

**MINUTES OF COMMISSIONERS COURT MEETING**

I.

Attached hereto is/are public notice(s) posted for the meeting of **January 14, 2019**.

II.

The minutes of the Regular Meeting of Fayette County, Texas, Commissioners Court held in the Commissioners Courtroom (3<sup>rd</sup> 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; Cassie Austin, Court Administrator; Kathy Kleiber, Auditor; Harold Streicher, Assistant County Attorney; Blake Watson, Assistant County Attorney; Sharon Muzny, EMS Director; Randy Noviskie, Chief Deputy Sheriff; Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator; Clint Sternadel, Designated Representative Subdivision Enforcement;**

V.

Persons in attendance during all of any part of the meeting: **See attached "Exhibit A".**

VI.

Meeting opened at **9:06 a.m.** on motion by Commissioner **McBroom**, seconded by Commissioner **Sternadel**, 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

Commissioners Court January 14, 2019

**AGENDA ACTION:**

- 1. **SUBJECT: Open public comments – petitions, requests or statements by the public. Close.**

**ACTION: Opened and closed public comments.**

**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 \_\_\_

- 2. **SUBJECT: Consider and take appropriate action in approving Official Bonds.**

**ACTION: Approved Official Bonds.**

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

**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 \_\_\_

3. **SUBJECT: Consider and take appropriate action in appointing Commissioner Tom Muras as County Judge Pro-Tem for 2019.**

**ACTION: Appointed Commissioner Tom Muras as County Judge Pro-Tem for 2019.**

**PERSONS APPEARING BEFORE THE COURT:**

**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 \_\_\_

4. **SUBJECT: Consider and take appropriate action concerning the application from David Kulhanek, requesting a variance of the subdivision of real property.**

**ACTION: Approved application from David Kulhanek, requesting a variance of the subdivision of real property. See attachment hereto marked "Agenda Action 4 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 \_\_\_

5. **SUBJECT: Hear and discuss request from Mark Massey concerning the Compound division, and take necessary action.**

**ACTION: Accepted comments concerning the Compound from Mark Massey.**

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

**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 \_\_\_

6. **SUBJECT: Hear reports, discuss, consider, and take appropriate action concerning the EMS Headquarters and Station One Construction Project.**

**ACTION: Accepted all comments concerning EMS Headquarters and Station One Construction Project. Updated completion date as June 22, 2019.**

**PERSONS APPEARING BEFORE THE COURT: Gary Hafermick, Krueger Construction; Clint Sternadel, Designated Representative Subdivision Enforcement; Sharon Muzny, EMS Director;**

**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 \_\_\_

- 7. **SUBJECT: Consider and take appropriate action concerning Fayette County becoming a Certified Local Government, a program administered by the Texas Historical Commission.**

**ACTION: Approved Fayette County becoming a Certified Local Government, a program administered by the Texas Historical Commission. See attachment hereto marked "Agenda Action 7 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Bobbie Nash, Historical Commission; Kim Newton, Main Street; Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator; Greg Walker, Historical Commission; Charles Hebert; Historical Commission;**

**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 \_\_

- 8. **SUBJECT: Consider and take appropriate action in appointing Commissioner Jason McBroom as the Fayette County Commissioners Court Representative on the Combined Community Action Inc., Board of Directors.**

**ACTION: Appointed Commissioner Jason McBroom as the Fayette County Commissioners Court Representative on the Combined Community Action Inc., Board of Directors. See attachment hereto marked "Agenda Action 8 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Bobbie Nash;**

**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 \_\_

- 9. **SUBJECT: Consider and take appropriate action in adopting and executing a Resolution to approve and authorize the purchase by Fayette County, Texas of the 1.923 acre tract of land, including all buildings and improvements, located at 1630 N. Jefferson Street, La Grange, Texas, said tract of land being adjacent to property owned by Fayette County on which the Justice Center and Sheriff's Office are located, and to authorize Joseph F. Weber, Fayette County Judge, to execute on behalf of Fayette County, Texas, all documents necessary to vest in Fayette County, Texas the fee title to the said 1.923 acre tract of land.**

**ACTION: Deferred until future meeting. Judge Weber requested due diligence in this matter.**

**PERSONS APPEARING BEFORE THE COURT: Randy Noviskie, Chief Deputy Sheriff; Harold Streicher; Assistant County Attorney; Kathy Kleiber, Auditor; Janet Carrigan, Emergency Management Coordinator/Floodplain Administrator; 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 \_\_\_

- 10. **SUBJECT: Consider and take appropriate action in authorizing the County Auditor to prepare a cashier's check in the amount of \$240,340.00, made payable to "OSK, Escrow," in order to pay the agreed purchase amount of \$240,000.00 for the 1.923 acre tract of land, including all buildings and improvements, located at 1630 N. Jefferson Street, La Grange, Texas, and in order to also pay all (estimated) closing costs of \$340.00 due from the County.**

**ACTION: Deferred until future meeting.**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY JUDGE Weber, 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 \_\_\_

11. **SUBJECT: Consider and take appropriate action concerning the Designated Employer Representative (DER) regarding Fayette County's Alcohol and Drug Abuse Policy (and testing procedures) for the County's CDL Drivers, including possibly naming a Commissioner as the Designated Employer Representative and setting the compensation for the DER.**

**ACTION: Appointed Commissioner Luke Sternadel as the Designated Employer Representative and left the compensation the same at \$2,400 annually. Also discussed about how the program needs more work the records are not adequately kept, and handbook needs to be updated.**

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

**MOVED BY COMMR. Muras, SECONDED BY JUDGE Weber.**

Commr. McBroom, vote for \_\_, vote against **X**

Commr. Sternadel, vote for **X**, vote against \_\_

Commr. Berckenhoff, vote for \_\_, vote against **X**

Commr. Muras, vote for **X**, vote against \_\_

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

**AMEND: Commissioner Muras retracted his motion appointing Luke Sternadel as the Designated Employer Representative. Deferred until future meeting.**

**MOVED BY COMMR. Muras, SECONDED BY JUDGE 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 \_\_

12. **SUBJECT: Consider and take appropriate action on amending list of nonprofit organizations to include The La Grange Little League as recommended by 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 for a nonprofit organization or a cemetery maintained by the county.**

**ACTION: Amended the list of nonprofit organizations to include The La Grange Little League as recommended by 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 for a nonprofit organization or a cemetery maintained by the county. See attachment hereto marked "Agenda Action 12 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Randy Noviskie, Chief Deputy Sheriff; Harold Streicher, Assistant County Attorney; Cassie Austin, Court Administrator;**

**MOVED BY COMMR. McBroom, 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 \_\_\_

- 13. **SUBJECT: Consider and take appropriate action concerning the Application for Pipeline Public Road Crossing Permit, submitted by Fayette Service Company, LLC, for said pipeline to cross (a length of approximately 40.6 ft) at one location under Vasut Road (Precinct 2), a public county road located in Fayette County, Texas.**

**ACTION: Approved application for Pipeline Public Road Crossing Permit, submitted by Fayette Service Company, LLC, for said pipeline to cross (a length of approximately 40.6 ft) at one location under Vasut Road (Precinct 2), a public county road located in Fayette County, Texas. It was also discussed that a fee would be charged and that either the Commissioner or someone with Road & Bridge Precinct 2 would need to be present. See attachment hereto marked "Agenda Action 13 Exhibit".**

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

**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 \_\_\_

- 14. **SUBJECT: Consider and take appropriate action concerning the Application for Pipeline Public Road Crossing Permit, submitted by Fayette Service Company, LLC, for said pipeline to cross (a length of approximately 44 ft) at a second location under Vasut Road (Precinct 2), a public county road located in Fayette County, Texas.**

**ACTION: Approved Application for Pipeline Public Road Crossing Permit, submitted by Fayette Service Company, LLC, for said pipeline to cross (a length of approximately 44 ft) at second location under Vasut Road (Precinct 2), a public county road located in Fayette County, Texas. See attachment hereto marked "Agenda Action 14 Exhibit".**

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

**MOVED BY COMMR. Sternadel, 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 concerning entering into a Rental and Services Order and Agreement with Gorman's Laundry, LLC, concerning the supplying of uniforms and uniform cleaning services for County employees at all Road and Bridge Precincts and at the Recycle Center.**

**ACTION: Deferred until a later date.**

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

**MOVED BY COMMR. McBroom, 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 \_\_\_

- 16. **SUBJECT: Consider and take appropriate action concerning accepting and awarding the proposal from Landsman Environmental LLC, (previously Gulf Coast Environmental Health & Safety, LLC) to prepare the Wastewater Permit Renewal Application to the Texas Commission on Environmental Quality, for the West Point Wastewater Treatment Plant Facility, and authorizing County personnel to take all necessary action to secure the renewal of the Permit.**

**ACTION: Accepted proposal from Landsman Environmental LLC, (previously Gulf Coast Environmental Health & Safety, LLC) to prepare the Wastewater Permit Renewal Application to the Texas Commission on Environmental Quality, for the West Point Wastewater Treatment Plant Facility, and authorizing County personnel to take all necessary action to secure the renewal of the Permit. See attachment hereto marked "Agenda Action 16 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Clint Sternadel, Designated Representative Subdivision Enforcement; Kathy Kleiber, Auditor;**

**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 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: Accepted subdivision of real property applications that have been acknowledged as exempt from the Fayette County Commissioners Court by the Fayette County Inspector. See attachment hereto marked "Agenda Action 17 Exhibit".**

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

**MOVED BY COMMR. Sternadel, 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 authorizing Brenda Fietsam, County Clerk, to attend the 2019 CDCAT Winter Conference, January 28-31, 2019 in San Marcos, Texas.**

**ACTION: Approved Brenda Fietsam, County Clerk to attend the 2019 CDCAT Winter Conference, January 28-31, 2019 in San Marcos, Texas. See attachment hereto marked "Agenda Action 18 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY COMMR. Muras, SECONDED BY JUDGE Weber.**

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 Kelly Blackwell, Deputy Clerk, to attend the 2019 CDCAT Winter Conference, January 30, 2019 in San Marcos, Texas.**

**ACTION: Approved Kelly Blackwell, Deputy County Clerk, to attend the 2019 CDCAT Winter Conference, January 30, 2019 in San Marcos, Texas. See attachment hereto marked "Agenda Action 19 Exhibit".**

**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 \_\_\_

20. **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 20 Exhibit".**

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

**MOVED BY COMMR. Berckenhoff, SECONDED BY JUDGE Weber.**

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 **10:34 a.m., January 14, 2019**, on motion by Commissioner **McBroom**, seconded by Judge **Weber**, 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

Commissioners Court January 14, 2019

Not Copy