

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 December 14, 2020
are this day approved as submitted.

Signed this the _____ day of _____, _____, A.D.

_____, County Judge
Mark Myers

ATTEST:

(Seal)

_____, County Clerk
Elizabeth A. Kouba

THE STATE OF TEXAS)(
COUNTY OF LAVACA)(

Regular Meeting Monday, December 14, 2020

Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, December 14, 2020 at 10:00 AM, in the Lavaca County Commissioners' Courtroom, 1st Floor, in Hallettsville, Texas,

Present:

County Judge Mark Myers
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, Lavaca 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 Judge Mark Myers.

Confirm Quorum with Roll Call (please turn off cell phones and sign in)

Call to Order and Welcome

Invocation

Pledge of Allegiance and Pledge to the Texas Flag by Judge Mark Myers

Marie Day and Brenda Cash spoke on Agenda Item #9. Kathleen Leininger and Mary Lee Berger chose to speak and the time Agenda Item # 9 would be addressed.

Discussion and/or action agenda:

1. EMS Update. (EMS)

Michael Furrh Lavaca County EMS Director updated Commissioners Court on response time on a recent responding time on a heart attack, new equipment is in and the public can view, cleaned the station here in Hallettsville, stretchers in all ambulances, deposits from billing are in from transports, scanning old and new patient information on a stand-alone hard drive, Channel 25 did a segment on Lavaca County EMS new operations and response on Covid – 19, after January 1st, EMS will go to all the City Council to let the public view new equipment, met with Victoria College in regards to students and Rural EMS and extended an invite to view the new equipment.

2. Transfer 2006 Chevrolet Colorado VIN# 1GCDS136668220870 from Lavaca County EMS to Lavaca County Maintenance Department. (EMS)

“I make a motion to approve the Transfer 2006 Chevrolet Colorado VIN# 1GCDS136668220870 from Lavaca County EMS to Lavaca County Maintenance Department.”

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

County Judge Mark Myers	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: 18112

NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.

3. Accept the purchase of a used 2013 Dodge Charger Patrol vehicle for Constable Precinct #2 for the amount of \$11,000.00 Vin# 2C3CDXAG9DH721557. (Constable Pct. 2)

Charles Greive, Constable Pct. #2 addressed the court on the purchase.

“I make a motion to approve Accept the purchase of a used 2013 Dodge Charger Patrol vehicle for Constable Precinct #2 for the amount of \$11,000.00 Vin# 2C3CDXAG9DH721557.”

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

County Judge Mark Myers	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:18113

NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.

4. Accept monetary donation from Kay and Randy Jones to Lavaca County EMS in the amount of \$850.00 (EMS)

Michael Furrh, Lavaca County EMS Director, addressed the court on the donation to purchase pet oxygen masks on all response vehicles.

“Your Honor, I move we accept the monetary donation from Kay and Randy Jones to Lavaca County EMS in the amount of \$850.00

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

County Judge Mark Myers	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: 18114

NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.

5. Certificate of Completion awarded to Deborah A. Sevcik, Lavaca County Tax Assessor-Collector, for completing the required 20 hours of continuing education for 2020 in compliance with Texas Property Tax Code Section 6.231 (d). (Tax Assessor-Collector)

“I make a motion to accept Certificate of Completion awarded to Deborah A. Sevcik, Lavaca County Tax Assessor-Collector, for completing the required 20 hours of continuing education for 2020 in compliance with Texas Property Tax Code Section 6.231 (d).”

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

County Judge Mark Myers	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: 18115

6. Acknowledge the net total of \$45,387.01 collected from Gov-Deals placed back into Precinct #3 current 2021 budget for future purchase of needed equipment. (Pct. 3)

“In the form of a motion, I would like to acknowledge the net total of \$45,387.01 collected from Gov-Deals placed back into Precinct #3 into the current 2021 budget for future purchase of needed equipment.

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

County Judge Mark Myers	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: 18116

7. Discuss and/or award bids for the purchase of the following items:

- a. Level Up-Patch Material;
- b. Purchase of HMAC Regular D Hot Mix Asphalt;
- c. Cover stone Material: Pre- Coated and Uncoated;
- d. Soil Stabilizer; Quicklime- Pebble Bulk/ Powder Lime and Liquid Soil Stabilizer;
- e. AC-5, AC-10, MC-30, CRS-1P, CRS-2 and/or RC-250;
- f. Limestone: 1 ½” Road Base, ¾” to Dust, 1” and Down and ½” and Down;
- g. Vegetation Management Service;
- h. Purchase and Delivery of Various Pit Run Gravel and Screen Gravel 1 ½” and Down”
- i. Gasoline and Diesel Fuel for: All Commissioner Precincts; Sheriff’s Department; Senior Citizens Center- Shiner and

Hallettsville; Ambulance Rescue Service- Hallettsville, Shiner, and Moulton; Emergency Management and Maintenance; j. Labor and Equipment for Road Construction Services.

Pre-Mix type D

“Your Honor, I make a motion to accept the bid for Pre-Mix type D, award bid to bid #1637 Leward Anders for Precinct #1 in the amount of \$66.00, Precinct #2 in the amount of \$65.50, Precinct #3 in the amount of \$65.50, Precinct #4 in the amount of \$67.00, and award the plant pick up price to bid #1647 Martin Marietta at a cost of \$42.00.”

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

County Judge Mark Myers	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:18117(A)

Hot Mix/Cold Lay

“I make a motion to accept the bid for Hot Mix/Cold Lay and award bid to Quality Hot Mix bid #1648 for Precinct #1 a cost of \$69.00, Precinct #2 a cost of \$69.00, Precinct #3 a cost of \$69.00, Precinct #4 a cost of \$69.00, and award the Plant pick up price to Brauntex Material bid #1633 for a cost of \$55.00.

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

County Judge Mark Myers	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:18117(B)

****Commissioner Ronald Berckenhoff noted bid #1641 Waller Asphalt is a high-performance asphalt and does not readily compare to what is being bided on today.**

Hot Mix Regular D Hot Mix Asphalt HMAc

“Yes, Your Honor, I like to make a motion to accept the bid on Hot Mix Regular D Hot Mix Asphalt HMAc to bidder #1633 Brauntex Material, Precinct #1 at a cost of \$60.00, Precinct #2 cost of \$60.00, Precinct #3 cost of \$60.00, Precinct #4 cost of \$60.00, and a plant pick up price at a cost of \$45.00.”

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

County Judge Mark Myers	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:18118

Coverstone Material-Pre-Coated/Uncoated. Pre-coated PB-3

“Moving on to Coverstone Material-Pre-Coated/Uncoated. Pre-coated PB-3, we have two bids. Brauntex Material #1633 and bid from Quality Hot Mix #1648, for Precinct #1, #2, #3 and #4 both of them are \$50.00. And I am asking the court that we accept both bids on that and then also Plant price of \$35.00 from Brauntex Material bid #1633 for plant pick up and note that also Martin Marietta having plant price \$26.00, distance would make the difference up for that.”

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

County Judge Mark Myers	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: 18119(A)

Pre-Coated PE-3

“Moving on to Pre-Coated PE-3, for Precinct #1 price is \$53.78, Precinct #2 price is \$52.23, Precinct #3 price is \$51.76, Precinct #4 price is \$55.95, Plant price is \$22.50 and that is bid #1640 from Vulcan Materials.”

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

County Judge Mark Myers	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: 18119(B)

Pre-Coated PB-4

“Moving on the Pre-Coated PB-4, bid # 1648 for Quality Hot Mix Precinct #1 \$47.00, Precinct #4 \$47.00. And Colorado # 1620 is going to get #2 and #3 bid. And also, in that motion, I would like for Precinct #4 also to take the Colorado Material bid at \$47.73 and plant price will go to Brauntex Materials for \$33.00. And the reason that Precinct 4 wants to take both prices for PB-4, because lots of times it is just harder to get one contractor to get the other. This year we had problem with quality and I had a hard time getting the material.”

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

County Judge Mark Myers 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: 18119(C)

Pre-Coated PE-4

“Your Honor, I make a motion to approve bid #1640 from Vulcan Materials for the purchase of Pre-Coated PE-4, Precinct #1 at a cost of \$54.78, Precinct #2 at a cost of \$53.23, Precinct #3 at a cost of \$52.76, Precinct #4 at a cost of \$56.95 and a plant price of \$23.50.”

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

County Judge Mark Myers	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: 18119(D)

Uncoated Grade 3

“I make a motion to approve the purchase of Uncoated Grade 3 material from bid #1620 Colorado Material, a plant price of \$22.50 and bid # 1648 Quality Hot Mix Precinct #1 a cost of \$33.00, Precinct #2 a cost of \$32.00, Precinct #3 a cost of \$31.00, and Precinct #4 a cost of \$33.00.”

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

County Judge Mark Myers	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: 18119(E)

Uncoated Grade 4

“I make a motion to approve purchase Uncoated Grade 4 from bidder #1648 Quality Hot Mix Precinct #1 a cost of \$32.00, Precinct #2 a cost of \$32.00, Precinct #3 a cost of \$31.00, Precinct #4 a cost of \$32.00. Award plant pickup price to Brauntex Material #1633 at a cost of \$20.00.”

**Commissioner Ronald Berckenhoff noted that Martin Marietta has a plant located in Uvalde Texas and by the time you make that journey down there from New Braunfels, Texas you are behind.

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

County Judge Mark Myers	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: 18119(F)

Soil Stabilizer Quicklime – Pebble Bulk Powder Lime

“With Pebble Bulk Powder Bulk Lime, there were no bids and on the Liquid Soil Stabilizer, I make a motion to reject all bids. The P2 Emulsions has an Asphalt Emulsions product which is not basically what we’re looking for and the others is way overpriced.”

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

County Judge Mark Myers	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: 18120

Price Per Gallon for AC-5, AD-10, MC-30, CRS-2, AE-P and /or RC -250

“I make a motion for Price Per Gallon for AC-5, AD-10, MC-30, CRS-2, AE-P and /or RC-250, for AC-5, this is for all Precincts, bid #1631 Martin Asphalt price for \$1.56, also for AC-10 for all Precincts, Martin Asphalt \$1.56, MC-30 for all Precincts \$2.65 Martin Asphalt, CRS-1P Cleveland Asphalt for all Precincts \$2.44, CRS-2P, that Cleveland Asphalt bid is #1625, CRS-2 Martin Asphalt for all Precincts \$1.90, and RC-250 for all Precincts Martin Asphalt for \$2.55”

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

County Judge Mark Myers	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: 18121

Limestone 1 1/2 Road Base per Ton

“I make a motion to award Limestone 1 ½ Road Base to bid # 1618, Colorado Material, Precinct #3 Stockpile Location \$15.57, Jobsite Location \$16.57. Award Loaded at Plant price to Brauntex Materials #1633 at a cost of 4.25 per ton, Brauntex Materials. Award bid to Quality Hot Mix Bid #1648, Stockpile Location to Precinct #1.

\$16.65, Precinct #2 at a cost \$15.65, Precinct #4 at a cost \$16.65. Jobsite Location to Quality Hot Mix bid #1648 Precinct #1 \$18.00 Precinct #2 at \$17.00, Precinct #4 at \$18.00”

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

County Judge Mark Myers	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: 18122(A)

Limestone ¾ to Dust Per Ton

“I make a motion to award Limestone ¾ to Dust to bid #1648 Quality Hot Mix, Precinct #1 Stockpile Location \$17.75, Precinct #2 Stockpile Location \$16.75, Precinct #3 Stockpile Location \$17.00, Precinct #4 Stockpile Location \$17.75. Award Jobsite Location to Quality Hot Mix bid #1648 to Precinct #1 a cost of \$19.00, Precinct #2 a cost of 18.00, Precinct #3 a cost of \$18.25, Precinct # 4 a cost of \$19.00. In that motion of would like to include to reject any Loaded at Plant price.”

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

County Judge Mark Myers	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: 18122(B)

Limestone 1” and Down Per Ton

“Limestone 1” and Down Per Ton, bid #1629 Steffek Interest, Stockpile Location for Precinct #1 \$18.00, Precinct #2 \$17.00, Precinct #3 \$17.00, Precinct #4 18.00. Plant Location bid # 1633 Branutex Material \$6.25 per ton on all Precincts and reject all job site locations.”

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

County Judge Mark Myers	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: 18123(A)

Limestone ½” and Down Per Ton

“I make a motion to award bid for ½” and Down Limestone, bid # 1618 Colorado Material, Precinct #1 cost of \$17.73, Precinct #2 cost of \$16.23, Precinct #3 cost of \$15.57, Precinct #4 cost of 17.23. Also, to include the Jobsite Location bid #1618 Colorado Material, Precinct #1 cost of \$18.73, Precinct #2 cost of \$17.23, Precinct #3 cost of \$16.57, Precinct #4 cost of \$18.23. And also award a Plant Price to bid # 1618 Colorado Material of a cost of \$5.00 per ton.”

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

County Judge Mark Myers	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: 18123(B)

Vegetation Management

** Commissioner Ronald Berckenhoff noted, bid #1635 did not provide their Master’s Degree in Agronomy. If they can still prove that, they might be a viable bidder. Both bids can be accepted and to find out.

“With that, I make a motion to accept bid # 1642 Roadside Consulting LLC, cost \$100 Estimated 200 miles treatment per \$100.00 per mile, for 400 centerline miles cost of \$100.00, Alternate-Treatment per acre (Contractor Supplies Herbicides) \$100.00, Edge of Payment treatment \$100.00, and Bridge treatment \$300.00. Also, to award bid # 1635 IVM Solutions dba Roadside Inc, 200 centerline miles road \$100.00, 400 Centerline miles road \$100.00, Alternate-Treatment per acre (Contractor Supplies Herbicides) \$60.00, Edge of Payment treatment cost of \$75.00, and Bridge treatment \$250.00. For the Brush Spraying, award bid #1642 Roadside Consulting LLC., cost per mile of application \$400.00, 200 Centerline miles (County Supplies Herbicide) \$200.00, (Contractor Supplies Herbicides) \$150.00 Alternate-Treatment per acre. Also, to award bid #1635, for Brush Spraying, cost per mile application \$400.00 on 200 centerline miles road. 200.00 for the 200 centerline miles of road (County Supplies Herbicide) and Alternate-Treatment of \$150.00”

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

County Judge Mark Myers	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: 18124

Purchase and Delivery of Pit Run and Screened Gravel

“I make a motion to award the Purchase of Pit Run and Screened Gravel to bid #1624 to Prihoda Gravel, Pit Run Gravel price per ton delivered to Precinct #1 \$13.00, Precinct #2 \$15.00, Precinct #3 \$14.75, Precinct #4 \$14.75 and a Pick up at plant price of \$4.75. Also, to award Prihoda Gravel bid #1624, Screened Gravel 1 1/2” and Down Price Per Ton Delivered to Precinct #1 \$15.75, Precinct #2 \$16.75, Precinct #3 \$16.50, Precinct #4 \$16.50 and a Pick up at plant price \$5.95. Also, to award to bid #1624 Prihoda Gravel, delivered to location any

county road and Precinct #1 Pit Run Gravel \$14.25, Screened Gravel \$15.25. Precinct #2 Pit Run Gravel \$15.75, Screened Gravel \$16.75. Precinct #3 Any County Road \$15.75 Screened Gravel \$16.50, Precinct #4 Any County Road \$ 15.25 Screened Gravel \$16.25.”

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

County Judge Mark Myers	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: 18125

Gasoline and Diesel for all Commissioner Precincts, Sheriff's Department, Senior Citizens Center: Shiner and Hallettsville, Ambulance Rescue Service: Hallettsville, Shiner, and Moulton, Emergency Management and Maintenance.

“Your Honor, I make a motion to award bid # 1645 Patriot Fuel for Precinct #1, #2, #3 and #4, Sheriff's Department, Senior Citizens Shiner and Hallettsville, Ambulance Rescue Service Hallettsville and Shiner, Emergency Management. Award that bid to Patriot Fuel. The Fuel on Diesel is going to be 1.25 per gallon, and for Dyed Diesel 1.2535 and for Regular Unleaded is 1.146. The Mark up is at .0548 for Ultra-Low Diesel, .0548 for Dyed Diesel, .0548 for Regular Unleaded.”

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

County Judge Mark Myers	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: 18125(A)

Labor and Equipment for Road Construction

“I make a motion to accept both bids to bid # 1644 Pineywoods Construction Option #1 \$1.71 per square yard, Option #2 \$2.27 per square yard, Option #3 \$.27 per square yard and also, to award bid #1643 H&C Construction Co. Inc., Option #1 \$2.16 per square yard, Option #2 \$2.61 per square yard, and no price on Option #3 from H&C.”

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

County Judge Mark Myers	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: 18126

8. Discuss and/or approve contract for the Pitney Bowes Postage Equipment and move the Postage Equipment to a secured area of the Lavaca County Courthouse Annex. (Judge)

“I make a motion to accept the approval contract for the Pitney Bowes Postage Equipment and move the Postage Equipment to a secured area of the Lavaca County Courthouse Annex in ~~the Clerk’s Office~~ corridor 055.”

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

County Judge Mark Myers	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:18127

9. Discuss and/or take possible action to include legal counsel regarding the new ES&S Election Equipment Contract. (Judge)

Judge Mark Myers addressed the Court as his concerns on the current ES&S Election Equipment Contract

Kathleen Leininger, Marie Day, Mary Lee Berger, Gwen Holt, Lavaca County Elections Administrator, and Diana Goodall, Election Clerk, spoke on Agenda Item #9

“I make a motion, that the current Judge, Mark Myers, can take this electronic voting machine contract to the attorney mentioned today. And I make that in the form of a motion.”

Moved by Commissioner Neil F. Bates Jr., no second.

Motion died due to lack of a second to Commissioner Neil F. Bates Jr’s motion.

10. Announce the hiring of Kristi Cline as the new Administrative Coordinator, discuss and/or take action regarding a salary grade change to Grade 6 minimum pay. (Judge)

“I move for the Court to thank Kristi Cline for her performance for being hired as Administrative Coordinator, I move that we move her form her current job description at the Sheriff’s Office at the grade of pay, I don’t know what grade it was and I am sorry I don’t have that information, and to bring her into Administrative Coordinator at a Grade 6 minimum quartile and I make that in the form of a motion for Miss Kristi Cline in the Judge’s Office.”

Moved by Commissioner Neil F. Bates Jr., no second.

Motion died due to lack of a second to Commissioner Neil F. Bates Jr’s motion.

NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.

11. Discuss and/or take action authorizing the operation of emergency vehicles by our Emergency Management Coordinator. (Judge)

****At the request of the Lavaca County Auditor, Shana R. Opela, and Commissioner Pct. #4, Dennis Kocian, the memo provided by Shana Opela is to be made part of the record for the Commissioners' Meeting as read:**

“The IRS defines a “public safety officer” as an “individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, a firefighter, a chaplain, or as a member of a rescue squad or ambulance crew” FR(IRS) §1.274-5. The facts and circumstances of a particular situation, not merely a job title, determine whether an individual is a public safety officer. The determination is made based on the facts and circumstances of the individual’s employment, including their training, legal authority, and legal responsibility.

There are risks with allowing the EMC to utilize a county vehicle and allowing the EMC to take home on a daily basis. In the event of an IRS audit there could be a determination that the emergency management position is not considered a “public safety officer” in which the use of the vehicle would be taxable to the EMC. In this circumstance, the IRS will prevail, not Lavaca County.

My recommendation is to allow the EMC to drive the vehicle to Precinct 3 and park at the county barn on a daily basis. If the need to utilize the vehicle after normal business hours arises, the vehicle will be slightly more than a mile from the employee’s residence.”

12. Accept Donation for road repair on Cr. 298, of \$20,777.09 from EOG Resources Inc. (Pct.3)

“I put that in a form of a motion to publicly acknowledge the donation from EOG at \$20,777.09.”

****Ronald Berckenhoff, Commissioner Pct. #2 asked for clarity of the monies being used for just precinct #3 road repair on CR 298.”**

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

County Judge Mark Myers	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: 18128

NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.

Consent Agenda

“Your Honor, I make a motion to approve the Consent Agenda as it is.”

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

“I remove my motion”

Motion removed by Commissioner Ronald Berckenhoff.

“Your Honor, I make a motion to approve the Consent Agenda.”

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

County Judge Mark Myers	YES
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Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	NO VOTE
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

Motion Carried

Court Order: 18129

13. Minutes from November 6, 2020 Special Called Meeting.
14. Minutes from November 9, 2020 Regular Called Commissioners Court Meeting.
15. Minutes from November 13, 2020 Special Called Commissioners Court Meeting.
16. Minutes from November 23, 2020 Regular Called Commissioners Court Meeting.
17. Canvass of General Election Results.
18. Lavaca County Special Road Use Agreement between Penn Virginia and Lavaca County Precinct #2 to include LCR#285.
19. Lavaca County Special Road Use Agreement between Penn Virginia and Lavaca County Precinct #2 to include LCR#289.
20. Application for Pipeline Permit between Capital Star Oil & Gas, Inc. and Precinct #1 to include LCR# 1.
21. Application for Pipeline Permit between Nuevo Dos Gathering & Transportation and Precinct #2 to include LCR #289.
22. County Auditor Monthly Report.
23. Monthly County Treasurer Report.
24. Tax Assessor-Collector Report as per 31.10 of the Property Tax Code.
25. County Officials Reports.
 - Deborah A. Sevcik, Tax Assessor-Collector, November 2020.
 - Shana R. Opela, Auditor's Monthly Report, November 2020.
 - Michael Buchanek, Constable Pct #1, Process Service Report, October 2020.
 - Larry Hlavac, Constable Pct #3, Process Service Report, November 2020.
 - Kerry Peterson, Constable Pct #4, Process Service Report, November 2020.
 - John Stuart Fryer, Lavaca County Attorney, Hot Check Collection & Trust Fund, October 2020.
 - Elizabeth A. Kouba, Lavaca County Clerk, LGS Monthly Report, November 2020.
 - Elizabeth A. Kouba, Lavaca County Clerk, Tyler Monthly Report, November 2020.
 - Michael Buchanek, Constable Pct #1, Process Service Report, November 2020.
 - Travis Hill, JP#2, Money Distribution Report, November 2020.
 - Wayne Denson, JP#3, Money Distribution Report, November 2020.
26. Claims and/or Payroll.
27. Budget Amendments, if any.

Court members signing of paperwork related to items above.

County Judge Mark Myers called for a motion to adjourn.

“I move we adjourn”

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

County Judge Mark Myers	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: 18130

Adjournment by Presiding Officer at 11:57 AM.

Signature Roster

Attendance at Commissioner's Court Meeting

December 14, 2020

Regular Called

	Sign Here	Print Name Here
1		Spence Opela
2	MARIE DAVIS	MARIE DAVIS
3	Cheryl Draper	Cheryl Draper
4	Mary Lee Berger	MARY Lee Berger
5		John Creech
6	Brenda Cash	Brenda CASH
7	K. Jeanner	
8	Karen Bludau	Karen Bludau
9	Charles Greivitz	CHARLES GREIVITZ
10	Nailene Ruppert	Nailene Ruppert
11	Keith Mudd	Keith Mudd
12	Diana Goodall	Diana Goodall
13	Deborah A. Sevcik	Deborah A. Sevcik
14	Jim Appelt	Jim Appelt
15	Frank Fish	FRANK FISH
16		Michael Wilson
17		
18	Tena Stetter	Tena Stetter
19		
20		

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 December 14, 2020 .

ATTEST

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

Signed this 7 day of January, 2020

Elizabeth A. Kouba, County Clerk
Elizabeth A. Kouba

