

MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **June 26, 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, **Absent**

IV.

County Officials/County Personnel present during all or any part of the meeting: **Mandy Kasper, Deputy County Clerk; Crystal Landry, Deputy County Clerk; Cassie Austin, Court Administrator; Ruth Ann Wessels, 1st Assistant County Auditor; Sharon Muzny, EMS Director; Malissa Mieth, EMS Assistant Director; Janet Carrigan, Emergency Management Coordinator; Randy Noviskie, Chief Deputy Sheriff; Lorri Grabowski, Assistant County Attorney; Harold Streicher, Assistant County Attorney;**

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 **Weishuhn**, votes for **4**, 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: Accepted comments about political election process due to mid-term resignation of Justice of the Peace #1. Closed public comments. See attachment hereto marked "Agenda Action 1 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Deborah Frank; F Arnold Romberg;

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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against __

2. **SUBJECT: Presentation of Texas Historical Commission's 2016 Distinguished Service Award to Fayette County Historical Commission in recognition of its active and well-balanced preservation program; award to be accepted by Bobbie Nash, Chairperson of the Fayette County Historical Commission.**

ACTION: Presented Distinguished Service Award to Fayette County Historical Commission in recognition of its active and well-balanced preservation program. See attachment hereto marked "Agenda Action 2 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Bobby Nash; Gesine Koether;

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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against __

3. **SUBJECT: Consider and take appropriate action concerning the application from Terry Braun & Gary Braun, requesting a variance of the subdivision of real property.**

ACTION: Granted application from Terry Braun & Gary Braun, requesting a variance of the subdivision of real property. See attachment hereto marked "Agenda Action 3 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Betty Melton;

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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against __

4. **SUBJECT: Consider and take appropriate action on Advance Funding Agreement for bridge replacement of rehabilitation off the state system, between the Texas Department of Transportation and Fayette County, Texas re: Mazurek Rd. over Middle Creek (Precinct 4).**

ACTION: Approved Advance Funding Agreement for bridge replacement of rehabilitation off the state system, between the Texas Department of Transportation and Fayette County, Texas re: Mazurek Rd. over Middle Creek (Precinct 4). See attachment hereto marked "Agenda Action 4 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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against __

5. **SUBJECT: Consider and take appropriate action regarding an Order to abandon, and/or acknowledge private use of, and/or disclaim any public interest in the way, path, or road which is the subject of current litigation involving a portion of the former Old Flatonia Moulton County Road.**

ACTION: Approved an Order to abandon, and/or acknowledge private use of, and/or disclaim any public interest in the way, path, or road which is the subject of current litigation involving a portion of the former Old Flatonia Moulton County Road. See attachment hereto marked "Agenda Action 5 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 __, vote against **Absent**

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

6. **SUBJECT: Consider and take appropriate action in accepting proposed Construction Manager at Risk bids and possibly awarding a Construction Manager at Risk bid to serve as the General Contractor; to perform any and all necessary services of a Construction Manager at Risk for the Fayette County EMS Headquarters and Station Number One project. See attachment hereto marked "Agenda Action 6 Exhibit".**

ACTION: Deferred until July 3, 2017 meeting.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY JUDGE Janecka, 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 __, vote against **Absent**

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

7. **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 7 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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against __

8. **SUBJECT: Hear monthly report from Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator.**

ACTION: Accepted monthly report from Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator. See attachment hereto marked "Agenda Action 8 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator; Randy Noviskie, Chief Deputy Sheriff;

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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against

9. **SUBJECT: Consider and take appropriate action regarding the approval and adoption of the Flood Damage Prevention Regulations Regarding Development in the Unincorporated Areas of Fayette County.**

ACTION: Deferred until July 3, 2017 meeting. See attachment hereto marked "Agenda Action 9 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator; Harold Streicher, 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 __, vote against **Absent**

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

10. **SUBJECT: Consider and take appropriate action on property not sold a Sheriff's Sale - Cause No. 1671 - La Grange ISD.**

ACTION: Accepted property not sold a Sheriff's Sale - Cause No. 1671 - La Grange ISD. See attachment hereto marked "Agenda Action 10 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 __, vote against **Absent**

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

11. **SUBJECT: Consider and take appropriate action on property not sold a Sheriff's Sale - Cause No. 3503A - La Grange ISD.**

ACTION: Accepted property not sold a Sheriff's Sale - Cause No. 3503A - La Grange ISD. See attachment hereto marked "Agenda Action 11 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 __, vote against **Absent**

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

12. **SUBJECT: Consider and take appropriate action concerning salary changes, if any, made during the period of May 21, 2017 through June 25, 2017.**

ACTION: Approved salary changes, if any, made during the period of May 21, 2017 through June 25, 2017. See attachment hereto marked "Agenda Action 12 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Ruth Ann Wessels, 1st Assistant 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 __, vote against **Absent**

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

13. **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 13 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Ruth Ann Wessels, 1st Assistant 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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against __

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

- I. May 8, 2017 Regular Meeting**
- II. May 15, 2017 Special Meeting**
- III. May 22, 2017 Regular Meeting**

ACTION: Approved the following minutes from previous meetings:

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

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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against _

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

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 __

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

ACTION: Accepted all comments.

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 __, vote against **Absent**
Judge Janecka, vote for **X**, vote against __

VIII.

Meeting adjourned at **9:49 a.m., June 26, 2017**, on motion by Commissioner **Weishuhn**, seconded by Commissioner **McBroom**, votes for **4**, 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