#### MINUTES OF COMMISSIONERS COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of December 14, 2023.

II.

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

III.

Attendance: County Judge Dan Mueller Absent

County Commissioner – Precinct No. 1, Jason McBroom Judge Pro-Tem, 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; Paul Zapalac, Precinct 4 Justice of the Peace;

Angela Hahn, Emergency Management Coordinator;

Terri Hefner, Elections Administrator; Randy Noviskie, Chief Deputy Sheriff;

Cindy Havelka, County Auditor; Paula Lewellen, Human Resources Manager;

Clint Sternadel, County Inspector & Office of Development & Permitting;

Amber Hielscher, Floodplain Manager; Cassie Austin, Court Administrator;

Blake Watson, Assistant County Attorney; Jeff Steinhauser, District Judge;

Scott Willey, County Extension Agent, Agriculture & Natural Resources

V.

Persons in attendance during all of any part of the meeting:

See Attached Exhibit A

VI.

Meeting opened at 9:30 a.m. on motion by Commissioner Brossmann, seconded by Commissioner Berckenhoff, votes for 4, votes against 0.

## VII. <u>INVOCATION</u>

# 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."

## **AGENDA ACTION:**

2.

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

- i. November 22, 2023 - Regular Meeting
- December 6, 2023 Special Meeting ii.

ACTION: Approved minutes from the November 22, 2023 Regular Meeting and the December 6, 2023 Special Meeting.

PERSONS APPEARING BEFORE THE COURT: Brenda Fietsam, County Clerk

MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Sternadel
Commr. McBroom, Judge Pro-Tem 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, Absent
SUBJECT: Open public comments - petitions, requests or statements by the
public. Close.
ACTION: Opened Public Comments.
Accepted All Public Comments.
Closed Public Comments.
PERSONS APPEARING BEFORE THE COURT: Brenda Fietsam, County Clerk;
Commissioner Drew Brossmann
MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Sternadel
Commr. McBroom, Judge Pro-Tem 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

the

Judge Mueller, Absent

3.	SUBJECT: Approval to purchase curbside carts for early voting using the Elections Office Contract Election Funds.
	ACTION: Approved the purchase of curbside carts for early voting, using the Elections Office Contract Election Funds.
	See attached hereto marked "Agenda Action 3 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Terri Hefner, Elections Administrator
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Sternadel Commr. McBroom, Judge Pro-Tem 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, Absent
4.	SUBJECT: Consider and take appropriate action concerning the following applications requesting the division of real property: Boniventure Jean Henneke located in Precinct 4.
	ACTION: Approved the following application requesting the division of real property: Boniventure Jean Henneke located in Precinct 4.
	See attached hereto marked "Agenda Action 4 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector & Office of Development & Permitting
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Sternadel Commr. McBroom, Judge Pro-Tem 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, Absent

5. SUBJECT: Hear monthly report from Clint Sternadel, County Inspector & Office of Development & Permitting. ACTION: Accepted monthly report from Clint Sternadel, County Inspector & Office of Development & Permitting. See attached hereto marked "Agenda Action 5 Exhibit" PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County **Inspector & Office of Development & Permitting** MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, Judge Pro-Tem 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, Absent 6. 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 Power Plant Road (Precinct 2), a public county road located in Fayette County, Texas. ACTION: Approved the 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 Power Plant Road (Precinct 2), a public county road located in Fayette County, Texas. See attached hereto marked "Agenda Action 6 Exhibit" PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector & Office of Development & Permitting MOVED BY COMMR. Sternadel, SECONDED BY COMMR. Berckenhoff Commr. McBroom, Judge Pro-Tem 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, Absent

7.	SUBJECT: Consider and take appropriate action concerning entering into a Contract with Weishuhn Engineering, Inc., for engineering services for the Texas General Land Office ("GLO") Regional Mitigation Program.
	ACTION: Deferred to the next regular scheduled meeting.
	PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency Management Coordinator; Blake Watson, Assistant County Attorney
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, Judge Pro-Tem 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, Absent
8.	SUBJECT: Discuss and take appropriate action on placing NO PARKING ANYTIME signs on N. Kirtley road due to gravel trucks staging to get in the gravel pit.
	ACTION: Approved to place NO PARKING ANYTIME signs on N. Kirtley road due to gravel trucks staging to get in the gravel pit.
	PERSONS APPEARING BEFORE THE COURT: Commissioner Jason McBroom; Blake Watson, Assistant County Attorney
	MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel Commr. McBroom, Judge Pro-Tem vote for X, vote against
	Commr. Sternadel, vote for X, vote against Commr. Berekenhoff, vote for X, vote against
/	Commr. Brossmann, vote for X, vote against Judge Mueller, Absent

9. 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 the contracts between Fayette County and four (4) attorneys, for their representation of indigent parties in court cases.

See attached hereto marked "Agenda Action 9 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court Administrator

10. SUBJECT: Consider and take appropriate action concerning Fayette County purchasing for Recycle Center a used 2017 Toyota Forklift, presently located at DB5 – Austin, TX United Rentals (Store L33), 2700 Highway 290 W, Brenham, Texas 77833-6828, for the price of \$21,540.00 payable to DB5 – Austin, TX United Rentals (Store L33), using Recycle Center funds that are available and in the 2023 Recycle Center budget, and authorizing County personnel to sign all necessary and required paperwork.

ACTION: Approved the purchase for the Recycle Center a used 2017 Toyota Forklift, presently located at DB5 – Austin, TX United Rentals (Store L33), 2700 Highway 290 W, Brenham, Texas 77833-6828, for the price of \$21,540.00 payable to DB5 – Austin, TX United Rentals (Store L33), using Recycle Center funds that are available and in the 2023 Recycle Center budge; and

Authorized County personnel to sign all necessary and required paperwork.

See attached hereto marked "Agenda Action 10 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Paul Zapalac, Precinct 4 Justice of the Peace

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann
Commr. McBroom, Judge Pro-Tem vote for X, vote against
Commr. Sternadel, vote for X, vote against
Commr. Berckenhoff, vote for X, vote against
Commr. Brossmann, vote for <b>X</b> , vote against
Judge Mueller, Absent

11. SUBJECT: Authorize the following class requests: Brenda Fietsam, County Clerk, to attend the 2024 County & District Clerks' Association Winter Conference Jan. 29 – Feb. 1, 2024 in Denton; Angela Hahn, EMC to attend the Emergency Management Association of Texas' annual conference March 3-6, 2024 in San Marcos; Jamie Moreau, Justice of the Peace, Precinct 2, to attend the 20-Hour Justice of the Peace Seminar January 21-24, 2024 in Corpus Christi; Greta Gromaski, Clerk JP2, to attend the Virtual New Court Personnel Seminar January 16-18, 2024.

ACTION: Authorized the following class requests: Brenda Fietsam, County Clerk, to attend the 2024 County & District Clerks' Association Winter Conference Jan. 29 — Feb. 1, 2024 in Denton; Angela Hahn, EMC to attend the Emergency Management Association of Texas' annual conference March 3-6, 2024 in San Marcos; Jamie Moreau, Justice of the Peace, Precinct 2, to attend the 20-Hour Justice of the Peace Seminar January 21-24, 2024 in Corpus Christi; Greta Gromaski, Clerk JP2, to attend the Virtual New Court Personnel Seminar January 16-18, 2024.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Sternad	el
Commr. McBroom, Judge Pro-Tem 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, Absent	

12. SUBJECT: Acknowledge the fiber upgrades and service drop 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): Kirkham Rd, Killian Rd, Wormly Ln, Pilchick Loop, Pin Oak Creek Ln, Pampell St, Zilss Rd, Frio St, Thomas St, Memorial Hall St, (Precinct 1), E Sedan Rd, W Sedan Rd, Hudec Rd, Oncken Rd, Vornsand Rd (two sections), Seydler Rd, Beyer-Gray Rd, and Loehr Rd (Precinct 4).

ACTION: Acknowledged the fiber upgrades and service drop 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): Kirkham Rd, Killian Rd, Wormly Ln, Pilchick Loop, Pin Oak Creek Ln, Pampell St, Zilss Rd, Frio St, Thomas St, Memorial Hall St, (Precinct 1), E Sedan Rd, W Sedan Rd, Hudec Rd, Oncken Rd, Vornsand Rd (two sections), Seydler Rd, Beyer-Gray Rd, and Loehr Rd (Precinct 4).

See attached hereto marked "Agenda Action 12 Exhibit"

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Sternadel
Commr. McBroom, Judge Pro-Tem 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, Absent

13.	SUBJECT: Consider and take appropriate action in approving additional equipment for Constable Precinct #3.
	ACTION: Deferred to the next regular scheduled meeting.
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor; Cassie Austin, Court Administrator
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, Judge Pro-Tem 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, Absent
14.	SUBJECT: Consider and take appropriate action in giving two dispatchers the 5% Raise on their current salaries that were adjusted after the budget was approved. The raises were calculated at their old salary.  ACTION: Deferred to the next regular scheduled meeting.
	PERSONS APPEARING BEFORE THE COURT: Randy Noviskie, Chief Deputy
	Sheriff; Cindy Havelka, County Auditor; Paula Lewellen, Human Resources
	Manager
	MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Sternadel
	Commr. McBroom, Judge Pro-Tem vote for X, vote against
	Commr. Sternadel, vote for X, vote against
	Commr. Berckenhoff, vote for X, vote against
A <sup>1</sup>	Commr. Brossmann, vote for X, vote against
,4	Judge Mueller, Absent
1	

15. SUBJECT: Consider and take appropriate action concerning request by County Judge to use unused salary from Department 101-401-1127 Commissioners Court salary - coordinators in the amount of \$2,708.52 to give a 7% salary raise to Department 101-402 Permitting and Inspections. ACTION: Deferred to the next regular scheduled meeting. PERSONS APPEARING BEFORE THE COURT: None MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, Judge Pro-Tem 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, Absent SUBJECT: Acknowledge renewal of the 24/25 Schulenburg First Responders 16. Participant Accident Policy. ACTION: Acknowledged renewal of the 24/25 Schulenburg First Responders Participant Accident Policy. See attached hereto marked "Agenda Action 16 Exhibit" PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Sternadel Commr. McBroom, Judge Pro-Tem 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, Absent

17.	SUBJECT: Consider and take appropriate action in accepting and awarding bid(s) for Hauling.
	ACTION: Accepted all bids for Hauling.  Awarded all bids for Hauling.
	See attached hereto marked "Agenda Action 17 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, Judge Pro-Tem 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, Absent
18.	SUBJECT: Consider and take appropriate action in accepting and awarding bid(s) for Round and Arched Pipe.
	ACTION: Accepted all bids for Round and Arched Pipe.  Awarded bid to Wilson Culverts, Inc.
	See attached hereto marked "Agenda Action 18 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor
	MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel Commr. McBroom, Judge Pro-Tem vote for X, vote against Commr. Sternadel, vote for X, vote against
	Commr. Berckenhoff, vote for X, vote against
Managhi .	Commr. Brossmann, vote for X, vote against
	Judge Mueller, Absent

19.	bid(s) for Fuel.
	ACTION: Accepted all bids for Fuel.  Awarded all bids for Fuel.
	See attached hereto marked "Agenda Action 19 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor
	MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann Commr. McBroom, Judge Pro-Tem 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, Absent
20.	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 20 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, Judge Pro-Tem vote for X, vote against
	Commr. Sternadel, vote for X, vote against
	Commr. Berckenhoff, vote for X, vote against
1000	Commr. Brossmann, vote for X, vote against
	Judge Mueller, Absent

21. SUBJECT: Enter into closed (executive) session pursuant to Government Code, Section 551.074 (a)(1), to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee with final action to be taken in open session.

ACTION: Entered into closed (executive) session at 10:15 a.m. to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee with final action to be taken in open session.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff
Commr. McBroom, Judge Pro-Tem 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, Absent
SUBJECT: Return and reconvene to open meeting.
SOBSECT. Return and reconvene to open meeting.
ACTION: Reconvened into open meeting at 10:30 a.m.
PERSONS APPEARING BEFORE THE COURT: None
MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff
Commr. McBroom, Judge Pro-Tem vote for X, vote against
Commr. Sternadel, vote for X, vote against
Commr. Berckenhoff, vote for X, vote against
Commr. Brossmann, vote for <b>X</b> , vote against
Judge Mueller. Absent

22.

23.	SUBJECT: Consider and take appropriate action deemed necessary, including a final action, decision or vote on the matters deliberated in closed session.
	ACTION: No action taken.
	PERSONS APPEARING BEFORE THE COURT: None
	MOVED BY COMMR, SECONDED BY COMMR Commr. McBroom, Judge Pro-Tem, vote for, vote against Commr. Sternadel, vote for, vote against Commr. Berckenhoff, vote for, vote against Commr. Brossmann, vote for, vote against Judge Mueller, Absent
24.	SUBJECT: Consider and take appropriate action in approving an additional full time position for the Auditor's Office.
	ACTION: Deadlocked with a tie vote, regarding an additional full time position for the Auditor's Office.
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor
	MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom Commr. McBroom, Judge Pro-Tem, vote for X, vote against Commr. Sternadel, vote for, vote against X Commr. Berckenhoff, vote for X, vote against
	Commr. Brossmann, vote for, vote against X Judge Mueller, Absent

ADDITIONAL ITEM – this item was posted at 10:00am on Monday, December 11, 2023 after the original Agenda had been posted. This item can be heard any time after 10:00am on Thursday, December 14, 2023.

1. SUBJECT: Hear project update from Fayette County Fair Association.

ACTION: Acknowledged update from Fayette County Fair Association.

See attached hereto marked "Agenda Action Supplemental Item 1 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Michael Zuhn, Fayette County Fair Association; Scott Willey, County Extension Agent, Agriculture & Natural Resources

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann
Commr. McBroom, Judge Pro-Tem, 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, Absent

VIII.

Meeting adjourned at 10:33 a.m., December 14, 2023, on motion by Commissioner Brossmann, seconded by Commissioner Berckenhoff, votes for 4, votes against 0.

ACTION: Approved Motion to Reconsider adjourning the meeting; and

Returned to meeting at 10:34 a.m. back into executive session pursuant to Government Code, Section 551.074 (a)(1), at District Judge Jeff Steinhauser's request.

PERSONS APPEARING BEFORE THE COURT: Jeff Steinhauser, District Judge; Blake Watson, Assistant County Attorney

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff
Commr. McBroom, Judge Pro-Tem 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, Absent
ACTION: Returned and Reconvened to meeting at 10:47 a.m.
PERSONS APPEARING BEFORE THE COURT: None
MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff
Commr. McBroom, Judge Pro-Tem vote for X, vote against
Commr. Sternadel, vote for X, vote against
Commr. Berckenhoff, vote for X, vote against
Commr. Brossmann, vote for <b>X</b> , vote against
Judge Mueller, Absent
ACTION: Reconsidered Agenda Item #24 for discussion regarding an additional full time position for the Auditor's Office; and
Deferred any decision to the January 11, 2024 meeting.
PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County
Auditor; Paula Lewellen, Human Resources Manager; Brenda Fietsam, County Clerk
MOVED BY COMMR. McBroom, SECONDED BY COMMR. Brossmann
Commr. McBroom, Judge Pro-Tem 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, Absent

### IX.

Meeting adjourned at 10:58 a.m., December 14, 2023, on motion by Commissioner McBroom, seconded by Commissioner Berckenhoff, votes for 4, votes against 0.

APPROVED this 28th day of December, 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 County Clerk

Commissioners Court December 14, 2023