



DIANE DAY
AUSTIN COUNTY CLERK

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COMMISSIONERS COURT MINUTES

November 25, 2024 Austin County Commissioners Court met in the 2nd floor Courtroom at the Austin County Courthouse with the following present:

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

Commissioner Lamp absent.

9:00 A.M. OPENING

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

ROLL CALL AND CERTIFICATION OF QUORUM

CONSIDERATION/ADOPTION OF AGENDA

Motion to Approve: Commissioner Reed, 2nd Commissioner Cerny (3-0)

Order #24-339

- 1. Issuance Certificate(s) of Election, accept Bonds, and Swear in Officials:**
 - a. County Clerk – Diane Day**
 - b. Justice of the Peace, Pct. 2 – Wesley Peschel**

Judge Lapham administered Oaths for Diane Day (County Clerk) and Wesley Peschel (Justice of the Peace, Precinct 2)

Motion to Accept: Commissioner Cerny, 2nd Commissioner Rinn (3-0)

Order #24-340

- 2. Petitions or Requests from the Public.**

Judge Lapham called for individuals to come forward, who was signed up to speak: Jared and Michelle Selinski; Jason and Linda Scruggs. Those individuals were not in attendance.

Roy Mercer (Emergency Management Coordinator) introduced Samuel Ferrenburg as the County Liaison Officer for Texas Division of Emergency Management.

Per Samuel Ferrenburg (County Liaison Officer), his duties will include assisting Roy Mercer with any jurisdictions, state resources or tools required from the State. His office is located in the basement of Courthouse.

3. Public Hearing /Workshop regarding:

- a. Changes to Subdivision Regulations Partial adoption of International Fire Code**
- c. Partial adoption of International Building Code**

Per Jonathan Hopko (County Engineer), he has re-written a document which has been adopted by Austin County. Document has been updated so AI and current computer systems could identify with language used. Updating was necessary to reduce number of questions being asked for permitting and plan review. Certain forms were lacking, as well as other necessary tools to help Developers get plans approved. After review of said changes, he has noticed some mistakes that needs to be revised. In regards to the Subdivision Regulations with International Fire Code and International Building Code, he's looking to adopt very minimal rules. Building code changes would apply to commercial buildings only, excluding residential and agricultural buildings.

Judge Lapham provided clarification between 50 ft. and 150-ft. on the road frontage of the lot. The difference is if there is an onsite sewer or community. 50 ft. applies to community septic and community water.

Per Jonathan Hopko (County Engineer), an on-site sewage facility along County Road was written at 150 ft.

Judge Lapham inquired on plans to have concrete roads or asphalt roads. Per Jonathan Hopko (County Engineer), County will have option of both concrete and asphalt.

Mike Moody (Home Builder/Landowner in Austin County), expressed concerns in regards to grandparent's home in Austin County. Would prefer no changes made to the home place, but understands with expansion to Interstate 10 there will be growth. Asking Court to partner with public by seeking their advice in regards to cause and effects of Subdivision Regulations. Recommends building a working relationship to address issues together.

Judge Lapham recommends Jonathan Hopko (County Engineer) meet with those in attendance to establish future arrangements for communication. Advised there will not be any action/decisions made at this court session.

Harry Masterson (Developer), wanted to assure Court that they are not against Subdivision Regulations. Stated that clarity of regulations allows people to invest and bring quality to area.

Alex Kamkar (Developer) works with Clear Creek dealing with drainage issues and stormwater. Expressed appreciation to court for hearing concerns from public. Acknowledges that drainage and subdivision criteria's will have requires revisions during process. Requests Court to allow them to be part of the solution and included in discussions in regards to Subdivision.

Johnathan Hopko (County Engineer) requested permission from Court to revisit topic during Executive session.

4. Public Hearing regarding Speed Limit on Hacienda Street and action as appropriate.

Per Judge Lapham, speed limit on Hacienda Street shifts between City and County. Speed limit is 30 mph in City and 35 mph in County. Commissioner Lamp requests to set speed limit at 30 mph. It is required to have a public hearing on matters of this kind.

Motion to set speed limit to 30 mph on County side of Hacienda Street.

Motion to Approve: Commissioner Rinn, 2nd Commissioner Reed, passed (3-0)
Order #24-341

5. Discussion and action to approve Opioid KROGER TX Subdivision Release Form.

Per Judge Lapham, matter pertains to Opioid Settlement. County submitted participation forms in the event monies are available. There are tight restrictions for use of money. County received approval to use money on medical equipment for EMS, which allows savings for taxpayers.

Motion to participate in the KROGER Opioid Settlement with the Attorney General (AG) Office.

Motion to Participate: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0)
Order #24-342

6. Discussion regarding holiday pay for regular part-time employees and action as appropriate.

Per Judge Lapham, part-time employees are paid only 4 hours for Thanksgiving Holiday (2 days) and Christmas Holiday. Requests to pay part-time staff 8 hours for holidays.

Per Billy Doherty (County Auditor), recommends changing and adding to HR Policy Manual.

Motion to Approve: Commissioner Rinn, 2nd Commissioner Cerny, passed (3-0)
Order #24-343

7. Discussion regarding Burn Ban and action as appropriate.

Judge Lapham distributed copies of Fire & Drought Index and Burn Ban Map for review. Neighboring Counties (Washington, Grimes, San Felipe) has lifted Burn Bans. Request permission to lift Burn Ban for Austin County.

Motion to Approve: Commissioner Cerny, 2nd Commissioner Reed, passed (3-0)
Order #24-344

Per Roy Mercer (Emergency Management Coordinator), wind speeds are subject to increase. Agrees with lifting Burn Ban, but recommends precautionary measures and careful monitoring.

Judge Lapham, suggests notifying Sheriff's Department prior to burning, to prevent Fire Department from making useless trips.

8. Discussion regarding cash match portion of Storm water mitigation grant / Project 22-085-007-D235 in the amount of \$373,103.98 and action as appropriate.

Per Commissioner Reed, grant has a required cash match that County has to do. County has begun Acquisition of Land. GLO has required County to spend portion of grant before proceeding.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0)
Order #24-345

Per Judge Lapham, cash match will be used for easements and land purchases not professional services.

Per Billy Doherty, Langford Community Management Services wanted County to pay amount upfront for phase 1 of Project. According to conversations between Commissioner Reed, Shannon Hanath (Road and Bridge Administrative Assistant) and GLO, if anything went wrong on applications for reimbursement, County could possibly lose monies paid. County will not pay money upfront. Cash match to be paid from Commissioner Reed's budget.

Per Judge Lapham, grant Auditor's Office permission to

9. Consideration and action to approve payment of 10% match for FEMA AFG for SCBA related equipment for Fire Departments in Austin County.

Judge Lapham requests approval to pay match from Tobacco Funds. Total payment is \$85,970.00. 10% match from Tobacco Funds is \$8,597.00. Payment will be paid to Fire Fighters Association.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0)
Order #24-346

10. Discussion and action to approve revision of Memorandum of Understanding between Austin County, City of Sealy, and Sealy ISD regarding stormwater detention easement and credit.

Per Commissioner Reed, in regards to Memorandum of Understanding, Sealy ISD has an issue with verbiage stating "Public Hearing Date/Time" and "Hearing Date/Time" on both original and revised copies. School Lawyers has had numerous revisions to verbiage written within this document. Sealy ISD does not want to sign document until wording is removed, to prevent from having to hold a hearing. All other verbiage is acceptable.

Per Judge Lapham, revise verbiage on Page 3, Item 7 of Memorandum of Understanding to read as follows: "Austin County will provide Grant funding compensation of \$50,000 to Sealy ISD for cost and expenses."

Motion to approve as amended.

Motion to Approve: Commissioner Reed, 2nd Commissioner Cerny, passed (3-0)
Order #24-347

11. Discussion to rename private road, Liberty Lane, on 911 map in Pct. 2 and action as appropriate.

Per Commissioner Rinn, change private road from Liberty Lane to Martin Ranch Lane.

Motion to Approve: Commissioner Rinn, 2nd Commissioner Cerny, passed (3-0)
Order #24-348

12. Discussion to declare the white utility CERT trailer as surplus and action as appropriate.

Per Kim Rinn (County Tax Assessor-Collector), trailer was used to haul equipment for last election. Condition of trailer is unsafe.

Per Judge Lapham, repairs could be made to trailer, but recommends selling and purchasing a something new that would be more dependable and weathertight.

Declare trailer as surplus.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0)
Order #24-349

13. Discussion regarding VEOCI 5 yr Contract and action as appropriate.

Per Roy Mercer (Emergency Management Coordinator), 5-yr. Contract with VEOCI can be paid annually. There is a discounted price available with additional users of program. Predicts 75 seats to VEOCI. Program offers much flexibility. Integration of CAD and Notifications and are some of the processes of VEOCI. Looking into integrating Community Development as well.

Roy will provide open training on implementing processes to all precincts/staff. Previous payment for VEOI was paid from Road & Bridge Funds (Precinct 1 and 2). Current cost will be split 5 ways between all 4 precincts and Roy Mercer's Budget, as stated during budget meeting (\$7,003.60).

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0)
Order #24-350

14. Discussion regarding replacement check for PB&J / Honeycutt and action as appropriate.

Per Judge Lapham, there is a continual problem with checks not being delivered through U.S. Postal Service. Checks are being returned to bank with altered amounts and recipient's names. Commends First National Bank of catching checks when this occurs. Check for PB&J/Honeycutt was lost in mail during transit. This creates an inconvenience for vendors. There is a procedure County has to go through to obtain replacement checks.

Per Billy Doherty (County Auditor), staff from Auditor's and Treasurer's Office have started hand delivering some of the bill payments to businesses, to assure payments are received. In regards to check for PB&J/Honeycutt, delivery took 59 days to reach customer. Customer will return check to County. During time check was lost, it had been replaced. Due to risk of being lost in transit, certain customers are now coming to Treasurer's Office to pick up checks. County has implemented a system called Positive Pay, which provides assistance with catching washed checks. It has been very useful.

15. Discussion and action regarding purchasing procedure for department supply items.

Per Judge Lapham, matter has been resolved. No discussion required.

16. 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 executed interlocal agreements for Fiscal Year 2024-2025, to serve Austin County Citizens:**
- i. Colorado Valley Transit. Inc.**
 - ii. Colorado Valley Transit, Inc. (JARC)**
 - iii. Combined Community Action**
 - iv. Emergency Medical Services / Industry**
 - v. Library Services / Gordon Memorial Library**
 - vi. Fire Fighter Association**
 - vii. Focusing Families**
 - viii. USDA / Soil and Water Conservation Services**
 - ix. Texana**
 - x. Youth and Family Services**

- b. **Consideration and action to accept executed interlocal Law Enforcement for Fiscal Year 2024-2025**
 - i. **Bellville**
 - ii. **San Felipe**
 - iii. **Sealy**
 - iv. **Wallis**
 - v. **Sealy I.S.D.**
- c. **Consideration and action to approve Right of Way Installation by Industry Telephone at New Bremen Rd, Pct. 2**
- d. **Consideration and action to approve required schooling application for Abigail Hicks, Assistant District Attorney, to be held January 12-17, 2025, in Austin, Texas**
- e. **Consideration and action to authorize one-time variance from Subdivision Regulations to divide a 2-acre tract from a 30.01 parent tract on Wolfe Rd, Pct. 2**

Motion to Approve: Commissioner Rinn, 2nd Commissioner Reed, passed (3-0)
Order #24-351

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

Total = \$1,855.028.52

Judge Lapham requests for Billy Doherty (County Auditor) to add payment for Fire Fighter Association. Per Billy Doherty \$8,597.00 (10%) will be added to Fund 101 Department 128.

Per Judge Lapham, add payment for VEOCI Contract in the amount of \$35,018.00 to Accounts Payable.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0)
Order #24-352

In reference to Agenda Item #8, Judge Lapham gives authority Auditor's Office to pay closing costs on property and drainage easements for the match \$373,103.98. Payments will be made to Title Company in increments presented.

Amended Motion on Agenda Item #8.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0)
Order #24-353

b. Fund Transfers

Total = \$1,257,247.35

Per Billy Doherty (County Auditor), will present transfers for \$8,597.00 to Fire Fighters Association and \$35,018.00 for VEOCI at next court hearing.

Motion to Approve: Commissioner Rinn, 2nd Commissioner Cerny, passed (3-0)
Order #24-354

c. Budget Amendments

No Budget Amendments.

d. County Auditor's Review of finances

Per Billy Doherty (County Auditor), due to change of Justice of the Peace in Precinct 2, there was an audit performed. During the time that Todd Morris (Former Justice of the Peace, Precinct 2) was in office (May 13, 2024 – November 13, 2024), there were 94 new criminal cases filed, 79 criminal cases closed, 40 criminal cases dismissed, 18 new civil cases filed, 9 civil cases dismissed and 24 civil cases disposed. Judge Krause's (Former Justice of the Peace, Precinct 2 – from 2009 to 2023), information was also pulled. From year 2000 until Resignation date, there were 5,749 case files and 5,120 cases closed. Auditor's office is currently working on audit of County Clerk's office.

e. County Treasurer

i. Payroll and Escrow Reports

- 1. 11.18.2024**
- 2. 11.22.24 – Longevity**

Motion to Approve: Commissioner Cerny, 2nd Commissioner Reed, passed (3-0)
Order #24-355

18. Written end-of-the month reports submitted by County Offices.

- a. Justice of the Peace, Precinct 2 – October 2024**
- b. AgriLife – October 2024**
- c. Constable, Pct 4 – September & October 2024**

Motion to Accept: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0)
Order #24-356

Court recessed at 10:31 a.m.

EXECUTIVE SESSION

A closed meeting will be held concerning the following items:

1. Legal Matter - Buildings
2. Economic Development Matter

Court Reconvened at 1:19 p.m.

19. Action as appropriate on Executive Session.

No action on Executive Session.

20. Commissioners Court Inquiry.

*Motion to Adjourn: Commissioner Reed, 2nd Commissioner Rinn, passed (3-0).
Order #24-357*

Court adjourned at 1:20 p.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 November 25, 2024.

Date: January 17, 2025
Diane Day, Austin County Clerk
Clerk of Commissioners Court
Austin County, Texas

By: Kimberly Benjamin
Kimberly Benjamin, Deputy



FILED

2025 JAN 17 PM 3: 35

Diane Day
COUNTY CLERK
AUSTIN COUNTY, TEXAS