

MINUTES OF COMMISSIONERS COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **February 23, 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; Paul Zapalac, Precinct 4 Justice of the Peace;
Charles Zapalac, Precinct 3 Justice of the Peace; Cindy Havelka, County Auditor;
Clint Sternadel, County Inspector & Office of Development & Permitting;
Josh Vandever, EMS Director; Randy Noviskie, Chief Deputy Sheriff;
David Beyer, Lt. Deputy Sheriff; Blake Watson, Assistant County Attorney;
Angela Hahn, Emergency Management Coordinator & Grant Specialist;
Billy Roensch, Constable Precinct 1; Bailey Walker, EMS; Justin Laslie, EMS;
Bethany Zapalac; District Court Coordinator

V.

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

VI.

Meeting opened at **9:02 a.m.** on motion by Judge **Mueller**, seconded by
Commissioner **Brossmann**, 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 in approving the following minutes from previous meetings:**

i. February 9, 2023 – Regular Meetings

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. 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 Public Comments.

Closed Public Comments.

PERSONS APPEARING BEFORE THE COURT: Ed Colman; Sherri Cooke; Brenda Fietsam, County Clerk

See attached hereto marked "Exhibit B"

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: Consider and take appropriate action concerning the application from Vineyard Vista LLC requesting the division of real property located in Precinct 2.**

ACTION: Approved the application from Vineyard Vista LLC requesting the division of real property located in Precinct 2.

See attached hereto marked "Agenda Action 3 Exhibit"

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

4. **SUBJECT: Consider and take appropriate action concerning the application from Stephen Reddish requesting the division of real property located in Precinct 3.**

ACTION: Approved the application from Stephen Reddish requesting the division of real property located in Precinct 3.

See attached hereto marked "Agenda Action 4 Exhibit"

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

See attached hereto marked "Exhibit B"

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 _____

5. **SUBJECT: Consider and take appropriate action concerning the application from Fayette Land Company requesting the division of real property located in Precinct 4.**

ACTION: Approved the application from Fayette Land Company requesting the division of real property located in Precinct 4.

See attached hereto marked "Agenda Action 5 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, County Inspector & Office of Development & Permitting; William Bernsen; Blake Watson, Assistant County Attorney

See attached hereto marked "Exhibit B"

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 _____

6. **SUBJECT: Approve the Renewal Application for Permit to Lay Temporary Water Line in Road Right-of-Way, submitted by Dallas Petroleum Group, LLC for said water line to be placed along Greens Creek Rd and Withers Rd (Precinct 1), all public county roads located in Fayette County, Texas.**

ACTION: Approved the Renewal Application for Permit to Lay Temporary Water Line in Road Right-of-Way, submitted by Dallas Petroleum Group, LLC for said water line to be placed along Greens Creek Rd and Withers Rd (Precinct 1), all public county roads 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. 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: Hear report from Josh Vandever, EMS Director.**

ACTION: Accepted report from Josh Vandever, EMS Director; and

Invited Dudley Piland, St. Mark's Medical Center Chairman of the Board of Directors and Mark Kimball, St. Mark's Medical Center President and CEO to join our next Commissioners Court.

See attached hereto marked "Agenda Action 7 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Josh Vandever, EMS Director; Ron Briggs

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 _____

8. **SUBJECT: Recognize Fayette County EMS employees Melody McCoy, Bailey Walker, Justin Laslie and Patty Nelson for their years of service to Fayette County.**

ACTION: Recognized Fayette County EMS employees Melody McCoy, Bailey Walker, Justin Laslie and Patty Nelson for their years of service to Fayette County.

PERSONS APPEARING BEFORE THE COURT: Josh Vandever, EMS Director; Bailey Walker, EMS; Justin Laslie, EMS

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

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

9. **SUBJECT: Consider and take appropriate action concerning approving Employer Commitment Form to participate as an employer in the Reinvest project.**

ACTION: Approved Employer Commitment Form to participate as an employer in the Reinvest project.

See attached hereto marked "Agenda Action 9 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Josh Vandever, EMS Director; Janice Bruno, Kenneth Taylor

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 _____

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

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

See attached hereto marked "Agenda Action 10 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Randy Noviskie, Chief Deputy Sheriff; David Beyer, Lt. Deputy Sheriff

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 _____

11. SUBJECT: Acknowledge the 2022 Racial Profiling Report as submitted by the Fayette County Sheriff's Office.

ACTION: Acknowledged the 2022 Racial Profiling Report as submitted by the Fayette County Sheriff's Office.

See attached hereto marked "Agenda Action 11 Exhibit"

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

See attached hereto marked "Exhibit B"

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 _____

12. **SUBJECT: Consider and take appropriate action in approving audit of FY2022 Chapter 59 Asset Forfeiture Reports by Law Enforcement Agencies (Sheriff & Fayette County Narcotics Unit) as required by Article 59.06 of the Code of Criminal Procedures.**

ACTION: Approved audit of FY2022 Chapter 59 Asset Forfeiture Reports by Law Enforcement Agencies (Sheriff & Fayette County Narcotics Unit) as required by Article 59.06 of the Code of Criminal Procedures.

See attached hereto marked "Agenda Action 12 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor; Randy Noviskie, Chief Deputy Sheriff; David Beyer, Lt. 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 _____

13. **SUBJECT: Hear report from Justice of the Peace, Precinct 3, Charles Zapalac.**

ACTION: Accepted report from Justice of the Peace, Precinct 3, Charles Zapalac.

See attached hereto marked "Agenda Action 13 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Charles Zapalac, Precinct 3 Justice of the Peace; Randy Noviskie, Chief Deputy Sheriff; David Beyer, Lt. Deputy Sheriff; Paul Zapalac, Precinct 4 Justice of the Peace

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 _____

14. **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 14 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency Management Coordinator & Grant Specialist; Paul Zapalac, Precinct 4 Justice of the Peace

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 10:38 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 10:48 a.m.

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 _____

15. **SUBJECT: Consider and take appropriate action on request from the Ellinger Chamber of Commerce to use American Rescue Plan Funds to rewire the 1935 Community Center.**

ACTION: Approved request from the Ellinger Chamber of Commerce to use American Rescue Plan Funds to rewire the 1935 Community Center in the amount of \$80,000.

See attached hereto marked "Agenda Action 15 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency Management Coordinator & Grant Specialist; Michael Schlabach, Ellinger Chamber of Commerce; Ben Rosenbaum, Rosenbaum Electric; Blake Rosenbaum, Rosenbaum Electric; Cindy Havelka, County 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. Brossmann, vote for **X**, vote against _____

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

16. **SUBJECT: Consider and take appropriate action in approving Official Bond.**

ACTION: Approved Official Bond.

See attached hereto marked "Agenda Action 16 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court Administrator

MOVED BY COMMR. Sternadel, 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 _____

17. **SUBJECT: Authorize the purchase of a copier/printer/scanner/fax machine for the County Attorney's Office.**

ACTION: Authorized the purchase of a copier/printer/scanner/fax machine for the County Attorney's Office.

See attached hereto marked "Agenda Action 17 Exhibit"

PERSONS APPEARING BEFORE THE COURT: 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 _____

18. **SUBJECT: Consider and take appropriate action on a MOU with WIC for space being used at the Meadows Building.**

ACTION: Accepted a MOU with WIC for space being used at the Meadows Building.

See attached hereto marked "Agenda Action 18 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Commissioner Jason McBroom; Blake Watson, Assistant County Attorney

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 _____

19. **SUBJECT: Consider and take appropriate action on a MOU with Colorado County Youth and Family Services for space being used at the Camp Street Annex.**

ACTION: Approved a MOU with Colorado County Youth and Family Services for space being used at the Camp Street Annex.

See attached hereto marked "Agenda Action 19 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Commissioner Jason McBroom; Blake Watson, Assistant County Attorney

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 _____

20. **SUBJECT: Authorize County Judge and Commissioners to attend the 89th Annual South Texas County Judges and Commissioners Association Conference June 26-28, 2023 in San Antonio, Texas.**

ACTION: No Action.

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court Administrator

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 _____

21. **SUBJECT: Consider and take appropriate action declaring 1999 John Deere 410E Backhoe Salvage and Surplus to be trade in by Precinct 2 for another backhoe.**

ACTION: Approved 1999 John Deere 410E Backhoe Salvage and Surplus to be trade in by Precinct 2 for another backhoe.

See attached hereto marked "Agenda Action 21 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Commissioner Luke Sternadel

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 _____

22. **SUBJECT: Authorize County Auditor to advertise for lease purchase bids for a new front end loader for Road & Bridge Precinct 4.**

ACTION: Authorized County Auditor to advertise for lease purchase bids for a new front end loader for Road & Bridge Precinct 4.

PERSONS APPEARING BEFORE THE COURT: Commissioner Drew Brossmann

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 _____

23. **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.

PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor; Cassie Austin, Court Administrator

MOVED BY COMMR. Berckenhoff, 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 _____

24. **SUBJECT: Enter into closed (executive) session pursuant to Government Code, Section(s) 551.071, to deliberate a matter that includes consultation with attorney, with final action to be taken in open session.**

ACTION: No Action.

PERSONS APPEARING BEFORE THE COURT:

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 _____

25. SUBJECT: Return and reconvene to open meeting.

ACTION: No Action.

PERSONS APPEARING BEFORE THE COURT:

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 _____

26. 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.

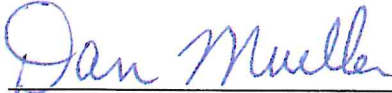
PERSONS APPEARING BEFORE THE COURT:

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 _____

VIII.

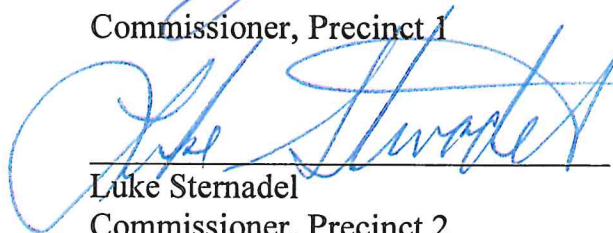
Meeting adjourned at 11:13 a.m., February 23, 2023, on motion by Commissioner McBroom, seconded by Commissioner Sternadel, votes for 5, votes against 0.

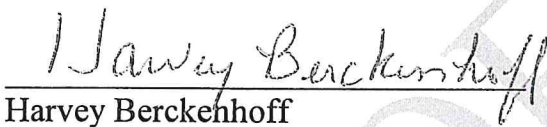
APPROVED this 9th day of March, 2023.

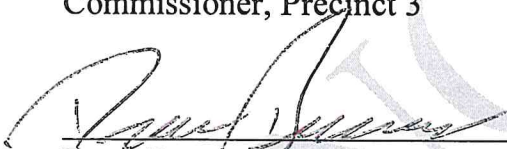


Dan Mueller
Fayette County Judge

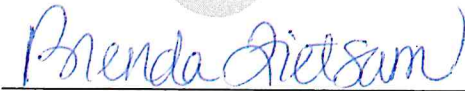

Jason McBroom
Commissioner, Precinct 1


Luke Sternadel
Commissioner, Precinct 2


Harvey Berckenhoff
Commissioner, Precinct 3


Drew Brossmann
Commissioner, Precinct 4

ATTEST:



Brenda Fietsam
County Clerk

