



**DIANE DAY**  
AUSTIN COUNTY CLERK

265 N. CHESLEY ST., STE. 7  
BELLVILLE, TEXAS 77418

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## COMMISSIONERS COURT MINUTES

**February 10, 2025** Austin County Commissioners Court met in the 2<sup>nd</sup> floor Courtroom at the Austin County Courthouse with the following present:

Tim Lapham, County Judge  
Greg Mikel, Commissioner, Precinct 1  
Robert "Bobby" Rinn, Commissioner, Precinct 2  
Leroy Cerny, Commissioner, Precinct 3  
Chip Reed, Commissioner Reed, Precinct 4  
Kimberly Benjamin, Deputy Clerk

### **9:00 A.M. OPENING**

**CALL TO ORDER**

**INVOCATION**

**PLEDGES OF ALLEGIANCE**

**ROLL CALL AND CERTIFICATION OF QUORUM**

**CONSIDERATION/ADOPTION OF AGENDA**

*Motion to Adopt: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny (4-0)*  
**Order #25-38**

### **1. Petitions or Requests from the Public.**

Judge Lapham welcomed those there to address battery storage facility to come forward if they would like to speak prior to agenda discussion.

Don Bleyl - concerned about safety in regards to battery storage facility. Request for court to research and look into other types of batteries that are safer (water-based batteries). Mentioned that other counties have also been approached to put up battery storage facilities. Don't believe it's a good idea. Requests for Court to vote against facility.

Per Bridget Kourik (Bellville Resident, Highway 159), surprised that County is considering the battery storage facility. Was advised there are two proposed sites in Bellville. Other states have had bad experiences with these type of facilities. Possibility of thermal runaway. County Fire Fighters are not trained for this type of reaction. Request Court to hold off on voting until other citizens are made aware of this matter. Concerned with safety and noise that will come from facility.

Per Caleb Berry (Bellville Resident, Fisher Street), concerned about safety risks for himself and kids. Referenced House Bill 1378, where development should not be within 1500 yards of residents. Possible financial risk. Inquired if zoning should be applied if facility is partially built

in city limits. Request Court to delay their decision in regards to facility. Read Section 10A of Bellville City Code of Ordinance. Urge County to check if facility is within county or city limits, and meet with City to make a joint decision. Encourage Court to do a Phase 1 ESA on project. Request Court to deny or delay their decision. Suggest Court put in stringent requirements if passes.

Kenneth Cargill (Civil Engineer Developer, Kimley-Horn) addressed some concerns of citizens. Advised that Phase 1 ESA was done on project. Project meets all county requirements. Modern systems are within storage containers, and are self-contained for fires. Systems are set up to not have thermal runaway. System is block based to not cause fire.

Per Judge Lapham, will continue discussion at agenda Item #10.

**2. Presentation by Brad Tutunjan, VP of Texas Gas on behalf of CenterPoint Energy.**

June Dedrick (Vice President - Community Relations at CenterPoint Energy) Responsible for CenterPoint Energy Foundation (charitable giving organization). Announces that CenterPoint Energy Foundation is providing funds to the Austin County Emergency Operations Center to help build new facility to house new command vehicle for response and service to community.

June Dedrick (Vice President - Community Relations at CenterPoint Energy), expressed appreciation and commends County for collaboration with CenterPoint Energy. Expressed gratitude to Emergency Management, Judge, Commissioners and Elected Officials for helping to make donation possible.

Brad Tutunjan (Vice President of Texas Gas), express appreciation to County for emergency management. Appreciates how well CenterPoint Energy and Austin County work together during weather disasters. Commends County for great history between each other. CenterPoint Energy recognize the needs of the community outside of general electricity, which is what prompted donation to County.

Donation from CenterPoint Energy to Austin County \$100,000.

Judge and Commissioners expressed appreciation to CenterPoint for generous donation, and all involved in donation process.

**3. Open bids for two Constable vehicles and action as appropriate.**

Tegeler Chevrolet - \$48,071.16 for 2024 Chevrolet Silverado C500.

Caldwell Country Chevrolet - \$54,475.00 for C1500 Chevrolet Silverado.

**Item TABLED.** Per Judge Lapham, will review bids and bring back for discussion.

**4. Discussion regarding status of Outside Audit Report(s) for FY 2021-2022 and 2022-2023, and action as appropriate.**

Commissioner Rinn inquired on status of outside audit. Per Billy Doherty (County Auditor), Auditor's Office have weekly conversations with Outside Auditors. Almost seems like 2 audits are taking place. Beginning numbers and current numbers are being audited. County Auditors are working diligently to go get audit done. Last audit was in 2021. Current audit conducted by Patillo Brown & Hill, LLP.

**5. Workshop regarding Employee policy manual review and action as appropriate.**

Per Commissioner Reed, policy was reviewed by Judge Lapham, Tara Wise (Human Resources), Chief Walter Morrow (EMS), Lieutenant Donald Darracq (Sherriff Office) and Brian Haevischer (County Treasurer). Agrees that policy requires changes. Suggests that all Department Heads review policy and bring any issues to scheduled court discussion. Will discuss everyone's concerns/issues with TAC (Texas Association of Counties).

Judge Lapham and Commissioner Reed shared suggestions provided by TAC (Texas Association of Counties) that County did not agree with.

Judge Lapham wants to review policy and compare proposed changes to what is currently in place. Per Judge Lapham, process will be time consuming. Needs to schedule a meeting/workshop.

Commissioner Cerny would prefer having a workshop that would include Department Heads so they could provide their input.

Per Judge Lapham, will reschedule policy meeting for March 2025.

**6. Discussion regarding scrap metal and action as appropriate.**

Per Commissioner Rinn, declaring scrap metal as salvage.

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Mikel (4-0)*  
**Order #25-39**

**7. Discussion regarding 2024-2025 Compensation Order and action as appropriate.**

Due to previous request from Commissioner Mikel to change Foreman to Operator Position, Judge Lapham changed position title on Compensation Order to "Employee", which allows Department Heads to give their own position title. Salary amount for positions did not change.

Brian Haevischer (County Treasurer) approves of title change.

Commissioner Reed inquired on how to decipher the difference if all positions will be titled "Employee". Per Commissioner Cerny, classification will be written on PAF (Performance Action Form), which is what Treasurer's Office will go by.

Commissioner Rinn believes "Employee" title will create issues.

Commissioner Cerny makes motion to change title to "Employee". States that all Department Heads need to maintain their own budget.

*Motion to Approve for Discussion: Commissioner Cerny, 2<sup>nd</sup> Commissioner Reed*

Discussion

Commissioner Reed, asked Brian Haevischer (County Treasurer) for his input on title change. Per Brian Haevischer, concerned on what will happen to the pay scale.

Per Commissioner Rinn, if title change is made to Road and Bridge Department, it will eventually happen with all County Departments.

Per Billy Doherty (County Auditor), there is difference between Road and Bridge and other departments. Road and Bridge are allowed to label their own positions. They have the liberty of moving their money around within their Budgets. Other departments have dedicated number of positions with dedicated titles. Therefore, they are unable to move and retitle positions.

Commissioner Rinn still agrees that it will create issues having all positions labeled as "Employee".

Per Commissioner Reed, needs more time to review.

*Commissioner Mikel – Yes      Commissioner Cerny – Yes*  
*Commissioner Rinn – No      Commissioner Reed – No*  
*Tie Breaker: Judge Lapham – No*

*Motion Denied: (2-3) **Order #25-41***

Commissioner Mikel request to convert Assistant Foreman Position to Operator Position.

*Motion to Approve: Commissioner Mikel, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-42**

**8. Consideration and action to approve Private Roadway Name Request for Silver Lane, Pct. 2**

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Reed, passed (4-0)*  
**Order #25-43**

**9. Discussion regarding postage meter and action as appropriate.**

Per Judge Lapham, contract with Pitney Bowes is near expiration. There is a new company (Quadient) soliciting business with County.

Per Dianna Grobe (Chief of Staff – Judge’s Office), she has been unable to get any references who has worked with Quadient. Cost is better than Pitney Bowes. Would like to obtain reviews on history of service.

There is a reserved account that keeps money for postage meter. Dianne Grobe (Chief of Staff) expressed concerned on how County would get refund if current contract was closed.

Dianna Grobe (Chief of Staff) recommends County keep contract with Pitney Bowes.

Judge Lapham inquired on status of postage meter located at Justice Center. Per Billy Doherty (County Auditor), postage meter at Justice Center has a separate contract with Pitney Bowes and should not affect contract with Courthouse meter.

Contracts with Pitney Bowes are 5 years.

Per Dianna Grobe (Chief of Staff), some offices from Justice Center still brings mail to Courthouse. Pitney Bowes will provide a new machine to Courthouse. Current meter is outdated.

Commissioner Rinn requests to table item for more clarification. Need to get more information Need to get both machines on one contract.

**Item Tabled.** Needs more information in regards to both postal meters and contracts.

#### **10. Discussion and action to approve the commercial development plan for On Energy Battery Energy Storage System, Pct. 1**

Per Jonathan Hopko (County Engineer), suggests for Court to allow citizens to share concerns prior to making a motion.

Danny Jacob – does not oppose of battery facility, but does not agree with location. Was not previously made aware of facility. Concerned of environmental hazards, risk and preparations that should be in place in the event of a disaster. Referenced House Bill 1343. Bill does not go into effect until September 2025. Ask Court to consider all risks before voting on facility.

Donna Jacob, request Court to table matter until more information is provided. States that battery energy facility is not safe for Bellville.

Per Jonathan Hopko (County Engineer), Developers have met all obligations and requirements from County. Additionally, there was an emergency operation plan provided in the event of a catastrophe. Recommend approval of battery storage facility.

Commissioner Reed, inquired if there is fire control at the facility. Per Kenneth Cargill (Civil Engineer Developer, Kimley-Horn) there is fire control. Fire cannot escape containers. Owner of facility has never had any issues with other facilities.

Per Kenneth Cargill (Civil Engineer Developer, Kimley-Horn), purpose of battery storage facility: regulates energy supply; provides up to 2 hours of energy during loss of power; stabilizes and helps with frequencies; helps provide more energy during climate events.

Citizens addressed real estate concerns and concerns of decrease in property value due to battery storage facility.

Per Jonathan Hopko (County Engineer), State Law allows "minimal" rights to County for stopping a development. When reviewing a developer's plan, a list from Commission and State requirements has to be followed. Encourage citizens to visit facility site in regards to some of the concerns.

Judge Lapham made comparison between House Bill 1343 and House Bill 1378. Per Kenneth Cargill (Civil Engineer Developer, Kimley-Horn) location is not within 500 yards of the property as discussed in House Bill 1378.

Judge Lapham informed citizens that legal actions could be taken against County for voting against a development that has met all requirements and been approved by State. Court understands and considers concerns of citizens. House Bill 1378 may help County in this matter.

Per Commissioner Cerny, ETJ (Extra-Territorial Jurisdiction) needs to be notified. City need to assist County with decision of battery storage facility.

Motion to Table until next Court agenda.

*Motion to Approve: Commissioner Mikel, 2<sup>nd</sup> Commissioner Reed, passed (4-0)*  
**Order #25-44**

**11. Discussion and action to approve the commercial development plan for Rancher's Choice Processing Facility, Pct. 1**

Per Jonathan Hopko, in possession of development application and plans. Standards are met. Request for approval.

*Motion to Approve: Commissioner Mikel, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-45**

**12. Discussion regarding Navigator Software (migration from Odyssey) proposal and action as appropriate.**

Per Billy Doherty (County Auditor), current Odyssey Software requires an upgrade. Brandon Hoff (IT) and his team has previously worked on servers to have Navigator in-house.

Per Brandon Hoff (IT), Tyler Technology is no longer supporting Counties that are housing said software on premises. County has been able to save money by having software in-house. Tyler

Technology assisted County with last upgrade, but will not assist with new upgrade. Software is extremely mandatory for all County offices.

Per Billy Doherty (County Auditor), Navigator Software cost for 3-year proposal is a net increase of \$93,450 between now and September. Cost will be pro-rated to \$54,000 depending on return of signed proposal. Additional cost (pro-rated amount) is not budgeted in current fiscal year. Next year amount can be included in Budget.

Per Brandon Hoff (IT), Tyler Technology will not charge County for labor or migration. Contract has a clause called Teams 20 that states it will cover all expenses. State of Texas considered Counties long term history and offered discount (\$100,000) over 3-year span for maintenance and fees. Believes by using hosted product (Navigator), County will have more leverage when requesting assistance from Tyler Technology.

Commissioner Reed inquired if other Counties are using software. Per Brandon Hoff (IT), Waller County migrated a year ago and there have been no complaints that he is aware of.

Judge Lapham inquired if Brandon Hoff (IT), reviewed the paperwork that was presented to Court. Per Brandon Hoff, he was included in all meetings/discussions in regards to software, and is aware of verbiage in paperwork.

Per Brandon Hoff (IT), Net Annual/SaaS (Software-as-a-Service) fee for managed service will increase annually. Which has taken place over the past 15 years. No additional cost for adding a department. County will save money by not having to purchase hardware, maintain updates and security. Recommends going with new Navigator Software.

Per Billy Doherty (County Auditor), County does not have option but to move forward with new software. Cost will be covered.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-46**

Brandon Hoff (IT), assured Court that old software will be used for other purposes to ensure money was not wasted.

13. **CONSENT AGENDA - Items listed are of routine nature and may be acted on in a single motion unless requested otherwise by members of Commissioners Court.**
  - a. **Consideration and action to accept special donations per local government code 81.032:**
    - i. **\$2,000 to Austin County EMS**
    - ii. **\$50 to Austin County Sheriff's Office**
  - b. **Consideration and action to accept 2024 Racial profiling report from Austin County Sheriff's Office.**
  - c. **Consideration and action to accept 2024 Racial Profiling Report from Austin County Constable, Pct. 2**

- d. Consideration and action to approve Required Schooling Application for Lance Johnson, Constable, Pct. 1, TCOLE Course, to be held July 20-25, 2025, in Tyler, Texas
- e. Consideration and action to approve Required Schooling Application for Dave Schulz, Constable, Pct. 2, TCOLE Course, to be held July 20-25, 2025, in Tyler, Texas
- f. Consideration and action to approve Right of Way installation permit application(s) by Industry Telephone Company at:
  - i. Bernard Rd, Pct 2
  - ii. Industry Rd, Pct. 2
  - iii. Wittner Rd, Pct. 2
- g. Approval of Minutes:
  - i. December 11, 2024
  - ii. December 20, 2024
  - iii. January 01, 2025

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Mikel, passed (4-0)*  
**Order #25-47**

**14. Budgetary and Financial Claims - action as appropriate.**  
**a. Payment of Claims**

Total = \$2,869,962.73

Remove payment in Department 101 to Phenix Knives, LLC for \$2,500. Amount previously paid. Amend Expense Report.

*Motion to Approve Amended: Commissioner Rinn, 2<sup>nd</sup> Commissioner Mikel, passed (4-0)*  
**Order #25-48**

**b. Fund Transfers**

Total = \$71,752.58 (February 6, 2025)  
 Total = \$2,212,373.19 (February 10, 2025)

Overall Total = \$2,209,873.19

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-49**

**c. Budget Amendments**

Budget Amendments #31 – Contingencies for Road and Bridge.

*Motion to Approve: Commissioner Cerny, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-50**



- d. **County Auditor's Review of finances**
- e. **County Treasurer's**
  - i. **Payroll and Escrow Report – 02.07.2025**

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny, passed (4-0)*  
**Order #25-51**

- ii. **Monthly Treasurer's Report(s)**  
**January – June 2024**

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Mikel, passed (4-0)*  
**Order #25-52**

- 15. **Written end-of-the month reports submitted by County Offices.**
  - a. **Criminal Court – January 2025**
  - b. **Civil Court – January 2025**
  - c. **Family Court – January 2025**
  - d. **Statutory County Court – December 2024**
  - e. **Justice of the Peace, Pct. 3 & Pct. 4 – January 2025**
  - f. **Constable Pct. 1 – January 2025**
  - g. **Constable Pct. 2 – December 2024 & January 2025**
  - h. **Jail Population – January 2025**
  - i. **TxDMV – January 2025**

*Motion to Accept: Commissioner Cerny, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-53**

Court recessed at 11:10 a.m.

**16. EXECUTIVE SESSION**

In accordance with Texas Local Government Code §551.071, §551.125 and §551.129, a closed meeting will be held concerning the following items:

- a. Legal Matter
- b. Economic Development Matter
- c. Economic Development Matter

Court Reconvened at 11:46 a.m.

**17. Action as appropriate on Executive Session.**

No action on Executive Session.

**18. Commissioners Court Inquiry.**

*Motion to Adjourn: Commissioner Cerny, 2<sup>nd</sup> Commissioner Mikel, passed (4-0).*  
**Order #25-54**

Court adjourned at 11:46 a.m.

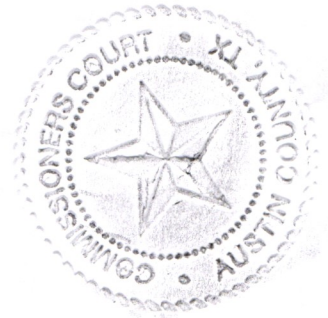
**ALL SUPPORTING DOCUMENTS ON FILE WITH COUNTY CLERK AS PROVIDED BY  
COMMISSIONERS COURT**

I, Diane Day, Austin County Clerk, attest to the minutes of the Commissioners Court proceedings for February 10, 2025.

Date: March 7, 2025

Diane Day, Austin County Clerk  
Clerk of Commissioners Court  
Austin County, Texas

By: Kimberly Benjamin  
Kimberly Benjamin, Deputy



FILED

2025 MAR -7 PM 4: 08

*Diane Day*  
COUNTY CLERK  
AUSTIN COUNTY, TEXAS