

MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **April 9, 2018**.

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: **Cassie Austin, Court Administrator; Kathy Kleiber, Auditor; Julie Karstedt, County Clerk; Skip Caldwell, Airport Manager; Gene Zouzalik, Maintenance; Clint Sternadel, Designated Representative Subdivision Enforcement; Harold Streicher, Assistant County Attorney; Mark Pinkley, Dispatcher; Brenda Parkinson, Dispatcher; Nancy Trump, Dispatcher; Cindy Anderson, Dispatcher; Sheryl Young, Dispatcher; Renee Moreland, Dispatcher; Kim Haba, 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 **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: Accepted comments from Skip Caldwell, Airport Manager; and Dick Peck on the re-dedication of the Fayette Regional Air Center to be held April 14, 2018 and comments from Judge Janecka reminding everyone about CPR training coming up.

PERSONS APPEARING BEFORE THE COURT: Skip Caldwell, Airport Manager; Dick Peck

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 concerning the application from Larnie Marburger, requesting a variance of the subdivision of real property.**

ACTION: Deferred until next regular 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 **X**, vote against ___

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

3. **SUBJECT: Consider and take appropriate action concerning the application from Debbie Meyers requesting a variance of the subdivision of real property.**

ACTION: Approved variance of subdivision of real property from Debbie Meyers. See attachment hereto marked "Agenda Action 3 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Renee Diehl, Land Broker;

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 __

4. **SUBJECT: Consider and take appropriate action in signing proclamation proclaiming April 8-14, 2018 as National Public Safety Telecommunicators' Week in Fayette County.**

ACTION: Signed proclamation proclaiming April 8-14, 2018 as National Public Safety Telecommunicators' Week in Fayette County. See attachment hereto marked "Agenda Action 4 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 __

5. **SUBJECT: Consider and take appropriate action concerning Fayette County, Texas granting a release of and from liability to Ferrell Gas, LP, and an indemnification of Ferrell Gas, LP, concerning use for overflow parking of the vacant portions of property owned by Ferrell Gas, LP, said property located at 4252 Propane Lane, La Grange, Texas, said use of the vacant portions for overflow parking to be on Saturday, April 14th, 2018, between the hours of 8 AM to 5 PM, by guests, visitors and other such persons attending the Open House and Airport Rededication of the Fayette Regional Air Center.**

ACTION: Granted release of liability to Ferrell Gas, LP, and an indemnification of Ferrell Gas, LP, concerning use for overflow parking of the vacant portions of property owned by Ferrell Gas, LP, said property located at 4252 Propane Lane, La Grange, Texas, said use of the vacant portions for overflow parking to be on Saturday, April 14th, 2018, between the hours of 8 AM to 5 PM, by guests, visitors and other such persons attending the Open House and Airport Rededication of the Fayette Regional Air Center. See attachment hereto marked "Agenda Action 5 Exhibit".

AMENDED MOTION BEFORE VOTE: Giving County Attorney authority to make any future changes.

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

MOVED BY COMMR. Muras, SECONDED BY COMMR. Berkenhoff
Commr. McBroom, vote for **X**, vote against. ___
Commr. Weishuhn, vote for **X**, vote against ___
Commr. Berkenhoff, 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 in approving an Oil, Gas, and Mineral Lease, and a Memorandum of Oil, Gas, and Mineral Lease of a tract of land comprising a total of 5.5785124 acres, the fee estate (both the surface estate and the mineral estate) of which 5.5785124 acre tract is owned 100% by Fayette County, Texas, in the Miguel Muldoon League, Survey No. 13, Abstract 75, Fayette County, Texas, said 5.5785124 acre tract being further described in the Deed recorded at Volume 33, Page 22, Official Public Records, Fayette County, Texas, said Lease and Memorandum of Lease being between Fayette County and Tri-C Energy Partners 1, LLC, for a bonus of \$700 per acre for a Primary Term of three (3) years, a one-fifth royalty interest, with a two (2) year option for an additional \$700 per acre.

ACTION: Approved an Oil, Gas, and Mineral Lease, and a Memorandum of Oil, Gas, and Mineral Lease of a tract of land comprising a total of 5.5785124 acres, the fee estate (both the surface estate and the mineral estate) of which 5.5785124 acre tract is owned 100% by Fayette County, Texas, in the Miguel Muldoon League, Survey No. 13, Abstract 75, Fayette County, Texas, said 5.5785124 acre tract being further described in the Deed recorded at Volume 33, Page 22, Official Public Records, Fayette County, Texas, said Lease and Memorandum of Lease being between Fayette County and Tri-C Energy Partners 1, LLC, for a bonus of \$700 per acre for a Primary Term of three (3) years, a one-fifth royalty interest, with a two (2) year option for an additional \$700 per acre. See attachment hereto marked "Agenda Action 6 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 ___

7. **SUBJECT: Public hearing to consider and accept comments, both written and oral, from members of the public concerning an appropriate speed limit(s) for Jeddo Road (Precinct 3).**

ACTION: Opened Public Hearing at 9:14 a.m..

PERSONS APPEARING BEFORE THE COURT: Ed and Estella Hughes; Gilbert and Barbara Wetjen;

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 ___

8. **SUBJECT: Consider and take appropriate action in making a finding and determination that the prima facie speed limit on Jeddo Road is unreasonable or unsafe, and in making an order concerning an appropriate speed limit(s) for Jeddo Road (Precinct 3) and issuing a traffic regulation concerning the speed limit(s).**

ACTION: Set prima facie speed limit on Jeddo Road at 40mph. 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: Discussion concerning the Johnson Controls Energy Audit presentation given on February 26, 2018, with possible action including entering into an MOU with Johnson Controls.**

ACTION: Entered into Memorandum of Understanding with Johnson Controls. See attachment hereto marked "Agenda Action 9 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Richard Gibbens, Johnson Controls; Gene Zouzalik, Maintance

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 ___

10. **SUBJECT: Consider and take appropriate action in re-appointing Dr. Bill Nolen, D.O. as Fayette County's Local Health Authority for a two year term.**

ACTION: Reappointed Dr. Bill Nolen D.O. as Fayette County's Local Health Authority for a two year term. See attachment hereto marked "Agenda Action 10 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 ___

11. **SUBJECT: Consider and take appropriate action concerning the request from Fayette Electric Cooperative, Inc., to set one (1) secondary pole in the county right-of-way along Hills Road to extend service to a new customer located at 3745 Hills Road, Precinct 2.**

ACTION: Allowed Fayette Electric Cooperative, Inc., to set one (1) secondary pole in the county right-of-way along Hills Road to extend service to a new customer located at 3745 Hills Road, Precinct 2. See attachment hereto marked "Agenda Action 11 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 ___

12. **SUBJECT: Consider and take appropriate action regarding the possible authorization of the sale of fireworks for the Memorial Day holiday, the period of sale would be from May 23, 2018 and end at midnight, May 29, 2018, in accordance with Occupations Code Section §2154.202 (h)(1).**

ACTION: Allowed sale of fireworks for the Memorial Day holiday, the period of sale would be from May 23, 2018 and end at midnight, May 28, 2018, in accordance with Occupations Code Section §2154.202 (h)(1). See attachment hereto marked "Agenda Action 12 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 ___

13. **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 April 28, 2018.**

ACTION: Allowed County Auditor to advertise for Auction of Salvage or Surplus Property to be conducted by Duncan Auctioneers on April 28, 2018.

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 ___

14. **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: Acknowledged 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 14 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 ___

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

ACTION: Approved claims of currently due Fayette County bills and expenses. See attachment hereto marked "Agenda Action 15 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, 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 __

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

ACTION: Accepted comments on EMS Headquarters and Station One Construction Project.

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

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 __


VIII.

Meeting adjourned at **9:55 a.m.**, **April 9, 2018**, on motion by Commissioner **McBroom**, seconded by Commissioner **Berckenhoff**, votes for **5**, votes against **0**.

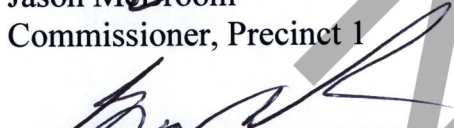
APPROVED this 29th day of May, 2018.



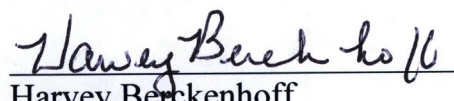
Edward F. Janecka
Fayette County Judge



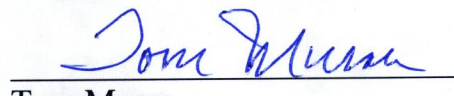
Jason McBroom
Commissioner, Precinct 1



Gary Weiskuhn
Commissioner, Precinct 2

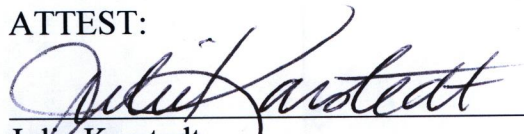


Harvey Berckenhoff
Commissioner, Precinct 3



Tom Muras
Commissioner, Precinct 4

ATTEST:



Julie Karstedt
County Clerk

