

MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **February 12, 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, **Absent**
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 as Co. Judge Pro Tem**

IV.

County Officials/County Personnel present during all or any part of the meeting: **Julie Karstedt, County Clerk; Cassie Austin, Court Administrator; Mandy Kasper, Deputy County Clerk; Randy Noviskie, Chief Deputy Sheriff; Malissa Mieth, EMS Assistant Director; Kathy Kleiber, County Auditor; Harold Streicher, Assistant County Attorney; Sharon Muzny, EMS Director;**

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 **Weishuhn**, seconded by Commissioner **Berckenhoff**, 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

AGENDA ACTION:

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

ACTION: No public comments. Closed public comments.

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 __, vote against **Absent**

2. **SUBJECT: Consider and take appropriate action concerning the application from Fayette Ranch Partners, LP, requesting a variance of the subdivision of real property.**

ACTION: Granted Fayette Ranch Partners, LP,. a variance of the subdivision of real property. See attachment hereto marked "Agenda Action 2 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 __, vote against **Absent**

3. **SUBJECT: Consider and take appropriate action on Lease Agreement between Fayette County, Lessor, owner of the Fayette Regional Air Center Airport, and Dan D. Atwood, Lessee, for lease of airport hangar #13.**

ACTION: Signed Lease Agreement between Fayette County, Lessor, owner of Fayette Regional Air Center Airport, and Dan D Atwood, Lessee, for lease of airport hangar # 13. See attachment hereto marked "Agenda Action 3 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 __, vote against **Absent**

4. **SUBJECT: Consider and take appropriate action on entering into a Hay Lease with Randy Foster concerning the land at the Fayette Regional Air Center.**

ACTION: Enter into Hay Lease with Randy Foster concerning the land at the Fayette Air Center. See attachment hereto marked "Agenda Action 4 Exhibit".

PERSONS APPEARING BEFORE THE COURT: **Harold Steicher, 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 **X**, vote against __

Judge Janecka, vote for __, vote against **Absent**

5. **SUBJECT: Consider and take appropriate action in acknowledging the 2017 Racial Profiling Report as submitted by the Fayette County Constable, Precinct #1.**

ACTION: Acknowledged 2017 Racial Profiling Report as submitted by the Fayette County Constable, Precinct #1. See attachment hereto marked "Agenda Action 5 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 __, vote against **Absent**

6. **SUBJECT: Consider and take appropriate action in acknowledging the 2017 Racial Profiling Report, as submitted by the Fayette County Sheriff's Department.**

ACTION: Acknowledged 2017 Racial Profiling Report, as submitted by the Fayette County Sheriff's Department. See attachment hereto marked "Agenda Action 6 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 __, vote against **Absent**

7. **SUBJECT: Consider and take appropriate action in approving the written plan of Fayette Water Supply Corporation to bore under Anders Daniels Road (Precinct 1), and place and install a new water service line and meter for a customer located at 7000 Anders Daniels Road, and requiring Fayette Water Supply Corporation to make repairs of any resultant damage done to Anders Daniels Road.**

ACTION: Allowed Fayette Water Supply Corporation to bore under Anders Daniels Road (Precinct 1), and place and install new water service line and meter for a new customer, as long as they pay for all damages. See attachment hereto marked "Agenda Action 7 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berkenhoff.

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 ___, vote against **Absent**

8. **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: Swiss Alp Loop (Precinct 4), Freyburg Engle Road (Precinct 3), Bauer Road, and Fritsch Road (Precinct 2), with CVTC being required to make repairs of direct or collateral damage, if any, caused by CVTC on the county roads listed above.**

ACTION: Allowed Colorado Valley Telephone Cooperative to install new buried copper telephone lines within the corridors of the following roads: Swiss Alp Loop (Precinct 4), Freyburg Engle Road (Precinct 3), Bauer Road and Fritsch Road (Precinct 2), With CVTV being required to make repairs of direct or collateral damage, if any caused by CVTV on the County Roads listed above. 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 ___, vote against **Absent**

9. **SUBJECT: Consider and take appropriate action concerning Fayette County purchasing for Precinct 3 a used 2012 International Prostar Truck Tractor (VIN 1HTMMAAN1CH535496) and new dump bed, presently located at Herrmann International, 512 West Alamo Street, Brenham, Texas 77833, for \$34,500.00 payable to Herrmann International, 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: Allowed Fayette County to purchase for precinct 3 a used 2012 International Prostar Truck Tractor (VIN 1HTMMAAN1CH535496) and new dump bed, presently located at Herrmann International, 512 West Alamo Street, Brenham, Texas 77833, for \$34,500.00 payable to Herrmann International, 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. 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 ___, vote against **Absent**

10. **SUBJECT: Consider and take appropriate action on request from the City of La Grange, Main Street & Tourism Assistant Manager, to use the exterior grounds and north side of the Courthouse grounds to set-up tables, weather permitting, for the following event: Uncorked Wine and Food Festival - Saturday, February 17, 2018.**

ACTION: Allowed La Grange Main Street & Tourism, to use the exterior grounds and north side of the Courthouse grounds to set-up tables, weather permitting, for the following event: Uncorked Wine and Food Festival - Saturday, February 17, 2018. See attachment hereto marked "Agenda Action 10 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 **X**, vote against __

Judge Janecka, vote for __, vote against **Absent**

11. **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: Acknowledge subdivisions as exempt from Regulations by statute, as provided to the Fayette County Commissioners' Court by the Fayette County Inspector. 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 **X**, vote against __

Judge Janecka, vote for __, vote against **Absent**

12. **SUBJECT: Consider and take appropriate action declaring an Alamo brush cutter attachment, presently used by Precinct 1 Road and Bridge, as being salvage property and no longer usable by Fayette County.**

ACTION: Declared Alamo brush cutter attachment, as being salvage property and no longer usable by Fayette County.

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. McBroom, 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 ____, vote against **Absent**

13. **SUBJECT: Consider and take appropriate action on the SAVNS Maintenance Grant Contract between the Office of the Attorney General and Fayette County for the State fiscal year 2018.**

ACTION: Signed SAVNS Maintenance Grant Contract between the Office of the Attorney General and Fayette County for the State fiscal year 2018. See attachment hereto marked "Agenda Action 13 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 **X**, vote against __
Judge Janecka, vote for ____, vote against **Absent**

14. **SUBJECT: Consider and take appropriate action authorizing the County Auditor to advertise for printing and office paper bids.**

ACTION: Authorized County Auditor to advertise for printing and office paper.

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 __, vote against **Absent**

15. **SUBJECT: Consider and take appropriate action concerning the Fayette County Sheriff's Office 2018 Forfeiture Fund Budget.**

ACTION: Accepted Fayette County Sheriff's Office 2018 Forfeiture Fund Budget. See attachment hereto marked "Agenda Action 15 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor; 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 __, vote against **Absent**

16. **SUBJECT: Consider and take appropriate action authorizing the County Auditor to advertise for a Jail Transport Vehicle as per the 2018 Adopted Budget.**

ACTION: Authorized County Auditor to advertise for Jail Transport Vehicle.

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

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 ___, vote against **Absent**

17. **SUBJECT: Consider and take appropriate action concerning Fayette County purchasing, for the Sheriff's Department, a Demo 2017 Chevrolet Tahoe, VIN # 1GNLCDKCXHR242683, including installed police lighting, warning equipment, and front and rear partition, for the total price of \$35,000.00 payable to Lone Star Products and Equipment, 2131 FM 1960 Road West, Houston, Texas 77090. All funds used are from the Sheriff Department's Forfeiture budget.**

ACTION: Allowed the purchase for the Sheriff's Department, a Demo 2017 Chevrolet Tahoe, VIN # 1GNLCDKCXHR242683, including installed police lighting, warning equipment, and front and rear partition, for the total price of \$35,000.00 payable to Lone Star Products and Equipment, 2131 FM 1960 Road West, Houston, Texas 77090. All funds used are from the Sheriff Department's Forfeiture budget. See attachment hereto marked "Agenda Action 17 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor; 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 ___, vote against **Absent**

- 18. SUBJECT: Consider and take appropriate action in authorizing Kelly Blackwell and Jennifer Berger, County Clerk Deputies, to attend the 2018 Criminal Justice Information System Reporting Conference, March 22-23, 2018, in Austin, Texas.**

ACTION: Allowed Kelly Blackwell and Jennifer Berger, County Clerk Deputies, to attend the 2018 Criminal Justice Information System Reporting Conference, March 22-23, 2018, in Austin, Texas. See attachment hereto marked "Agenda Action 18 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 __, vote against **Absent**

- 19. SUBJECT: Consider and take appropriate action in authorizing Dan Mueller, Justice of the Peace Precinct 4, to attend the mandatory 20 hour J.P. School, February 11-14, 2018, in Austin, Texas.**

ACTION: Allowed Dan Mueller, Justice of the Peace Precinct 4, to attend the mandatory 20 hour J. P. School, February 11-14, 2018, in Austin, Texas. See attachment hereto marked "Agenda Action 19 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 __, vote against **Absent**

20. **SUBJECT: Consider and take appropriate action on property not sold at Sheriff's Sale-Cause No. 3311-Flatonia ISD.**

ACTION: Rejected Sheriff's Sale-Cause No. 3311- Flatonia ISD. See attachment hereto marked "Agenda Action 20 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 ___, vote against **Absent**

21. **SUBJECT: Consider and take appropriate action concerning fines and fees collected for the period of December 1, 2017 through December 31, 2017.**

ACTION: Accepted fines and fees collected for the period of December 1, 2017 through 31, 2017. See attachment hereto marked "Agenda Action 21 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. Weishuhn, vote for **X**, vote against ___

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

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

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

22. **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 22 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County 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 ___, vote against **Absent**

23. **SUBJECT: Consider, discuss, and take appropriate action concerning presentation from Ed Collins, and from BBA Architects, and Don Krueger Construction Company concerning the EMS Headquarters and Station One Construction Project.**

ACTION: Accepted all comments. See attachment hereto marked "Agenda Action 23 Exhibit".

PERSONS APPEARING BEFORE THE COURT: ED Collins, Harold Streicher, Assistant County Attorney; 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 **X**, vote against ___
Judge Janecka, vote for ___, vote against **Absent**

VIII.

Meeting adjourned at **9:50 a.m., February 12, 2018**, on motion by Commissioner **Berckenhoff**, seconded by Commissioner **McBroom**, votes for **4**, 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