

MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **April 10, 2017**.

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 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; Cassie Austin, Court Administrator; Harold Streicher, Assistant County Attorney; Kathy Kleiber, County Auditor; Malissa Mieth, EMS Assistant Director; Randy Noviskie, Chief Deputy Sheriff; Sharon Muzny, EMS Director;**

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 **Muras**, 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: Closed public comments.

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 ___

2. **SUBJECT: Consider and take appropriate action concerning Contract with BBA Architects, LP for the EMS Headquarters and Station One.**

ACTION: Authorized Judge to sign contract with BBA Architects, LP for EMS Headquarters and Station 1 in La Grange. See attachment hereto marked "Agenda Action 2 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Ben Boettcher, BBA Architects, LLP;

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: Acknowledge monthly calls, collections, and financial report from EMS Director, Sharon Muzny.**

ACTION: Deferred until next meeting.

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 ___

4. **SUBJECT: Consider and take appropriate action concerning employee eligibility guidelines for MASA Emergency Transport Solutions membership.**

ACTION: Accepted that insurance needs to be valid, extension agents & employees that waived insurance are illegible for MESA Emergency Transport Solutions membership.

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County 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 ___

5. **SUBJECT: Consider and take appropriate action accepting and possibly awarding the bid for the Fayette County Clerk roof repair.**

ACTION: Accepted both bids and awarded to Remedy Contractors out of Katy. See attachment hereto marked "Agenda Action 5 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor

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 ___

6. **SUBJECT: Consider and take appropriate action in re-appointing Commissioner Harvey Berckenhoff as Fayette County's representative to the CARTS Board of Directors for a term of two years, beginning in April 2017.**

ACTION: Reappointed Harvey Berckenhoff as Fayette County's representative to the CARTS Board of Directors for a term of two years, beginning in April 2017. See attachment hereto marked "Agenda Action 6 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 ___

7. **SUBJECT: Consider and take appropriate action concerning Resolution designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157.**

ACTION: Signed Resolution designating authorized signatures for contractual documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157. See attachment hereto marked "Agenda Action 7 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Margaret Hardin

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 concerning Resolution regarding civil rights pertaining to the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157.**

ACTION: Approved Resolution regarding civil rights pertaining to the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157. See attachment hereto marked "Agenda Action 8 Exhibit".

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 ___

9. **SUBJECT: Consider and take appropriate action concerning the possible approval of a Citizen Participation Plan for non-English speaking residents who are affected by the TxCDBG Project, to have meaningful access to all aspects of the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157.**

ACTION: Approved Resolution concerning possible approval of a Citizen Participation Plan for non-English speaking residents who are affected by the TxCDBG Project, to have meaningful access to all aspects of the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157. See attachment hereto marked "Agenda Action 9 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 ___

10. **SUBJECT: Consider and take appropriate action concerning the possible approval of a Section 3 Policy, per 12 U.S.C. 1701u, which will give Section 3 residents and businesses, to the greatest extent feasible, job training, employment, and contracting opportunities, as required by the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157.**

ACTION: Approved Section 3 Policy, per 12 U.S.C. 1701u, which will give Section 3 residents and businesses, to the greatest extent feasible, job training, employment, and contracting opportunities, as required by the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157. See attachment hereto marked "Agenda Action 10 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 ___

11. **SUBJECT: Consider and take appropriate action concerning the possible approval of an Excessive Force Policy in accordance with 24 CFR 91.325(b)(6), as required by the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157.**

ACTION: Approval of an Excessive Force Policy in accordance with 24 CFR 91.325(b)(6), as required by the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157. See attachment hereto marked "Agenda Action 11 Exhibit".

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 ___

12. **SUBJECT: Consider and take appropriate action concerning the possible approval for the County of a Section 504 policies against discrimination based on a handicap, and grievance procedures concerning same, as required by the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157.**

ACTION: Approved a Section 504 policies against discrimination based on a handicap, and grievance procedures concerning same, as required by the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157. See attachment hereto marked "Agenda Action 12 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 ___

13. **SUBJECT: Consider and take appropriate action concerning the possible approval for the County of a Fair Housing Policy with respect to Affirmatively Furthering of Fair Housing, per the Fair Housing Act, as required by the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157.**

ACTION: Approved the County of a Fair Housing Policy with respect to Affirmatively Furthering of Fair Housing, per the Fair Housing Act, as required by the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157. See attachment hereto marked "Agenda Action 13 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 concerning the possible approval of a Limited English Proficiency Plan pertaining to the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157.**

ACTION: Approved limited English Proficiency Plan pertaining to the Texas Community Development Block Grant Program (TxCDBG), Contract #7216157. See attachment hereto marked "Agenda Action 14 Exhibit".

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 ___

15. **SUBJECT: Consider and take appropriate action, including signing an order, regarding a request by Alan Peters, for Fayette County on behalf itself and of the public, to disclaim an interest in, and/or to abandon, an alley platted and which appears on a private, professional, and sealed survey of property owned by Alan Peters.**

ACTION: Deferred until next meeting.

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 ___

16. **SUBJECT: Consider and take appropriate action in appointing Evelyn Mica as a new member of the Fayette County Historical Commission.**

ACTION: Appointed Evelyn Mica as a new member of the Fayette County Historical Commission. See attachment hereto marked "Agenda Action 16 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 ___

17. **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: Approved 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 17 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 ___

18. **SUBJECT: Consider and take appropriate action in authorizing Commissioner Harvey Berckenhoff to attend the 83rd Annual South Texas County Judges and Commissioners' Association Conference, June 12-15, 2017, in Corpus Christi, Texas.**

ACTION: Allowed Commissioner Harvey Berckenhoff to attend the 83rd Annual South Texas County Judges and Commissioners' Association Conference, June 12-15, 2017, in Corpus Christi, Texas. See attachment hereto marked "Agenda Action 18 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 ___

19. **SUBJECT: Consider and take appropriate action in authorizing CIT Investigator, Jeremy Castleberry, to attend the 4th Annual Crisis Intervention Training Conference, May 18-20, 2017, in South Padre Island, Texas.**

ACTION: Allowed CIT Investigator, Jeremy Castleberry, to attend the 4th Annual Crisis Intervention Training Conference, May 18-20, 2017, in South Padre Island, Texas. See attachment hereto marked "Agenda Action 19 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 ___

20. **SUBJECT: Consider and take appropriate action in authorizing Rosalinda Adamcik, Tax Assessor-Collector, to attend Tax Assessor-Collector Association of Texas 83rd Annual Conference, June 4-8, 2017, in Houston, Texas.**

ACTION: Allowed Rosalinda Adamcik, Tax Assessor-Collector, to attend Tax Assessor-Collector Association of Texas 83rd Annual Conference, June 4-8, 2017, in Houston, Texas. See attachment hereto marked "Agenda Action 20 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 ___

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

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

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

ACTION: Accepted Judge Janecka's comments.

PERSONS APPEARING BEFORE THE COURT:

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 ___

VIII.

Meeting adjourned at **9:45 a.m., April 10, 2017**, on motion by Commissioner **Weishuhn**, seconded by Commissioner **Berckenhoff**, votes for **5**, votes against **0**.

APPROVED this _____ day of _____, 2017.

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