

COMMISSIONERS COURT MINUTES

Order # 26-011

May 26, 2026 Austin County Commissioners Court met in the 2nd floor Courtroom at the Austin County Courthouse with the following present:

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

OPENING

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

ROLL CALL AND CERTIFICATION OF QUORUM

CONSIDERATION/ADOPTION OF AGENDA

Motion to Approve: Commissioner Chip Reed, 2nd Commissioner Greg Mikel, passed (4-0).

OPEN AGENDA ITEMS

1. 9:00 AM - Public hearing regarding Giga Energy Inc.

Judge Lapham explained to the public that since nobody from Giga Energy Inc. was present that they were willing to hear the public's concerns. However, they do not have much information on the project. Therefore, they will not be able to answer any questions.

Vance Cooper addressed the court with his concerns about this limiting our growth in the county as well as the fire risk that comes with these facilities.

Leanne Blile stated she is not against technology, economic development, or private enterprise. However, she feels the local government has a duty to protect the long-term interests of the people who reside here. She expressed her concerns about the electricity and water demands these facilities have. She also presented data from other counties that have challenged these companies using moratoriums, etc. She encourages the public to communicate to their elected officials the way they feel about this.

Bridgett Kourik stated that everyone knows the concerns these types of facilities bring. However, she encourages the public to help in researching for resolutions, and also to reach out to the congressional representative. She presented a few researched resolutions, and asked that the court keep a close eye on some of the things other counties are doing to fight these companies.

Elizabeth Culiage mentioned that Matagorda county has a moratorium in place as of a couple of days ago. She stated that her understanding is that placing a moratorium will help bring clarity as to who is all in this area working on building these facilities. She inquired if the county had offered any abatements.

Judge Lapham stated that the county had offered no abatements to any of the data centers. The only thing they come to the county for is a stormwater detention permit and road access permits if they are on a county road.

Elizabeth Culiage inquired if Judge Lapham would consider a moratorium.

Judge Lapham expressed that the county is considering how best to move forward.

Commissioner Reed encourages the public to call the senators and other state representatives as they are the ones offering incentives.

David Wendt expressed his concerns about the negative impact this will have on our water table. He inquired if Bluebonnet Water District could do anything to slow or stop this project.

Judge Lapham stated that Texas is a right of capture state so that limits what they are able to do as well.

David Wendt urged the public to work together in stopping this and believes coming together will give us more power to do so.

Marty Frost stated that the Texas Water Development Board is having a meeting on their 2027 water plan. She encourages the public to attend this or submit questions so that these entities can help to make the decisions to go against our governor and representatives who are not helping the local community. She asked the court to please let the public know if there were any other representatives they should be contacting to help.

Barbara Brandes addressed the court with her concerns about water pollution, electricity, etc. She encourages the public to use the freedom of information act to request information from facilities like ERCOT to receive transparency.

Elizabeth Culiage presented the idea of finding out how to put a recall of the state representatives on the upcoming ballot.

Patsy Ford stated she had called the senator's office and was provided an email address, which she emailed and got no response. She asked the court if there was anyone else she could reach out to.

Judge Lapham encouraged the public to just be consistent in calling and emailing the governor and senator's offices. He stated that the more they receive these, the more it will bring the concerns to light and even if they don't reach back out directly to you, it may help push them to reach out to the judge's office.

Emily Giuffre addressed the court about how the public should also use the freedom of information act to ask what politicians have taken money from the data centers.

Ester Baker spoke about the requirements and restrictions for oil drilling and why it is not the same for the AI data centers.

Judge Lapham expressed gratitude to the public for showing up and speaking. He also read a letter from Senator Paul Bettencourt to Ken Paxton.

Eric Lohstrom inquired if the county had a Fire Marshall and, if so, could a statute under the local government code be used to allow the Fire Marshall to inspect these facilities and make them follow the county fire law.

Judge Lapham stated the county has been working on that, but it could potentially cause more issues if they were to meet all of those requirements as well.

Gary Giuffre addressed the court about the 2024 national defense strategy already helping another county in Texas ban a data center. He stated it could possibly help our county as well.

2. **Petitions or Requests from the Public**
(In accordance with the Texas Attorney General's opinion, any public comment that is made on an item that is not on the posted final agenda will only be heard by the Commissioners Court. No formal action, discussion, deliberation, nor comment will be made by the Commissioners Court.)

None.

3. **Discussion and action regarding 391 Agreement between Austin County and Local Municipalities.**

Bridgett Kourik explained to the court what a 391 agreement is and how it could help.

Judge Lapham inquired what steps are needed to create this.

Bridgett Kourik stated that the public first brings it to the city or county to request approval to create it, then ask a neighboring city or county to join it.

Commissioner Rinn inquired about asking other counties to join.

Bridgett Kourik stated that it would likely start with cities first, then move onto counties.

Motion to Approve: Commissioner Chip Reed, 2nd Commissioner Bobby Rinn, passed, (4-0).

4. **Discussion to approve the Traffic Impact Analysis Report for The Grove at FM 1094 and action as appropriate**

Jonathan Hopko (Austin County Engineer) stated his office had received and reviewed the traffic impact analysis report for The Grove at FM 1094. He stated everything is in accordance with their criteria. Therefore, he recommends approval.

Judge Lapham inquired if there was a plat for The Grove yet.

Jonathan Hopko (Austin County Engineer) confirmed that there was no plat yet as they have proceeded with the drainage and traffic reports first.

Motion to Approve: Commissioner Greg Mikel, 2nd Commissioner Leroy Cerny, passed, (4-0).

5. Consideration and action to approve the Commercial Development Permit and Drainage Report for Hope & Joy Ranchette at FM 389

Jonathan Hopko (Austin County Engineer) explained to the court that this was a small commercial development that met all the criteria needed. Therefore, he recommends approval.

Motion to Approve: Commissioner Bobby Rinn, 2nd Commissioner Greg Mikel, passed, (4-0).

6. Consideration and action to amend motion from 6/23/2025 to reflect correct award amount to S&D Contractors in the amount of \$373,538.09 for Grubs Rd. project TDA grant no. CDV23-0303.

Jordan Mahony (Grant Works) stated she had been working on closing documents for the grant and noticed the incorrect amount. Therefore, she wanted to come today to have the amount corrected.

Commissioner Mikel motioned to amend the motion from June 23, 2025, to reflect the correct award amount to S&D contractors in the amount of \$373,538.09 for Grubbs road project TDA grant number CDV23-0303.

Motion to Approve: Commissioner Greg Mikel, 2nd Commissioner Chip Reed, passed, (4-0).

7. Discussion regarding Construction Change Order #2 for Grubs Rd. Project TDA Grant No. CDV23-0303 and action as appropriate.

Jordan Mahony (Grant Works) explained that she was only here to answer any questions the court may have in regard to the project.

Commissioner Mikel confirmed that all is well and everyone seems pleased with the job.

Motion to Approve: Commissioner Greg Mikel, 2nd Commissioner Bobby Rinn, passed, (4-0).

8. Open bids for Sector #3 Allens Creek Stormwater Mitigation CDBG-MIT Grant No. 22-085-007-D235 and action as appropriate.

Shannon Hannath (Road and Bridge Administrative Assistant) presented bids for opening to Billy Doherty (Austin County Auditor) for Sector #3 Allens Creek Stormwater Mitigation CDBG-MIT Grant Number 22-085-007-D235.

Bids submitted were as followed:

Envirometal Allies - \$4,199,843.60

Brazos Valley L4 LLC - \$2,465,198.27

Solid Bridge Construction - \$4,287,295.55

MIT Res Services - \$5,334,493.87

No Action.

9. Consideration and action to authorize advertisement for bid proposals:
 - a. Road Material/Gravel
 - b. Hauling
 - c. Asphalts, Liquid Asphalt, Emulsion and Dust Control
 - d. Corrugated Culverts

- e. HDPE Culvert Pipe
- f. Concrete/Cement
- g. Fuel (Gasoline & Diesel)
- h. Surface Treatments, Asphalt Laydown & Asphalt Milling

Judge Lapham stated bids would be due August 6, 2026, and bids would be opened August 10, 2026.

Motion to Approve: Commissioner Chip Reed, 2nd Commissioner Greg Mikel, passed, (4-0).

10. **CONSENT AGENDA** — Items listed are of routine nature and may be acted on in a single motion unless requested otherwise by member of Commissioners Court.
 - a. Consideration and action to Approve Minutes:
 - i. April 27, 2026
 - ii. May 11, 2026
 - b. Consideration and action to approve Required Schooling Request for Benjamin Nystrom, Assistant District Attorney, to attend the TDCAA Training, June 3rd–June 5th, 2026, in Austin, Texas.
 - c. Consideration and action to approve Required Schooling Request for Kim Rinn, Tax Assessor Collector, to attend the TACA Conference, June 7th–June 10th, 2026, in Waco, Texas.
 - d. Consideration and action to approve Required Schooling Request for Kim Rinn, Tax Assessor Collector, to attend the Law Seminar for County Election Officials, August 9th - August 12th, 2026, in Round Rock, Texas.
 - e. Consideration and action to accept ESD No. 2 outside Audit for FY 2024-2025.
 - f. Consideration and action to accept special donation(s), per local government code 81.032:
 - i. \$200-Knox Memorial Library
 - ii. \$200- Knox Memorial Library
 - iii. \$300 - Knox Memorial Library

Motion to Approve: Commissioner Leroy Cerny, 2nd Commissioner Bobby Rinn, passed, (4-0).

11. **BUDGETARY AND FINANCIAL CLAIMS** - action as appropriate
 - a. Payment of Claims

Total: \$2,956,756.30

Billy Doherty (Austin County Auditor) requested approval of an additional \$5,000 to the payables list.

Motion to Approve: Commissioner Leroy Cerny, 2nd Commissioner Chip Reed, passed, (4-0).

- b. Fund Transfers

Total: \$1,222,420.00 (5/12/2026)

Total: \$22,370.00 (5/19/2026)

Total: \$1,065,846.66 (5/26/2026)

Motion to Approve: Commissioner Bobby Rinn, 2nd Commissioner Chip Reed, passed, (4-0).

- c. Budget Amendments
 - d. County Auditor's review of finances
 - e. County Treasurer's
 - i. Payroll and Escrow Reports
- 1.05.15.2026

Motion to Approve: Commissioner Leroy Cerny, 2nd Commissioner Chip Reed, passed, (4-0).

ii. Monthly Report - April 2026

Motion to Approve: Commissioner Bobby Rinn, 2nd Commissioner Greg Mikel, passed, (4-0).

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

- a. Justice of the Peace, Pct. 2 - April 2026
- b. Constable Pct. 1 - March/April 2026
- c. Constable Pct. 2 - April 2026
- d. Constable Pct. 4 - April 2026
- e. TCEQ/OSSF - April 2026

Motion to Approve: Commissioner Greg Mikel, 2nd Commissioner Chip Reed, passed, (4-0).

- f. TxDMV - April 2026
- g. AgriLife Extension Report
 - i. March 2026 - FCH
 - ii. April 2026 - FCH
 - iii. March 2026 - ANR
 - iv. April 2026- ANR
 - v. April 2026 - 4-H & Youth Development

Motion to Approve: Commissioner Bobby Rinn, 2nd Commissioner Chip Reed, passed, (4-0).

13. **Commissioners' Court Inquiry**

(Pursuant to Texas Government Code Section 551.042, the Commissioners Court may inquire about a subject not specifically listed factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.)

Motion to Adjourn: Commissioner Chip Reed, 2nd Commissioner Greg Mikel, passed, (4-0).

Court adjourned at 10:43 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 May 26, 2026.

Date: 6-3-2026
Diane Day, Austin County Clerk
Clerk of Commissioners Court
Austin County, Texas

By: Kayla Whitley
Deputy Clerk



FILED

2026 JUN -3 PM 3:49

Diane Day
COUNTY CLERK
AUSTIN COUNTY, TEXAS