

THE STATE OF TEXAS )(

COUNTY OF LAVACA )(

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, April 8th, 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, Deborah A. Sevcik, Karen Bludau, Jim Appelt, Dana Pohler, Alton E. Brown, Sr., Susan Grafe, Tom Dunn, Stuart Fryer, Elizabeth A. Kouba & Barbara Steffek.

\*\*\*\*\*

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

\*\*\*\*\*

Under Public Communication County Tax Assessor Deborah Sevcik informed the court that the collections from the Lavaca County Central Appraisal District have now been fully converted to their office. They have acquired ten more entities: 3 cities being Hallettsville, Moulton and Shiner; 6 School Districts which are Ezzell, Hallettsville, Moulton, Shiner, Sweet Home and Vysehrad and also the Moulton Clinic District. The taxpayers will now receive one tax bill and will now have the convenience of paying their property taxes in one location. If anyone has any questions, please call their office at 361-798-3601 and they will be happy to assist them.

\*\*\*\*\*

1. Quarterly report from Louis Schott, Lavaca County representative on the Lavaca County Appraisal District Board of Directors. (County Judge)

Louis Schott was unable to attend the meeting due to the death of his mother. Judge asked everyone to keep Mr. Schott and his family in their prayers.

Moved by Judge Tramer Woytek, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to table this item until the next meeting.

\*\*\*\*\*

2. Presentation of Lavaca County Comprehensive Annual Financial Report for Fiscal Year 2012 by Jerry Floyd, of Floyd and Gindler Certified Public Accountants. (County Auditor)

Jerry Floyd gave a presentation of the Annual Financial Report for Fiscal Year 2012.

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 presentation of Lavaca County Comprehensive Annual Financial Report for Fiscal Year 2012.

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

\*\*\*\*\*

3. Award bids for the purchase of:

- \* Pit Run and Screened Gravel
- \* HMAC Regular D Hot Mix
- \* Seal Coating, Resealing and Fogseal. (Commissioners)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to award Bid #1360 to Prihoda Gravel Company for Post Oak Gravel Pit Run with Red Binder at \$3.75 per ton. Post Oak Gravel Screened 1 1/2" and down with Red Binder at \$4.75 per ton. Reject all other bids.

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept Bid #1361 to Brauntex Materials. Inc. for the purchase of HMAC Regular D Hot Mix Asphalt.

Precinct 1 - \$70.75

Precinct 2 - \$70.75

Plant Price - \$47.50 for Precinct 1, Precinct 2 & Precinct 3. Precinct 4 rejected the Plant Price bid.

Award Bid #1362 to Colorado Materials, Inc.

Precinct 3 - \$70.03

Precinct 4 - \$71.04

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept Bid #1365 from H & C Construction, Inc. for the purchase of

Option 1 - \$1.12

Option 2 - \$0.52

Option 3 - \$2.24

Option 4 - \$0.86

Option 5 - \$1.03

Option 6 - \$4.24

In regards to Option 6, the current wholesale cost of MC-30 is \$3.94.

Option 7 - \$0.55

Option 8 - \$0.36

\*\*\*\*\*

4. Request from Texas Department of Transportation for Roadway Closure on County Road #392 at Clark's Creek in Lavaca County. (County Judge)

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 accept the request from Texas Department of Transportation for Roadway closure on County Road #392 at Clark's Creek in Lavaca County.

\*\*\*\*\*

5. Acknowledge the receipt of 467.92 tons of 1 1/2" limestone base from Penn Virginia for repairs on various county roads. (Comm. Pct. 2)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to acknowledge the receipt of 467.92 tons of 1 1/2" limestone base from Penn Virginia for repairs on various county roads including CR 273, 272 and 274.

\*\*\*\*\*

6. Acknowledge the receipt of one 36" x 40' culvert pipe from Penn Virginia for replacement of damaged pipe at LCR #291 and LCR #293 intersection. (Comm. Pct. 2)

Moved by Commissioner Ronald Berckenhoff, Seconded by Judge Tramer Woytek, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to acknowledge the receipt of one 36" x 40' culvert pipe from Penn Virginia for replacement of damaged pipe at LCR #291 and LCR #293 intersection.

\*\*\*\*\*

7. Amend Lavaca County Pipeline Permit to comply with actual County authority. (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 in regards to the Application of the Pipeline Permit for Lavaca County under ITEM #2 under CONSTRUCTION Sub-Item (b) remove in its entirety; ITEM #2 sub-section (c) be altered to reflect - Pipeline(s) shall be covered with at least sixty -(60) inches of cover with permanent type signs placed on each side of roadway showing line owner and owner's telephone number. ITEM #7 under CONSIDERATION the portion that states and \$2.50 per foot for use of right-of-way to lay a pipeline be removed in its entirety. ITEM #9 ADJACENT LAND OWNERS - Remove that in its entirety.

\*\*\*\*\*

8. Declare as surplus property for DPS Office: Dell Optiplex GX280 Pentium computer, tag #1701; and Lexmark X4270 fax machine, tag #008974. (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 declare as surplus property for DPS Office: Dell Optiplex GX280 Pentium computer, tag #1701; and Lexmark X4270 fax machine, tag #008974.

\*\*\*\*\*

9. Declare as surplus property for Precinct #3: Triple Blade & Steel, Inc. Model #DBD-22-H-A, Serial #5980, Tag #3087. (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 declare as surplus property for Precinct #3: Ditcher Triple Blade & Steel, Inc. Model #DBD-22-H-A, Serial #5980, Tag #3087.

\*\*\*\*\*

10. Per Local Government Code 111.0108 certification of unanticipated revenue: Diversified Land Management Inc. repair for road damage on Lavaca County Roads #261, #256 and #257. (County Auditor)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED as Per Local Government Code 111.0108 certification of unanticipated revenue Diversified Land Management Inc. repairs for road damage on Lavaca County Roads #261, #256 and #257. The money will go into Precinct #2 funds.

\*\*\*\*\*

**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 Edward Pustka, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to approve the consent agenda.

11. Minutes of March 25, 2013 Regular Meeting.

12. Lavaca County Road Special Use Agreement/Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #2 to include LCR #285 and LCR #284.

\*Commissioner Berckenhoff stated that the Road Use Agreement also includes CR 404 which is in Gonzales County where the activity is taking place.. Due to the fact that there are not a lot of roads in Gonzales County they are having to come in using our roads. It will impact us pretty hard.

13. Lavaca County Road Special Use Agreement/Permit between EP Energy E&P Co. and Lavaca County Precinct #4 to include LCR #14, LCR #438, LCR #440, LCR #441 and LCR #444.

14. Lavaca County Road Special Use Agreement/Permit between EP Energy E&P Co. and Lavaca County Precinct #1 to include LCR #152, LCR #158, LCR #14, LCR #1, LCR #15, LCR #15A and LCR #15AA.

15. Raymond Targac, granting Lavaca County Precinct #2 permission to enter property located along LCR #211, for the purpose of clearing the right-of-way and correcting drainage problems along said roadway.

16. Tax Assessor-Collector Report as per 31.10 of the Property Tax Code.

17. County Auditor Monthly and Quarterly Reports.

18. Monthly County Treasurer Report, Quarterly County Treasurer Report, Quarterly Investment Report and Public Financial Report.

19. County Officials' Reports.

20. Budget Amendments, if any

21. Claims

\*\*\*\*\*

Court members signing of paperwork related to items above

\*\*\*\*\*

Adjournment by Presiding Officer

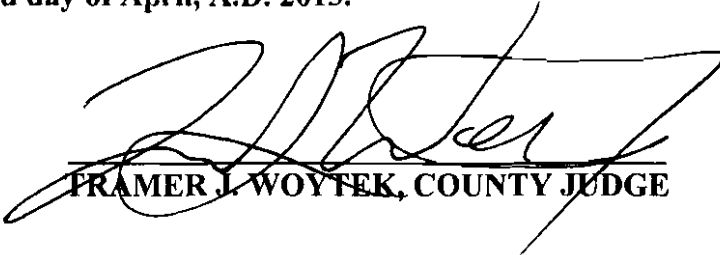
**STATEMENT OF APPROVAL**

**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 8th, 2013 are  
this day approved as submitted.**

**Signed this the 22nd day of April, A.D. 2013.**

  
**FRAMER J. WOYTEK, COUNTY JUDGE**

**ACKNOWLEDGED:**

  
**ELIZABETH A. KOUBA, COUNTY CLERK**

