
MINUTES OF COMMISSIONERS COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **October 26, 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; Cindy Havelka, County Auditor;
Clint Sternadel, County Inspector & Office of Development & Permitting;
Angela Hahn, Emergency Management Coordinator & Grant Specialist;
Cassie Austin, Court Administrator; Randy Noviskie, Chief Deputy Sheriff

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 **9:00 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. **October 12, 2023 – Regular Meeting**
- ii. **October 18, 2023 – Special Meeting**

ACTION: Approved minutes from the October 12, 2023 Regular Meeting and the October 18, 2023 Special Meeting.

PERSONS APPEARING BEFORE THE COURT: Brenda Fietsam, County Clerk

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 _____

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

ACTION: Opened Public Comments.
Closed Public Comments.

PERSONS APPEARING BEFORE THE COURT: None

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 _____

3. **SUBJECT: Open and hold Public Hearing concerning proposed adoption and passage of a Resolution by the Commissioners Court that states that Fayette County, Texas elects to become eligible to participate in Tax Abatement, and concerning the proposed establishment and adoption of Guidelines and Criteria Governing Tax Abatement Agreements to be entered into by Fayette County. Close Public Hearing.**

ACTION: Deferred Agenda Item 3 to hold a Public Hearing concerning proposed adoption and passage of a Resolution by the Commissioners Court that states that Fayette County, Texas elects to become eligible to participate in Tax Abatement, and concerning the proposed establishment and adoption of Guidelines and Criteria Governing Tax Abatement Agreements to be entered into by Fayette County to the November 9, 2023 meeting.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff

Commr. McBroom, Abstained

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 _____

4. **SUBJECT: Consider and take appropriate action, and adopt and sign a Resolution and Order that Fayette County, Texas elects to immediately become eligible to participate in Tax Abatement.**

ACTION: Deferred Agenda Item 4 concerning a Resolution and Order that Fayette County, Texas elects to immediately become eligible to participate in Tax Abatement to the November 9, 2023 meeting.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff

Commr. McBroom, Abstained

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: Consider, discuss, and take appropriate action, and establish, adopt, and sign Guidelines & Criteria Governing Tax Abatement Agreements to be entered into and granted by Fayette County, Texas.**

ACTION: Deferred Agenda Item 5 concerning Guidelines & Criteria Governing Tax Abatement Agreements to be entered into and granted by Fayette County, Texas to the November 9, 2023 meeting.

PERSONS APPEARING BEFORE THE COURT: None

**MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff
Commr. McBroom, Abstained**

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: Review and approve the revised Appointment of Election Judges and Alternates.**

ACTION: Approved the revised Appointment of Election Judges and Alternates.

See attached hereto marked "Agenda Action 6 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court 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. Brossmann, vote for **X**, vote against _____

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

7. **SUBJECT: Consider, discuss, and take appropriate action in approving the 2023 Fayette County Attorney's Office Asset Forfeiture Report.**

ACTION: No Action Taken.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY COMMR. _____, SECONDED BY COMMR. _____
Commr. McBroom, vote for _____, vote against _____
Commr. Sternadel, vote for _____, vote against _____
Commr. Berckenhoff, vote for _____, vote against _____
Commr. Brossmann, vote for _____, vote against _____
Judge Mueller, vote for _____, vote against _____

8. **SUBJECT: Consider and take appropriate action concerning the following applications requesting the division of real property: Jo Lynn Petras located in Precinct 4.**

ACTION: Approved the application requesting the division of real property: Jo Lynn Petras, located in Precinct 4.

See attached hereto marked "Agenda Action 8 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector & Office of Development & Permitting; Commissioner Drew Brossmann; Shannon M. Raabe-Barnes, Schovajsa, Mayer & Klesel, LLP; Jo Lynn Petras

MOVED BY COMMR. **Brossmann**, SECONDED BY JUDGE **Mueller**
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: Consider and take appropriate action concerning approving the final plat for Phase 3 of Compound Lane regarding a platted subdivision named The Compound.**

ACTION: Deferred Agenda Item 9 concerning the final plat for Phase 3 of Compound Lane regarding a platted subdivision named The Compound to a future meeting.

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

MOVED BY JUDGE Mueller, SECONDED BY COMMR. Sternadel

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 _____

10. **SUBJECT: Consider and take appropriate action in approving the Road Construction Bond for Phase 3 of Compound Lane.**

ACTION: Deferred Agenda Item 10 concerning the Road Construction Bond for Phase 3 of Compound Lane to a future meeting.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY JUDGE Mueller, SECONDED BY COMMR. Sternadel

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 _____

11. **SUBJECT: Consider and take appropriate action in releasing Burke Road and Herman Lane (Precinct 3) of the Routing Agreement & Road Use Bond Agreement with Sandalwood Exploration, L.P., approved in Commissioners Court on September 14, 2023.**

ACTION: Released Burke Road and Herman Lane (Precinct 3) of the Routing Agreement & Road Use Bond Agreement with Sandalwood Exploration, L.P., approved in Commissioners Court on September 14, 2023.

See attached hereto marked "Agenda Action 11 Exhibit"

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 _____

12. **SUBJECT: Consider and take appropriate action in releasing Old Wealder Road (Precinct 3) of the Routing Agreement & Road Use Bond Agreement with Sandalwood Exploration, L.P., approved in Commissioners Court on August 10, 2023.**

ACTION: Released Old Wealder Road (Precinct 3) of the Routing Agreement & Road Use Bond Agreement with Sandalwood Exploration, L.P., approved in Commissioners Court on August 10, 2023.

See attached hereto marked "Agenda Action 12 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 _____

13. **SUBJECT: Approve Application for Permit to Lay Temporary Water Line in Road Right-of-Way, submitted by Magnolia Oil & Gas Operating, LLC for said water line to be placed along Teinert Road (Precinct 1), a public county road located in Fayette County, Texas.**

ACTION: Approved Application for Permit to Lay Temporary Water Line in Road Right-of-Way, submitted by Magnolia Oil & Gas Operating, LLC for said water line to be placed along Teinert Road (Precinct 1), a public county road located in Fayette County, Texas.

See attached hereto marked "Agenda Action 13 Exhibit"

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

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 _____

14. **SUBJECT: Hear monthly report from Sheriff's Office.**

ACTION: Accepted monthly report from Sheriff's Office.

See attached hereto marked "Agenda Action 14 Exhibit"

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

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 _____

15. **SUBJECT: Consider and take appropriate action concerning entering into a Contract with Langford Community Management Services for grant administrative services for the Texas General Land Office (“GLO”) Regional Mitigation Program.**

ACTION: Deferred Agenda Item 15 concerning a Contract with Langford Community Management Services for grant administrative services for the Texas General Land Office (“GLO”) Regional Mitigation Program to the November 9, 2023 meeting.

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

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 _____

16. **SUBJECT: Authorize the Auditor to advertise for Requests For Qualifications from Contractors for Engineering Services concerning implementing Texas General Land Office CDBG Regional Mitigation projects.**

ACTION: Authorized the Auditor to advertise for Requests For Qualifications from Contractors for Engineering Services concerning implementing Texas General Land Office CDBG Regional Mitigation projects.

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 _____

17. **SUBJECT: Discuss and consider appropriate action by approving and signing the request to the Texas General Land Office for a two month extension to submit proposals to the Community Development Block Grant Program.**

ACTION: Approved and Signed the request to the Texas General Land Office for a two month extension to submit proposals to the Community Development Block Grant Program.

See attached hereto marked "Agenda Action 17 Exhibit"

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

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 _____

18. **SUBJECT: Authorize the following class requests: Brenda Fietsam, County Clerk, to attend the 2023 Department of State Health Services Vital Statistics Conference to be held on December 7th & 8th virtually.**

ACTION: Authorized the class request of Brenda Fietsam, County Clerk, to attend the 2023 Department of State Health Services Vital Statistics Conference to be held on December 7th & 8th virtually.

PERSONS APPEARING BEFORE THE COURT: Brenda Fietsam, County Clerk

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: Discuss Fayette County monthly reports (expenses and revenue) for September 2023.**

ACTION: Accepted Fayette County monthly reports (expenses and revenue) for September 2023.

See attached hereto marked "Agenda Action 19 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor; 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 _____

20. **SUBJECT: Consider and take appropriate action by approving and signing the Contract for Assessment and Collection Services between Fayette County and Fayette County Appraisal District, effective from January 1, 2024 to December 31, 2025.**

ACTION: Approved and Signed the Contract for Assessment and Collection Services between Fayette County and Fayette County Appraisal District, effective from January 1, 2024 to December 31, 2025.

See attached hereto marked "Agenda Action 20 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court Administrator

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 _____

21. **SUBJECT: Consider and take appropriate action in setting a date for a public hearing concerning setting speed limit on the following road: Skillet Lane (Precinct 3), and for authorization to publish notice of said hearing in the newspaper.**

ACTION: Set a date of November 9, 2023 @ 9:00 a.m. in Commissioners Courtroom (3rd floor – Room 303) for a public hearing concerning setting speed limit on the following road: Skillet Lane (Precinct 3); and

Authorized publishing notice of said hearing in the newspaper.

PERSONS APPEARING BEFORE THE COURT: Commissioner Harvey Berckenhoff; Cassie Austin, Court Administrator

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 _____

22. **SUBJECT: Accept and approve the written plans of Industry Telephone Company, to install a new buried communications line upon and along the right-of-way of Klatt Road, Havemann Road, and Althaus Road (Precinct 2) with Industry Telephone Company being required to be responsible for repairs, and/or being required to make repairs, of direct or collateral damage, if any, caused by Industry Telephone Company, and/or its contractors, to the preceding roads, and to other utilities utilizing the public right-of-ways.**

ACTION: Accepted and Approved the written plans of Industry Telephone Company, to install a new buried communications line upon and along the right-of-way of Klatt Road, Havemann Road, and Althaus Road (Precinct 2) with Industry Telephone Company being required to be responsible for repairs, and/or being required to make repairs, of direct or collateral damage, if any, caused by Industry Telephone Company, and/or its contractors, to the preceding roads, and to other utilities utilizing the public right-of-ways.

See attached hereto marked "Agenda Action 22 Exhibit"

PERSONS APPEARING BEFORE THE COURT: None

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

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

23. **SUBJECT: Acknowledge the fiber upgrades plans 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): Anders Bottom Rd, Hajovsky Rd, Seydler Rd (two sections), and Anton Salas Loop (Precinct 4).**

ACTION: Acknowledged the fiber upgrades plans 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): Anders Bottom Rd, Hajovsky Rd, Seydler Rd (two sections), and Anton Salas Loop (Precinct 4).

See attached hereto marked "Agenda Action 23 Exhibit"

PERSONS APPEARING BEFORE THE COURT: **None**

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 _____

24. **SUBJECT: Consider and take appropriate action in approving the audit and subsequent FY 2022/2023 Chapter 59 Asset Forfeiture Report, of the County Attorney, who is the attorney representing the State, as required by Article 59.06, Code of Criminal Procedure.**

ACTION: Approved the audit and subsequent FY 2022/2023 Chapter 59 Asset Forfeiture Report, of the County Attorney, who is the attorney representing the State, as required by Article 59.06, Code of Criminal Procedure.

See attached hereto marked "Agenda Action 24 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 _____

25. 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 with the exception of paying the Texas Commission on Environmental Quality (TEXCEQ) for the amount of \$1,250.00.

See attached hereto marked "Agenda Action 25 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor; Cassie Austin, Court 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. Brossmann, vote for **X**, vote against _____

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

VIII.

Meeting adjourned at 9:45 a.m., October 26, 2023, on motion by Commissioner Brossmann,
seconded by Commissioner Berckenhoff, votes for 5, votes against 0

APPROVED this 9th day of November, 2023.

Dan Mueller

Dan Mueller
Fayette County Judge

Jason McBroom
Commissioner, Precinct 1

Luke Sternadel
Commissioner, Precinct 2

Harvey Berckenhoff
Commissioner, Precinct 3

Drew Brossmann
Commissioner, Precinct 4

ATTEST:

Brenda Fietsam
Brenda Fietsam
County Clerk

