

MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **October 23, 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; Cheri Herbrich, County Judge Assistant; Kathy Kleiber, County Auditor; Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator; Harold Streicher, Assistant County Attorney; Sharon Muzny, EMS Director, 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 **Muras**, 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: Open public comments – petitions, requests or statements by the public. Close.**

ACTION: No action.

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 __

2. **SUBJECT: Consider and take appropriate action in signing proclamation commemorating Fayette Electric Cooperative's upcoming 80th anniversary on November 3, 2017.**

ACTION: Signed proclamation commemorating Fayette Electric Cooperative upcoming 80th anniversary on November 3, 2017. See attachment hereto marked "Agenda Action 2 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

3. **SUBJECT: Consider and take appropriate action concerning the request from Catholic Daughters of the Americas Court Annunciation #1962, to place white ribbons on the trees on the Courthouse lawn during the week of October 29 to November 4, 2017, to raise awareness for the White Ribbon Against Pornography Campaign.**

ACTION: Allowed Catholic Daughters of Americas Court Annunciation #1962, to place white ribbons on the trees on the Courthouse lawn during the week of October 29 to November 4, 2017, to raise awareness for the White Ribbon Against Pornography Campaign. See attachment hereto marked "Agenda Action 3 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 ___

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

ACTION: Accepted monthly calls, collection, and financial report from Sharon Muzny, EMS Director. See attachment hereto marked "Agenda Action 3 Exhibit".

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

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

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

ACTION: Accepted presentation from Janet Carrigan. See attachment hereto marked "Agenda Action 5 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator

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 _____

6. **SUBJECT: Consider and take appropriate action on property not sold at Sheriff's Sale-Cause No. 3311-Flatonia ISD.**

ACTION: Rejected property not sold at Sheriff's Sale-Cause No.3311-Flatonia ISD. See attachment hereto marked "Agenda Action 6 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 _____

7. **SUBJECT:** Consider and take appropriate action concerning the plan of Industry Telephone Company, to install a new buried communications line upon and along the right-of-way of Deer Haven Rd and Round Top Rd, (Precinct 3) with Industry Telephone Company being required to make repairs of direct or collateral damage, if any, caused by Industry Telephone Company on the county roads listed above.

ACTION: Allowed plan of Industry Telephone Company, to install a new buried communications line upon and along the right-of-way of Deer Haven Rd and Round Top Rd, (Precinct 3) with Industry Telephone Company being required to make repairs of direct or collateral damage, if any, caused by Industry Telephone Company on the county roads listed above. See attachment hereto marked "Agenda Action 7 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 __

8. **SUBJECT: Consider and take appropriate action in approving the written plan of Fayette Water Supply Corporation to bore under Bittner Road and East Parker Road (Precinct 3), and place and install a new water service line and meter for a customer located at 2737 East Parker Road, and for Fayette Water Supply Corporation to make repairs of any resultant damage done to Bittner Road and East Parker Road.**

ACTION: Allowed Fayette Water Supply Corporation to bore under Bittner Road and East Parker Road (Precinct 3), and place and install a new water service line and meter for a customer located at 2737 East Parker Road, and for Fayette Water Supply Corporation to make repairs of any resultant damage done to Bittner Road and East Parker Road. See attachment hereto marked "Agenda Action 8 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

9. **SUBJECT: Consider and take appropriate action on (1) 2018 Interlocal Contract for Public Safety Answering Point Maintenance, Equipment and Training, and (2) Interlocal Contract for Next Generation 9-1-1 Database Program, between the Capital Area Emergency Communications District and Fayette County.**

ACTION: Signed 2018 Interlocal Contract for Public Safety Answering Point Maintenance, Equipment and Training, and (2) Interlocal Contract for Next Generation 9-1-1 Database Program, between the Capital Area Emergency Communications District and Fayette County. See attachment hereto marked "Agenda Action 9 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

10. **SUBJECT: Consider and take appropriate action in adding into the 9-1-1 Addressing System, the following private roads (not maintained by Fayette County), all in Precinct 1: James Haddox Circle, Earl Austin Drive, Mary's Lane, Lazy Q Fire Station Road, and Dobbins Lane.**

ACTION: Added all the private roads except for Dobbins Lane to the 9-1-1 Addressing System.

PERSONS APPEARING BEFORE THE COURT: Shelia Bledsoe

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 on amending list of nonprofit organizations to include *La Fayette Lodge #34*, as recommended by the Sheriff's Department pursuant to Article 43.10, Code of Criminal Procedure, relating to the authority to require a convicted person to perform manual labor providing maintenance and related serves to a nonprofit organization or for a cemetery maintained by the County.**

ACTION: Amended list of nonprofit organizations to include La Fayette Lodge #34 as recommended by the Sheriff's Department pursuant to Article 43.10, Code of Criminal Procedure, relating to the authority to require a convicted person to perform manual labor providing maintenance and related serves to a nonprofit organization or for a cemetery maintained by the County. See attachment hereto marked "Agenda Action 11 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 ____

12. **SUBJECT: Consider and take appropriate action on Contract for Assessment and Collection Services between Fayette County and Fayette County Appraisal District effective from January 1, 2018 to December 31, 2019.**

ACTION: Signed Contract for Assessment and Collection Services with Fayette County Appraisal District effective from January 1, 2018 to December 31, 2019. See attachment hereto marked "Agenda Action 12 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 ____

13. **SUBJECT: Consider and take appropriate action in approving the audit and subsequent FY2017 Chapter 59 Asset Forfeiture Report, submitted by the County Attorney, who is the attorney representing the State, as required by Article 59.06, Code of Criminal Procedure.**

ACTION: Approved the audit and subsequent FY2017 Chapter 59 Asset Forfeiture Report, submitted by the County Attorney, who is the Attorney representing the State, as required by Article 59.06, Code of Criminal Procedure. See attachment hereto marked "Agenda Action 13 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

14. **SUBJECT: Consider and take appropriate action in adopting a Resolution for the 2018 Fayette County Indigent Defense Grant Program.**

ACTION: Adopted a Resolution for the 2018 Fayette County Indigent Defense Grant Program. See attachment hereto marked "Agenda Action 14 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

15. **SUBJECT: Consider and take appropriate action approving the Maintenance and Supplies Contract with Dewitt Poth & Son for the County Clerk copier.**

ACTION: Approved Maintenance and Supplies Contract with Dewitt Poth & Son for the County Clerk copier. See attachment hereto marked "Agenda Action 15 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

16. **SUBJECT: Consider and take appropriate action accepting and possibly approving bids for Placement and Removal of Roll-Off Debris Dumpsters to collect debris from Hurricane Harvey.**

ACTION: Accepted all bids and awarded bids to All Star Rolloff, Republic Services, Country Waste, and Mica Rentals for Placement and Removal of Roll-Off Debris Dumpsters to collect debris from Hurricane Harvey. See attachment hereto marked "Agenda Action 16 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 ___

17. **SUBJECT: Consider and take appropriate action authorizing the County Auditor to advertize for bids for billing and bill collection services for the Fayette County Emergency Medical Services.**

ACTION: Allowed Auditor to advertize for bids for billing and bill collection services for the Fayette County Emergency Medical Services.

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

18. **SUBJECT: Consider and take appropriate action concerning salary changes, if any, made during the period of September 25, 2017 through October 22, 2017.**

ACTION: Approved salary changes if any, made during the period of September 25, 2017 through October 22, 2017. See attachment hereto marked "Agenda Action 18 Exhibit".

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 ___

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

ACTION: Approved payment of currently due bills and expenses. Talked about refining the wild hog bounty. See attachment hereto marked "Agenda Action 19 Exhibit".

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

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

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

- I. September 11, 2017 - Regular Meeting**
- II. September 18, 2017 - Special Meeting**
- III. September 25, 2017 - Special Meeting (8:00 am)**
- IV. September 25, 2017 - Regular Meeting**
- V. September 28, 2017 - Special Meeting**

ACTION: Approved the following minutes from previous meetings.

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 ___

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

ACTION: Accepted all comments concerning the EMS Headquarters and Station One Construction Project.

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

22. **SUBJECT: Discuss, consider, and take appropriate action concerning the 2017 Fayette County Employee Christmas Party (not funded by Fayette County).**

ACTION: Accepted all comments concerning 2017 Fayette County Employee Christmas Party (not funded by Fayette County).

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. Bercken off, vote for **X**, vote against

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

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

VIII.

Meeting adjourned at **9:54 a.m., October 23, 2017**, on motion by Commissioner **Berckenhoff**, 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