

MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **July 30, 2018**.

II.

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

III.

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

IV.

County Officials/County Personnel present during all or any part of the meeting: **Mandy Kasper, Deputy County Clerk; Clint Sternadel, Designated Representative Subdivision Enforcement; Kathy Kleiber, County Auditor; Harold Streicher, Assistant County Attorney; 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.

Meeting opened at **9 a.m.** on motion by Commissioner **Weishuhn**, seconded by Commissioner **Berckenhoff**, votes for **5**, votes against **0**.

VII.

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

INVOCATION

AGENDA ACTION:

1. **SUBJECT: Consider and take appropriate action concerning the application from Andrew Dotson and Marie Creal, requesting a variance of the subdivision of real property located at or near 7323 Anders Daniels Road, La Grange, Texas.**

ACTION: Granted variance for Andrew Dotson and Marie Creal, not present, for property located at 7323 Anders Daniels Road, La Grange, Texas. See attachment hereto marked "Agenda Action 1 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

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

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

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

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

Judge Janecka, vote for **X**, vote against __

2. **SUBJECT: Hear presentation, consider, and take appropriate action concerning a workshop with Johnson Controls to include the Energy Audit of County buildings and properties, and recommendations of energy savings components to be implemented, purchased and installed, and take appropriate action to select the scope and components of the Energy Savings Project.**

ACTION: Accepted Johnson Controls presentation, Energy Audit of County buildings and properties, and recommendations of energy savings components to be implemented, purchased and installed, and proceed with no modifications.

PERSONS APPEARING BEFORE THE COURT: Richard Gibbens, Johnson Controls; Sarah Phillips, Johnson Controls; Tony Cloud, Johnson Controls; Harold Streicher, Assistant County Attorney;

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

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

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

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

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

Judge Janecka, vote for **X**, vote against __

3. **SUBJECT: Consider and take appropriate action concerning entering into an agreement with a third party Engineer to review the Energy Audit project scope, engineering calculations, and projected savings, as prepared and performed by Johnson Controls.**

ACTION: Accepted proposals from Reihl Engineering LLC and Paul E Thompson Consulting Engineering to review the Energy Audit project scope, engineering calculations, and projected savings, as prepared and performed by Johnson Controls. Awarded to Paul E Thompson Consulting Engineer.

PERSONS APPEARING BEFORE THE COURT: Richard Gibbens, Johnson Controls; Cassie Austin, Court Administrator; Harold Streicher, Assistant County Attorney; Sarah Phillips, Johnson Controls;

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

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

Commr. Weishuhn, vote for **X**, vote against ___

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

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

Judge Janecka, vote for **X**, vote against ___

AMENDED MOTION ADDED: Pending legal review and authorized County Judge to sign paperwork.

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

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

Commr. Weishuhn, vote for **X**, vote against ___

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

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

Judge Janecka, vote for **X**, vote against ___

4. **SUBJECT: Consider and take appropriate action concerning the Burn Ban ordered on July 20, 2018.**

ACTION: Continued Burn Ban ordered on July 20, 2018.

PERSONS APPEARING BEFORE THE COURT:

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

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

Commr. Weishuhn, vote for **X**, vote against ___

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

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

Judge Janecka, vote for **X**, vote against ___

5. **SUBJECT: Consider and take appropriate action in accepting and possibly awarding bid(s) for MC-30 Road Oil for the remainder of the 2018 year.**

ACTION: Accepted and awarded all bids for MC-30 Road Oil for the remainder of the 2018 year. See attachment hereto marked "Agenda Action 5-9 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

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

Commr. Weishuhn, vote for **X**, vote against ___

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

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

Judge Janecka, vote for **X**, vote against ___

6. **SUBJECT: Consider and take appropriate action in accepting and possibly awarding bid(s) for AC-5 Liquid Asphalt for the remainder of the 2018 year.**

ACTION: Accepted and awarded all bids for AC-5 Liquid Asphalt for the remainder of 2018 year. See attachment hereto marked "Agenda Action 5-9 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

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

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

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

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

Judge Janecka, vote for **X**, vote against __

7. **SUBJECT: Consider and take appropriate action in accepting and possibly awarding bid(s) for MS-1 Liquid Asphalt for the remainder of the 2018 year.**

ACTION: Accepted all bids and awarded to Cleveland Asphalt for MS-1 Liquid Asphalt for remainder of 2018 year. See attachment hereto marked "Agenda Action 5-9 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

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

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

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

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

Judge Janecka, vote for **X**, vote against __

8. **SUBJECT: Consider and take appropriate action in accepting and possibly awarding bid(s) for CRS-2 Road Oil for the remainder of the 2018 year.**

ACTION: Accepted and awarded all bids for CRS-2 Road Oil for the remainder of the 2018 year. See attachment hereto marked "Agenda Action 5-9 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. **Weishuhn**, SECONDED BY COMMR. **Muras**.

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

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

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

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

Judge Janecka, vote for **X**, vote against __

9. **SUBJECT: Consider and take appropriate action in accepting and possibly awarding bid(s) for CRS-2P Road Oil for the remainder of the 2018 year.**

ACTION: Accepted and awarded all bids for CRS-2P Road Oil for the remainder of the 2018 year. See attachment hereto marked "Agenda Action 5-9 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

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

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

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

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

Judge Janecka, vote for **X**, vote against __

10. **SUBJECT: Consider and take appropriate action concerning the application for Pipeline Public Road Crossing Permit, submitted by Fayette Service Company, LLC, for said pipeline to transport water and to cross under Jurecka Road (Precinct 2), a public county road located in Fayette County, Texas.**

ACTION: Allowed Pipeline Public Road Crossing Permit, submitted by Fayette Service Company, LLC for said pipeline to transport water, and to cross under Jurecka Road (Precinct 2), a public county road located in Fayette County, Texas. See attachment hereto marked "Agenda Action 10 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Weishuhn SECONDED BY COMMR. Berckenhoff.

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

Commr. Weishuhn, vote for **X**, vote against ___

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

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

Judge Janecka, vote for **X**, vote against ___

11. **SUBJECT: Consider and take appropriate action in declaring the excess spoil pile of soil from the Fayette County EMS Construction Project located at 1721 N. Von Minden Road, La Grange, Texas 78945, to be Waste, Salvage and/or Surplus Property, in accordance with Local Government Code 263.152-158.**

ACTION: Declared the excess spoil pile of soil from the Fayette County EMS Construction Project located at 1721 N. Von Minden Road, La Grange, Texas 78945, to be Waste, Salvage and/or Surplus Property, in accordance with Local Government Code 263.152-158.

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

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

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

Commr. Weishuhn, vote for **X**, vote against ___

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

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

Judge Janecka, vote for **X**, vote against ___

12. **SUBJECT: Budget Workshop to discuss all revenues/expenditures and tax rate for 2019 budget and take any action the Commissioners' Court deems necessary.**

ACTION: Accepted all comments, recommended \$.4440 as the Tax Rate for 2019. See attachment hereto marked "Agenda Action 12 Exhibit".

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

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

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

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

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

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

Judge Janecka, vote for **X**, vote against __

13. **SUBJECT: Consider and take appropriate action to propose salaries, expenses, and allowances of elected county and precinct officers for the year 2019.**

ACTION: Accepted proposed salaries, expenses, and allowance of elected county and precinct officers for the year 2019. See attachment hereto marked "Agenda Action 13 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor

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

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

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

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

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

Judge Janecka, vote for **X**, vote against __

14. **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 2019.**

ACTION: Authorized County Auditor to publish proposed salaries, expenses, and allowances of elected county and precinct officers for the year 2019.

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

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

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

15. **SUBJECT:** Consider and take appropriate action concerning: a) placing a proposal on the agenda of a future meeting to adopt a specific tax rate for Fayette County; b) concerning setting the dates and times of two public hearings on the proposed tax rate, if necessary; and c) authorizing publishing notices in the newspaper concerning the proposed tax rate and public hearings, if necessary; and to take other appropriate action, all in accordance with and as required by law.

ACTION: Agreed to place a proposal on an agenda for a future meeting to adopt a specific tax rate for Fayette County, of \$0.440 per \$100 of taxable value; to set the dates and times of the two public hearings on the proposed tax rate as follows: the first hearing on Monday, August 13th 2018, at 9:00 a.m., and the second hearing on Friday, August 17th, at 9:00 a.m.; and to authorize the publishing of notice in the newspaper concerning the proposed tax rate and the two public hearings. See attachment hereto marked "Agenda Action 15 Exhibit".

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

MOVED BY JUDGE Janecka, SECONDED BY COMMR. Muras.

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

Commr. Weishuhn, vote for **X**, vote against ___

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

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

Judge Janecka, vote for **X**, vote against ___

VIII.

Meeting adjourned at **10:16 a.m., July 30, 2018**, on motion by Commissioner **Berckenhoff**, seconded by Commissioner **McBroom**, votes for **5**, votes against **0**.

APPROVED this _____ day of _____, 2018.

Edward F. Janecka
Fayette County Judge

Jason McBroom
Commissioner, Precinct 1

Gary Weishuhn
Commissioner, Precinct 2

Harvey Berckenhoff
Commissioner, Precinct 3

Tom Muras
Commissioner, Precinct 4

ATTEST:

Julie Karstedt
County Clerk