

## MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **February 26, 2018**.

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 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: **Julie Karstedt, County Clerk; Mandy Kasper, Deputy County Clerk; Sharon Muzny, EMS Director; Malissa Mieth, EMS Assistant Director; Randy Noviskie, Chief Deputy Sheriff; Cassie Austin, Court Administrator; Clint Sternadle, Designated Representative Subdivision Enforcement; Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator; Harold Streicher, Assistant County Attorney; Kathy Kleiber, Auditor;**

V.

Persons in attendance during all of any part of the meeting: **See attached "Exhibit A"**.

VI.

Meeting opened at **9 am.** on motion by Commissioner **Berckenhoff**, seconded by Commissioner **McBroom**, 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: Open public comments – petitions, requests or statements by the public. Close.**

**ACTION: No public comments. Closed public comments**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY COMMR. Muras, 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 \_\_

2. **SUBJECT: Consider and take appropriate action concerning the application from Clay Morgan, requesting a variance of the subdivision of real property.**

**ACTION: Approved the application from Clay Morgan, requesting a variance of the subdivision of real property. See attachment hereto marked "Agenda Action 2 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Clay Morgan**

**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 \_\_

3. **SUBJECT: Consider, discuss and take appropriate action concerning approval of proposal by Ellinger Sewer and Water Supply Corporation to install a new water line along the south side of East Tobias Road from Fordtrand Street to Brenham Street.**

**ACTION: Allowed Ellinger Sewer and Water Supply Corporation to install a new water line along the south side of East Tobias Road from Fordtrand Street to Brenham Street. See attachment hereto marked "Agenda Action 3 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Bradley Loehr**

**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 \_\_

4. **SUBJECT: Acknowledge monthly call, collections, and financial report from EMS Director Sharon Muzny.**

**ACTION: Accepted monthly call, collections, and financial report from EMS Director Sharon Muzny. See attachment hereto marked "Agenda Action 4 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Sharon Muzny, EMS Director**

**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: Hear monthly report from Janet Carrigan, Emergency Management Coordinator and Floodplain Administrator.**

**ACTION: Accepted monthly report from Janet Carrigan, Emergency Management Coordinator and Floodplain Administrator. See attachment hereto marked "Agenda Action 5 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator; Shawn Rayburn, City Manager;**

**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 \_\_\_

6. **SUBJECT: Consider, discuss and take appropriate action concerning presentation by the La Grange Area Disaster Recovery Team on progress of disaster recovery in the La Grange area.**

**ACTION: Accepted all comments from Joy Cameron President of Fayette County Disaster Recovery Team formally known as La Grange Area Disaster Recovery Team. See attachment hereto marked "Agenda Action 6 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Joy Cameron, Fayette County Disaster Recovery Team;**

**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 \_\_\_

7. **SUBJECT: Consider and take appropriate action concerning approving the Fayette County Attorney's Office 2018 Forfeiture Fund Budget.**

**ACTION: Approved Fayette County Attorney's Office 2018 Forfeiture Fund Budget. See attachment hereto marked "Agenda Action 7 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Harold Streicher, Assistant County Attorney;**

**MOVED BY COMMR. Muras, 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 \_\_\_

8. **SUBJECT: Consider and take appropriate action on proclaiming the first week of March, 2018 (March 4<sup>th</sup> through March 10<sup>th</sup>) as "Law Enforcement Appreciation Week in Fayette County".**

**ACTION: Signed Proclamation on proclaiming the first week of March, 2018 (March 4<sup>th</sup> through March 10<sup>th</sup>) as "Law Enforcement Appreciation Week in Fayette County". See attachment hereto marked "Agenda Action 8 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 \_\_\_

9. **SUBJECT: Consider and take appropriate action concerning Fayette County purchasing for Precinct 4 a used 2009 International 4300 Water Truck (VIN 1HTMMAAN19H082232), presently located at Longhorn International Trucks LTD, 4711 E. 7<sup>th</sup> Street, Austin, Texas 78702, for \$34,900.00 payable to Longhorn International Trucks LTD, using Precinct 4 Road and Bridge funds that are available and in the 2018 Precinct 4 budget, and authorizing County personnel to sign all necessary and required paperwork.**

**ACTION: Approved Fayette County purchasing for Precinct 4 a used 2009 International 4300 Water Truck (VIN 1HTMMAAN19H082232), presently located at Longhorn International Trucks LTD, 4711 E. 7<sup>th</sup> Street, Austin, Texas 78702, for \$34,900.00 payable to Longhorn International Trucks LTD, using Precinct 4 Road and Bridge funds that are available and in the 2018 Precinct 4 budget, and authorizing County personnel to sign all necessary and required paperwork. See attachment hereto marked "Agenda Action 9 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. Muras, 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 \_\_

10. **SUBJECT: Consider and take appropriate action in approving the Fayette County VINE Service Agreement Renewal Notice.**

**ACTION: Deferred until later date.**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY JUDGE Janecka, 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 \_\_\_

11. **SUBJECT: Consider and take appropriate action and possibly approving the ACA Reporting and Tracking Service (ARTS) 2018 Renewal Confirmation Program Agreement with the Texas Association of Counties Health and Employee Benefits Pool.**

**ACTION: Approved ACA Reporting and Tracking Service (ARTS) 2018 Renewal Confirmation Program Agreement with the Texas Association of Counties Health and Employee Benefits Pool. See attachment hereto marked "Agenda Action 11 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, 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 \_\_\_

12. **SUBJECT: Consider and take appropriate action concerning entering into a Lease Agreement with Mr. I.J. Orsak for the rental of office space for the Justice of the Peace, Precinct 2, Fayetteville.**

**ACTION: Signed Lease Agreement with Mr. I.J. Orsak for the rental of office space for the Justice of the Peace, Precinct 2, Fayetteville. See attachment hereto marked "Agenda Action 12 Exhibit".**

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

**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 \_\_\_

13. **SUBJECT: Consider and take appropriate action in approving the Maintenance and Supplies Contract with Dewitt, Poth and Son for the Justice of Peace Precinct No. 2 Copier.**

**ACTION: Approved Maintenance and Supplies Contract with Dewitt, Poth and Son for the Justice of Peace Precinct No. 2 Copier. See attachment hereto marked "Agenda Action 13 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 \_\_\_

14. **SUBJECT: Consider and take appropriate action in approving audit and FY2017 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 and FY2017 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 attachment hereto marked "Agenda Action 13 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, 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 \_\_\_

15. **SUBJECT: Consider and take appropriate action concerning the plan of Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried copper telephone lines within the corridors of the following roads: Middle Creek Road, Freyburg Hall Road, Bohuslav Road (Precinct 4), and Mach Road (Precinct 3), with CVTC being required to make repairs of direct or collateral damage, if any, caused by CVTC on the county roads listed above.**

**ACTION: Approved the plan of Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried copper telephone lines within the corridors of the following roads: Middle Creek Road, Freyburg Hall Road, Bohuslav Road (Precinct 4), and Mach Road (Precinct 3), with CVTC being required to make repairs of direct or collateral damage, if any, caused by CVTC on the county roads listed above. See attachment hereto marked "Agenda Action 15 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY COMMR. Berckenhoff, 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 \_\_

16. **SUBJECT: Consider and take notice of the subdivision of real property applications that have been acknowledged as exempt from the Fayette County Subdivision Regulations by statute, as provided to the Fayette County Commissioners' Court by the Fayette County Inspector.**

**ACTION: Acknowledge the subdivision of real property applications that have been acknowledged as exempt from the Fayette County Subdivision Regulations by statute, as provided to the Fayette County Commissioners' Court by the Fayette County Inspector. See attachment hereto marked "Agenda Action 16 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT:**

**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 \_\_

17. **SUBJECT: Consider and take appropriate action in authorizing Jessica Pietsch, Deputy District Clerk, to attend the 2018 State of Texas Conference on Criminal Justice Information System Reporting Conference, March 21-23, 2018, Austin, Texas.**

**ACTION: Authorized Jessica Pietsch, Deputy District Clerk, to attend the 2018 State of Texas Conference on Criminal Justice Information System Reporting Conference, March 21-23, 2018, Austin, Texas. See attachment hereto marked "Agenda Action 17 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**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 \_\_\_

18. **SUBJECT: Consider and take appropriate action in authorizing Rosalinda Adamcik, Tax Assessor-Collector, to attend the 2018 TACA Conference, June 3-7, 2018, in Frisco, Texas.**

**ACTION: Authorized Rosalinda Adamcik, Tax Assessor-Collector, to attend the 2018 TACA Conference, June 3-7, 2018, in Frisco, Texas. See attachment hereto marked "Agenda Action 18 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 \_\_\_

19. **SUBJECT: Consider and take appropriate action in authorizing Cassie Austin, Court Coordinator, to attend the County Court Assistants Training Conference, April 11-13, 2018, Frisco, Texas.**

**ACTION: Authorized Cassie Austin, Court Coordinator, to attend the County Court Assistants Training Conference, April 11-13, 2018, Frisco, Texas.**

**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 \_\_

20. **SUBJECT: Consider and take appropriate action concerning salary changes, if any, made during the period of January 22, 2018 through February 25, 2018.**

**ACTION: Approved salary changes, if any, made during the period of January 22, 2018 through February 25, 2018. See attachment hereto marked "Agenda Action 20 Exhibit".**

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

**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 \_\_

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

**ACTION: Approved the payment of currently due Fayette County bills and expenses. See attachment hereto marked "Agenda Action 21 Exhibit".**

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

**MOVED BY COMMR. Muras, 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 \_\_\_

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

**I. January 8, 2018 – Special Meeting**

**II. January 8, 2018 – Regular Meeting**

**III. January 22, 2018 - Regular Meeting**

**ACTION: Approved the following minutes from previous meetings:**

**PERSONS APPEARING BEFORE THE COURT: Julie Karstedt, County Clerk;**

**MOVED BY JUDGE Janecka, 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 \_\_\_

23. **SUBJECT: Discuss, consider, and take appropriate action concerning the EMS Headquarters and Station One Construction Project.**

**ACTION: Accepted all comments.**

**PERSONS APPEARING BEFORE THE COURT: Ed Collins**

**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 \_\_\_

24. **SUBJECT: Hear presentation from Richard Gibbens, Account Executive, with Johnson's Controls concerning the Energy Audit.**

**ACTION: Accepted all comments.**

**PERSONS APPEARING BEFORE THE COURT: Richard Gibbens, Account Executive Johnson's Controls;**

**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 \_\_\_

VIII.

Meeting adjourned at **11:14 a.m., February 26, 2018**, on motion by Commissioner **McBroom**, seconded by Commissioner **Weishuhn**, votes for **5**, votes against **0**.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Edward F. Janecka  
Fayette County Judge

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Jason McBroom  
Commissioner, Precinct 1

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Gary Weishuhn  
Commissioner, Precinct 2

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Harvey Berckenhoff  
Commissioner, Precinct 3

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Tom Muras  
Commissioner, Precinct 4

ATTEST:

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Julie Karstedt  
County Clerk