yes

13. **Discussion** regarding proposed amendments to the Subdivision and Development regulations related to the design specifications, construction, and acceptance of new roads.

*No action required.*

## COMMISSIONER, PRECINCT 3

14. **Discussion** of county roads and maintenance program.

*No action required.*

15. **Discussion** of current standard of County pavement thickness.

*No action required.*

## DISTRICT CLERK

16. ~~Discuss and take action to approve agreement with RCI (Record Consultant, Inc.) for Document Imaging Services of the District Clerk's case files. Cost of services estimated to be approximately \$340,000.00 with \$55,000.00 being paid from line item 113-000-451315 [Records Management-DC], \$35,000.00 from line item 128-000-451308 [Court Record Preservation], and \$250,000.00 to be paid from line item 241-595-561209 [ARP Miscellaneous].~~ **Item WITHDRAWN.**

## IT DEPT.

17. Discuss and take action regarding Smarsh Proposal for 2021 Archival fees and future costs. *(no backup submitted)*

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

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

Court re-visits agenda item #17 further in the meeting. (page 6)

**FIRE MARSHAL**

- 18. Discuss and take action to approve procurement of Scott Stephens & Assoc., Inc. to provide appraisal services for the Waller County CDBG-DR Voluntary Buyout Program GLO Contract # 20-066-011-C074. Bids collected under 2 CFR 200 Small Purchase rules. (no backup submitted)

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

**AUDITOR**

- 19. **Spread** upon the minutes the Juvenile Probation/Detention Departments 2021 budget line item transfer, WC 2021-55. *No action required.*

- 20. Discuss and take action to approve the Maintenance Department 2021 budget line item transfer, WC 2021-56.

Motion made by Commissioner Smith, seconded by Commissioner Jones.

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

- 21. Discuss and take action to certify the ATMOS Energy Pipeline donation in the amount of \$2,500.00 and amend the Fire Marshal Department 2021 budget, WC 2021-57.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

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

- 22. Discuss and take action to approve R&B Department 2021 budget line item transfer, WC 2021-58.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion to table agenda item made by Commissioner Beckendorff, seconded by Commissioner Amsler.

**Motion carried** by 4-1 vote. **Item TABLED.**

Court re-visits agenda item #22 further in the meeting. (page 6)

- 23. Discuss and take action to approve ~~R&B~~ **Sheriff's** Department 2021 budget line item transfer, WC 2021-59.

Judge Duhon made motion to discuss and take action to approve Sheriff's Department 2021 budget line item transfer, WC2021-59, 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

24. Court addressed Agenda Item #24 earlier in meeting. (page 3)

## MISCELLANEOUS

25. Court addressed Agenda Item #25 earlier in meeting. (page 3)

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

(no backup submitted)

No action taken.

27. ~~Discuss and take action to approve Order prohibiting or restricting certain fireworks in unincorporated areas of Waller County. Item WITHDRAWN.~~

~~Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.~~

~~Motion and second withdrawn.~~

28. Discuss and take action to approve Interlocal Agreement with Harris County for Performance of Postmortem Examinations by Harris County Institute of Forensic Sciences.

Judge Duhon made motion to approve the Interlocal Agreement with Harris County for Performance of Postmortem Examinations by Harris County Institute of Forensic Sciences for 2022, 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

### **Returned to agenda item 22**

22. Discuss and take action to approve R&B Department 2021 budget line item transfer, WC 2021-58.

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

### **Returned to Agenda Item #17**

17. Discuss and take action regarding Smarsh Proposal for 2021 Archival fees and future costs.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion that we approve payment of \$36,569.13 to Smarsh to be paid from line item 125-411-542505, 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

29. Court addressed agenda item #29 earlier in meeting. (page 3)

**EXECUTIVE SESSION**

- 30. Court addressed agenda item #30 earlier in meeting. (page 3)
- 31. Court addressed agenda item #31 earlier in meeting. (page 3)
- 32. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

Commissioner Beckendorff made motion to approve a 100% appraised value offer to the owner of property ID 140297 for the Woods Road Expansion Project, seconded by Commissioner Smith.

**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

**ADJOURN MEETING**

Motion to **adjourn** meeting by Commissioner Smith, 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

Meeting was **ADJOURNED** at 12:25 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 15<sup>th</sup> day of December 2021.

*Trey Duhon*

Carbett “Trey” J. Duhon, III  
County Judge