

**AUSTIN COUNTY CLERK  
265 N. CHESLEY ST., Ste. 7  
BELLVILLE, TEXAS 77418  
(979) 227-3144**

**COMMISSIONERS COURT MINUTES**

**October 28, 2024** 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  
Mark Lamp, 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**

Remove Item #10 from Agenda.

Approve Amended Agenda.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Lamp (4-0)*

**Order #24-301**

**1. Proclamation – Breast Cancer Awareness.**

Austin County to declare October as National Breast Cancer Awareness Month.

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

**Order #24-302**

Michelle Wright (County Extension Agent – Family and Community Health), spoke on importance of Breast Screenings/Exams. Family Consumer Science Advisory Board held an event that allowed women to have mammograms done on-site. The event included Bellville St. Joseph's Health Center and Texas Department of Health and Human Services. During this event Texas A&M AgriLife Extension Service received funding to begin Friend of Friend Program, where women encourage each other to have regular breast and cervical screenings.

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

Garry Kuciemba request to have Commissioner Doug King's name displayed on Wallis EMS Station in 6 ft. letters.

Property owners of San Bernard Bend Subdivision (Wallis, TX), expressed concerns in regards to owners of Tract-5 being non-compliant with Subdivision Regulations.

Per Jerry Selensky (Landowner), Property Owner of Tract-5 does not meet 1.5-acres established within CCR's (County Covenant & Restrictions). Possible disruption from natural water flow to rear of the property. Many of CCR's were changed from buyer to buyer without proper written certified mail notification. CCR states minimum tract size where owners should not subdivide tracts no less than 1.5-acres. Tract-5 owners were aware of policy, but contacted other property owners in August to inform of subdividing tract into four lots at 1.2-acres each. Other property owners never received proper paperwork from Tract-5 owners acknowledging plans. Around October 17, 2024, new property plans were placed on lot. On October 18, 2024, spoke with Jonathan Hopko (County Engineer), and was informed that new plans and paperwork was submitted to County, but was denied for not meeting CCR requirements on file. According to Subdivide & Roadway Easements, landowners possibly have 1.4-acres. Four homes located on roadway will be affected by drainage. Lot will possibly uphold water during rain. There is a natural waterway located in rear of Lot 4 that should be altered or covered to prevent possible flooding. By placing 3 additional homes and roadway onto Tract-5, it would force water flow unto neighboring property. Under CCR's Construction & Maintenance section, property owners should maintain and keep clear drainage ways and culverts located on tracts. Tract-5 property owners changed CCR's without notification with written notified mail. Spoke with Mr. Brodrick Norman (Tract-5 Landowner), and was advised that he and his lawyers were in process of updating CCR's and would send them out soon. Have signed letter from five of nine current landowners stating non-approval of subdividing the 5-tracts. Asking court to cease development of Lot 5 until further notice from San Bernard Bend Subdivision Association.

Per Jason Scruggs (Tract-4 Landowner), discrepancy in survey on replat. Original plat shows 7-acres and replat shows 7.5-acres. His tract is located next to Tract-5. Has proof of previous flooding in his area. With roadway running down far side to rear of property, it creates a dam and blocks his water flow to that direction. Concerned about drain outlet that will be on Tract-5 property. Roadway and buildings will affect drainage, pushing water onto his property and other properties located on his side of subdivision. Concerns of affects that drainage will have on water wells and septic tanks. Asking court to put Tract-5 development on hold until further notice.

Per Gerald Wythe (Tract-1 Landowner), currently in process of developing property and has concern of drainage issue. Plans submitted for Tract-5 will create a dam causing back up onto other landowner's property. He received communication via telephone, but never received proper written notification.

Judge Lapham recommends group to meet with Jonathan Hopko (County Engineer) to provide their contact information for future communication and any updates County can provide.



### **3. Discussion and action as appropriate regarding renewal of:**

Scott Wallace (Wallace & Associates - County Insurance Broker) provided documentation in regards to County's Medical Coverage Plans. Advised on changes and updates to medical coverage.

#### **a. UMR**

Per Scott Wallace (Wallace & Associates - County Insurance Broker), UMR is County's Third-Party Administrator. They are responsible for controlling/processing claims for County. All large claims submitted are handled through UMR Care Team by reaching out to providers to reduce cost or to have funded differently, to prevent County from paying any additional monies.

Medical claim fee increased from \$24.57 per claim to \$25.87. Claim fee is charged at time claim is filed. Other coverage costs will remain same price. Scott Wallace (Wallace & Associates - County Insurance Broker) will notify UMR if County wants to keep as Third-Party Administrator (TPA).

Motion to keep UMR as County's Third-Party Administrator (TPA) for Health Care Insurance.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #24-303**

Total medical claims for last year including prescriptions were \$2,390,268.42. Five employees hit Stop Loss Insurance. Tokio Marine took over payments after County reached deductible. Total claims for current year through September are \$1,980,133.32. Price difference due to UMR's cost control and negotiating of claims.

#### **b. Tokio Marine Stop Loss**

Per Scott Wallace (Wallace & Associates - County Insurance Broker), searched a dozen Stop Loss Carriers to find best suitable for County. Presented report to Stop Loss Carriers which included pending medical claim. Tokio Marine and HM Insurance were best suited.

For medical claims eligible for Stop Loss Coverage, Tokio Marine will pay previous 5 years to current. HM Insurance will pay previous 2 years to current.

Tokio Marine has been County's Stop Loss Insurance Carrier for past 7 years. Proposed Rate increase for County is \$173.13 per employee and \$476.00 for non-employees. Overall rate increase for County is \$65 (Employee, Spouse and Child) and \$19 (Employee only). Total rate increase of 14.9%.

Motion to stay with Tokio Marine without Laser as Stop Loss Insurance Carrier for annual premium of \$768,772.80.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #24-304**

**c. MetLife**

Current MetLife plans in place with County are: Vision, Dental, Group Life, Voluntary Life and Short/Long Term Disability.

Basic Life plan has no rate increase. \$10,000 Life Insurance Policy paid by County for employees does not have an age reduction scheduled. On Group Life Insurance Plan, County pays \$20,000 to its employees. Group Life has 3% rate increase.

Voluntary Life Insurance has zero rate increase.

Short/Long Term Disability has zero rate increase.

Vision Plan has 50% usage by employee. Rate increased 4% (.29) for Employee only. Employee + Spouse has rate increase of fifty cents. Children has rate increase of fifty cents. Employee Family rate increase estimated at \$1.00.

Per Scott Wallace, met with employees in regards to preferences from Dental Coverage. Employees will remain on Base Plan at \$1,250 per year which includes 2 free cleanings per year. Tooth Filling Procedures are covered at 80%.

Scott Wallace presented Dual Option Plan for Dental Coverage. This lowers current rate to \$30.87. Employees currently on Base Plan will have \$6 reduction in payroll deductions.

Employees requested Buy Up Plan on Dental Coverage. Per Scott Wallace, increased the annual maximum to \$3,000 which covers average of 3 Root Canals. Adult and Child Orthodontia has been added to Buy Up Plan. Child Orthodontia has been added to Base Plan.

Base Plan and Buy Up Plan pays Out-Of-Network services at 180/50.

Motion to renew coverage with MetLife.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #24-305**

**d. Smith RX**

Per Scott Wallace (Wallace & Associates - County Insurance Broker), no changes with Smith RX.

Per Scott Wallace, many employees have inquired about Pet Insurance.

**4. Discussion and action to accept Road Usage Agreement Between Austin County and Blackfin Pipeline, LLC and Bond in the amount of \$2,500,000 from Troy Construction, LLC/Blackfin for the following roads:**

- a. Hillboldt Rd**
- b. Kloss Rd**



- c. Ridgewood Rd
- d. Frazer Rd
- e. Gosler Rd
- f. Trenckmann Rd
- g. Peters San Felipe Rd
- h. Steck Bottom Rd.

Jonathan Hopko (County Engineer) reiterates requirements from Road Use Agreement:

1) Blackfin Pipeline, LLC should repair any damage to County roads caused by Blackfin Pipeline LLC Contractor's and Suppliers. 2) Prior to use, Blackfin will submit list of roadways and will video record.

Per Commissioner Cerny, would like to add additional roads to Road Use Agreement between Austin County and Blackfin Pipeline, LLC.

Blackfin Pipeline, LLC will video tape additional roads and notify County if there is prior damage.

Per Commissioner Lamp, paving contractor scheduled to pave Trenckmann Rd. from end of November through beginning of December. Paving project will need to be rescheduled. Per Blackfin Pipeline, LLC, road use is projected to last approximately 4 months (through January 2025).

Commissioner Reed request Blackfin Pipeline, LLC to update their spreadsheet to include additional roads, prior to County signing off on agreement. Blackfin Pipeline, LLC agreed to make changes and email County before close of court session.

The following roads will be added: Beckendorff Road, Meyer Road, Kulow Road, Jalloway Road, Old Columbus Road North and Plum Creek Road.

Motion to approve contingent on receiving updated spreadsheet from Blackfin Pipeline, LLC.

*Motion to Approve: Commissioner Cerny, 2<sup>nd</sup> Commissioner Reed, passed (4-0)*  
**Order #24-306**

**5. Discussion and action to accept Road Usage Bond in the amount of \$2,500,000 from MPG Pipeline Contractors/Blackfin for the following roads:**

- a. Hillboldt Rd
- b. Kloss Rd
- c. Ridgewood Rd
- d. Frazer Rd
- e. Gosler Rd
- f. Trenckmann Rd
- g. Peters San Felipe Rd
- h. Steck Bottom Rd.

The following roads will be added: Beckendorff Road, Meyer Road, Kulow Road, Jaloway Road, Old Columbus Road North, Old Columbus Road South and Plum Creek Road.

*Motion to Approve: Commissioner Cerny, 2<sup>nd</sup> Commissioner Reed, passed (4-0)*  
**Order #24-307**

Sheriff Jack Brandes requests Blackfin Pipeline, LLC. to provide County with current updated list of hauling companies working on their project for deputy information.

**6. Discussion and action to accept Certificate of Construction Completion for Bridge on Korthauer Rd and approved final payment application.**

Per Commissioner Lamp, Korthauer Road Project is complete. Expressed his appreciation to Shannon Hanath (Road and Bridge Administrative Assistant) for her work on this project and all work that she does for Road and Bridge.

**7. Discussion regarding revised final plat of Rexville Ranch Subdivision and action as appropriate.**

Per Jonathan Hopko (County Engineer), received request for replat on Rexville Ranch Subdivision. Property has not been sold. Original plat required changes. Request approval for replat.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #24-308**

**8. Discussion and action to approve request to add a private road, near 8111 FM 2754, to 911 Road Map. Liberty Lane**

Per Judge Lapham, Liberty Lane was best choice from list selection.

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Reed, passed (4-0)*  
**Order #24-309**

**9. Consideration and action to award contract for title work services for the GLO-MIT Allens Creek Drainage Project (22-085-007-D235)**

Per Shannon Hanath (Road and Bridge Administrative Assistant), recommended to award contract to Bellville Abstract Title Company for properties in Sector 1.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny, passed (4-0)*  
**Order #24-310**

**~~10. Consideration and action to approve Revised Memorandum and Understanding between Austin County, the City of Sealy, and Sealy ISD regarding stormwater detention easement and credit.~~**



**11. Consideration and action to award demolition bid to JWTC for Austin County CDBG-DR Voluntary Buyout Program (CDBG-DR 20-066-B957)**

Per Shannon Hanath (Road and Bridge Administrative Assistant), recommended to award bid to James W. Turner Construction.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny, passed (4-0)*  
**Order #24-311**

**12. Discussion to set Public Hearing regarding speed limit on Hacienda St., Bellville, and action as appropriate.**

Per Commissioner Lamp, request approval to replace speed limit signs. Current speed limit signage is 35 MPH. New speed limit will be 30 MPH.

Public Hearing set for November 25, 2024 at 9:00 a.m. at Courthouse.

Approve date for Public Hearing.

*Motion to Approve: Commissioner Lamp, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #24-312**

**13. Discussion regarding co-op purchasing process.**

Per Billy Doherty (County Auditor), met with BuyBoard Purchasing Cooperative during a conference which included County's Top 25 vendors. Many medical companies used by County EMS are part of BuyBoard. Billy asked Chief Walter Morrow (EMS) to inform him of price differences for what County is currently charged compared to BuyBoard costs.

**14. Discussion regarding request to purchase 4 patrol trucks for the SO and action as appropriate.**

Per Judge Lapham, SB22 funds are available. County and Sheriff's Office are determining how and which vehicles to purchase that would be of more value for money.

Per Sergeant Donald Darraq (Sheriff's Office), received quote from Caldwell Country Chevrolet for 2 Chevrolet Pick-up Trucks. After receiving quotes, there has been alternate options that Sheriff's Office would like to explore. Requesting to approve purchase contingent upon finding better options. Sheriff's Office is currently in need of vehicles.

Per Judge Lapham, County wants to always have a consistent fleet. Trucks should arrive in 30-45 days, which would help immediate demand for Sheriff's Office. County is meeting with Enterprise Car Sales to discuss direct sales with more reasonable pricing opposed to going out for bids.

Judge Lapham has concerns in regards to Cooperative Purchasing. Inquired if County can purchase vehicles directly through Enterprise or required to go out for bids. Per Billy Doherty (County Auditor), will check if Enterprise Car Sales is part of Cooperative Purchasing.

- 15. 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 donation in the amount of \$500 to Austin County EMS per Local Government Code 81.032**
  - b. Discussion and action to declare 5-Surface go tablets from EMS as surplus**

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Reed, passed (4-0)*  
**Order #24-313**

Per Chief Walter Morrow (County EMS), spoke to Brandon (County I.T.) and was advised that memory will be erased from Surface Tablets.

Court recessed at 11:22 a.m.

Court reconvened at 11:32 a.m.

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

Total = \$1,492,587.79

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #24-314**

- b. Fund Transfers**

Total = \$639,059.50 (October 24, 2024)  
Total = \$1,054,549.64 (October 28, 2024)

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Lamp, passed (4-0)*  
**Order #24-315**

- c. Budget Amendments**
- d. County Auditor's Review of finances**
- e. County Treasurer**
  - i. Payroll and Escrow Report – 10.18.2024**

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny, passed (4-0)*  
**Order #24-316**



17. Written end-of-the month reports submitted by County Offices.
- Statutory Court – September 2024
  - Justice of the Peace – September 2024
  - Constable, Pct 1 – September 2024
  - TxDMV – September 2024
  - EMS – September, August, July 2024

*Motion to Accept: Commissioner Cerny, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #24-317**

Court recessed at 11:41 a.m.

**18. EXECUTIVE SESSION**

A closed meeting will be held concerning the following items:

- Economic Development Matter (S-Judge)
- Legal Matter (DSS – HR)
- Legal Matter (Kim Rinn)
- Legal Matter (Reed)
- Legal Matter (Judge)

Court Reconvened at 1:23 p.m.

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

No action on Executive Session.

**20. Commissioners Court Inquiry.**

*Motion to Adjourn: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0).*  
**Order #24-318**

Court adjourned at 1:24 p.m.

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

I, Austin County Clerk, attest to the minutes of the Commissioners Court proceedings  
for October 28, 2024.



Date: November 22, 2024

Kimberly Benjamin  
Kimberly Benjamin, Deputy  
Clerk of Commissioners Court  
Austin County, Texas

FILED

2024 NOV 22 PM 4:22

Andrea Cardenas  
COUNTY CLERK  
AUSTIN COUNTY-CLERK