MINUTES OF COMMISSIONERS COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **December 12, 2019.**

II.

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 Joe Weber **Present** County Commissioner – Precinct No. 1, Jason McBroom **Present** County Commissioner – Precinct No. 2, Luke Sternadel **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:

Brenda Fietsam, County Clerk; Mandy Kasper, Deputy County Clerk; Cassie Austin, Court Administrator; Kathy Kleiber, Auditor; Craig Moreau, Emergency Management Coordinator; Clint Sternadel, County Inspector; Blake Watson, Assistant County Attorney; Harold Streicher, Assistant County Attorney; Sharon Muzny, EMS Director; Malissa Meith, Assistant EMS Director; Randy Noziskie, Chief Deputy Sheriff; Terri Hefner, Elections Administrator

V.

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

VI.

Meeting opened at 8:59 a.m. on motion by Commissioner Berckenhoff, 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." <u>I N V O C A T I O N</u>

AGENDA ACTION:

- **1. SUBJECT:** Consider and take appropriate action in approving the following minutes from previous meetings:
 - I. November 27, 2019 Regular Meeting

ACTION: Approved minutes from previous meeting.

PERSONS APPEARING BEFORE THE COURT: Brenda Fietsam, County Clerk

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

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

ACTION: Accepted all comments from Brad DuBose made comments about Fayette County's emergency policies during tragic events. "See attachment hereto marked Agenda Action 2 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Brad DuBose

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

Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

3. SUBJECT: Hear, discuss, and consider presentation from Debra Dzwonczyk, with the University of Texas, concerning Summer Internship Program for all County Departments and take necessary action.

ACTION: Accepted all comments and presentation from Debra Dzwonczyk, Director, Operations and Project Management, IC² Institute, The University of Texas at Austin about Internships this summer. "See attachment hereto marked Agenda Action 3 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Debra Dzwonczyk, Director, Operations and Project Management, IC² Institute, The University of Texas at Austin; Sharon Muzny, EMS Director; Kelly Allison, Colorado Valley Communications; Brandon Schielack, The Platform;

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

Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

4. SUBJECT: Consider and take appropriate action concerning the application from Casey Thumann, requesting a variance to allow the division of their real property.

ACTION: Approved application from Casey Thumann, requesting a variance to allow the division of their real property. "See attachment hereto marked Agenda Action 4 Exhibit."

ADDITIONAL COMMENTS: The Court asked that yes/no questions be added to future applications for clarity of compliance regulations.

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector

MOVED BY COMMR. Muras, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for **X**, vote against

Commr. Sternadel, vote for **X**, vote against

Commr. Berckenhoff, vote for X, vote against _____

Commr. Muras, vote for **X**, vote against _____

Judge Weber, vote for **X**, vote against _____

5. SUBJECT: Consider and take appropriate action concerning the application from Scott Shaffer and Debbie Shaffer, requesting a variance to allow the division of their real property.

ACTION: Deferred until early next year.

PERSONS APPEARING BEFORE THE COURT: Harold Strteicher, Assistant County Attorney

MOVED BY COMMR. **Muras**, SECONDED BY COMMR. **Berckenhoff.** Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

6. SUBJECT: Consider and take appropriate action to authorize that the Primary Elections of the Fayette County Democratic Party and the Fayette County Republican Party for the March 3, 2020 General Primary Election and May 24 Primary Runoff Election (if needed), may be conducted jointly at the regular polling places designated for the General Election for State and County Officers.

ACTION: Authorized and Signed Resolution that the Primary Elections of the Fayette County Democratic Party and the Fayette County Republican Party for the March 3, 2020 General Primary Election and May 24 Primary Runoff Election (if needed), may be conducted jointly at the regular polling places designated for the General Election for State and County Officers. "See attachment hereto marked Agenda Action 6 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Terri Hefner, Elections Administrator

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel. Commr. McBroom, vote for X, vote against ______ Commr. Sternadel, vote for X, vote against ______ Commr. Berckenhoff, vote for X, vote against ______ Commr. Muras, vote for X, vote against ______ Judge Weber, vote for X, vote against ______ 7. SUBJECT: Consider and take appropriate action by accepting and approving the plan of Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried fiber optic cables within the corridors of the following road(s): Schubert Rd, Cottonwood Rd (Precinct 1), Laird Rd (Precinct 2), E Sedan Rd, Seydler Rd, and Oakland Rd (Precinct 4), and requiring CVTC to be responsible for repairs, and/or being required to make repairs, of direct or collateral damage, if any, caused by CVTC, and/or its contractors, to the preceding road(s), and to other utilities utilizing the public right-of-ways.

ACTION: Accepted and Approved the plan of Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried fiber optic cables within the corridors of the following road(s): Schubert Rd, Cottonwood Rd (Precinct 1), Laird Rd (Precinct 2), E Sedan Rd, Seydler Rd, and Oakland Rd (Precinct 4), and Required CVTC to be responsible for repairs, and/or being required to make repairs, of direct or collateral damage, if any, caused by CVTC, and/or its contractors, to the preceding road(s), and to other utilities utilizing the public right-of-ways. "See attachment hereto marked Agenda Action 7 Exhibit."

PERSONS APPEARING BEFORE THE COURT:

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

8. SUBJECT: Hear monthly report from Clint Sternadel, Designated Representative Sewage and Subdivision Regulation Inspection Enforcement.

ACTION: Accepted monthly report from Clint Sternadel, County Inspector. "See attachment hereto marked Agenda Action 8 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against ______ Commr. Sternadel, vote for X, vote against ______ Commr. Berckenhoff, vote for X, vote against ______ Commr. Muras, vote for X, vote against ______ Judge Weber, vote for X, vote against ______

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

ACTION: Accepted all comments and Approved payment of #20, plug and extension cord to come out of contingency fund. Did not Approve #19, replacing wall plugs (we will do on our own) and did not Approve #21 to have floor drains replaced at County's Expense.

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector

BREAK AT 10:19 a.m.

MOVED BY COMMR. **Muras**, SECONDED BY COMMR. **Berckenhoff.** Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

RECONVENED AT 10:30 a.m.

MOVED BY COMMR. Muras, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

10. SUBJECT: Acknowledge monthly calls, collection, and financial report from EMS Director Sharon Muzny.

ACTION: Accepted EMS monthly calls, collection, and financial report.

ADDITIONAL COMMENTS: Contact A&B to come to a Commissioners' Court Meeting to answer billing questions. "See attachment hereto marked Agenda Action 10 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Sharon Muzny, EMS Director; Malissa Meith, Assistant EMS Director; Kathy Kleiber, Auditor; Harold Streicher, Assistant County Attorney

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel. Commr. McBroom, vote for X, vote against ______ Commr. Sternadel, vote for X, vote against ______ Commr. Berckenhoff, vote for X, vote against ______ Commr. Muras, vote for X, vote against ______ Judge Weber, vote for X, vote against ______ 11. SUBJECT: Consider and take appropriate action in accepting bids and awarding a bid for a New EMS Ambulance Chassis.

ACTION: Accepted all bids and Awarded bid to Oviedo Dodge for new EMS Ambulance Chassis. "See attachment hereto marked Agenda Action 3 Exhibit."

ADDITIONAL COMMENTS: The Court has requested strategic study be preformed before going out for future bids.

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, Auditor; Sharon Muzny, EMS Director; Malissa Meith, Assistant EMS Director; Harold Streicher, Assistant County Attorney

MOVED BY JUDGE Weber, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

12. SUBJECT: Discussion with appropriate action setting the date of December 23, 2019, at 9:00 a.m., for a public hearing concerning setting a speed limit on the following road: Reiss Road (Precinct 1), and for authorization to publish notice of said hearing in the newspaper.

ACTION: Set the date of December 23, 2019, at 9:00 a.m., for a public hearing concerning setting a speed limit on the following road: Reiss Road (Precinct 1), and for Authorization to publish notice of said hearing in the newspaper.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel.

13. SUBJECT: Consider and take appropriate action by adopting and signing a Resolution requesting a waiver of the local match fund participation requirement, in return for the County agreeing to perform an equivalent dollar amount of structural improvement work on "equivalent-match projects" that are named and described in the Resolution, thus making a change in the "equivalent-match projects" of the Advance Funding Agreement between TxDOT and Fayette County, for the replacement or rehabilitation of County bridges that are "off the state system", concerning the following Federal Off-System Bridge Program Project: Race Track Road/Cedar Creek, Parkerville Road/Live Oak Creek, and Old Waelder Road/Big Fivemile Creek (Prcts 1 & 3).

ACTION: Adopted and Signed a Resolution requesting a waiver of the local match fund participation requirement, in return for the County agreeing to perform an equivalent dollar amount of structural improvement work on "equivalent-match projects" that are named and described in the Resolution, thus making a change in the "equivalent-match projects" of the Advance Funding Agreement between TxDOT and Fayette County, for the replacement or rehabilitation of County bridges that are "off the state system", concerning the following Federal Off- System Bridge Program Project: Race Track Road/Cedar Creek, Parkerville Road/Live Oak Creek, and Old Waelder Road/Big Fivemile Creek (Prcts 1 & 3). "See attachment hereto marked Agenda Action 13 Exhibit."

PERSONS APPEARING BEFORE THE COURT:

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

14. SUBJECT: Consider and take appropriate action concerning Fayette County purchasing for Precinct 2 a new 2019 John Deere 5100M Utility Loader presently located at Shoppa's Farm Supply, Inc., 1309 E. Austin, Giddings, Texas 79842, for the total Sourcewell Pricing of \$53,636.98 payable to Shoppa's Farm Supply, Inc., using Precinct 2 Road and Bridge funds that are available and in the 2019 Precinct 2 budget, and authorizing County personnel to sign all necessary and required paperwork.

ACTION: Approved Fayette County purchasing for Precinct 2 a new 2019 John Deere 5100M Utility Loader presently located at Shoppa's Farm Supply, Inc., 1309 E. Austin, Giddings, Texas 79842, for the total Sourcewell Pricing of \$53,636.98 payable to Shoppa's Farm Supply, Inc., using Precinct 2 Road and Bridge funds that are available and in the 2019 Precinct 2 budget, and Authorized County personnel to sign all necessary and Required paperwork. "See attachment hereto marked Agenda Action 14 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Commissioner Sternadel

15. SUBJECT: Consider and take appropriate action concerning the Application for Permit to Lay Temporary Water Line in Road Right-of-Way, submitted by Ironroc Energy PArtners, LLC, for said water line to be placed along Bell Settlement Road (Precinct 1), public county roads located in Fayette County, Texas.

ACTION: Authorized the Application for Permit to Lay Temporary Water Line in Road Right-of-Way, submitted by Ironroc Energy PArtners, LLC, for said water line to be placed along Bell Settlement Road (Precinct 1), public county roads located in Fayette County, Texas. "See attachment hereto marked Agenda Action 15 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Blake Watson, Assistant County Attorney

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for X, vote against

Commr. Sternadel, vote for X, vote against _____

Commr. Berckenhoff, vote for **X**, vote against _____

Commr. Muras, vote for **X**, vote against

Judge Weber, vote for **X**, vote against _____

16. SUBJECT: Consider and take appropriate action approving the contract with Carmine State Bank for financing of a Prct. 3 John Deere Loader.

ACTION: Approved the contract with Carmine State Bank for financing of a Prct. 3 John Deere Loader. "See attachment hereto marked Agenda Action 16 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, Auditor

MOVED BY COMMR. Sternadel, SECONDED BY COMMR. McBroom.
Commr. McBroom, vote for X , vote against
Commr. Sternadel, vote for X , vote against
Commr. Berckenhoff, vote for X , vote against
Commr. Muras, vote for X , vote against
Judge Weber, vote for X , vote against

17. SUBJECT: Consider and take appropriate action in accepting bids and awarding bid(s) for Fuel.

ACTION: Accepted all bids and Awarded bid to Colorado County Oil for Fuel. "See attachment hereto marked Agenda Action 17 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, Auditor

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom. Commr. McBroom, vote for X, vote against ______ Commr. Sternadel, vote for X, vote against ______ Commr. Berckenhoff, vote for X, vote against ______ Commr. Muras, vote for X, vote against ______ Judge Weber, vote for X, vote against ______

18. SUBJECT: Consider and take appropriate action in accepting bids and awarding bid(s) for Hauling.

ACTION: Accepted all bids and Awarded bids to Bernardo Trucking, Sam Tucker, Mark Schmitt/ Midtex Materials, Tyler J Gandy for hauling. "See attachment hereto marked Agenda Action 18 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, Auditor

MOVED BY COMMR. **Muras**, SECONDED BY COMMR. **Berckenhoff.** Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______

Judge Weber, vote for **X**, vote against _____

19. SUBJECT: Consider and take appropriate action in accepting bids and awarding bid(s) for Round and Arched Pipe.

ACTION: Accepted all bids and Awarded bids to Wilson Culverts, Inc, Contech Engineered Solutions, and Texas Building and Roofing Supply for Round and Arched Pipe. "See attachment hereto marked Agenda Action 19 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, Auditor

MOVED BY COMMR. **McBroom**, SECONDED BY COMMR. **Sternadel.** Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

20. SUBJECT: Consider and take appropriate action on contracts between Fayette County and four (4) attorneys, for their representation of indigent parties in court cases.

ACTION: Approved and Signed contracts between Fayette County and four (4) attorneys, which are Morris Albers, Richard Halpain, Candace Clay, and Luis Vallejo for their representation of indigent parties in court cases. "See attachment hereto marked Agenda Action 20 Exhibit."

Allowed Judge to sign the contracts.

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, Auditor; Cassie Austin, Court Administrator; Harold Streicher, Assistant County Attorney

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel. Commr. McBroom, vote for X, vote against ______ Commr. Sternadel, vote for X, vote against ______ Commr. Berckenhoff, vote for X, vote against ______ Commr. Muras, vote for X, vote against ______ Judge Weber, vote for X, vote against ______

21. SUBJECT: Consider and take appropriate action concerning approving an Order granting a discretionary exemption from the requirement of going out for bids, for the purchase of an item necessary to preserve or protect the public health or safety of the residents of the County, as authorized by Section 262.024 (a)(2), Local Government Code, and accordingly, take appropriate action in approving an agreement with Texas Disposal Services for pick up and removal of solid waste from Fayette County collection points.

ACTION: Approved an Order granting a discretionary exemption from the requirement of going out for bids, for the purchase of an item necessary to preserve or protect the public health or safety of the residents of the County, as authorized by Section 262.024 (a)(2), Local Government Code, and accordingly, take appropriate action in approving an agreement with Texas Disposal Services for pick up and removal of solid waste from Fayette County collection points. "See attachment hereto marked Agenda Action 3 Exhibit."

AMENDED ACTION: Did not Approve an agreement with Texas Disposal Services for pick up and removal of solid waste from Fayette County collection points until further discussed at next meeting.

PERSONS APPEARING BEFORE THE COURT: Harold Streicher, Assistant County Attorney; Blake Watson, Assistant Attorney; Kathy Kleiber, Auditor

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

22. SUBJECT: Consider and take appropriate action concerning approval of County Attorney's Office forfeiture funds to be expended to pay for a renewal of the virtual training subscription with Police Academy One for completion of mandated continuing education hours for sheriff's department, dispatchers, jailers and county prosecutors.

ACTION: Approved County Attorney's Office forfeiture funds to be expended to pay for a renewal of the virtual training subscription with Police Academy One for completion of mandated continuing education hours for sheriff's department, dispatchers, jailers and county prosecutors. "See attachment hereto marked Agenda Action 22 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Randy Noviskie, Chief Deputy Sherriff

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Muras.

Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______ Commr. Muras, vote for **X**, vote against ______ Judge Weber, vote for **X**, vote against ______

23. SUBJECT: Consider and take appropriate action in authorizing Clint Sternadel, County Inspector, to attend the Texas Floodplain Management Association CFM Workshop on December 11, 2019, in Georgetown, Texas.

ACTION: Authorized Clint Sternadel, County Inspector, to attend the Texas Floodplain Management Association CFM Workshop on December 11, 2019, in Georgetown, Texas.

PERSONS APPEARING BEFORE THE COURT:

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

24. SUBJECT: Consider and take appropriate action in authorizing Dawn Moore, Fayette County 9-1-1 Addressing & Mapping Coordinator, to attend the 2020 Texas Public Safety Conference scheduled April 19-22, 2020 in Galveston, Texas. The conference registration and travel cost will be funded by the Capital Area Emergency Communications District.

ACTION: Authorized Dawn Moore, Fayette County 9-1-1 Addressing & Mapping Coordinator, to attend the 2020 Texas Public Safety Conference scheduled April 19-22, 2020 in Galveston, Texas. The conference registration and travel cost will be funded by the Capital Area Emergency Communications District.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Muras, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for **X**, vote against ______ Commr. Sternadel, vote for **X**, vote against ______ Commr. Berckenhoff, vote for **X**, vote against ______

Commr. Muras, vote for **X**, vote against _____

Judge Weber, vote for **X**, vote against

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

ACTION: Approved payment of currently due Fayette County bills and expenses. "See attachment hereto marked Agenda Action 3 Exhibit."

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, Auditor; Harold Streicher, County Attorney

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff. Commr. McBroom, vote for X, vote against ______ Commr. Sternadel, vote for X, vote against ______ Commr. Berckenhoff, vote for X, vote against ______ Commr. Muras, vote for X, vote against ______ Judge Weber, vote for X, vote against ______

Meeting adjourned at **11:33 a.m.**, **December 12, 2019, on** motion by Commissioner **Berckenhoff**, seconded by Commissioner **McBroom**, votes for **5**, votes against **0**.

APPROVED this 23rd day of December, 2019.

Joseph Weber Fayette County Judge

Jason McBroom Commissioner, Precinct 1

Luke Sternadel Commissioner, Precinct 2

Harvey Berckenhoff Commissioner, Precinct 3

Tom Muras Commissioner, Precinct 4

ATTEST:

Brenda Fietsam County Clerk