

MILAM COUNTY COMMISSIONERS COURT

**Henry “Hub” Hubnik
Commissioner, Precinct #1**

**James Denman
Commissioner, Precinct #2**



**Art Neal
Commissioner, Precinct #3**

**Wesley Payne
Commissioner, Precinct #4**

**Bill Whitmire
Milam County Judge
102 S. Fannin Ave.
Cameron, Texas 76520**

**NOTICE OF THE REGULAR MEETING
OF THE
COMMISSIONERS COURT OF MILAM COUNTY, TEXAS**

MONDAY, JULY 22, 2024, AT 10:00 AM

AGENDA

The Court will convene in person in the Milam County Courtroom, located at the Milam County Courthouse, 102 S. Fannin Ave., Cameron, Texas 76520. If any member of the public would like to speak in person regarding any of the agenda items, please register with the County Judge’s Office before 10:00 am, on July 22, 2024.

The following items will be addressed, discussed, considered, passed, or adopted to-wit:

1. A quorum will be established, and the meeting of the Milam County Commissioners Court will be called to order.
2. Invocation.
3. Pledge of Allegiance to the American Flag and the Texas Flag.
4. Comments from the Public (limited to five minutes).
5. Consider and take action on the consent agenda.
 - a. The minutes from previous commissioner’s court meetings and act on any corrections, changes, or approval of any of the said minutes.
 - b. Certificates of Completion.
 - c. Monthly Treasurer’s Report.
6. Judge’s Comments.

7. Discuss and take action on a utility installation from North Milam WSC for a waterline at FM 485 and CR 132.
8. Discuss and take action on a utility installation from Southwest Milam Water Supply for new service at the intersection of CR 322 and CR 323.
9. Discuss and possibly take action to remove the Tax Abatement for Cattlemen I (EDP Solar).
10. Discuss and possibly take action on Tax Abatement amendments for BT Jungmann Solar and Gransolar Texas I (Pincgate).
11. Discuss and take action on the proposed Tax Abatement amendments on the Yaupon Solar Project (Nextera).
12. Discuss and take action on a final plat for Highland Branch Subdivision.
13. Discuss and take action on a Subdivision Application update. **(Exhibit "A")**.
14. Discuss and take action on a proposed Public Road Pipeline Crossing Permit Application. **(Exhibit "B")**.
15. Discuss and take action to accept a donation from SB Energy to Precinct 1 for \$150,000.00.
16. Discuss and take action to accept a donation from SB Energy to Precinct 2 for \$150,000.00.
17. Discuss and take action on a request by Precinct 1 to purchase two road groomers.
18. Discuss and take action to approve bonds for Melissa Fritz, Milam County Tax Assessor Collector.
19. Review, discuss, and act to pay the bills of Milam County, Texas as presented by the County Auditor's Office.
20. Presentation by the MRB Group of flood prone areas in the county analysis for the Milam County FIF Project for the TWDB Grant.
21. Take action to open bids for the Rockdale Drainage Improvement Project GLO-C308.
22. Adjourn

Dated this 17th day of July, 2024



Bill Whitmire
Milam County Judge

I, the undersigned County Clerk, do hereby certify that the above notice of the **Regular Meeting** of the Milam County Commissioners Court is a true and correct copy of said Notice. Further, the Notice is published on the Courthouse Door and the County Clerk's Office of Milam County, Texas and at other places readily accessible to the public at all times beginning on the **17th day of July 2024**. The Notice will remain posted continuously for at least 72 hours preceding the scheduled date and time of said court.

Filed 17th day of July
in 2024, At 3:02 P. M.
JODI MORGAN
County Clerk, Milam County, Texas
By Jodi Morgan
Deputy

County Clerk of Milam County, Texas

Jodi Morgan
Jodi Morgan,
Milam County Clerk



JODI MORGAN
County Clerk

(This Court reserves the right to convene in executive session at any time deemed necessary for the consideration of confidential matters in accordance with Texas Government code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes or decisions will be taken in open meeting.)

MCP&D (REV. 7/11/24)
M. C. P. & D. USE ONLY



SUBDIVISION APPLICATION

**(APPLICATIONS TO BE SUBMITTED WITH THE
PRELIMINARY PLAT)**

APP NO. _____

DATE: _____

FEE AMNT: \$ _____

P&D SIGNATURE: _____

Permitting Official: Rachel Langham
102 S Fannin
Cameron, Texas 76520
(254) 627-1760

**THE APPLICANT CERTIFIES THAT ALL STATEMENTS HEREIN AND IN THE ATTACHED DOCUMENTS
TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.**

APPLICANT'S SIGNATURE: _____ **DATE:** _____

1. PROPOSED NAME OF THE SUBDIVISION: _____

2. PROPERTY OWNER: _____ **Phone Number:** _____

Address: _____ **City:** _____ **St:** _____ **Zip:** _____

3. NAME OF APPLICANT: _____ **Phone Number:** _____

Address: _____ **City:** _____ **St:** _____ **Zip:** _____

4. PERSON TO APPEAR AT COMMISSIONERS' COURT: _____

Letter of Credit Expiration Date: _____ **Date Plat Filed:** _____

5. SUBDIVISION INFORMATION

Property Location Address: _____

Current Legal Description: _____

City ETJ: Yes: _____ No: _____ **If Yes, City name:** _____

School District(s): _____

Total Acreage in Development: _____ Acres Total Acreage of Lots: _____ Acres

Total Number of Lots: _____ Average Size of Lots: _____ Acres

Intended Use of Lots: _____ Residential _____ Commercial

Number of Lots by Acreage: > 10 Acres: _____ 5 – 10 Acres: _____ 2 – 5 Acres: _____

1 – 2 Acres: _____ < 1 Acres: _____ Other Size: _____

6. ROADS IN DEVELOPMENT

Frontage on Existing Roads: County Road: _____ State Road: _____ Private Road: _____

New Roads in Development: (A list of proposed road names must be submitted with the Preliminary Plat)

Private Roads: _____

Public Roads: _____

7. SOURCE OF WATER

Surface Water

Water Supply Corp: _____

Public Water Supply: _____

Rainwater Catchment: _____

Groundwater

Private Well: _____

Shared Well: _____

Water Well Supply: _____

Anticipated Wastewater System

Conventional Septic System(s): _____

Class 1 Permitted System: _____

Public Sewer: _____

8. UTILITY CHECKLIST

(Applicant must take a copy of the Preliminary Plat to each utility for review and comment. Original Signature Required)

Electric Utility: _____

Approve As-Is: _____ Easement Required: _____

Define Required Easement: _____

Signature: _____ Title: _____

Print Name: _____

Telephone Utility: (if applicable) _____

Approve As-Is: _____ Easement Required: _____

Define Required Easement: _____

Signature: _____ Title: _____

Print Name: _____

Water Utility: _____

Approve As-Is: _____ Easement Required: _____

Define Required Easement: _____

Signature: _____ Title: _____

Print Name: _____

Sewage Utility: (if applicable) _____

Approve As-Is: _____ Easement Required: _____

Define Required Easement: _____

Signature: _____ Title: _____

Print Name: _____

9. DEVELOPMENT PERMIT APPLICATION

Permit Application Completed on: _____

Planning and Development Official Signature: _____

10. TEXAS DEPARTMENT OF TRANSPORTATION
(if frontage is on a state-maintained roadway)

TXDOT Official Signature: _____

Printed Name: _____

Title: _____

**FOR OFFICIAL USE ONLY
PLEASE DO NOT WRITE ON THIS PAGE**

Date Submitted: _____

This proposed Subdivision lies within the boundaries of Milam County Precinct # _____

I HEREBY ACKNOWLEDGE THAT I AM AWARE OF AND APPROVE THE SUBMISSION OF THE PRECEDING SUBDIVISION FOR PLACEMENT ON THE COMMISSIONERS' COURT AGENDA FOR APPROVAL OF THE PRELIMINARY PLAT.

Commissioner's Signature: _____ Date: _____

M
Milam County Subdivision Regulation Application Fees and Penalties

- Preliminary Plat, outside the flood plain: \$300.00, plus \$10.00 per lot
- Preliminary Plat, within the flood plain: \$500.00, plus \$10.00 per lot
- Final Plat: \$150.00, plus \$5.00 per lot
- Penalties for not securing a Permit:
 - o Outside the Flood Plain: \$1000.00
 - o Within the flood plain: \$5000.00

APPROVED by the Milam County Commissioners' Court on this the _____ day of _____, 20_____.

Milam County Representative

Signature: _____

Printed Name: _____

Title: Milam County Judge

Attested By:

Signature: _____

Printed Name: _____

Title: Milam County Clerk

Exhibit B



**PUBLIC ROAD PIPELINE CROSSING
PERMIT APPLICATION**

Planning and Development Official: Rachel Langham
102 S Fannin
Cameron, Texas 76520
(254) 627-1760

On this the ____ day of _____, 20__, the Applicant, _____, hereinafter, "Company" or "Applicant", does hereby make application to Milam County, Texas, for the purposes of constructing, installing, laying, maintaining, operating, using and/or repairing a pipeline, mains or lines for the transportation and conveyance of water, sewer, natural gas, oil and/or other hydrocarbons across and under a public road of Milam County, Texas over which the Milam County Commissioners Court has jurisdiction and the obligation to maintain in good repair for the purpose of use and travel by the public, the location of said crossing and the name of the public county road as shown on the engineering drawing or profile, schematic, plat map and/or survey drawing supplied by the Applicant (8.5" by 14" maximum size sheets), attached hereto and made a part hereof.

In consideration of payment of a \$1,000.00 application fee for any commercial projects and a payment of \$25.00 for non-profit projects. There will be a \$500.00 penalty fee if construction and/or installation of the said pipeline in the public county road has begun prior to this Application being approved by Milam County Commissioners Court. The Commissioners Court may waive any or all fees for any applicants that are non-profit corporations or entities. Requests for fee waivers must be in writing and made a part of any Road Crossing Permit Application.

In consideration of the County's granting permission to make use of the public county road lands above described for the purposes aforesaid, the undersigned Company agrees that such use shall be subject to the following terms, covenants and conditions, to-wit:

I.

The public's use of the public county road for travel shall be of primary importance. The rights granted to the Applicant by subsequent acceptance and approval of this Application shall be subordinate to the rights of the public to use the road. It is expressly agreed to and understood by the Applicant that Milam County does not hereby, and does not by any subsequent approval or granting of this Application for Permit, grant to Applicant any right, claim, title, or easement in, to, under,

upon, and/or across any public county road. No pipeline, main or line which is the subject of this Application shall ever be constructed, installed, laid, maintained, operated, used and/or repaired by the Applicant in such manner as to interfere with the use, operation, construction, maintenance, drainage or repair of the public road or roads, whether a county or state road, and in the event it shall develop that any pipeline, main or line which is the subject of this Application hereafter to be laid by the Applicant which in any manner interferes with the use, operation, construction, maintenance, drainage or repair of any existing public road, because of the depth at which the same has been laid, or for any other reason, the Applicant, upon request by the Commissioners Court so to do, shall promptly change or alter, at Applicant's sole expense, such pipeline, main or line, in such manner that the same will no longer interfere with such use, operation, construction, maintenance, drainage or repair of the public county road. Applicant agrees to make all changes, alterations and modifications to said pipeline, main or line which is the subject of this Application, as Milam County may require in connection with any future use, operation, widening, alteration, relocation, drainage, and/or paving of any public county road, all at the cost and expense of the Applicant at no cost and expense to Milam County.

II.

It is understood that no pipeline, main or line shall ever be constructed, installed, laid, maintained, operated, used and/or repaired by Applicant in such a way or manner as to interfere with traffic, or so as to interfere with any drainage now or hereafter on or along such public road and that no pipeline, main or line shall ever be constructed, laid, maintained, operated, used and/or repaired by the Applicant in such a way as to constitute a danger or hazard, or to become a nuisance of any kind to anyone using any public road or living in the vicinity thereof.

III.

The Applicant agrees as to the public county road involved with this Application that it shall in no way enter upon any property hereby affected for the purpose of constructing, installing, laying, maintaining or repairing any pipeline, main or line now existing or hereafter to exist unless it shall have first submitted to the Commissioners Court of Milam County, plans, specifications, engineering drawing or profile, schematics, plat map, survey drawing and/or description (8.5" by 14" maximum size sheets) of construction, laying, maintenance or repair, as to fully describe the same.

IV.

Applicant shall give the County Commissioner of the Precinct in which is located the road crossing, which is the subject of this Application, with reference to a public county road, and the Texas State Department of Transportation, with reference to a state highway or road, at least forty-eight (48) hours actual notice prior to the time of beginning of any work with reference to any such public road or highway. The County Commissioner of the Precinct, at his or her discretion, in which is located the road crossing which is the subject of this Application, or the Commissioner's representative, may be at the job site of the crossing when the work begins, and upon completion of the crossing job must give approval that the public road right of way at the crossing has been returned to full use by the public to the satisfaction of the Commissioner.

V.

It is understood and agreed by Applicant that all pipelines, mains or lines crossing any public county road shall be either bored, tunneled, jacked, or driven under the entire portion of the public road right of way, and also for a minimum distance of 10 feet away from each road right of way line; and that the section of pipeline, main or line placed through boring shall extend the full width of the public road right of way and also an additional 10 feet away from each road right of way line; and that all pipelines, mains or lines under such road right of way shall be placed through an iron or other approved casing of approximately two inches larger in diameter than the pipeline; or, as an alternative to casing, Applicant may install a heavier walled carrier pipe beneath the road right of way; provided, however, that in all instances the installation shall meet all the requirements of the Department of Transportation as set forth in Title 49, Code of Federal Regulations, Part 192, and/or those same, similar or equivalent regulations as adopted by Texas Railroad Commission and any other regulations and rules promulgated by the Texas Railroad Commission applicable to the constructing, installing, laying, maintaining, operating, using and/or repairing a pipeline, mains or lines for the transportation and conveyance of natural gas, oil and/or other hydrocarbons; and provided further that the County Commissioner in whose precinct the crossing is being made, with the concurrence of the Commissioner Court, may require that the carrier pipe be cased beneath the roadway when in his opinion the best interests of Milam County would be served thereby. Said pipeline, main or line shall be placed at such depth so that there is a minimum of six (6) feet from the top of the casing, or from the top of the pipe if there is no casing, to the top of the surface material of the roadway; and so that there is a minimum of four (4) feet from the top of the casing, or from the top of the pipe if there is no casing, to the bottom of the ditch(es) in the road right of way; and so that there is a minimum of 3 feet from the top of the casing, or from the top of the pipe if there is no casing, to the surface of the land for the entire 10 feet distance away from each road right of way line, all as depicted in the illustrative drawing attached hereto and marked "Drawing 1", and incorporated herein.

VI.

The Applicant agrees that prior to the constructing, installing, and/or laying of the pipeline, Applicant will obtain a permit (or permits) or exemption certificate for the crossing described in this Application, from the Milam County Office of Floodplain Administration concerning the Milam County Flood Damage Prevention Order and concerning the development activity of constructing, installing, and/or laying of the pipeline. The Applicant further agrees that it will adhere to all County, State, and federal laws, statutes, codes, orders, rules and regulations applicable to the constructing, installing, laying, maintaining, operating, using and/or repairing the pipeline that is the subject of this Application. The Applicant further agrees that prior to the construction, installation, and laying the pipeline that is the subject of this Application, Applicant shall obtain the right from all necessary landowners to enter and perform work on the real property of landowners adjacent to the public road to construct, install, and lay the pipeline at the crossing described in this Application.

VII.

The Applicant agrees that Applicant and/or its contractor(s) shall provide and have in place all

warning and traffic control signs and lights, barricades, flagmen when necessary, and safety signage prior to and at all times during the period of construction, installation, and/or laying of the pipeline at the crossing which is the subject of this Application, and as necessary prior to and at all times during maintenance and repair of the pipeline at the crossing.

VIII.

The Applicant agrees that, after the completion of the construction, installation, and/or laying of the pipeline at the crossing, which is the subject of this Application, the Applicant will install and maintain permanent signs on each side of the public road right of way at the crossing, showing the current pipeline owner, the current emergency contact phone number for the owner, and identifying the product transported in the pipeline.

IX.

The Applicant agrees to save and hold harmless and indemnify Milam County, Texas against any and all liability that Milam County may have or appear to have to any person whomsoever by reason of any act or thing that Applicant, its agents, servants, employees and contractors may do or cause to be done in the premises concerning the crossing of the public road by the pipeline.

X.

In consideration of the granting of the privilege hereby petitioned and applied for, Applicant agrees that whenever it shall in any manner damage any County Road or other public structure by reason of any operation hereunder, it will immediately, at its own expense, restore the same to the condition that the same was in before the damage took place. Applicant further especially agrees that whenever the Milam County Commissioners Court shall notify it in writing that it, its agents, servants, employees and contractors have damaged any public county road, or other public structure, Applicant will commence the restoration thereof, in accordance with the terms hereof, within forty-eight (48) hours after the receipt of such notice, and prosecute such restoration to completion, diligently and continuously, and that in the event of Applicant's failure in such event to begin such restoration or repair within the time aforesaid, or in the event of its failure to therefore prosecute the same to completion, diligently and continuously, the Commissioners Court or its representative of said County, may take over the making of such restoration or repair with County employees, or through a private contractor, and complete and effect such repair or restoration at the expense of the Applicant, and that the action of the Milam County Commissioners Court, or its representative, in making such restoration or repair shall be binding upon the Applicant, and such Commissioners Court estimate or statement of the cost and expense incurred in making such repair or restoration shall be final, conclusive and binding upon the Applicant, and Applicant shall pay the cost incurred by Milam County in making and/or completing the restoration or repairs.

XI.

It is agreed by Applicant that in the event Applicant enters upon any property hereby affected for the purpose of constructing, installing, laying, maintaining or repairing any pipeline, main or line of Applicant, now existing or hereafter to exist, in connection with any State road or highway, that

Applicant shall comply with all conditions and requirements of the Texas State Department of Transportation or its authorized representative with reference to any matter pertaining to any such purposes.

XII.

It is further agreed that the subsequent order of the Milam County Commissioners Court granting and approving this Application shall be and does constitute acceptance on the part of the County of the offer hereby made and said order and this Application shall constitute a contract between the parties hereto and shall be binding upon the Applicant, its heirs, assigns, representatives and successors according to all the terms hereof.

XIII.

This Application for Pipeline Public Road Crossing Permit shall be effective until the commissioner is notified that the crossing is no longer needed. A new Application for Pipeline Public Road Crossing Permit and payment of fees shall be required from the Applicant if a new project is to be started.

XIV.

Any variance from the rules and requirements set forth herein must be approved by the Milam County Commissioners Court. Variance requests must be in writing and made part of any Road Crossing Permit Application.

IN WITNESS WHEREOF, the Applicant has caused this instrument to be executed on this the _____ day of _____, 20____.

Company (Applicant)

Signature: _____

By: _____

Title: _____

Address: _____

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PLEASE DO NOT WRITE ON THIS PAGE**

Date Submitted: _____

This proposed Subdivision lies within the boundaries of Milam County Precinct # _____

I HEREBY ACKNOWLEDGE THAT I AM AWARE OF AND APPROVE THE SUBMISSION OF THE PRECEDING SUBDIVISION FOR PLACEMENT ON THE COMMISSIONERS' COURT AGENDA FOR APPROVAL OF THE PRELIMINARY PLAT.

Commissioner's Signature: _____ Date: _____

ACTION OF THE MILAM COUNTY COMMISSIONERS COURT CONCERNING THE APPLICATION

APPROVED / DISAPPROVED by the Milam County Commissioners' Court on this the _____ day of

_____, 20____.

Milam County Representative

Signature: _____

Printed Name: _____

Title: Milam County Judge

Attested By:

Signature: _____

Printed Name: _____

Title: Milam County Clerk