

**MINUTES OF COMMISSIONERS' COURT MEETING**

I.

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

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 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: **Mandy Kasper, Deputy County Clerk; Pam Vinklerek, Deputy County Clerk; Randy Noviskie, Chief Deputy Sheriff; Keith Korenek, Sheriff; Clint Sternadel, Designated Representative Subdivision Enforcement; Cassie Austin, Court Administrator; Harold Streicher, Assistant County Attorney; Kathy Kleiber, County Auditor;**

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 Kathy Kleiber reminding everyone that Catapult checkups being next week.**

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

**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 \_\_

2. **SUBJECT: Consider and take appropriate action concerning the application from Mary Stanhope and Ronald Nester, requesting a variance of the subdivision of real property.**

**ACTION: Approved application from Mary Stanhope and Ronald Nester requesting variance of the subdivision of real property. See attachment hereto marked "Agenda Action 2 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: David Nester; Pam Langford;**

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

3. **SUBJECT: Consider and take appropriate action concerning the application from Hrbacek Land & Cattle, by Bubba Hrbacek, requesting a variance of the subdivision of real property.**

**ACTION: Approved application from Hrbacek Land & Cattle by Bubba Hrbacek requesting variance of the subdivision of real property. See attachment hereto marked "Agenda Action 3 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Terrell Newton**

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

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

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 re-appointing Jeanette Burger as a member of the Fayette County Historical Commission.**

**ACTION: Re-appointed Jeanette Burger as a member of the Fayette County Historical Commission. See attachment hereto marked "Agenda Action 4 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY COMMR. Muras, 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 on Memorandum of Understanding for Information Technology Services for Fayette County to clarify responsibilities for the TX A&M AgriLife Extension Service and Fayette County regarding Information Technology support for Fayette County AgriLife Extension Service Office.**

**ACTION: Entered into Memorandum of Understanding for Information Technology Services for Fayette County to clarify responsibilities for the A&M AgriLife Extension Service and Fayette County regarding Information Technology support for Fayette County AgriLife Extension Service Office. See attachment hereto marked "Agenda Action 5 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 \_\_\_

6. **SUBJECT: Discussion with appropriate action setting the date of July 23, 2018, at 9:00 a.m., for a public hearing concerning setting a speed limit on the following road: Plum Church Road (Precinct 1), and for authorization to publish notice of said hearing in the newspaper.**

**ACTION: Agreed to set public hearing July 23, 2018 at 9:00 a.m. concerning setting a speed limit on the following road: Plum Church Road (Precinct 1), and authorized publication of said hearing in the newspaper.**

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 \_\_\_

7. **SUBJECT:** Consider and take appropriate action in approving a Paid-Up Oil and Gas Lease and a Memorandum of Oil, Gas and Mineral Lease of a tract of land comprising a total of 3.980 acres, the mineral estate of which tract is owned 100% by Fayette County, Texas, in the William H. Carson League, A-28, Fayette County, Texas, (said tract being further described in the Deed recorded at Volume 645, Page 446, Official Public Records, Fayette County, Texas), said Lease being between Fayette County and Polaris E & P, L.L.C., for a bonus of \$400.00 per acre, a 1/5<sup>th</sup> royalty interest and a Primary Term of three (3) years, with a two (2) year option for an additional \$400.00 per acre.

**ACTION:** Signed Paid-Up Oil and Gas Lease and a Memorandum of Oil, Gas and Mineral Lease of a tract of land comprising a total of 3.980 acres, the mineral estate of which tract is owned 100% by Fayette County, Texas in the William H. Carson League, A-28, Fayette County, Texas, (said tract being further described in the Deed recorded at Volume 645, Page 446, Official Public Records, Fayette County, Texas), said Lease being between Fayette County and Polaris E & P, L.L.C. for a bonus of \$400.00 per acre, a 1/5<sup>th</sup> royalty interest and a Primary Term of three (3) years, with a two (2) year option for an additional \$400.00 per acre. See attachment hereto marked "Agenda Action 7 Exhibit".

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

**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 \_\_\_

8. **SUBJECT:** Consider and take appropriate action concerning Fayette County purchasing for Precinct 4 a used 2011 International Prostar Truck Tractor (VIN 3HSCUAPRXBN186059) and new dump bed, presently located at Herrmann International, 512 West Alamo Street, Brenham, Texas 77833, for \$38,000.00 payable to Herrmann International, using Precinct 4 Road and Bridge funds that are available and in the 2018 Precinct 4 budget, and authorizing County personnel to sign all necessary and required paperwork.

**ACTION:** Approved the purchase, of a used 2011 International Prostar Truck Tractor, no new dump bed, (VIN 3HSCUAPRXBN186059) for \$38,000.00 payable to Herrmann International, using Precinct 4 Road and Bridge funds in the 2018 budget. Authorized County personnel to sign all necessary and required paperwork. See attachment hereto marked "Agenda Action 8 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 \_\_\_

9. **SUBJECT:** Consider and take appropriate action concerning Fayette County purchasing for Precinct 3 a new 2019 Ford F250 single cab truck, to be built and delivered to La Grange Ford Lincoln, LP., 1605 W. Travis Street, La Grange, Texas 78945, for \$28,153.75 payable to La Grange Ford Lincoln, LP., using Precinct 3 Road and Bridge funds that are available and in the 2018 Precinct 3 budget, and authorizing County personnel to sign all necessary and required paperwork.

**ACTION:** Approved the purchase of a new 2019 Ford F250 single cab truck, to be built and delivered to La Grange Ford Lincoln, LP., 1605 W. Travis Street, La Grange Texas 78945, for \$28, 153.75 payable to La Grange Ford Lincoln, LP., using Precinct 3 Road and Bridge funds that are available and in the 2018 Precinct 3 budget, and authorized County personnel to sign all necessary and required paperwork. See attachment hereto marked "Agenda Action 9 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

10. **SUBJECT: Consider and take appropriate action concerning Fayette County purchasing for Fayette County Sheriff's Department four (4) 2018 Chevrolet Tahoes, presently located at Caldwell Country Chevrolet, 800 State Highway 21 W, Caldwell, Texas 77836, with all prices being State-approved Buy-Board pricing, for the price of \$25,000.00 each for two (2) 2 wheel drive Tahoes (VIN 1GNLCDEC6JR218088 and VIN 1GNLCDEC4JR219353), and \$27,550.00 each for two (2) 4 wheel drive Tahoes (VIN 1GNSKDEC1JR216358 and VIN 1GNSKFEC2JR221032), payable to Caldwell Country Chevrolet, utilizing Fayette County Sheriff's Forfeiture Funds, and authorizing County personnel to sign all necessary and required paperwork.**

**ACTION: Approved purchase for Fayette County Sheriff's Department four (4) 2018 Chevrolet Tahoes, presently located at Caldwell Country Chevrolet, 800 State Highway 21 W, Caldwell, Texas 77836, with all prices being State-approved Buy-Board pricing, for the price of \$25,000.00 each for two (2) 2 wheel drive Tahoes (VIN 1GNLCDEC6JR218088 and VIN 1GNLCDEC4JR219353), and \$27,550.00 each for two (2) 4 wheel drive Tahoes (VIN 1GNSKDEC1JR216358 and VIN 1GNSKFEC2JR221032), payable to Caldwell Country Chevrolet, utilizing Fayette County Sheriff's Forfeiture Funds, and authorized County personnel to sign all necessary and required paperwork. See attachment hereto marked "Agenda Action 10 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Keith Korenek, Sheriff; Randy Noviskie, Chief Deputy Sheriff;**

**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 \_\_\_



11. **SUBJECT: Consider and take appropriate action on approving and entering into an Interlocal Assistance Agreement with other counties concerning Regional Auto Theft Enforcement Task Force.**

**ACTION: Approved Fayette County entering into an Interlocal Assistance Agreement with other counties concerning Regional Auto Theft Enforcement Task Force. See attachment hereto marked "Agenda Action 11 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Randy Noviskie, Chief Deputy Sheriff;**

**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 **X**, vote against \_\_\_

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

12. **SUBJECT: Consider and take appropriate action concerning a renewal contract between Fayette County and Stryker Medical for the maintenance and service of EMS powered stretchers and stairchairs.**

**ACTION: Entered into renewal contract between Fayette County and Stryker Medical for maintenance and service of EMS powered stretchers and stairchairs. See attachment hereto marked "Agenda Action 12 Exhibit".**

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

**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 \_\_\_

13. **SUBJECT: Consider and take appropriate action in authorizing the County Auditor to go out for bids for MC-30 Road Oil, AC-5 Liquid Asphalt, MS-1 Liquid Asphalt, CRS-2 Road Oil, and CRS-2P Road Oil for the remainder of the 2018 year.**

**ACTION: Authorized County Auditor to go out for bids for MC-30 Road Oil, AC-5 Liquid Asphalt, MS-1 Liquid Asphalt, CRS-2 Road Oil, and CRS-2P Road Oil for the remainder of the 2018 year.**

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

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

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: Approved subdivision of real property applications that have been acknowledge 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. 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 \_\_\_

15. **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 15 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, 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 **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 all comments about the drill date for the piers which is July 16, 2018.**

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

**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 \_\_\_

17. **SUBJECT: Budget Workshop to discuss all revenues/expenditures and tax rate, for 2019 budget, and take any action the Commissioners' Court deems necessary.**

**ACTION: Accepted all comments on all revenues/expenditures and tax rate, for the 2019 budget. See attachment hereto marked "Agenda Action 17 Exhibit".**

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

**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 \_\_\_

18. **SUBJECT: Consider and take appropriate action concerning the Fayette County Employee Health Insurance Renewal with the Texas Association of County Health and Employee Benefits Pool (TAC HEBP) effective 10/01/18.**

**ACTION: Approved Fayette County Employee Health Insurance Renewal with the Texas Association of County Health and Employee Benefits Pool (TAC HEBP) effective 10/01/18 with no changes in rates. See attachment hereto marked "Agenda Action 18 Exhibit".**

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

**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 **X**, vote against \_\_\_

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

19. **SUBJECT: Consider and take appropriate action concerning Fayette County offering to its employees a voluntary Vision Plan available for the first time through the Texas Association of County Health and Employee Benefits Pool (TAC HEBP) effective 10/01/18.**

**ACTION: Approved voluntary Vision Plan for County Employees available for the first time through the Texas Association of County Health and Employee Benefits Pool (TAC HEBP) effective 10/01/18.**

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

**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 \_\_

20. **SUBJECT: Consider and take appropriate action approving the Texas County and District Retirement System Plan Assessment for Plan Year 2018.**

**ACTION: Approved the Texas County and District Retirement System Plan Assessment for Plan Year 2019 with the set rate of 10.32%. See attachment hereto marked "Agenda Action 20 Exhibit".**

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

**MOVED BY JUDGE Janecka, 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 \_\_

21. **SUBJECT: Consider and take appropriate action to propose salaries, expenses, and allowances of elected county and precinct officers for the year 2019.**

**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 \_\_

22. **SUBJECT: Consider and take appropriate action in authorizing the County Auditor to publish proposed salaries, expenses, and allowances of elected county and precinct officers for the year 2019.**

**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 \_\_

VIII.

Meeting adjourned at **9:37 a.m., July 9, 2018**, on motion by Commissioner **Weishuhn**, seconded by Commissioner **Berckenhoff**, votes for **5**, votes against **0**.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
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