MINUTES OF COMMISSIONERS' COURT MEETING

Ι.

Attached hereto is/are public notice(s) posted for the meeting of October 9, 2017.

П.

The minutes of the Regular Meeting of Fayette County, Texas, Commissioners' Court held in the Commissioners' Courtroom (3rd floor Room 303) at the Fayette County Courthouse located at 151 North Washington Street, La Grange, Texas

III.

Attendance: County Judge Ed Janecka, Present County Commissioner Precinct No. 1, Jason McBroom, Present County Commissioner Precinct No. 2, Gary Weishuhn, Present County Commissioner Precinct No. 3, Harvey Berckenhoff, Present County Commissioner Precinct No. 4, Tom Muras, Present

IV.

County Officials/County Personnel present during all or any part of the meeting: Malissa Mieth, EMS Assistant Director; Cheri Herbrich, County Judge Assistant; Randy Noviskie, Chief Deputy Sheriff; Kathy Kleiber, County Auditor; Janet Carrigan, Emeregency Management Coordinator/ Floodplain Administrator; James Herbrich, Assistant County Attorney; Mandy Kasper, Deputy County Clerk; Jennifer Berger, Deputy County Clerk; Sharon Muzny, EMS Director;

V.

Persons in attendance during all of any part of the meeting: See attached "Exhibit A".

VI.

Meeting opened at 9 a.m. on motion by Commissioner Muras, seconded by Commissioner McBroom, votes for 5, votes against 0.

VII.

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG "Honor the Texas Flag; I pledge allegiance to thee. Texas, one state under God, one and indivisible."

INVOCATION

AGENDA ACTION:

1. SUBJECT: Open public comments – petitions, requests or statements by the public. Close.

ACTION: Accepted comments on the flood caused by Hurricane Harvey.

PERSONS APPEARING BEFORE THE COURT: Tricia Pechal;

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

2. SUBJECT: Consider and take appropriate action concerning the application from Mark Massey requesting a variance of the subdivision of real property.

ACTION: Allowed variance of subdivision of real property. See attachment hereto marked "Agenda Action 2 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Weishuhn, SECONDED BY COMMR. McBroom.

Commr. McBroom, vote for X, vote against.

Commr. Weishuhn, vote for X, vote against

Commr. Berckenhoff, vote for X, vote against

Commr. Muras, vote for X, vote against

Judge Janecka, vote for X, vote against

3. SUBJECT: Consider and take appropriate action in setting the holiday schedule for 2018.

ACTION: Accepted the holiday schedule for 2018 with the exception of taking off Columbus Day as a holiday. See attachment hereto marked "Agenda Action 3 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Muras, SECONDED BY COMMR. Weishuhn. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

4. SUBJECT: Consider and take notice of the subdivision of real property applications that have been acknowledged as exempt from the Fayette County Subdivision Regulations by statute, as provided to the Fayette County Commissioners' Court by the Fayette County Inspector.

ACTION: Acknowledged the subdivision of real property as exempt from the Fayette County Subdivision Regulations by statute, as provided to the Fayette County Commissioners' Court by the Fayette County Inspector. See attachment hereto marked "Agenda Action 4 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Weishuhn, SECONDED BY COMMR. Berckenhoff.

Commr. McBroom, vote for X. vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against 5. SUBJECT: Hear monthly report from Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator.

ACTION: Accepted all comments and monthly report from Janet Carrigan. See attachment hereto marked "Agenda Action 5 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator / Floodplain Administrator; Trisha Pechal; Virginia Tripson;

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against. ____ Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against ____ Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against ____

6. SUBJECT: Discuss, consider, and take appropriate action to appoint a three member Appeal Board for the Fayette County Flood Damage and Prevention Order dated and approved July 3, 2017. Each member will be appointed for a three year term and shall be a resident and real property owner in Fayette County.

ACTION: Approved to appoint a three member Appeal Board for the Fayette County Flood Damage and Prevention Order dated and approved July 3, 2017. Each member will be appointed for a three year term and shall be a resident and real property owner in Fayette County.

PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator / Floodplain Administrator

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Muras. Commr. McBroom, vote for X, vote against. ____ Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against ____ Commr. Muras, vote for X, vote against ____ Judge Janecka, vote for X, vote against

7. SUBJECT: Discuss, consider, and take appropriate action concerning changing out some components of the West Point Sewer plant.

ACTION: Accepted all comments concerning changing out some components of the West Point Sewer plant. See attachment hereto marked "Agenda Action 7 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Muras, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against. _____ Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

8. SUBJECT: Discuss, consider, and take appropriate action concerning drainage concerns in the Plum area.

ACTION: Accepted all comments concerning drainage concerns in the Plum area. See attachment hereto marked "Agenda Action 8 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Robert Leer; Janet Carrigan, Emergency Management Coordinator / Floodplain Administrator; Virginia Tripson; Loren Bertsch, Bert Blaha; David Machala;

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff.

Commr. McBroom, vote for X, vote against.

Commr. Weishuhn, vote for X, vote against

Commr. Berckenhoff, vote for X, vote against

Commr. Muras, vote for X, vote against _

Judge Janecka, vote for X, vote against

9. SUBJECT: Discussion with appropriate action setting the date of November 13, 2017, at 9:00 a.m., for a public hearing concerning setting speed limits on the following roads in the Cedar Creed Subdivision: Cedar Creek Dr., Oak Ridge Rd., Cedar Circle, Pine Ridge Rd, Jean Dr., Valentine Rd., and Hrbacek St (Precinct 1), and for authorization to publish notice of said hearing in the newspaper.

ACTION: Authorized to publish notice of public hearing on November 13, 2017 in the newspaper concerning setting speed limits on the following roads in Cedar Creek Subdivision: Cedar Creek Dr., Oak Ridge Rd., Cedar Circle, Pine Ridge Rd, Jean Dr., Valentine Rd., and Hrbacek St (Precinct 1).

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Weishuhn. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

10. SUBJECT: Consider and take appropriate action on Contract for Assessment and Collection Services between Fayette County and Fayette County Appraisal District effective from January 1, 2018 to December 31, 2019.

ACTION: Deferred until later meeting.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Muras, SECONDED BY COMMR. Berckenhoff.

Commr. McBroom, vote for X, vote against.

Commr. Weishuhn, vote for X, vote against

Commr. Berckenhoff, vote for X, vote against ____

Commr. Muras, vote for X, vote against _____

Judge Janecka, vote for X, vote against

11. SUBJECT: Consider and take appropriate action on property not sold at Sheriff's Sale-Cause No. 3311-Flatonia ISD.

ACTION: Deferred until later meeting.

PERSONS-APPEARING BEFORE THE COURT:

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Weishuhn. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

12. SUBJECT: Consider and take appropriate action accepting and possibly awarding the Lease Purchase financing Bid of a John Deere 6110M Cab Tractor and DBM-C-N 22" Diamond rear cradle boom mower with DBR050-H 50" rotary cutter for Precinct 1.

ACTION: Accepted all bids and awarded bid to Carmine State Bank. See attachment hereto marked "Agenda Action 12 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Weishuhn.

Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

13. SUBJECT: Consider and take appropriate action in authorizing Charles Zapalac, Precinct 3, to attend the Texas Justice Court Training, FY_18 Justice of the Peace, February 11-14, 2018, in Austin, Texas.

ACTION: Authorized Charles Zapalac, Precinct 3, to attend the Texas Justice Training, FY_18 Justice of the Peace, February 11-14, in Austin, Texas. See attachment hereto marked "Agenda Action 13 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

14. SUBJECT: Consider and take appropriate action in authorizing Sheila Coufal, Precinct 2, to attend the Texas Justice Court Training, FM_18 Justice of the Peace, February 11-14, 2018, in Austin, Texas.

ACTION: Authorized Shelia Coufal Precinct 2, to attend the Texas Justice Court Training, FY_18 Justice of the Peace, February 11-14, 2018, in Austin, Texas. See attachment hereto marked "Agenda Action 14 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Weishuhn. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

15. SUBJECT: Consider and take appropriate in authorizing the County Attorney's office staff members, Carol Friedrich, Bridgette Gaertner and Karie Brandt to attend the 2017 Key Personnel and Victim Assistance Coordinator Seminar, November 8-10, 2017, in Houston, Texas.

ACTION: Authorized County Attorney's office staff members, Carol Friedrich, Bridgette Gaertner and Karie Brandt to attend the 2017 Key Personnel and Victim Assistance Coordinator Seminar, November 8-10, 2017 in Houston, Texas. See attachment hereto marked "Agenda Action 15 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against. ____ Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against ___ Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against ___

16. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for Sand.

ACTION: Accepted all bids and awarded bids to Multisource Plant 7 Seydler Rd., Multisource Plant 3 Kitchen Ln., Jack Cernosek, and Cemex. See attachment hereto marked "Agenda Action 16 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Muras. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

17. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for 3/8" Cover Rock.

ACTION: Accepted all bids and awarded bids to Multisource Plant 7 Seydler Rd. and Texas Aggregates FM 155 La Grange. See attachment hereto marked "Agenda Action 17 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Berckenhoff. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

18. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for 3/8" Pure Cover Rock.

ACTION: Accepted all bids and awarded bid to Texas Aggregates FM 155 La Grange. See attachment hereto marked "Agenda Action 18 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X. vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against **19.** SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for 5/8" Cover Rock.

ACTION: Accepted all bids and awarded bids to Multisource Plant 7 Seydler Rd. and Leward Anders & Sons. See attachment hereto marked "Agenda Action 19 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka. SECONDED BY COMMR. Berckenhoff.

Commr. McBroom, vote for X, vote against. ____ Commr. Weishuhn, vote for X, vote against Commr. Berckenhotf, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

20. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for 5/8" Pure Cover Rock.

ACTION: No action taken.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. _____, SECONDED BY COMMR. Commr. McBroom, vote for ____, vote against. Commr. Weishuhn, vote for ____, vote against Commr. Berckenhoff, vote for ____, vote against ___ Commr. Muras, vote for ____, vote against Judge Janecka, vote for ____, vote against

21. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for 3/8" Bunker Rock.

ACTION: Accepted all bids and awarded bid to Texas Aggregates FM 155 La Grange. See attachment hereto marked "Agenda Action 21 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Berckenhoff. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff. vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka. vote for X, vote against

22. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for 5/8" Bunker Rock.

ACTION: Accepted all bids and awarded bid to Multisource Plat 7 Seydler Rd. See attachment hereto marked "Agenda Action 22 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Weishuhn.

Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

23. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for Sandstone Grade #2 Road Base.

ACTION: Accepted all bids and awarded bid to Rock Crushers, Inc.. See attachment hereto marked "Agenda Action 23 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

24. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for Sandstone Rock Screenings.

ACTION: Accepted all bids and awarded bid to Rock Crushers, Inc.. See attachment hereto marked "Agenda Action 24 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Weishuhn. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against _____ Commr. Muras, vote for X, vote against _____ Judge Janecka, vote for X, vote against _____

25. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for Post Oak Gravel.

ACTION: Accepted all bids and awarded bid to Ladell Sump Fayetteville. See attachment hereto marked "Agenda Action 25 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Weishuhn.

Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

26. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for Gravel.

ACTION: Accepted all bids and awarded bids to Jack Cernosek, Prihoda Gravel Co. South of Columbus, Texas Aggregates Bastrop, and Duran Gravel. See attachment hereto marked "Agenda Action 26 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Berckenhoff. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against

27. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for 1-1/2" Screened Gravel.

ACTION: Accepted all bids and awarded bid to Prihoda Gravelk Co. South of Columbus. See attachment hereto marked "Agenda Action 27 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Weishuhn. Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against _____ Commr. Muras, vote for X, vote against _____ Judge Janecka, vote for X, vote against

28. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for Crushed Road Base.

ACTION: Accepted all bids and awarded to 973 Materials Del Valle. See attachment hereto marked "Agenda Action 28 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. McBroom.

Commr. McBroom, vote for X, vote against. Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against _____ Commr. Muras, vote for X, vote against _____ Judge Janecka, vote for X, vote against

29. SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for Ash Rock, Fly Ash and Pit Ash.

ACTION: No action taken.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR.	, SECONDED BY COMMR.
Commr. McBroom, vote for	, vote against.
Commr. Weishuhn, vote for	, vote against
Commr. Berckenhoff, vote for, vote against	
Commr. Muras, vote for, vote against	
Judge Janecka, vote for, vote against	

30. SUBJECT: Consider and take appropriate action concerning the renewal of the 2017 County Choice Silver United Healthcare.

ACTION: Renewed 2017 County Choice Silver United Healthcare. See attachment hereto marked "Agenda Action 30 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. McBroom.

Commr. McBroom, vote for X, vote against.

Commr. Weishuhn, vote for X, vote against

Commr. Berckenhoff, vote for X. vote against ____

Commr. Muras, vote for X, vote against

Judge Janecka, vote for X, vote against

31. SUBJECT: Consider and take appropriate action concerning fines and fees collected for the period of August 1, 2017 through August 31, 2017.

ACTION: Accepted fines and fees collected for the period of August 1, 2017 through August 31, 2017. See attachment hereto marked "Agenda Action 31 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Berckenhoff. Commr. McBroom, vote for X, vote against. ____ Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against _____ Judge Janecka, vote for X, vote against

32. SUBJECT: Consider and take appropriate action in approving the payment of currently due Fayette County bills and expenses.

ACTION: Paid currently due Fayette County bills and expenses. See attachment hereto marked "Agenda Action 32 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against. _____ Commr. Weishuhn, vote for X, vote against. _____

Commr. McBroom, vote for **X**, vote against. ____ Commr. Weishuhn, vote for **X**, vote against Commr. Berckenhoff, vote for **X**, vote against Commr. Muras, vote for **X**, vote against _____ Judge Janecka, vote for **X**, vote against

33. SUBJECT: Discuss, consider, and take appropriate action concerning the EMS Headquarters and Station One Construction Project.

ACTION: Accepted all comments and authorized Ed Collins to speak with Architect on behave of Fayette County.

PERSONS APPEARING BEFORE THE COURT: Ed Collins

MOVED BY JUDGE Janecka, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against. ____ Commr. Weishuhn, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Muras, vote for X, vote against Judge Janecka, vote for X, vote against ___

VIII.

Meeting adjourned at 10:36 a.m., October 9, 2017, on motion by Commissioner Berckenhoff, seconded by Commissioner Weishuhn, votes for ____, votes against ____.

APPROVED this _____ day of _____, 2017.

Edward F. Janecka Fayette County Judge

Jason McBroom Commissioner, Precinct 1

Gary Weishuhn Commissioner, Precinct 2

Harvey Berckenhoff Commissioner, Precinct 3

Tom Muras Commissioner, Precinct 4

ATTEST:

Julie Karstedt County Clerk