

MINUTES
WALLER COUNTY COMMISSIONER’S COURT
REGULAR SESSION
WEDNESDAY – DECEMBER 22, 2021

BE IT REMEMBERED that the Honorable Commissioner’s Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 22nd 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 9:03 a.m. with the following members of the Court present to-wit:

Carbett “Trey” J. Duhon III, County Judge
Walter Smith, Commissioner Precinct 2
Kendric D. Jones, Commissioner Precinct 3
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk

Absent: John A. Amsler, Commissioner Precinct 1

Delivery of Invocation by: Commissioner Smith
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 4-0 vote.

<i>Judge Trey Duhon – Yes</i>	<i>Commissioner Amsler – Absent</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.com/live>.

The following public members made public comment:

1. Pat Brueger
2. Larry Parr

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 15, 2021 Regular Session
3. Request by County Treasurer for approval of Payroll.
4. Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.
5. Request by County Treasurer for approval of Treasurer’s Monthly Report.

6. Request by County Treasurer for approval of accounts payable for Retiree Insurance.
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 to approve payment on the following:
 - (a) \$1,265.00 for Invoice dated December 6, 2021 to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].
 - (b) \$35.00 for Invoice dated December 10, 2021 to Employees Retirement System of Texas from line item 125-411-562300 [County Organizational Dues].
9. Request by County Auditor for approval and/or ratification of Accounts Payable.
10. Request by County Auditor for approval and/or ratification of Accounts Payable for Construction Projects.
 - (a) ~~\$103,950.23 from line item 125-600-581618 [Waller County Courthouse Renovation & Annex].~~ *Item removed*
 - (b) \$8,006.61 from line item 602-602-581000 [Bldg Purch., Const., or Improv/Jail-Judicial].
 - (c) \$12,285.11 from line item 602-602-581610 [Pct. 4 Building].
11. Request to ratify the following Consent Agenda items from the December 8, 2021 Agenda.
 - (a) Request by County Tax Assessor Collector to approve refunds in excess of \$500.00 in accordance with section 31.11 Texas Tax Code.
 - (b) Request to approve payment on the following:
 - (i) \$31,792.42 for Invoice # 116031 to Bickerstaff Heath Delgado Acosta LLP from line item 125-411-540300 [Legal].
 - (ii) \$1,720.00 for Invoice dated November 18, 2021 to Schmidt Funeral Home from line item 125-411-561502 [Pauper Burial Expense].
 - (iii) \$6,980.00 for Invoice #6560 to Harris County from line item 125-423-540702 [Autopsy].
 - (iv) \$152,201.75 for Invoice # 112221GWA to Waller County Appraisal District from line item 125-437-540500 [Tax Appraisal District].
 - (v) \$5,000.00 for Invoice dated 11/29/2021 to Gulf Coast Rail District from line item 125-401-540900 [Professional Consultant Services].
 - (vi) \$16,773.75 for Invoice # 15204647 to OnSolve LLC for CodeRed from line item 125-411-545001 [Maintenance Contracts].
 - (c) Request by County Auditor for approval and/or ratification of Accounts Payable.
 - (d) 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)*
 - (e) Request by County Engineer for approval to advertise for the Public Hearing on the installation of “No Thru Trucks” signs on the following road: *(no backup submitted)*
 - Rothen Road – “No Thru Trucks”

(f) 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)

Judge Duhon made motion to approve with 10(a) being removed from the Consent Agenda, 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

ECONOMIC DEVELOPMENT

12. **Presentation** by Vince Yokom on Waller County Economic Development.

(no backup submitted)

No action required.

13. Discuss and take action to approve annual agreement with the Waller County Economic Development Partnership.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

14. Discuss and take action to approve Amendment to Order Designating a Reinvestment Zone for the Twinwood Business Park reinvestment zone.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

COUNTY JUDGE

15. **Presentation** by Lisa Murphy with AP Solar.

No action required.

CONSTRUCTION MANAGER

16. Discuss and take action to approve a Pole Garden at the Hempstead Library.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Judge Duhon made motion to amend that we make payment \$8,173.22 out of line item 125-600-587521 to BlueBonnet Herb Farm, seconded by Commissioner Jones.

Amendment carried by 4-0 vote.

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

Amended Motion carried by 4-0 vote.

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

17. Discuss and take action to approve SEDALCO/BSW Invoice #4 for \$103,950.23, from line item 125-600-581618 [Waller County Courthouse Renovation and Annex].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

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 right-of-way with multiple properties from Kate Gibson.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

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

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

19. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding Waller County Thoroughfare Plan from AP Solar 8, LLC.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

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

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

ELECTIONS

20. Discuss and take action to authorize Christy Eason, Elections Administrator, to enter into a Joint Primary Contract by and among Denise Mattox, Democratic County Chair and David Luther, Republican County Chair for the conduct and supervision of the Waller County Joint Primary Election and Joint Primary Runoff Election.

(no backup submitted)

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

TAX ASSESSOR-COLLECTOR

21. Discuss and take action to authorize the County Judge to sign eight (8) resale deeds for the private tax resale of property currently held in trust by Waller County pursuant to Section 34.05 (h)(2) of the Texas Tax Code.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

AUDITOR

22. Discuss and take action to approve annual review of Fund Balance Policy.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Judge Duhon made motion to amend 22 to approve the Fund Balance Policy and to increase the commitment for Capital Improvements from \$1,000,000.00 to \$3,000,000.00, seconded by Commissioner Beckendorff.

Amendment carried by 4-0 vote.

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

Amended Motion carried by 4-0 vote.

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

23. Discuss and take action to approve Constable Precinct 3 budget line item transfer, WC 2021-63.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

24. Discuss and take action to approve Judicial Department budget line item transfer, WC 2021-64.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

25. Discuss and take action to approve Sheriff Department budget line item transfer, WC 2021-65.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

26. Discuss and take action to approve Election Department budget line item transfer, WC 2021-66.

Motion made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion carried by 4-0 vote.

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

27. Discuss and take action to approve Road and Bridge Department budget line item transfer, WC 2021-67.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

28. Discuss and take action to approve Maintenance Department budget line item transfer, WC 2021-68.

Motion made by Commissioner Jones, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

29. Discuss and take action to approve official documents and all monthly reports.

Motion made 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*

MISCELLANEOUS

30. Discuss and take action to approve payment of \$2,092.50 for Invoice # 3084768 and \$4,214.28 for Invoice # 3091770 for a total of \$6,306.78 to Husch Blackwell from line item 125-411-540300 [Legal].

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

31. Discuss and take action to approve official bond and oaths for Elected Officials.

Motion made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

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

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

(no backup submitted)

No action taken.

33. 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 4-0 vote.

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

EXECUTIVE SESSION

34. 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.

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

Court convened to Executive Session at 11:33 a.m.
Court reconvened from Executive Session at 11:50 a.m.

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

Commissioner Beckendorff moved to authorize 100% appraised value offers to the landowners impacted by the realignment of Diemer Road, 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*

Commissioner Beckendorff moved to authorize an interlocutory appeal in Case #D-1-GN-16-004091, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

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

ADJOURN MEETING

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

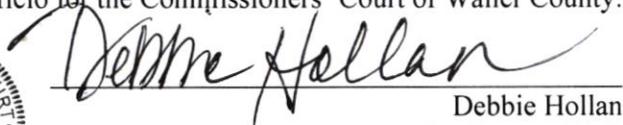
Motion carried by 4-0 vote.

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

Meeting was **ADJOURNED** at 11:51 a.m.

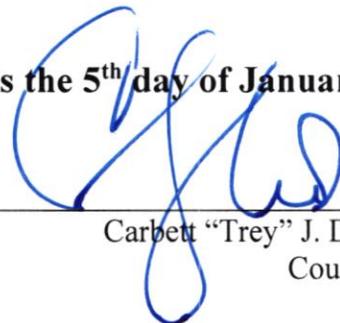
I **ATTEST** that the above proceedings are the true and correct minutes taken in my capacity as
Ex-Officio for the Commissioners' Court of Waller County.





Debbie Hollan
Waller County Clerk

APPROVED this the 5th day of January 2022.



Carbett "Trey" J. Duhon, III
County Judge