

MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **May 22, 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: **Mandy Kasper, Deputy County Clerk; Harold Streicher, Assistant County Attorney; Lorri Grabowski, Assistant County Attorney; Randy Noviskie, Chief Deputy Sheriff; Kathy Kleiber, County Auditor; Jenifer Boening, County Program Assistant; Sally Garrett County Extension Agent-Family & Consumer Sciences; 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 **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: Judge told Commissioners to get ready for unfunded mandates because the Legislature is going to close session in the next week or so.

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 __

- 2. SUBJECT: Consider and take appropriate action on proclamation proclaiming June 19, 2017, as "Emancipation Day" in Fayette County.**

ACTION: Signed proclamation proclaiming June 19, 2017, as "Emancipation Day" in Fayette County. See attachment hereto marked "Agenda Action 2 Exhibit".

PERSONS APPEARING BEFORE THE COURT: **Verlia Mosley**

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 __

3. **SUBJECT: Consider and take appropriate action on request from Verlia Mosley for the Juneteenth Celebration to use the streets surrounding the Courthouse Square on Saturday, June 10, 2017, from 5:00 p.m. to 10:00 p.m.**

ACTION: Allowed Verlia Mosley for the Juneteenth Celebration to use the streets surrounding the Courthouse Square on Saturday, June 10, 2017, from 5:00 p.m. to 10:00 p.m. See attachment hereto marked "Agenda Action 3 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Verlia Mosley; Jonathan Ellis;

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 ___

4. **SUBJECT: Hear presentation from representatives from Neighbor to Neighbor: A Texas Village, a neighborhood nonprofit volunteer/membership organization.**

ACTION: Accepted presentation from representatives from Neighbor to Neighbor: A Texas Village, a neighborhood nonprofit volunteer/membership organization. See attachment hereto marked "Agenda Action 4 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Ed Collins; Bobbie Nash; David Ramjohn; Katy Beauford;

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 ___

5. **SUBJECT: Hear a brief presentation and report from Sally Garrett, Agent with Texas AgriLife Extension, along with Elaine Segar, SMMC, RN, with St. Mark's Medical Center, about the Car Seat Check-up Event that was held on Monday, May 1, 2017.**

ACTION: Accepted presentation and report from Sally Garrett, Agent with Texas AgriLife Extension, along with Elaine Segar, SMMC, RN, with St. Mark's Medical Center, about the Car Seat Check-up Event that was held on Monday, May 1, 2017. See attachment hereto marked "Agenda Action 5 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Sally Garrett , County Extension Agent-Family & Consumer Sciences; Sharon Muzny, EMS Director;

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 __

6. **SUBJECT: Public hearing to consider and accept comments, both written and oral, from members of the public concerning an appropriate speed limit(s) for Woods Prairie Cemetery Lane (Precinct 1).**

ACTION: Closed public comments.

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 __

7. **SUBJECT: Consider and take appropriate action in making a finding and determination that the prima facie speed limit on Woods Prairie Cemetery Lane is unreasonable or unsafe, and in making an order concerning an appropriate speed limit(s) for Woods Prairie Cemetery Lane (Precinct 1) and issuing a traffic regulation concerning the speed limit(s).**

ACTION: Approved prima facie speed limit of 30mph on Woods Prairie Cemetery Lane is unreasonable or unsafe, and in making an order concerning an appropriate speed limit(s) for Woods Prairie Cemetery Lane (Precinct 1) and issuing a traffic regulation concerning the speed limit(s). See attachment hereto marked "Agenda Action 7 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 ___

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

ACTION: Deferred until next meeting.

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

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, discuss, and take possible action on a Service Agreement between Tyler Technologies and Fayette County, Texas regarding the electronic time-keeping software and devices, for the recordation of time and attendance and for other scheduling needs, initially on behalf of Fayette County EMS.**

ACTION: Accepted all comments. Deferred any action until later meeting. See attachment hereto marked "Agenda Action 9 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Sharon Muzny, EMS Director; Kathy Kleiber, County Auditor; Randy Noviskie, Chief Deputy Sheriff; Lorri Grabowski, Assistant County Attorney;

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 Fayette County approving the purchase of a used 2007 Freightliner Columbia Day Cab Tractor (Unit #704357) for Precinct 1, presently located at Penske Truck Leasing Co., L.P., 4415 Irving Blvd., Dallas, TX 75247, for \$25,254.00 total; approving a \$500.00 deposit, along with a deposit agreement, payable to Penske Truck Leasing, with the remaining \$24,754.00 payable to Penske Truck Leasing to be made at the June 12, 2017 Commissioners' Court meeting, all funds from the Precinct 1 Road and Bridge funds available in the 2017 Precinct 1 budget; and authorizing the County Judge and County Auditor's Office employees to sign all necessary paperwork.

ACTION: Approved deposit & purchase of a used 2007 Freightliner Columbia Day Cab Tractor (Unit #704357) for Precinct 1, presently located at Penske Truck Leasing Co., L.P., 4415 Irving Blvd., Dallas, TX 75247, for \$25,254.00 total; approving a \$500.00 deposit, along with a deposit agreement, payable to Penske Truck Leasing, with the remaining \$24,754.00 payable to Penske Truck Leasing to be made at the June 12, 2017 Commissioners' Court meeting, all funds from the Precinct 1 Road and Bridge funds available in the 2017 Precinct 1 budget; and authorizing the County Judge and County Auditor's Office employees to sign all necessary paperwork. See attachment hereto marked "Agenda Action 10 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 ___

11. **SUBJECT: Consider and take appropriate action in approving the written plan of Fayette Water Supply Corporation to bore under Anders Daniels Road (Precinct 1), and place and install a new water service line for a new customer located at property ID number R93691, and for Fayette Water Supply Corporation to make repairs of any resultant damage done to Anders Daniels Road.**

ACTION: Approved the written plan of Fayette Water Supply Corporation to bore under Anders Daniels Road (Precinct 1), and place and install a new water service line for a new customer located at property ID number R93691, and for Fayette Water Supply Corporation to make repairs of any resultant damage done to Anders Daniels Road. See attachment hereto marked "Agenda Action 11 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

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

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 in appointing Charles Hebert as a new member of the Fayette County Historical Commission.**

ACTION: Appointed Charles Hebert as a new member of Fayette County Historical Commission. See attachment hereto marked "Agenda Action 12 Exhibit".

PERSONS APPEARING BEFORE THE COURT: **Charles Hebert**,

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 __

13. **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 13 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 ___

14. **SUBJECT: Consider and take appropriate action on property not sold a Sheriff's Sale - Cause No. 3532 - Flatonia ISD.**

ACTION: Rejected bid for property not sold a Sheriff's Sale - Cause No. 3532 - Flatonia ISD. See attachment hereto marked "Agenda Action 14 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 ___

- 15. SUBJECT: Consider and take appropriate action on property not sold a Sheriff's Sale - Cause No. 3300 - Flatonia ISD.**

ACTION: Accepted bid for property not sold a Sheriff's Sale - Cause No. 3300 - Flatonia ISD. See attachment hereto marked "Agenda Action 15 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 __

- 16. SUBJECT: Consider and take appropriate action on property not sold a Sheriff's Sale - Cause No. 3284 - Flatonia ISD.**

ACTION: Accepted bid for property not sold a Sheriff's Sale - Cause No. 3284 - Flatonia ISD. See attachment hereto marked "Agenda Action 16 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 __

17. **SUBJECT: Consider and take appropriate action in authorizing Judy Blaha, EMS Administrative Assistant, to attend the EMS Evolution 2017 Conference, June 19-21, 2017, in Montgomery, Texas.**

ACTION: Allowed Judy Blaha, EMS Administrative Assistant, to attend the EMS Evolution 2017 Conference, June 19-21, 2017, in Montgomery, Texas. See attachment hereto marked "Agenda Action 17 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 ___

18. **SUBJECT: Consider and take appropriate action in accepting the summary of the Fayette County Surplus Auction Sale which was held April 29, 2017.**

ACTION: Accepted summary of the Fayette County Surplus Auction Sale which was held April 29, 2017. See attachment hereto marked "Agenda Action 18 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 _

19. **SUBJECT: Consider and take appropriate action concerning salary changes, if any, made during the period of April 23, 2017 to May 20, 2017.**

ACTION: Approved salary changes, if any, made during the period of April 23, 2017 to May 20, 2017. See attachment hereto marked "Agenda Action 19 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County 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 __

20. **SUBJECT: Consider and take appropriate action concerning fines and fees collected for the period of April 01, 2017 through April 30, 2017.**

ACTION: Approved fines and fees collected for the period of April 01, 2017 through April 30, 2017. See attachment hereto marked "Agenda Action 20 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County 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, County 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 _

22. **SUBJECT: Consider and take appropriate action in authorizing the Fayette County Auditor to advertise for proposals from construction managers, either individuals or entities, to provide *construction manager at risk* services to Fayette County for the new EMS Headquarters and Station One.**

ACTION: Authorized the Fayette County Auditor to advertise for proposals from construction managers, either individuals or entities, to provide *construction manager at risk* services to Fayette County for the new EMS Headquarters and Station One.

PERSONS APPEARING BEFORE THE COURT: Harold Streicher, Assistant County Attorney; Kathy Kleiber, County Auditor;

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 ___

23. **SUBJECT: Discuss, consider, and take appropriate action concerning the**

EMS Headquarters and Station One.

ACTION: Accepted all comments. See attachment hereto marked "Agenda Action 23 Exhibit".

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

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

I. April 3, 2017 Special Meeting

II. April 6, 2017 Special Meeting

III. April 10, 2017 Regular Meeting

IV. April 24, 2017 Regular Meeting

ACTION: Approved the following minutes from previous meetings:

PERSONS APPEARING BEFORE THE COURT: Mandy Kasper, Deputy County Clerk

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 ___

25. SUBJECT: Budget Workshop to discuss all revenues/expenditures for 2018 budget and take any action the Commissioners' Court deems necessary.

ACTION: No action taken.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. _____, SECONDED BY COMMR. _____

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

Commr. Weishuhn, vote for __, vote against

Commr. Berckenhoff, vote for __, vote against __

Commr. Muras, vote for ____, vote against __

Judge Janecka, vote for __, vote against __

VIII.

Meeting adjourned at **11 a.m., May 22, 2017**, on motion by Commissioner **Muras**, seconded by Commissioner **McBroom**, 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