MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of August 13, 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, Absent

IV

County Officials/County Personnel present during all or any part of the meeting: Julie Karstedt, County Clerk; Mandy Kasper, Deputy County Clerk; Terri Hefner, Elections Administrator; Bernice Svec, Assistant Elections Administrator; Randy Noviskie, Chief Deputy Sheriff; Harold Streicher, Assistant County Attorney; Cassie Austin, Court Administrator; Emma Leppard, County Judge Assistant Part Time; Kathy Kleiber, County Auditor; 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 a.m. on motion by Commissioner McBroom, 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

Commissioners Court August 13, 2018

AGENDA ACTION:

1. SUBJECT: Open and hold first Public Hearing on tax increase concerning the proposed tax rate for Tax Year 2018 of \$0.4440 per \$100 of taxable value to fund the 2019 Fayette County Budget; consider and accept all comments.

ACTION: Opened Public Hearing at 9 a.m.. Accepted all comments on the proposed tax rate for Tax Year 2018.

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

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

1A. SUBJECT: Close first Public Hearing.

ACTION: Closed Public Hearing at 9:05 a.m..

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

2. SUBJECT: Open public comments – petitions, requests or statements by the public. Close.

ACTION: Judge mentioned the burn ban is still in effect.

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

3. SUBJECT: Consider and take appropriate action concerning approving a Energy Saving Performance Contract with Johnson Controls, Inc. (JCI), with a not-to-exceed price of \$882,241, pending 3rd party engineering review and financing, and authorizing Judge Janecka to execute all necessary contract and financing documents upon final legal review.

ACTION: Approved a Energy Saving Performance Contract with Johnson Controls, Inc. (JCI), with a not-to-exceed price of \$882, 241, pending 3rd party engineering review and financing, and authorized Judge Janecka to execute all necessary contract and financing documents upon final legal review.

Weishuhn.

4. SUBJECT: Consider and take appropriate action in accepting financing proposals, and possibly awarding a financing proposal for the financial institution to finance the Energy Savings Performance Contract with Johnson Controls, Inc.

ACTION: Accepted all proposals for the Energy Savings Performance Contract with Johnson Controls, Inc. awarded to National Bank & Trust. See attachment hereto marked "Agenda Action 4 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

5. SUBJECT: Discussion with appropriate action setting the date of August 27, 2018, at 9:00 a.m., for a public hearing concerning setting a speed limit on the following road: Old Lockhart Road (Precinct 1), and for authorization to publish notice of said hearing in the newspaper.

ACTION: Authorized public hearing concerning setting a speed limit on the following road: Old Lockhart Rd. (Precinct 1) for August 27, 2018, at 9:00 a.m., and authorized Auditor to publish notice of said hearing in the newspaper.

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	

6. SUBJECT: Discussion with appropriate action setting the date of August 27, 2018, at 9:00 a.m., for a public hearing concerning setting a speed limit on the following road: Windy Hill Lane (Precinct 1), and for authorization to publish notice of said hearing in the newspaper.

ACTION: Authorized a public hearing concerning setting speed limit on the following road: Windy Hill Lane (Precinct 1) for August 27, 2018, at 9:00 a.m., and authorized Auditor to publish notice of said hearing in newspaper.

PERSONS APPEARING BEFORE THE COURT:

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

7. SUBJECT: Consider and take appropriate action in appointing Presiding Election Judges and Associate Election Judges for the term of September 1, 2018 through August 31, 2019.

ACTION: Approved appointing Presiding Election Judges and Associate Election Judges for the term of September 1, 2018 through August 31, 2019. See attachment hereto marked "Agenda Action 7 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Terri Hefner, Elections Administrator;

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 \overline{X} , vote against

8. SUBJECT: Consider and take appropriate action concerning Order of General Election regarding the General Election to be held on November 6, 2018.

ACTION: Ordered the General Election to be held on November 6, 2018. See attachment hereto marked "Agenda Action 8 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

9. SUBJECT: Consider and take appropriate action concerning the request from Fayette Electric Cooperative, Inc., to set two (2) primary poles in the right-of-way along Cowan Road (Precinct 3), to extend service to a new customer located at 5303 Cowan Road, Flatonia, Texas.

ACTION: Allowed Fayette Electric Cooperative, Inc. to set (2) primary poles in the right-of-way along Cowan Road (Precinct 3), to extend service to a new customer located at 5303 Cowan Road, Flatonia, Texas. See attachment hereto marked "Agenda Action 9 Exhibit".

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McI	room.
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	
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10. SUBJECT: Consider and take appropriate action concerning the plan of Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried copper telephone lines within the corridors of the following roads: Goehring Road, Schoenst Road, Haw Creek Road (Precinct 2), Peeler Road (Precinct 3), Baumgarten Road, Mensik Road, Petter Rainosek Road, Janda Lane, and Mullins Prairie Loop (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: Allowed Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried copper telephone lines within the corridors of the following roads: Goehring Road, Schoenst Road, Haw Creek Road (Precinct 2), Peeler Road (Precinct 3), Baumgarten Road, Mensik Road, Petter Rainosek Road, Janda Lane, and Mullins Prairie Loop (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 10 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

11. 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 roads: Coufal Road, Schumacher Road (Precinct 2), and Mach Road (Precinct 3), with CVTC being required to make repairs of direct or collateral damage, if any, caused by CVTC to the county roads listed above.

ACTION: Allowed Colorado Valley Telephone Cooperative, Inc (CVTC) to install new buried fiber optic cables within the corridors of the following roads: Coufal Road, Schumacher Road (Precinct 2), and Mach Road (Precinct 3), 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 11 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 , vote against Absent

Judge Janecka, vote for X, vote against

12. SUBJECT: Consider and take appropriate action on (1) Interlocal Contract for Public Safety Answering Point Maintenance, Equipment and Training, and (2) Interlocal Contract for Next Generation 9-1-1 Database Program, between the Capital Area Emergency Communications District and Fayette County.

ACTION: Entered into (1) Interlocal Contract for Public Safety Answering Point Maintenance, Equipment and Training, and (2) Interlocal Contract for Next Generation 9-1-1 Database Program, between the Capital Area Emergency Communications District and Fayette County. See attachment hereto marked "Agenda Action 12 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

13. SUBJECT: Consider and take appropriate action concerning First Amendment to the Memorandum of Understanding between Tejas Health Care (Tejas) and Fayette County for provision of prescription assistance services to Tejas clients through the Fayette County Prescription Assistance Program (FC-PAP), said MOU was approved on April 23, 2018.

ACTION: Signed a Memorandum of Understanding between Tejas Health Care (Tejas) and Fayette County for provision of prescription assistance services to Tejas clients through the Fayette County Prescription Assistance Program (FC-PAP), said MOU was approved on April 23, 2018. See attachment hereto marked "Agenda Action 13 Exhibit".

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

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

14. **SUBJECT:** Consider and take appropriate action in re-appointing Bob Heinrich to the Bluebonnet Trails Community Services Board of Trustees for the period of September 1, 2018 through August 31, 2020.

ACTION: Reappointed Bob Heinrich to the Bluebonnet Trails Community Services Board of Trustees for the period of September 1, 2018 through August 31, 2020. See attachment hereto marked "Agenda Action 14 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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

15. SUBJECT: Consider and take appropriate action on Resolution to re-appoint Mr. J.C. Pohl and Mr. Leonard Haynie to serve as Directors of the Fayette County Appraisal District for a two-year term ending December 31, 2020.

ACTION: Reappointed Mr. J. C. Pohl and Mr. Leonard Haynie to serve as Directors of the Fayette County Appraisal District for a two-year term ending December 31, 2020. See attachment hereto marked "Agenda Action 15 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Weishuhr	, SECONDED BY	COMMR.	Berckenhoff.
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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

16. SUBJECT: Consider and take appropriate action concerning the approval of the RCI Destruct Proposal for the pickup and destruction of records that have been previously processed for destruction.

ACTION: Approved the RCI Destruct Proposal for the pickup and destruction of records that have been previously processed for destruction. See attachment hereto marked "Agenda Action 16 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 ____, vote against Absent

17. SUBJECT: Consider and take appropriate action in authorizing the County Auditor to advertise for bids for two (2) tractors to be used for shredding for Precinct 4 Road & Bridge.

ACTION: Authorized the County Auditor to advertise for bids for two (2) tractors to be used for shredding for Precinct 4 Road & Bridge.

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. 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

18. 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 acknowledged as exempt from 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 18 Exhibit".

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

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McB	room
	Toom.
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	

19. SUBJECT: Consider and take appropriate action concerning adopting an amendment to the Fayette County Subdivision Regulations, the amendment requiring all tracts resulting from a division to have separate and exclusive access to a public road, with the separate and exclusive access path for each resultant tract to be a minimum of 30 feet wide.

ACTION: Adopted amendment to the Fayette County Subdivision Regulations, the amendment requiring all tracts resulting from a division to have separate and exclusive access to a public road, with a 30 foot wide easement. 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. 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

20. SUBJECT: Consider and take appropriate action concerning Texas Department of Motor Vehicles' Imposition of Optional Fees for calendar year 2019.

ACTION: Opted to keep the Texas Department of Motor Vehicles' Imposition Fee at \$10 for calendar year of 2019. See attachment hereto marked "Agenda Action 20 Exhibit".

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21. SUBJECT: Consider and take appropriate action in authorizing Rosalinda Adamcik, Tax Assessor-Collector, to attend the V.G. Young Institute of County Government's 36th Annual School for County Tax Assessor-Collectors, November 13-15, 2018, Waco, Texas.

ACTION: Allowed Rosalinda Adamcik, Tax Assessor-Collector, to attend the V.G. Young Institute of County Government's 36th Annual School for County Tax Assessor-Collectors, November 13-15, 2018, Waco, Texas.

PERSONS APPEARING BEFORE THE COURT:

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

22. 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 22 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, 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

23. SUBJECT: 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.

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. 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

24. SUBJECT: Enter into closed (executive) session pursuant to Government Code, Section 551.0785, to deliberate a matter that includes a consideration of information in the medical records of an employee for a benefit from the plan, including a benefit provided by the Sick Leave Pool, Section 2.18 of the Fayette County Personnel Policy Manual, with final action to be taken in open session.

ACTION: Entered into closed (executive) session at 9:36 a.m..

MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. I	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	

25. SUBJECT: Return and reconvene to open meeting.

ACTION: Reconvened at 9:46 a.m..

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

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

ACTION: Approved the draw of sick leave pool for an Employee that was deliberated in closed session.

PERSONS APPEARING BEFORE THE COURT:

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 , vote against Absent

27. SUBJECT: Consider and take appropriate action regarding a possible revision to the Fayette County Employee Manual concerning a benefit provided by the Sick Leave Pool Policy.

ACTION: Amended Employee Manual (section 2.18) for sick leave pool to include spouses.

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

Meeting adjourned at 9:49 a.m., August 13, 2018, on motion by Commissioner Berckenhoff, seconded by Commissioner Weishuhn, votes for 4, votes against 0.

APPROVED this 24th day of September, 2018.	
E Shall	
Edward F. Janecka	
Fayette County Judge	
Jason McBroom	
Commissioner, Precinct 1	
MW	
Gary Weishuhn	
Commissioner, Precinct 2	
Dawy Buch holl	
Harvey Berckenhoff	
Commissioner, Precinct 3	
Som Munu	
Tom Muras	
Commissioner, Precinct 4	
ATTEST:	
Or Nother start	
sucher susheat	
Julie Karstedt Country Clark	
County Clerk	

Commissioners Court August 13, 2018