

THE STATE OF TEXAS)(
COUNTY OF LAVACA)(

Regular Meeting March 23, 2020

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, March 23, 2020 at 10:00 A. M. in the Lavaca County Commissioners' Courtroom, 1st Floor, in Hallettsville, Texas.

Present:

County Judge Keith Mudd
 Edward Pustka, Commissioner Pct. 1
 Ronald Berckenhoff, Commissioner Pct. 2
 Neil F Bates, Jr., Commissioner Pct. 3
 Dennis W. Kocian, Commissioner Pct. 4
 Elizabeth A. Kouba, County Clerk

The attached sheets contain the names of the citizens and officials that were in attendance.

Roll Call:

All members of the court were present.

The meeting was called to order by County Judge Keith Mudd, followed by the Pledge of Allegiance and Pledge to the Texas Flag by Commissioner Edward Pustka.

Invocation: Pastor Jarod Stillions

Discussion and/or Action Agenda:

1. Discuss, and/or take action regarding live streaming commissioner's court meetings for better public access, transparency, emergency operations and to comply with social distancing during pandemics. (Judge)

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Neil F. Bates, Jr.

"I'll so move. I make a motion that we keep that action regarding live streaming commissioner's court meetings for better public access, transparency, emergency operations and to comply with social distancing during pandemics."

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried**Court Order: 17892****NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE COURT.**

2. Review COVID-19 Disaster Declaration, discuss and/or take appropriate action, including immediate action, due to the imminent threat to public health and safety as a result of the spread of the Coronavirus (COVID-19) pandemic, as declared by the World Health Organization on March 11, 2020. (Judge)

County Judge Keith Mudd called for a motion to bring this item to the floor.

Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff.

“I make a motion to bring it to the court.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

A COVID-19 update was given to the court by Egon Barthels, Lavaca County Emergency Management Coordinator.

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Ronald Berckenhoff.

“I make a motion that we extend the Disaster Declaration for 20 days.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried**Court Order: 17893****NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE COURT.**

3. Discuss and/or approve addendum to Lavaca County Emergency Management Basic Plan and update to the Basic Plan. (Judge)

County Judge Keith Mudd called for a motion to bring this item to the floor.

Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff.

“I make that motion.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Judge Keith Mudd clarified that no addendum or updates will be made to the Emergency Management Basic Plan at this time and that it will be reviewed in its entirety this year.

Motion Carried

Court Order: 17894

NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE COURT.

4. Schmidt and Sons, Inc. from Gonzales, Texas to address the Court regarding the current Lavaca County fuel/bid/contract. (Auditor)

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka.

“I make a motion to change the fuel bid to allow Schmidt and Sons to charge Lavaca County for fuel delivery at the purchased rack price not the rack price on the day of the delivery and to note that the markup would remain the same, .095 for all departments.”

Shana Opela, Lavaca County Auditor, read a statement from Henry Schmidt, Jr. of Schmidt and Sons, Inc. aloud to the Court.

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17895

5. Quitclaim Deed from County of Lavaca to Alton Brown, Jr. 0.075 of an acre (3,265 square feet) of land situated within the Town of Sweet Home in the Silas M. Morris Survey. (Comm. Pct. 3)

Moved by Commissioner Neil F. Bates, Jr., seconded by Commissioner Dennis W. Kocian.

“I’d like to make in the form of a motion a Quitclaim Deed from County of Lavaca to Alton Brown, Jr. 0.075 of an acre which would be 3,265 square feet of land situated within the Town of Sweet Home in the Silas M. Morris Survey.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES

Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried
Court Order: 17896

6. Quitclaim Deed from County of Lavaca to Timothy D. Boswell and wife, Robin L. Boswell 0.098 of an acre (4,249 square feet) of the land situated within the Town of Sweet Home in the Silas M. Morris Survey. (Comm. Pct. 3)

Moved by Commissioner Neil F. Bates, Jr., seconded by Commissioner Ronald Berckenhoff.

“I would like to receive as a motion Quitclaim Deed from County of Lavaca to Timothy D. Boswell and wife, Robin L. Boswell 0.098 of an acre (4,249 square feet) of the land situated within the Town of Sweet Home in the Silas M. Morris Survey and I make that in the form of a motion.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried
Court Order: 17897

7. Order Authorizing San Jacinto Day Fireworks Sale. (Judge)

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka.

“I make a motion to approve the Order Authorizing San Jacinto Day Fireworks Sale.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried
Court Order: 17898

8. Discuss conflict of the County Court Jury Trial date and the regularly scheduled Commissioners Court meeting on Wednesday, May 27, 2020 and move to suggested date of Monday, May 18, 2020. (Judge)

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Neil F. Bates, Jr.

“I’d like to go ahead and make a motion that we move the official meeting that we scheduled for May 27, 2020 and move it back to Tuesday, May 26th.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17899

NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE COURT.

9. Declare the items on the attached Exhibit A as surplus property. (Probation Dept.)

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Ronald Berckenhoff.

“I make a motion to declare the items on the attached Exhibit A as surplus property from the Probation Department.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17900

10. Declare the items on the attached Exhibit B as surplus property. (Comm. Pct. 3)

Moved by Commissioner Neil F. Bates, Jr., seconded by Commissioner Dennis W. Kocian.

“I would like to move that.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17901

11. Approve ACA Reporting and Tracking (ARTS) 2020 Renewal Confirmation Program Agreement with Texas Association of Counties. (Auditor)

Moved by Commissioner Neil F. Bates, Jr., seconded by Commissioner Dennis W. Kocian.”

“I so move that.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17902

12. Approve renewal of 2020/2021 Property Coverage with the Texas Association of Counties Risk Management Pool. (Auditor)

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka.

“I make a motion to approve the renewal of the 2020/2021 Property Coverage with the TAC Risk Management Pool.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17903

13. Accept verbal resignation of Jeffery Frazer effective March 6, 2020. (Comm. Pct. 3)

Moved by Commissioner Neil F. Bates, Jr., seconded by Commissioner Dennis W. Kocian.

“I will make a motion to accept the verbal resignation of Jeffery Frazer effective March 6, 2020.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17904

NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE COURT.

14. Advertise for full-time position in Precinct 3 Road and Bridge Department. (Comm. Pct. 3)

“I’d like your permission to advertise for full-time position in Precinct 3 Road and Bridge Department.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17905

15. Audit/Review of Jail Commissary for October 1, 2018 through September 30, 2019 in accordance with Local Government Code 351.0415(d). (Auditor)

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka.

“I make a motion to approve the Audit/Review of Jail Commissary for October 1, 2018 through September 30, 2019 in accordance with Local Government Code 351.0415(d).”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17906

16. Approve HGAC contact #EM06-19 purchase of 2020 CAT 12M3 Motor Grader for Lavaca County Precinct 4 with five (5) year Lease Purchase Agreement financed through First National Bank Leasing, 3801 Fairway Blvd., Wichita Falls, TX 76310 and authorize County Judge to sign lease purchase documentation. (Auditor)

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Edward Pustka.

“I make so motion.”

County Judge Keith Mudd called for a motion to bring this item to the floor.

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Neil F. Bates, Jr.

“I’d like to make a motion to approve HGAC contact #EM06-19 purchase of 2020 CAT 12M3 Motor Grader for Lavaca County Precinct 4 with five (5) year Lease Purchase Agreement financed through First National Bank Leasing, 3801 Fairway Blvd., Wichita Falls, TX 76310 and authorize County Judge to sign lease purchase documents.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES

Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried
Court Order: 17907

17. Approve surplus of Precinct 4 1992 CAT 120G Motor Grader with Tag #4017/SN 4HD01645 as trade-in on 2020 CAT 12M3 Motor Grader. (Auditor)

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Neil F. Bates, Jr.

“I make a motion to approve surplus of Precinct 4 1992 CAT 120G Motor Grader with Tag #4017/SN 4HD01645 as trade-in on 2020 CAT 12M3 Motor Grader.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried
Court Order: 17908

NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE COURT.

18. Award bids for the purchase of the following items:

- a. **Purchase and delivery of gravel post oak pit run with red binder and gravel post oak screened 1 ½” and down with red binder for various Lavaca County Roads;**
- b. **Purchase of seal coating, resealing and fogseal for Lavaca County Roads;**
- c. **Level Up Patch Material Pre-Mix Type D.** (Commissioners)

a. Purchase and delivery of gravel post oak pit run with red binder and gravel post oak screened 1 ½” and down with red binder for various Lavaca County Roads:

Moved by Commissioner Ronald Berckenhoff., seconded by Commissioner Edward Pustka.

“I make motion to award the bids for purchase of the following item, purchase and delivery of gravel post oak pit run with red binder and gravel post oak screened 1 ½” and down with red binder for various Lavaca County Roads to:

- Bid #1612 Prihoda Gravel Company, Precinct #1 a cost of \$13.25; Precinct #2 a cost of \$16.00; Precinct 3 a cost for \$14.25; Precinct #4 a cost of \$14.25; and a pick-up at plant price of with a cost of \$4.95.
- Also to award to Bid #1613, Durrett Sand & Gravel, Precinct #1 a cost of \$16.75; Precinct #2 a cost of \$14.50, \$15.75 and \$17.75, that’s three different stockpile locations, Moulton, Cotton Grove, and Hackberry; Precinct #3 a cost of \$14.50; Precinct #4 a cost of \$16.50; and a pick-up plant price of \$7.00.
- Also to award to Allstar Materials, Bid #1615, pick-up at plant price \$6.50.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

Moved by Commissioner Ronald Berckenhoff., seconded by Commissioner Edward Pustka.

“I make a motion to approve the bid for gravel post oak 1 ½” and down with red binder for price per ton delivered to:

- Precinct 1, Bid #1612, Prihoda Gravel Company, a cost of \$13.75; Precinct 2 a cost of \$16.75; Precinct 3 a cost of \$16.50; Precinct 4 a cost of \$16.50; and pick-up at plant price a cost of \$5.95.
- Also to award to Bid #1613, Durrett Sand & Gravel of Gonzales for Precinct #1 a cost of \$16.75; Precinct #2 a cost of \$14.50, \$15.75 and \$17.75 for the Moulton, Cotton Grove and Hackberry stockpile locations; Precinct #3 a cost of \$14.50; Precinct #4 a cost of \$16.50 and a pick-up at the plant price of \$7.00.
- Also to award to Bid #1615, Allstar Materials, they have no bid on the delivery to Precinct 1,2,3, or 4, just a pick-up at the plant price of \$8.00.
- Also to award to Bid # 1616 for Duran Gravel Company of Lockhart for Precinct #1 a cost of \$18.80; Precinct #2 a cost of \$16.20; Precinct #3 a cost of \$18.00; Precinct #4 a cost of \$18.00; and pick-up at plant price a cost of \$6.40.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

Moved by Commissioner Ronald Berckenhoff., seconded by Commissioner Edward Pustka.

“I make a motion to accept the bids for delivery to location:

- Bid # 1612, Prihoda Gravel Company, Precinct 1 to deliver to any county road, \$14.25 for the pit run gravel; \$15.50 for the screened gravel; also Prihoda Gravel Company, Precinct #2 \$16.50 for the pit run and \$16.75 for the screened gravel; Precinct #3, \$15.25 for the pit run and \$16.50 for the screened gravel; Precinct #4 pit run \$15.25 and screened gravel \$16.25.
- Also to award to Durrett Sand & Gravel, Bid #1613, from Gonzales to Precinct #1 any county road a cost of \$18.75; Precinct #2 any county road a cost of \$19.00; Precinct #3 any county road a cost of \$16.90; and Precinct #4 a cost of \$18.50.”

Motion Carried

Court Order: 17909a

NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE COURT.

c. Level Up Patch Material Pre-Mix Type D

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka.

“I make a motion to approve the purchase of Level Up Patch Material Pre-Mix Type D with TXDOT specs to:

- Bid #1614, Vulcan Materials delivered price to Precinct #1 \$72.79 for the **Pre-Mix Type D**; Pre-Mix Type D to Precinct #2 delivered price of \$71.19; Precinct 3 delivered price Pre-Mix Type D \$71.19; Precinct #4 Pre-Mix Type D delivery price of \$75.19; and a plant pick-up price of Pre-Mix Type D at \$41.50.
- Also to accept their bid of **Pre-Mix Type D Plus**, Precinct #1 - \$78.29; Precinct #2 - \$76.69; Precinct #3 - \$76.69; Precinct #4 - \$80.69 and plant price of \$47.00.

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

Motion Carried

Court Order: 17909c

NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE

b. Purchase of seal coating, resealing and fogseal for Lavaca County Roads;

Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff.

“I make a motion to accept the Bids from H & C Construction, Bid #1617, Option #1 is \$1.06 per square yard; Option #2 is \$.50 per square yard; Option #3 is \$2.12 per square yard; Option #4 is \$1.00 per square yard; Option #5 is \$1.26 per square yard; Option #6 is \$3.49 a gallon”

Note: “The current wholesale cost of MC-30 is \$2.99 per gallon.”

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

Motion Carried

Court Order: 17909b

NO DOCUMENTATION WAS SUBMITTED TO THE MINUTES OF THE COURT.

Consent Agenda:

19. Minutes from March 9, 2020 Regular Called Commissioners Court Meeting.

20. Minutes from March 16, 2020 Special Called Commissioners Court Meeting.
21. Lavaca County Road Special Use Agreement between Marathon Oil Co. and Precinct #3 to include LCR #319 and LCR #320.
22. Lavaca County Road Special Use Agreement between Enterprise Texas Pipeline LLC and Lavaca County Precinct #1 to include LCR #19 and #19A.
23. Colorado Valley Telephone Cooperative, Inc. request for approval for the installation of new Buried Fiber Optic Cable within the corridors of Lavaca County Road #248.
24. Enter of record the fully executed Application for Eligibility with Texas Facilities Commission Federal Surplus Property Program as approved in Commissioners Court on March 9, 2020.
25. Claims and/or Payroll.
26. Budget Amendments, if any.

Approved.

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka.

"I make a motion to approve the consent agenda as it is."

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17910

Court members signing of paperwork related to items above.

County Judge Keith Mudd called for a motion to adjourn.

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Ronald Berckenhoff.

"So moved."

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct.2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 17911

Adjournment by Presiding Officer at 10:50 A.M.

Signature Roster

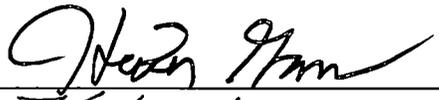
Attendance at Commissioner's Court Meeting

March 23, 2020

Regular Called

Sign Here

Print Name Here

1		Keith Garner
2		Kyle A. Denney
3		Lori A. Wenko
4		JR PETERS
5		JARED STILLMONS
6		Audrey Barrera
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Signature Roster

Attendance at Commissioner's Court Meeting

March 23, 2020

Regular Called

Sign Here

Print Name Here

1 Shana K Opela Shana K Opela

2 Dana Johnson Dana Johnson

3 Karen Bludau Karen Bludau

4 Jim Appelt Jim Appelt

5 Deborah A Sewak Deborah A Sewak

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Minutes of Elizabeth A. Kouba, County Clerk, Lavaca County:

I, Elizabeth A. Kouba, County Clerk of Lavaca County, Texas, do hereby certify that the following Commissioners' Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on March 23, 2020.



ATTEST

Elizabeth A. Kouba, County Clerk
& Ex-Officio Clerk of
Commissioners' Court of Lavaca County, Texas

Signed this 25 day of March, 2020

Elizabeth A. Kouba, County Clerk
Elizabeth A. Kouba