

STATEMENT OF APPROVAL

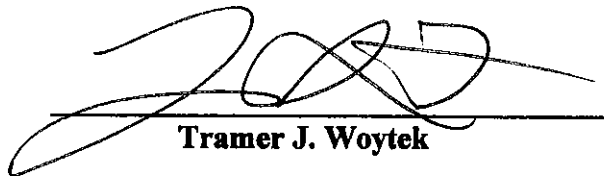
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THE STATE OF TEXAS ]

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 10, 2018 are this day approved as submitted.

Signed this the 26<sup>th</sup> day of Dec, 2018, A.D.

  
\_\_\_\_\_, County Judge  
Tramer J. Woytek

ATTEST:

  
\_\_\_\_\_, County Clerk  
Elizabeth A. Kouba



**THE STATE OF TEXAS )(**  
**COUNTY OF LAVACA )(**

**Regular Meeting December 10, 2018**

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, December 10, 2018 at 10:00 A. M. in the Lavaca County Commissioners' Courtroom, 1<sup>st</sup> Floor, in Hallettsville, Texas.

**Present:**

County Judge Tramer J. Woytek  
 Edward Pustka, Commissioner Pct. 1  
 Ronald Berckenhoff, Commissioner Pct. 2  
 R. W. Brown, Commissioner Pct. 3  
 Dennis W. Kocian, Commissioner Pct. 4

Elizabeth A. Kouba, County Clerk, was represented by her duly appointed Deputy, Audrey Barrera.

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 Tramer J. Woytek, followed by the Pledge of Allegiance and Pledge to the Texas Flag by Commissioner Edward Pustka.

**Discussion and/or Action Agenda:**

**1. Order continuing Declaration of Disaster Proclamation made by County Judge on August 25, 2017 and still currently in effect. (Judge)**

Moved by Judge Tramer J. Woytek, seconded by Commissioner R. W. Brown.

"I put that in the form of a motion."

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17550**

**NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT.**

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

- a. **Level Up-Patch Material;**
- b. **Soil Stabilization to include Quicklime – Pebble Bulk Powder Lime and Liquid Soil Stabilizer;**
- c. **Cover Stone Material – pre-coated and uncoated;**
- d. **Limestone: 1 ½”, ¾” to dust and 1” and down;**
- e. **AC-5, AC-10, MC-30, CRS-1P, CRS-2 and/or RC-250;**
- f. **Delivery of Various Pit Run and Screened Gravel 1 ½” and down;**
- g. **Vegetation Management Services;**
- h. **Labor & Equipment for Road Construction. (Commissioners)**

**a. Purchase of Level Up-Patch Material:**

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner R.W. Brown.

“I’d like to make a motion to accept Bid #1562 Leward Anders & Son delivered **Pre-Mix Type D** Precinct 1 - \$66.00, Precinct 2 - \$65.50, Precinct 3 - \$65.50, Precinct 4 - \$67.00 and also accept the bid from Vulcan Construction Bid #1570 for Plant Pick-up at \$41.50. Also move on to **Pre-Mix Type D Hot Mix /Cold-Lay**, I’d like to accept the bid from Quality Hot Mix Bid #1560, Precinct 1 - \$75.00, Precinct 2 - \$73.00, Precinct 3 - \$72.00, and Precinct 4 at \$76.00, and Plant Pick-up to Colorado Materials at \$69.00. And also in this motion, for these two items, I would like to make a note that the Notary stamp for Quality Hot Mix has been expired so before we deal with that vendor they have to have their notary updated, and that’s in my motion, a new Affidavit, and that is in my motion.”

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17551a**

**NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT.**

**b. Soil Stabilization to include Quicklime – Pebble Bulk Powder Lime and Liquid Soil Stabilizer;**

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

“I make a motion to approve the bids for Soil Stabilization including Quicklime, Pebble Bulk Lime and Liquid Soil Stabilizer. I make a notation that there were no bids on the **Pebble Bulk or Powder Lime** and as far as the **Liquid Soil Stabilizer**, I make a motion to accept both bids. Bid #1561 for P2 Emulsions at a cost of \$2.69 per gallon and Bid 1573 Texas Road and Sign Company Supply LLC at a cost of \$2.30 per gallon delivered. Both of these vendors are sole source vendors, make that notation, and on Bid #1573 the Conflict of Interest Questionnaire was not signed. That will

have to be signed and returned to Lavaca County before we can ever do business with that company. That's my motion."

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17551b**

NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT.

**c. Cover Stone Material – Pre-coated and Uncoated:**

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner R.W. Brown.

"I'd like to make a motion to purchase of Coverstone Material, **Pre-Coated PB-3**, I'd like to accept for Precinct 1 – Quality Hot Mix at \$52.50; Precinct 2 – Colorado Materials at \$52.18; Precinct 3 – Quality Hot Mix at \$52.50; Precinct 4 – Quality Hot Mix at \$52.50 and Plant price – Colorado Materials at \$40.00. Moving on to **Pre-Coated PE-3** accept Bid #1570B Vulcan Construction for Precinct 1 at \$53.79; Precinct 2 at \$52.19; Precinct 3 at \$52.19; Precinct 4 at \$56.19; Plant Pick-up at \$22.50. Moving on to **Pre-Coated PB-4**, we'll accept the bid from Steffek Trucking, Bid #1558, Precinct 1 - \$43.00; Precinct 2 - \$42.00; Precinct 3 - \$43.00; Precinct 4 - \$43.00; Plant Pick-up, we'll accept the bid from Colorado Materials, Bid #1568, for \$35.00. Moving on to **Pre-Coated PE-4**, accept bid from Steffek Trucking, Bid #1558, Precinct 1 - \$43.00; Precinct 2 - \$42.00; Precinct 3 - \$43.00; Precinct 4 - \$43.00; Plant Pick-up Vulcan Construction, Bid #1570B, at a price of \$23.50. Moving on to **Uncoated Grade 3**, Quality Hot Mix, Bid # 1560B, Precinct 1 - \$33.00; Precinct 2 - \$33.00; Precinct 3 - \$33.00; Precinct 4 - \$33.00; Plant Pick-up to Colorado Materials, Bid #1568, price \$25.00. Moving on to **Uncoated Grade 4**, Quality Hot Mix, Bid #1560B, Precinct 1 - \$29.00; Precinct 2 - \$29.00; Precinct 3 - \$29.00; Precinct 4 - \$29.00; Moving on to Plant price, Colorado Materials, Bid #1568, \$25.00. I would like to make a note to update their Affidavit for Quality Hot Mix. That's my motion."

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17551c**

NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT.

**d. Limestone: 1 ½”, ¾” to dust and 1” and down:**

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

“I’d like to make a motion for Limestone 1 ½”, ¾” to Dust, and 1” and down.”

“First the Limestone 1 ½” Road Base, Bid #1557, Steffek Transport: Precinct 1 Stockpile - \$16.75; Precinct 2 Stockpile - \$15.75; Precinct 3 Stockpile - \$15.00, but it goes to Quality Hot Mix, Bid #1560A, Precinct 4 Steffek Transport at Bid #1557 at \$16.75. Jobsite Locations, bid goes to Quality Hot Mix, 1560A: Precinct 1 - \$17.00; Precinct 2 - \$16.00; Precinct 3 - \$15.00; Precinct 4 - \$17.00. At the plant, goes to bid 1566 Colorado Materials at \$4.00.”

“Price of Limestone ¾” to Dust, Bid # 1557, Steffek Transport at the Stockpile Location: Precinct 1 - \$17.85; Precinct 2 - \$16.85; Precinct 3 goes to Quality Hot Mix, Bid 1560A at \$17.50; Precinct 4 goes to Bid #1557, Steffek Transport \$17.85. We rejected the **plant price** for Limestone ¾ and Dust.”

“Limestone 1” and down: Steffek Transport, 1557 is the bid goes to Steffek Transport, Precinct 1 - \$17.25, this is Stockpile Location; Precinct 2 - \$16.25; Precinct 3 - \$17.25; Precinct 4 \$17.25 all with Steffek Transport.”

“Price of Limestone ½” and down, Bid #1557, Steffek Transport: Precinct 1 - \$16.50, Precinct 2 - \$15.50; Precinct 3 goes to Colorado Materials, Bid 1566, \$15.19; Precinct 4 goes to Steffek Transport Bid 1557 of \$16.50; Jobsite Location for Limestone ½” and down, Colorado Materials: Precinct 1 - \$18.66; Precinct 2 - \$16.85; Precinct 3 - \$16.19; Precinct 4 - \$20.31. Also a **Plant price**, pick-up at the plant \$4.00 goes to Colorado Materials, Bid 1566.”

“We rejected all the bids at Jobsite Location for 1” and down.”

(¾” and Down) “Jobsite Location for Precinct 1, Bid #1560A, Quality Hot Mix: Precinct 1 - \$18.25; Precinct 2 - \$17.50; Precinct 3 - \$17.50; Precinct 4 - \$18.25. And we rejected all Plant sites for that.”

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

**Motion Carried**

**Court Order: 17551d**

**NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT**

**e. AC-5, AC-10, MC-30, CRS-1P, CRS-2 and/or RC-250:**

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

"I make a motion to accept bids for AC-5, AC-10, MC-30, CRS-1P, CRS-2 and/or RC-250. "I'd like to make a motion to accept BID #1571 from Ergon Asphalt & Emulsions for the purchase of **AC-5** at a cost of \$2.45 a gallon; for the purchase of **AC-10** at a cost of \$2.40 per gallon; for **CRS-1P** at a cost of \$2.97 per gallon; **CRS-2** at a cost of \$2.31 per gallon. In this bid, they also have a notation: Federal Environmental fee will be added to above priors at a rate of .4424/ton for asphalt and polymer loads or .00133/gal for emulsion loads. The bid is for full transport loads of 5,500 gallons. Freight is based on a full transport load, even if a full load of materials is not ordered. The common carrier bills demurrage at \$80.00 per hour, after the second hour. Return freight is one-half of the outgoing tariff. Pump and hose charge is \$90.00 per load. And that is my motion."

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berkenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

**Motion Carried**

**Court Order: 17551e**

**NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT**

**f. Delivery of Various Pit Run and Screened Gravel 1 ½" and down:**

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner R.W. Brown.

Commissioner Dennis W. Kocian: "I'd like to accept the motion from Prihoda Gravel, BID # 1559, **Pit Run Gravel** price per ton delivered to Precinct 1 - \$13.00; Precinct 2 - \$15.00; Precinct 3 - \$13.75; Precinct 4 - \$13.00; Pick-up plant \$4.75. **Screened gravel 1 ½" and down** per ton delivered to Precinct 1 - \$15.25; Precinct 2 - \$16.25; Precinct 3 - \$16.00; Precinct 4 - \$15.25; Pick-up at plant \$5.75.

Also, we will accept Bid #1564, Durrett, for **Pit Run Gravel** per ton delivered to Precinct 1 - \$15.75; Precinct 2 at the prices of different locations, one price is \$13.50, one price is \$14.75 and one price is \$16.75; Precinct 3 - \$13.50; Precinct 4 - \$15.50; Pick-up at the plant \$6.00.

**Screened Gravel 1 ½" and down** per ton delivered to Precinct 1 - \$15.75; Precinct 2 different locations prices are \$13.50, \$14.75, and \$16.75; Precinct 3 - \$13.50; Precinct 4 - \$15.50; Pick-up price \$6.00.

And also, we are going to accept the Bid 1565 from Allstar, **Pit Run Gravel** per ton delivered to Precinct 1 - \$13.00; Precinct 2 - did not bid; Precinct 3 - no bid; Precinct 4 - \$11.00; Pick-up price at \$6.00.

**Screened Gravel 1 ½" and down** per ton delivered to Precinct 1 - \$14.00; Precinct 2 – no bid; Precinct 3 – no bid; Precinct 4 at \$12.00; Plant pick-up \$7.00.

And now we have **delivered to locations**. We are accepting Bid #1559 Prihoda delivered to location delivery per ton Precinct 1 – any county road \$15.25; Precinct 2 – any county road \$16.75; Precinct 3- any county road \$16.75; Precinct 4 – any county road \$15.25.

Also accepting Bid #1564, Durrett, per ton, any county road Precinct 1 - \$17.75; any county road for Precinct 2 - \$18.00; any county road Precinct 3 - \$15.90; any county road Precinct 4 - \$17.50.

Also, Bid #1565, Allstar, we have any county road for Precinct 1 – No Bid; any county road Precinct 2 – No Bid; any county road Precinct 3 – No Bid; Precinct 4, any county road \$12.00 **Screened and Pit Run \$11.00.**

And also I'd like to make a note with Allstar Materials, they have to update their Affidavit before we get any material. And that is my motion."

Commissioner Ronald Berckenhoff: "I just want to make one clarification on those prices down on the bottom, the very first price is for the Moulton Stockpile on Hwy 95, the second price would be for the Cotton Grove Stockpile on FM 532 East of Moulton and then the third price is going to be for the Hackberry Stockpile on FM 532 East of 77."

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

**Motion Carried**

**Court Order: 17551f**

**NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT.**

**g. Vegetation Management Services**

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

"I make a motion to approve the bids for **Vegetation Management Services** and with that, I would like to make a motion to award the bid to Roadside Consulting LLC, Bid #1572, for estimated 200 centerline miles of treatment per application for a cost of \$120.00 per mile; 400 centerline miles treated at a cost of \$100.00 per mile; Alternate-Treatment per acre (Contractor Supplies Herbicides) \$75.00; Edge of the payment treatment for centerline mile (Contractor Supplies Herbicide) \$90.00; and Bridge treatment is \$300.00 per estimated 200 for Brush Spraying. Now we move on to **Brush Spraying**, award Bid to 1572, Roadside Consulting LLC, estimated 200 centerline miles of treatment for a cost of \$500.00 per mile; 200 centerline miles of treatment (County Supplies Herbicide) is \$250.00 per mile; alternate treatment per acre (Contractor Supplies Herbicides) is \$200.00 per mile. And we will reject Bid #1569, IVM Solutions dba Roadside Inc. The vendor requirements for items #1, 4, and 5 were not provided and some of it was quite questionable."

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

**Motion Carried****Court Order: 17551g**

NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT

**h.Labor & Equipment for Road Construction.**"Moved by Commissioner R.W. Brown, seconded by Commissioner Dennis W. Kocian.

"The next bid is for **Labor and Equipment for Road Construction**. I would like to accept the Bid 1574 from H&C Construction Inc for Option 2 only which is \$0.17 per square foot. We are not going to accept the bid for Option 1 or 3 or 4."

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner 4	YES

**Motion Carried****Court Order: 17551h**

NO DOCUMENT WAS SUBMITTED TO THE MINUTES OF THE COURT.

**Consent Agenda:**

3. Minutes of December 4, 2018 Regular Called Commissioners Court meeting.
4. Lavaca County Road Special Use Agreement between Penn Virginia Oil & Gas LLP and Precinct #2 to include LCR #285 and #284.
- 5.Lavaca County Road Special Use Agreement between Penn Virginia Oil & Gas LLP and Precinct #3 to include LCR #353.
6. Application for Pipeline Permit between the City of Moulton and Lavaca County Precinct #2 for a residential waterline crossing on LCR #95D, with \$500 fee waived.
7. County Auditor Monthly Report.
8. County Treasurer Monthly and Public Financial Reports.
9. Tax Assessor-Collector Report as per 31.10 of the Property Tax Code.
10. County Officials Reports:
  - a. Auditor's Cash Balance Report – November 2018 Report
  - b. Constable Pct 1 -- November 2018 Report
  - c. Constable Pct 2 – October 2018 Report



- d. Constable Pct 3 – October 2018 Report
- e. Constable Pct 4 – November 2018 Report
- f. County Attorney Hot Check Collection – October 2018 Report
- g. County Clerk – LGS – November 2018 Report
- h. County Clerk – Tyler – November 2018 Report
- i. County Clerk – LGS – October 2018 Report Approved by Auditor
- j. County Clerk – Tyler – October 2018 Report Approved by Auditor
- k. District Clerk – September 2018 Report
- l. District Clerk – October 2018 Report
- m. J.P. Pct 2 – October 2018 Report
- n. J.P. Pct 2 – November 2018 Report
- o. J.P. Pct 3 – November 2018 Report
- p. J.P. Pct 4 – October 2018 Report

11. Budget Amendments, if any.

12. Claims and/or Payroll.

**Approved.**

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner R.W. Brown.

“I make a motion to approve the consent agenda.”

County Judge Tramer J. Woytek	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
R. W. Brown, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17552**

**Court members signing of paperwork related to items above.**

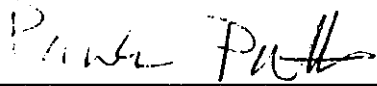
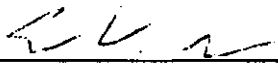
**Adjournment by Presiding Officer at 10:38 A.M.**

Signature Roster

Attendance at Commissioner's Court Meeting

December 10, 2018

Regular Called

	Sign Here	Print Name Here
1		PAULA PATTERSON
2		Stephen V. Burns
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Signature Roster

Attendance at Commissioner's Court Meeting

December 10, 2018

Regular Called

Sign Here

Print Name Here

1 *Shana R. Opela* *Shana R. Opela*

2 *Jim Appelt* *Jim Appelt*

3 *Dana Johnson* *Dana Johnson*

4 *Karen Bludau* *Karen Bludau*

5 *Audrey Barrera* *Audrey Barrera*

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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 December 10, 2018.



**ATTEST**

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

Signed this 19 day of December, 2018

Elizabeth A. Kouba, County Clerk  
Elizabeth A. Kouba