
MINUTES OF COMMISSIONERS COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **July 27, 2023**.

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 Dan Mueller **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, Drew Brossmann **Present**

IV.

County Officials/County Personnel present during all or any part of the meeting:
Brenda Fietsam, County Clerk; Paula Vogel, Human Resources Manager;
Angela Hahn, Emergency Management Coordinator & Grant Specialist;
Cassie Austin, Court Administrator; Terri Hefner, Elections Administrator;
Keith Korenek, Sheriff; David Beyer, Lt. Deputy Sheriff;
Randy Noviskie, Chief Deputy Sheriff; Josh Vandever, EMS Director;
Cindy Havelka, County Auditor; Blake Watson, Assistant County Attorney;
Clint Sternadel, County Inspector & Office of Development & Permitting;
Sylvia Mendoza, Tax Assessor Collector; Roger Wunderlich, Constable Precinct 2

V.

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

VI.

INVOCATION

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.”

VII.

Meeting opened at **8:59 a.m.** on motion by Judge **Mueller**, seconded by Commissioner **Berckenhoff**, votes for **5**, votes against **0**.

AGENDA ACTION:

1. **SUBJECT: Consider and take appropriate action in approving the following minutes from previous meetings:**

- i. **July 13, 2023 – Regular Meeting**

ACTION: Approved minutes from the July 13, 2023 Regular 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. Brossmann, vote for **X**, vote against _____

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

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

ACTION: Opened Public Comments.

Accepted All Comments by Commissioner Drew Brossmann.

Closed Public Comments.

PERSONS APPEARING BEFORE THE COURT: Commissioner Drew Brossmann

MOVED BY COMMR. Berckenhoff, 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. Brossmann, vote for **X**, vote against _____

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

3. **SUBJECT: Consider and take appropriate action concerning the final approval stage for Vineyard Vista, LLC, regarding a platted subdivision Tree Tops Subdivision; BEFCO Engineering, Inc., having issued a letter of substantial completion dated July 26, 2023; Vineyard Vista, LLC being responsible for the maintenance of Vineyard View Trail for one year until July 26, 2024, at which time the roads may be accepted for county maintenance into the county road system.**

ACTION: Accepted the final approval stage for Vineyard Vista, LLC, regarding a platted subdivision Tree Tops Subdivision; BEFCO Engineering, Inc., having issued a letter of substantial completion dated July 26, 2023; Vineyard Vista, LLC being responsible for the maintenance of Vineyard View Trail for one year until July 26, 2024, at which time the roads may be accepted for county maintenance into the county road system.

See attached hereto marked "Agenda Action 3 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector & Office of Development & Permitting

MOVED BY COMMR. Sternadel, SECONDED BY COMMR. McBroom

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

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

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

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

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

4. **SUBJECT: Consider and take appropriate action in releasing the portions of Vyvjala Lane, Wiedemann Road and Scotts School Road (Precinct 3) only of the Routing Agreement & Road Use Bond Agreement with ROCC Oil & Gas, LP, approved in Commissioners Court on August 25, 2022 and March 24, 2023.**

ACTION: Deferred to a future meeting.

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector & Office of Development & Permitting

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. Brossmann, vote for **X**, vote against _____
Judge Mueller, vote for **X**, vote against _____

5. **SUBJECT: Approve the Routing Agreement and Road Use Bond Agreement submitted by Baytex Energy USA, Inc., for said Company's overweight loads to travel, as indicated on the attached map, on the following road: Vyvjala Lane, Wiedemann Road and Scotts School Road (Precinct 3), a public county road in Fayette County, Texas.**

ACTION: Approved the Routing Agreement and Road Use Bond Agreement submitted by Baytex Energy USA, Inc., for said Company's overweight loads to travel, as indicated on the attached map, on the following road: Vyvjala Lane, Wiedemann Road and Scotts School Road (Precinct 3), a public county road in Fayette County, Texas.

See attached hereto marked "Agenda Action 5 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector & Office of Development & Permitting

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann

Commr. McBroom, vote for **X**, vote against _____
Commr. Sternadel, vote for **X**, vote against _____
Commr. Berckenhoff, vote for **X**, vote against _____
Commr. Brossmann, vote for **X**, vote against _____
Judge Mueller, vote for **X**, vote against _____

6. SUBJECT: Hear report from Fayette County Sheriff's Office.

ACTION: Accepted report from Fayette County Sheriff's Office.

See attached hereto marked "Agenda Action 6 Exhibit"

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

MOVED BY JUDGE Mueller, 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. Brossmann, vote for **X**, vote against _____

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

7. SUBJECT: Consider and take appropriate action in approving the purchase of a new 2023 Ford F150 truck, presently located at Bluebonnet Ford, 351 IH 35 South, New Braunfels, Texas 78130, for \$49,648.00 payable to Bluebonnet Ford, using insurance claim funds and Sheriff's Department Forfeiture funds that are available and authorizing County personnel to sign all necessary and required paperwork.

ACTION: Approved the purchase of a new 2023 Ford F150 truck, presently located at Bluebonnet Ford, 351 IH 35 South, New Braunfels, Texas 78130, for \$49,648.00 payable to Bluebonnet Ford, using insurance claim funds and Sheriff's Department Forfeiture funds that are available; and

Authorized County personnel to sign all necessary and required paperwork.

See attached hereto marked "Agenda Action 7 Exhibit"

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

MOVED BY JUDGE Mueller, 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. Brossmann, vote for **X**, vote against _____

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

8. SUBJECT: Hear report from Josh Vandever, EMS Director.

ACTION: Accepted report from Josh Vandever, EMS Director.

See attached hereto marked "Agenda Action 8 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Josh Vandever, EMS Director

MOVED BY COMMR. Brossmann, 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. Brossmann, vote for **X**, vote against _____

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

9. SUBJECT: Hear report from Angela Hahn, Emergency Management Coordinator & Grant Specialist.

ACTION: Accepted report from Angela Hahn, Emergency Management Coordinator & Grant Specialist.

See attached hereto marked "Agenda Action 9 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency Management Coordinator & Grant Specialist; Cindy Havelka, County Auditor

MOVED BY JUDGE Mueller, SECONDED BY COMMR. Brossmann

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

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

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

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

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

10. SUBJECT: Consider and take appropriate action in approving Amendment 1 to Capital area Council of Governments Contract for Implementation of Solid Waste Management Activities.

ACTION: Approved Amendment 1 to Capital area Council of Governments Contract for Implementation of Solid Waste Management Activities.

See attached hereto marked "Agenda Action 10 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency Management Coordinator & Grant Specialist

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. Brossmann, vote for **X**, vote against _____

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

11. SUBJECT: Authorize County Auditor to advertise for bids for a bridge replacement on Munke Road Precinct 4.

ACTION: Authorized County Auditor to advertise for bids for a bridge replacement on Munke Road Precinct 4.

PERSONS APPEARING BEFORE THE COURT: Commissioner Drew Brossmann

MOVED BY COMMR. Brossmann, 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. Brossmann, vote for **X**, vote against _____

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

12. **SUBJECT: Consider and take appropriate action concerning entering into a Contract with UniFirst for County uniforms.**

ACTION: Deferred to a future meeting.

PERSONS APPEARING BEFORE THE COURT: Commissioner Drew Brossmann

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann

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

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

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

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

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

13. **SUBJECT: Consider and take appropriate action concerning the County contribution to the Fayette County Fire Departments for radio fees.**

ACTION: Approved the County purchase of 150 radios to be split among the 10 Fayette County Fire Departments.

PERSONS APPEARING BEFORE THE COURT: Commissioner Drew Brossmann; Angela Hahn, Emergency Management Coordinator & Grant Specialist; Stephen Kelly; Josh Vandever, EMS Director; Cindy Havelka, County Auditor; Khalil Coltrain, LCRA

See attached hereto marked "Exhibit B"

MOVED BY JUDGE Mueller, 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. Brossmann, vote for **X**, vote against _____

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

14. **SUBJECT: Consider and take appropriate action on multiple bids of property not sold at Sheriff's Sale – Cause Nos. 2994 - La Grange ISD.**

ACTION: Denied the bids of property not sold at Sheriff's Sale – Cause Nos. 2994 - La Grange ISD.

See attached hereto marked "Agenda Action 14 Exhibit"

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

See attached hereto marked "Exhibit B"

MOVED BY JUDGE Mueller, 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. Brossmann, vote for **X**, vote against _____

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

15. **SUBJECT: Acknowledge the fiber service drops and upgrades of Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried fiber optic cables and copper cables within the corridors of the following road(s): Reiss Rd (Precinct 1), Willow Springs Rd, Wunderlich Rd, Krebsville Rd, Henniger Lane (Precinct 2), and Berger Road (Precinct 4).**

ACTION: Acknowledged the fiber service drops and upgrades of Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried fiber optic cables and copper cables within the corridors of the following road(s): Reiss Rd (Precinct 1), Willow Springs Rd, Wunderlich Rd, Krebsville Rd, Henniger Lane (Precinct 2), and Berger Road (Precinct 4).

See attached hereto marked "Agenda Action 15 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court Administrator

MOVED BY COMMR. Brossmann, 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. Brossmann, vote for **X**, vote against _____

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

16. **SUBJECT: Consider, discuss and take appropriate action in ordering an election to abolish the office of the Fayette County Surveyor Seat.**

ACTION: Ordered an election to abolish the office of the Fayette County Surveyor Seat.

See attached hereto marked "Agenda Action 16 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Blake Watson, Assistant County Attorney; Terri Hefner, Elections Administrator; William Bernsen

See attached hereto marked "Exhibit B"

MOVED BY JUDGE Mueller, 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. Brossmann, vote for **X**, vote against _____

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

17. **SUBJECT: Consider and take appropriate action in approving the Auto and Liability Renewal with the Texas Association of Counties for year 2023 – 2024.**

ACTION: Approved the Auto and Liability Renewal with the Texas Association of Counties for year 2023 – 2024.

See attached hereto marked "Agenda Action 17 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County 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. Brossmann, vote for **X**, vote against _____

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

18. **SUBJECT: Consider, discuss, and take appropriate action regarding the request for fuel surcharge being include on invoices from Cemex for road materials, hauling, etc. that was not in the original bid for 2023.**

ACTION: Denied the request for fuel surcharge being included on invoices from Cemex for road materials, hauling, etc. that was not in the original bid for 2023.

See attached hereto marked "Agenda Action 18 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor

MOVED BY COMMR. Brossmann, 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. Brossmann, vote for **X**, vote against _____

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

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

ACTION: Approved the payment of currently due Fayette County bills and expenses.

See attached hereto marked "Agenda Action 19 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor

MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Sternadel

Commr. McBroom, **Recused**

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

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

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

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

20. SUBJECT: Conduct a Fayette County Budget Workshop to hear and consider requests for funding from Departments, Offices, and Precincts, and from agencies and organizations, and to discuss all revenues and expenditures for the 2024 County Budget, and take any action the Court deems necessary.

ACTION: Opened County Budget Workshop for 2024.

**Accepted all comments of the 2024 Fayette County Budget Workshop.
Closed County Budget Workshop.**

See attached hereto marked "Agenda Action 20 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor; Cindy Villarreal, Senior Connections; Keith Korenek, Sheriff; Randy Noviskie, Chief Deputy Sheriff; Josh Vandever, EMS Director; Richard Moring, Fayette County Appraisal District; Paula Vogel, Human Resources Manager; William Bernsen; Commissioner Harvey Berckenhoff; Cassie Austin, Court Administrator; Sylvia Mendoza, Tax Assessor Collector; Brenda Fietsam, County Clerk; Blake Watson, Assistant County Attorney

MOVED BY COMMR. Brossmann, 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. Brossmann, vote for **X**, vote against _____

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

Break at 11:04 a.m.

MOVED BY COMMR. **Brossmann**, 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. Brossmann, vote for **X**, vote against _____

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

Reconvened at 11:15 a.m.

MOVED BY COMMR. **Brossmann**, 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. Brossmann, vote for **X**, vote against _____

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

- 21. SUBJECT: Consider and take appropriate action to propose salaries, expenses, and allowances of elected county and precinct officers for the year 2024.**

ACTION: Deferred until the August 3, 2023 meeting.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY JUDGE **Mueller**, 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. Brossmann, vote for **X**, vote against _____

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

22. **SUBJECT: Consider and take appropriate action in authorizing the County auditor to publish proposed salaries, expenses, and allowances of elected county and precinct officers for the year 2024.**

ACTION: Deferred until the August 3, 2023 meeting.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY JUDGE Mueller, SECONDED BY COMMR. Brossmann

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

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

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

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

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

ADDITIONAL ITEM – this item was posted at 9:50am on Monday, July 27th after the original Agenda had been posted. This item can be heard any time after 9:50am on Thursday, July 27, 2023.

- 1. SUBJECT: Consider and take appropriate action, including signing an Order, regarding a request by Walter Spates, for Fayette County, on behalf of the County and the public, to disclaim an interest in, and to vacate the interest of the County and the public, and/or to abandon streets and alleys platted and which appear on a private, professional, sealed survey of property owned by Walter Spates, in the Green Dewitt League, A-165, in the community of Ledbetter, Fayette County, Texas.**

ACTION: Signed an Order, regarding a request by Walter Spates, for Fayette County, on behalf of the County and the public, to disclaim an interest in, and to vacate the interest of the County and the public, and/or to abandon streets and alleys platted and which appear on a private, professional, sealed survey of property owned by Walter Spates, in the Green Dewitt League, A-165, in the community of Ledbetter, Fayette County, Texas.

See attached hereto marked “ADDITIONAL ITEM Agenda Action 1A Exhibit”

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

MOVED BY COMMR. Sternadel, SECONDED BY COMMR. Brossmann

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

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

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

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

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

2. **SUBJECT: Consider and take appropriate action, including signing an Order, regarding a request by Ashley Smiciklas, for Fayette County, on behalf of the County and the public, to disclaim an interest in, and to vacate the interest of the County and the public, and/or to abandon streets and alleys platted and which appear on a private, professional, sealed survey of property owned by Ashley Smiciklas, in the J. T. Whitesides Survey, A-10, in the community of Cistern, Fayette County, Texas.**

ACTION: Deferred until the August 3, 2023 meeting.

PERSONS APPEARING BEFORE THE COURT: Blake Watson, Assistant County Attorney; Cassie Austin, Court Administrator

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. Brossmann, vote for **X**, vote against _____

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

VIII.

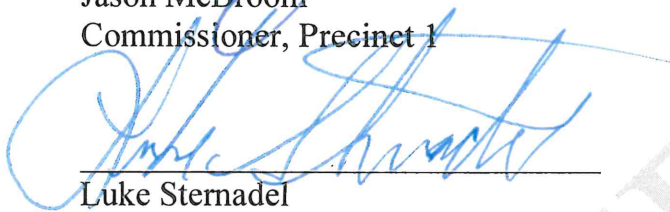
Meeting adjourned at 11:23 a.m., July 27, 2023, on motion by Commissioner Brossmann, seconded by Commissioner Sternadel, votes for 5, votes against 0.

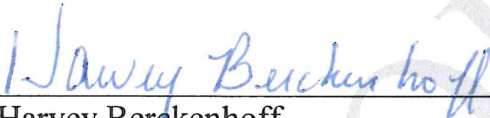
APPROVED this 10th day of August, 2023.

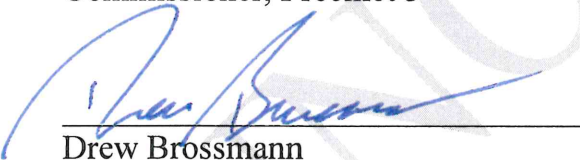


Dan Mueller
Fayette County Judge



Jason McBroom
Commissioner, Precinct 1


Luke Sternadel
Commissioner, Precinct 2


Harvey Berkenhoff
Commissioner, Precinct 3


Drew Brossmann
Commissioner, Precinct 4

ATTEST:


Brenda Fietsam
County Clerk



Commissioners Court July 27, 2023