

MINUTES OF COMMISSIONERS COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **April 11, 2019**.

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 Joe Weber **Present**
County Commissioner – Precinct No. 1, Jason McBroom **Present**
County Commissioner – Precinct No. 2, Luke Sternadel **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: **Brenda Fietsam, County Clerk; Mandy Kasper, Deputy County Clerk; Kathy Kleiber, County Auditor; Terri Hefner, Elections Administrator; Blake Watson, Assistant County Attorney; Cassie Austin, Court Administrator; David Beyer, Lt. Deputy Sheriff Department; Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator; Sharon Muzny, EMS Director; Harold Streicher, Assistant County Attorney; Clint Sternadel; Designated Representative Subdivision Enforcement; Paul Zapalac, Recycle Center; Cindy Anderson, 911 Dispatcher; Lisa Blaha, 911 Dispatcher; Kimberly Cruz, 911 Dispatcher; Brenda Parkinson, 911 Dispatcher;**

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: Accepted comments on Soil Conservation Week being April 25, 2019 to May 5, 2019.

PERSONS APPEARING BEFORE THE COURT: Rick Schilling, Fayette Soil & Water Conservation District;

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for **X**, vote against __
Commr. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against _

2. **SUBJECT: Consider and take appropriate action in signing proclamation proclaiming April 14-20, 2019 as National Public Safety Telecommunicators' Week in Fayette County.**

ACTION: Signed proclamation proclaiming April 14-20, 2019 as National Public Safety Telecommunicator's Week in Fayette County. See attachment hereto marked "Agenda Action 2 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator; Lisa Blaha, 911 Dispatcher; Cindy Anderson, 911 Dispatcher; Kimberly Cruz, 911 Dispatcher; Brenda Parkinson, 911 Dispatcher;

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for **X**, vote against __
Commr. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against _

3. **SUBJECT: Presentation of Cooperative Teamwork & Recycling Assistance's (CTRA) Certificate of Recognition for Outstanding Recycling Efforts in 2018 to Fayette County; award to be presented by Rachel Hering, Executive Director.**

ACTION: Accepted presentation of Cooperative Teamwork & Recycling Assistance's (CTRA) Certificate of Recognition for Outstanding Recycling Efforts in 2018 to Fayette County; award to be presented by Rachel Hering, Executive Director. See attachment hereto marked "Agenda Action 3 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Rachel Hering, CTRA Executive Director; Paul Zapalac, Recycle Center;

MOVED BY COMMR. Muras, SECONDED BY COMMR. McBroom.

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

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

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

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

Judge Weber, vote for **X**, vote against _

4. **SUBJECT: Hear presentation from representatives of the Fayette County Child Welfare Board.**

ACTION: Accepted presentation from representatives of the Fayette County Child Welfare Board. A Health Safety Fair will be held on April 25, 2019 at 4: 30 p.m..

PERSONS APPEARING BEFORE THE COURT: Cheri Herbrich, Child Welfare Board; Krystal Seger, Child Welfare Board;

MOVED BY COMMR. Sternadel, SECONDED BY COMMR. Berckenhoff.

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

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

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

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

Judge Weber, vote for **X**, vote against _

5. **SUBJECT: Consider and take appropriate action concerning the application from Scott and Debbie Schaffer, requesting a variance of the subdivision of real property.**

ACTION: Deferred until second regular meeting in May, 2019.

PERSONS APPEARING BEFORE THE COURT: Scott Schaffer;

MOVED BY COMMR. Muras, SECONDED BY COMMR. McBroom.

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

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

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

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

Judge Weber, vote for **X**, vote against _

6. **SUBJECT: Consider and take appropriate action concerning the application from Wendy McDaniel, requesting a variance of the subdivision of real property.**

ACTION: Accepted the application from Wendy McDaniel, requesting a variance of the subdivision of real property. See attachment hereto marked "Agenda Action 6 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel; Designated Representative Subdivision Enforcement;

MOVED BY COMMR. Sternadel, SECONDED BY COMMR. Muras.

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

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

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

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

Judge Weber, vote for **X**, vote against _

7. **SUBJECT: Hear presentation from Chad Rhynerson, Regional Manager Sales & Service for Ambulance Medical Billing regarding EMS billing and take necessary action.**

ACTION: Accepted presentation from Ambulance Medical Billing regarding EMS billing and take necessary action. Chad Rhynerson explained in great detail how the AMB Billing process actually works. Sharon Muzny asked for a Collections/Hardship Policy.

PERSONS APPEARING BEFORE THE COURT: Chad Rhynerson, Regional Manager Sales & Service for AMB Billing; Sharon Muzny, EMS Director;

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff
Commr. McBroom, vote for **X**, vote against __
Commr. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against __

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

ACTION: Accepted update as presented concerning the EMS Headquarters and Station One Construction Project.

PERSONS APPEARING BEFORE THE COURT: Gary Hafernack, DKCC; Clint Sternadel; Designated Representative Subdivision Enforcement

MOVED BY COMMR. Muras, SECONDED BY COMMR. Berckenhoff.
Commr. McBroom, vote for **X**, vote against __
Commr. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against __

9. **SUBJECT: Hear monthly report from Clint Sternadel, Designated Representative Sewage and Subdivision Regulation Inspection Enforcement.**

ACTION: Accepted report from Clint Sternadel, Designated Representative Sewage and Subdivision Regulation Inspection Enforcement.

PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, Designated Representative Subdivision Enforcement;

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom.
Commr. McBroom, vote for **X**, vote against __
Commr. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against _

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

ACTION: Accepted report from Janet Carrigan, Emergency Management Coordinator and Floodplain Administrator.

PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator. See attachment hereto marked "Agenda Action 10 Exhibit".

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel.
Commr. McBroom, vote for **X**, vote against __
Commr. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against _

11. **SUBJECT: Consider and take appropriate action on the request from Travis Anderson, Emergency Management Coordinator for the City of La Grange, to utilize the area around the courthouse as a secondary starting point for the MS 150 event, April 27-28, 2019, should the weather or other unforeseen incident occur.**

ACTION: Approved the request from Travis Anderson, Emergency Management Coordinator for the City of La Grange, to utilize the area around the courthouse as a secondary starting point for the MS 150 event, April 27-28, 2019, should the weather or other unforeseen incident occur.

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court Administrator;

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom.
Commr. McBroom, vote for **X**, vote against ___
Commr. Sternadel, vote for **X**, vote against ___
Commr. Berckenhoff, vote for **X**, vote against ___
Commr. Muras, vote for **X**, vote against ___
Judge Weber, vote for **X**, vote against _

12. **SUBJECT: Consider and take appropriate action concerning the plan of Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried fiber optic cables within the corridors of the following road: Old Plum Hwy (Precinct 1), Schulle Rd (Precinct 2), Mach Rd (Precinct 3), Guenther Rd and W. Guenther Rd (Precinct 4), with CVTC being required to make repairs of direct or collateral damage, if any, caused by CVTC to the county roads listed above.**

ACTION: Accepted plan from Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried fiber optic cables within the corridors of the following road: Old Plum Hwy (Precinct 1), Schulle Rd (Precinct 2), Mach Rd (Precinct 3), Guenther Rd and W. Guenther Rd (Precinct 4), with CVTC being required to make repairs of direct or collateral damage, if any, caused by CVTC to the county roads listed above. See attachment hereto marked "Agenda Action 12 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Brian Mueller, CVTC;

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel.

Commr. McBroom, vote for **X**, vote against ___
Commr. Sternadel, vote for **X**, vote against ___
Commr. Berckenhoff, vote for **X**, vote against ___
Commr. Muras, vote for **X**, vote against ___
Judge Weber, vote for **X**, vote against ___

13. **SUBJECT: Consider and take appropriate action concerning acknowledging and signing a letter from TXDOT regarding the bridge replacement project and roadway closure on FM 957 at Mulberry Creek (Precinct 4), beginning August 2019.**

ACTION: Approved signing a letter from TXDOT regarding the bridge replacement project and roadway closure on FM 957 at Mulberry Creek (Precinct 4), beginning August 2019. Judge's Office has sent out letters and a press release. See attachment hereto marked "Agenda Action 13 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court Administrator;

MOVED BY COMMR. Muras, SECONDED BY COMMR. Berckenhoff.

Commr. McBroom, vote for **X**, vote against ___
Commr. Sternadel, vote for **X**, vote against ___
Commr. Berckenhoff, vote for **X**, vote against ___
Commr. Muras, vote for **X**, vote against ___
Judge Weber, vote for **X**, vote against ___

14. **SUBJECT: Consider and take appropriate action concerning acknowledging and signing a letter from TXDOT regarding the bridge replacement project and roadway closure on FM 1579 at Middle Creek (Precinct 4), beginning June 2019.**

ACTION: Approved signing a letter from TXDOT regarding the bridge replacement project and roadway closure on FM 1579 at Middle Creek (Precinct 4), beginning June 2019. Judge's Office has sent out letters and press release. See attachment hereto marked "Agenda Action 14 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Cassie Austin, Court Administrator;

MOVED BY COMMR. Muras, SECONDED BY COMMR. McBroom.

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

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

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

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

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

15. **SUBJECT: Consider and take appropriate action authorizing the County Auditor to advertise for Auction of Salvage or Surplus Property to be conducted by Duncan Auctioneers on May 04, 2019.**

ACTION: Authorized County Auditor to advertise for Auction of Salvage or Surplus Property to be conducted by Duncan Auctioneers on May 04, 2019.

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

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Sternadel.

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

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

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

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

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

16. **SUBJECT: Consider and take appropriate action approving the financing contract with Fayetteville Bank for the financing of a new Voting Tabulation System for the Fayette County Elections Department.**

ACTION: Accepted financing contract with Fayetteville Bank for the financing of a new Voting Tabulation System for the Fayette County Elections Department. See attachment hereto marked "Agenda Action 16 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Blake Watson, Assistant County Attorney; Scott Byler, Fayetteville Bank;

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel.
Commr. McBroom, vote for **X**, vote against __
Commr. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against __

17. **SUBJECT: Consider and take appropriate action approving the Maintenance and Supply agreement with Dewitt Poth & Son for the Justice of Peace, Precinct No. 1 copier.**

ACTION: Approved the Maintenance and Supply agreement with Dewitt Poth & Son for the Justice of Peace, Precinct No. 1 copier. See attachment hereto marked "Agenda Action 17 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. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against __

18. **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 18 Exhibit".

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. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against _

19. **SUBJECT: Consider and take appropriate action in authorizing Brenda Fietsam, County Clerk, Tamah Thomas and Mandy Kasper, Deputy County Clerks, to attend the Probate Academy Conference May 8-10, 2019, in Lubbock, Texas.**

ACTION: Approved Brenda Fietsam, County Clerk, Tamah Thomas and Mandy Kasper, Deputy County Clerks, to attend the Probate Academy Conference May 8-10, 2019, in Lubbock, Texas.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Muras, SECONDED BY COMMR. McBroom.

Commr. McBroom, vote for **X**, vote against __
Commr. Sternadel, vote for **X**, vote against __
Commr. Berckenhoff, vote for **X**, vote against __
Commr. Muras, vote for **X**, vote against __
Judge Weber, vote for **X**, vote against _

Break at 10:27 a.m..

MOVED BY COMMR. **McBroom**, SECONDED BY COMMR. **Sternadel**.

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

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

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

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

Judge Weber, vote for **X**, vote against _

Reopened at 10:33 a.m.

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

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

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

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

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

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

20. **SUBJECT: Enter into closed (executive) session pursuant to Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property, with final action to be taken in open session.**

ACTION: Entered into closed (executive) session at 10:33 a.m. pursuant to Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property, with final action to be taken in open session.

PERSONS APPEARING BEFORE THE COURT:

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

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

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

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

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

Judge Weber, vote for **X**, vote against _

21. **SUBJECT: Return and reconvene to open meeting.**

ACTION: Reconvened to open meeting at 11:03 a.m..

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. **McBroom**, SECONDED BY COMMR. **Sternadel**.

Commr. McBroom, vote for **X**, vote against ___
Commr. Sternadel, vote for **X**, vote against ___
Commr. Berckenhoff, vote for **X**, vote against ___
Commr. Muras, vote for **X**, vote against ___
Judge Weber, vote for **X**, vote against _

22. **SUBJECT: Consider and take appropriate action deemed necessary, including a final action, decision or vote on the matters deliberated in closed session.**

ACTION: Allowed County Judge to negotiate price on property (Old Pioneer Bank Building) but not to sign until approved by Commissioners' Court for further authorization.

PERSONS APPEARING BEFORE THE COURT:

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

Commr. McBroom, vote for **X**, vote against ___
Commr. Sternadel, vote for **X**, vote against ___
Commr. Berckenhoff, vote for **X**, vote against ___
Commr. Muras, vote for **X**, vote against ___
Judge Weber, vote for **X**, vote against _

VIII.

Meeting adjourned at **11: 07 a.m., April 11, 2019**, on motion by Commissioner **McBroom**, seconded by Commissioner **Sternadel**, votes for **5**, votes against **0**.

APPROVED this _____ day of _____, 2019.

Joseph Weber
Fayette County Judge

Jason McBroom
Commissioner, Precinct 1

Luke Sternadel
Commissioner, Precinct 2

Harvey Berckenhoff
Commissioner, Precinct 3

Tom Muras
Commissioner, Precinct 4

ATTEST:

Brenda Fietsam
County Clerk