

THE STATE OF TEXAS )(

COUNTY OF LAVACA )(

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, April 28, 2014 at 10:00 A. M. in the Lavaca County Commissioners' Courtroom, 1<sup>st</sup> Floor, in Hallettsville, Texas with Judge Tramer J. Woytek presiding and with Commissioner Edward Pustka, Pct. 1, Commissioner Ronald Berckenhoff, Pct. 2, Commissioner R. W. Brown, Pct. 3, and Commissioner Dennis W. Kocian, Pct. 4 all being present. Others in attendance were: Shana R. Opela, Elizabeth A. Kouba, Deborah A. Sevcik, Jimmy Appelt, Karen Bludau, Dana Pohler, Clark Lord, Christopher Coleman, Robert T. Bass, Gary Maneth, Alene Lyons, Hallie Hall, Monica Barnes, Debbie Fishbeck, Roseann Mikes, Patty Grahmann, J. R. Peters, Conyetta Gaus Swaney, Sherry T. Henke and Barbara Steffek.

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The meeting was called to order by Judge Tramer J. Woytek followed by the Pledge of Allegiance to the U.S. and Texas Flags.

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Under Public Communications Hallettsville ISD Superintendent Jo Ann Bludan addressed the court about the upcoming Bond Election.

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Public Hearing on Proposed Designation of Reinvestment Zone

The Public Hearing was opened at 10:04 a.m. and closed at 10:06 a.m.

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1. Presentation of 2013 Service Awards. (County Judge)

Judge Tramer Woytek presented Service Awards to those that were present and acknowledged the employees that were not present.

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2. Select meeting date for May 26, 2014 due to Memorial Day holiday and the runoff election on May 27, 2014 which will use the Commissioners Courtroom. (County Judge)

Moved by Judge Tramer Woytek, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to reset the meeting date to May 28 in the Commissioner's Courtroom at 10:00 a.m.

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3. Lavaca County Probation Department regarding storage needs. (Probation Dept.)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to table and bring back at the next meeting and look at the options available.

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4. Lavaca County Sheriff regarding additional office space. (Sheriff)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to look at options and bring it back at the next meeting.

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5. Retain Allison, Bass & Magee, L.L.P. to represent Lavaca County regarding the creation and designation of one or more County Reinvestment Zones for the purpose of Tax Abatement for economic development and authorize the County Judge to sign retainer agreement. (County Judge)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to retain Allison, Bass & Magee, L.L.P. to represent Lavaca County regarding the creation and designation of one or more County Reinvestment Zones for the purpose of Tax Abatement for economic development and authorize the County Judge to sign the retainer agreement.

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6. Comprehensive Annual Financial Report for Lavaca County for Fiscal Year ended September 30, 2013. (Auditor)

Moved by Commissioner R. W. Brown, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the Comprehensive Annual Financial Report for Lavaca County for Fiscal Year ended September 30, 2013.

\*See Commissioner Court Folder to view Comprehensive Annual Financial Report.

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7. Ratify Proclamation signed on April 10, 2014 by the County Judge proclaiming April 27 to May 4, 2014 as Soil and Water Stewardship Week. (County Judge)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Dennis Kocian, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to ratify the Proclamation signed on April 10, 2014 by the County Judge proclaiming April 27 to May 4, 2014 as Soil and Water Stewardship Week.

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8. Approve Contracts with Govt Portal for credit card payments for Justice of the Peace Precinct 2, 3 and 4 and authorize County Judge to sign the contracts. (JP 2, 3, 4)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to approve the Contracts with Govt Portal for credit card payments for Justice of the Peace Precinct 2, 3 and 4 and authorize the County Judge to sign the contracts.

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9. Consideration and possible action for variance request to Guidelines and Criteria for Granting Tax Abatement in a Reinvestment Zone Created in Lavaca County. (County Judge)

Moved by Judge Tramer Woytek, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED that under our Guidelines and Criteria for Granting Tax Abatement relating to Heyco that we grant a waiver of Section 2, Clause h, Number 2 and modify that from requiring 15 employees reducing it down to 8 employees and grant a waiver entirely of Section 3, Clause c, Number 9.

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10. Proposed Order Creating Lavaca County Reinvestment Zone No. 3. (County Judge)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the proposed Order Creating Lavaca County Reinvestment Zone No. 3.

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11. Consideration and approval of Application for Tax Abatement by Heyco LNG, LLC and Agreement for Tax Abatement by and between Lavaca County, Texas and Heyco LNG, LLC. (County Judge)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to consider and approve the Application for Tax Abatement by Heyco LNG, LLC and Agreement for Tax Abatement by and between Lavaca County, Texas and Heyco LNG, LLC tentatively to meet with the attorney to make agreement and give the County Judge authorization to sign after agreement between Judge and Heyco.

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12. Accept resignation of Yolanda Miranda from the Senior Citizens Program. (Program Coordinator)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the resignation of Yolanda Miranda from the Senior Citizens Program.

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13. Hire Morris Walker as a substitute employee for the Senior Citizens Program to work only when needed at the rate of \$7.25 per hour. (Program Coordinator)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to hire Morris Walker as a substitute employee. He will work only when needed at the rate of \$7.25 per hour.

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14. Quitclaim Deed from Lavaca County, Texas to Klaus W. Alkier and wife, Wanda N. Alkier of 0.16 acre of land, part of the Anthony Brown Survey, Abstract No. 76, Lavaca County, Texas. (Comm. Pct. 1)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Dennis Kocian, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the Quitclaim Deed from Lavaca County, Texas to Klaus W. Alkier and wife, Wanda N. Alkier of 0.16 acre of land, part of the Anthony Brown Survey, Abstract No. 76, Lavaca County, Texas.

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15. Per Local Government Code Section 111.0108, Certification of Unanticipated Revenue: Texas Comptroller of Public Accounts – County Attorney Judiciary Apportionment \$9,166.67. (Auditor)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to per Local Government Code Section 111.0108, Certification of Unanticipated Revenue: Texas Comptroller of Public Accounts-County Attorney Judiciary Apportionment \$9,166.67.

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16. Permission to allow Commissioner R. W. Brown to enter into negotiation with Cynthia Caka to acquire land to improve the intersection of LCR #351 and LCR #353. (Comm. Pct 3)

Moved by Commissioner R. W. Brown, Seconded by Commissioner Dennis Kocian, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to allow Commissioner R. W. Brown to enter into negotiation with Cynthia Caka at the appropriate time to acquire land to improve the intersection of LCR #351 and LCR #353.

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**Consent Agenda** – Unless a member of the Court requests a separate consideration of any items, all under the Consent Agenda are considered to be of routine nature or have been previously deliberated by the Court in an open meeting and therefore may be approved by one motion, second and vote.

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the consent agenda.

17. Minutes of April 14, 2014 Regular Meeting.

18. Lavaca County Road Special Use Agreement/Permit between O’Toole Oil & Gas, LLC and Lavaca County Precinct #1 to include LCR #18.

19. Application for Lavaca County Pipeline Permit between Tidal Petroleum, Inc. and Lavaca County Precinct #2 to include LCR #290.

20. Lavaca County Road Special Use Agreement/Permit between Penn Virginia and Lavaca County Precinct #2 to include LCR #283, LCR #284 and LCR #285.

21. Budget Amendments, if any

22. Claims

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Court members signing of paperwork related to items above

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Adjournment by Presiding Officer


**STATEMENT OF APPROVAL**

**THE STATE OF TEXAS ]**

**COUNTY OF LAVACA ]**

**WE, the COUNTY JUDGE, and COMMISSIONERS of  
LAVACA COUNTY, TEXAS, majority being present, do hereby certify that the above and  
foregoing Minutes of the Commissioners' Court Meeting dated April 28, 2014, are  
this day approved as submitted.**

**Signed this the 12th day of May, A.D. 2014.**

  
**TRAMER J. WOYTEK, COUNTY JUDGE**

**ACKNOWLEDGED:**

  
**ELIZABETH A. KOUBA, COUNTY CLERK**

