

THE STATE OF TEXAS )(

COUNTY OF LAVACA )(

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, December 23rd, 2013 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: Alton E. Brown Sr., Gayle Bludau, Shannon R. DeForest, Wayne Denson, Charles Greive, Sherry T. Henke, Patty Grahmann, Stuart Fryer, Karen Bludau, Jim Appelt, Dana Pohler, Deborah A. Sevcik 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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No one addressed the court under Public Communications.

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1. Field Agreement among U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services and Texas Agrilife Extension Service-Wildlife Services and Texas Wildlife Damage Management Association, Inc. and Lavaca County for Predatory Animal Control, January 1, 2014 to March 31, 2014. (County Judge)

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 accept the Field Agreement among U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services and Texas Agrilife Extension Service-Wildlife Services and Texas Wildlife Damage Management Association, Inc. and Lavaca County for Predatory Animal Control for the period January 1, 2014 to March 31, 2014. Not to exceed \$5,000.00 and \$200 per day.

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2. Advertising, taking of applications and selection process for the temporary appointment of Lavaca County Justice of the Peace Precinct #3. (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 take applications for the selection process of temporary appointment of Lavaca County Justice of the Peace Precinct #3.

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3. Annual Report from Texas Agrilife Extension Agent, Shannon Deforest and Family Consumer Sciences Agent, Gayle Bludau. (County Judge)

Shannon DeForest and Gayle Bludau gave reports on their respective agencies.

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 accept the reports.

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4. Award bids for the following:

- a. Purchase of Fuel.
- b. Purchase of Level Up-Patch Material
- c. Purchase of Soil Stabilizer Quicklime – Pebble Bulk & Powder Lime
- d. Cover Stone Material – pre-coated and uncoated
- e. Asphalt Materials
- f. Hauling of gravel from current plant location “Prihoda Gravel” to various county roads
- g. Vegetation Management Services. (Commissioners)

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 award the fuel Bid #1386 to Rudolph’s, Inc. 114 West Grand Ave., Yoakum, TX for Precinct 1, 2, 3 and 4, Sheriff Dept, Senior Citizens - Shiner, Senior Citizens - H’ville, Ambulance - H’ville, Ambulance - Shiner for:

	<u>Citgo Ultra-Low Diesel Fuel</u>	<u>Citgo Dyed Diesel Fuel</u>	<u>Citgo Regular Unleaded</u>
A. Terminal Price			
B. Tax	.2000	No Tax	.2000
C. Mark-up	.0699	.0699	.0689

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 #1385 to Leward Anders & Son for:

Pre-Mix Type D:

- Pct. 1 - \$66.00
- Pct. 2 - \$65.50
- Pct. 3 - \$65.50
- Pct. 4 - \$67.00

Plant price - award Bid #1379 to Vulcan Construction Materials for \$38.00 per ton.

Award Bid #1371 to Quality Hot Mix for:

Hot/Cold Lay Type D

- Pct. 1 - \$80.00
- Pct. 2 - \$80.00
- Pct. 3 - \$80.00
- Pct. 4 - \$80.00

Plant price - award Bid #1366 to Colorado Materials, Ltd. for \$70.00 per ton.

Soil Stabilizer Quicklime:

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 award Bid #1370 to Lhoist North America for Soil Stabilizer-Quicklime-Pebble Bulk (minimum 22 tons) for \$145.44 per ton and Powder Lime for \$205.24 per ton.

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 award Bid #1373A to Quality Hot Mix for:

Pre-Coated PB-3

Pct. 1 - \$46.00

Pct. 4 - \$46.00

and Bid #1368 to Colorado Materials, Ltd.

Pct. 2 - \$45.23

Pct. 3 - \$44.95

Plant price - award Bid #1378 to Vulcan Construction Materials for \$18.00 per ton.

Award Bid #1381 to Martin Marietta Materials for:

Pre-Coated PE-3

Pct. 1 - \$51.05

Pct. 2 - \$49.85

Pct. 3 - \$49.10

Pct. 4 - \$53.30

Plant price - \$20.00

Award Bid #1373A to Quality Hot Mix for:

Pre-Coated PB-4

Pct. 1 - \$46.00

Pct. 4 - \$46.00

And Bid #1368 to Colorado Materials, Ltd for:

Pct. 2 - \$45.23

Pct. 3 - \$44.95

Plant price awarded to Bid #1376 to Brauntex Materials, Inc for \$25.75 per ton. The price was higher but Commissioner Berckenhoff stated that the distance was only 66 miles to Brauntex Materials versus 210 miles to Vulcan Construction Materials and 195 miles to the Martin Marietta Plant from his precinct barn. Even though the price is a little higher, he believes with windshield time, man hours on the road and wear and tear on the vehicles the county would still come out better.

Award Bid #1381 to Martin Marietta Materials for:

Pre-Coated PE-4

Pct. 1 - \$51.05

Pct. 2 - \$49.85

Pct. 3 - \$49.10

Pct. 4 - \$53.30

Plant Price - \$20.00

Award Bid #1373A to Quality Hot Mix for:

Uncoated Grade 3

Pct. 1 - \$20.50

Pct. 2 - \$19.50

Pct. 3 - \$19.75

Pct. 4 - \$21.50

Plant price - award Bid #1368 to Colorado Materials, Ltd. for \$11.00

**Award Bid #1373A to Quality Hot Mix for:**

**Uncoated Grade 4**

**Pct. 1 - \$21.00**

**Pct. 2 - \$20.00**

**Pct. 3 - \$20.00**

**Pct. 4 - \$22.00**

**Plant price - award Bid #1368 to Colorado Materials, Ltd. for \$11.00.**

**LIMESTONE:**

**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 #1384 to Steffek Transport for:**

**Limestone 1 ½"**

**Pct. 1 - \$15.75**

**Pct. 2 - \$14.75**

**Pct. 3 - \$14.75**

**Pct. 4 - \$16.75**

**Plant price - award Bid #1375 to Brauntex Materials, Inc. for \$4.50.**

**Award Bid #1384 to Steffek Transport for:**

**¾" to Dust**

**Pct. 1 - \$15.75**

**Pct. 2 - \$14.75**

**Pct. 3 - \$14.75**

**Pct. 4 - \$16.75**

**Plant price - award Bid #1375 to Brauntex Materials, Inc. for \$4.50.**

**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 #1384 to Steffek Transport for:**

**1" and Down**

**Pct. 1 - \$15.75**

**Pct. 2 - \$14.75**

**Pct. 3 - \$14.75**

**Pct. 4 - \$16.75**

**Plant price - No plant bid.**

**ASPHALT MATERIALS:**

**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 award Bid #1369 to Martin Asphalt Company for:**

**AC-5 - \$2.75 per gallon**

**AC-10 - \$2.75 per gallon**

**MC-30 - \$3.85 per gallon**

**CRS-1P - No Bid**

**CRS-2 - \$2.33 per gallon**

**RC-250 - \$3.35 per gallon**

**AE-P - \$2.90 per gallon**

**Reject any and all other bids.**

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 award Bid #1382 for delivery of Pit Run and Screened Gravel to Pihoda Gravel Company, El Campo, TX:

<u>Delivery to Location</u>	<u>Delivery Per Ton</u>
Precinct #1	\$12.00
Precinct #2	\$12.00
Precinct #3	\$12.00
Precinct #4	\$12.00
Any County Road	\$12.00

**VEGETATION MANAGEMENT SERVICES:**

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 award Bid #1377 to Roadside Inc. for:

- A. 200 Centerline miles treatment per application (Contractor Supplies Herbicide)  
Cost per Mile \$80.00
- B. 400 Centerline miles treatment per application (Contractor Supplies Herbicide)  
Cost per Mile \$75.00
- C. Edge of payment treatment per centerline mile (Contractor Supplies Herbicide)  
Cost per Mile \$55.00
- D. Bridge Treatment (Contractor Supplies Herbicide)  
Cost per Application \$200.00 per Bridge

**Brush Spraying**

- E. Cost per mile of brush spraying - \$150.00 per treated acre
- F. Georgia Cane treatment - Roadside Inc wrote this in the bid - Cost of \$2500.00 for a 10 hour day

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- 5. Acknowledge receipt of financial assistance from the Dickson Allen Foundation to the Lavaca County Senior Citizens Program in the amount of \$15,000.00. (Program Coordinator)

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 acknowledge receipt of financial assistance from the Dickson Allen Foundation to the Lavaca County Senior Citizens Program in the amount of \$15,000.00.

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- 6. 2014 Lavaca County Investment Policy. (Treasurer)

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 2014 Lavaca County Investment Policy.

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- 7. Application for materials FY 2014 Local County Assistance Program, based on Transportation Code §201.706, assisted by Texas Department of Transportation. (County Judge)

Moved by Commissioner Dennis Kocian to divide it up 25% for each precinct. Motion died for lack of a second.

Moved by Commissioner Edward Pustka, Seconded by Commissioner Ronald Berckenhoff, and adopted with Commissioner Edward Pustka, Commissioner Ronald Berckenhoff, Judge Tramer Woytek and Commissioner R. W. Brown voting AYE and with Commissioner Dennis Kocian voting NO, IT IS HEREBY ORDERED to divide the assistance on a percentage basis: Precinct 1 - 29%, Precinct 2 - 29%, Precinct 3 - 23% and Precinct 4 - 19%.

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8. Acknowledge contribution from the Dickson Allen Foundation to Lavaca County Constable, Precinct #2 in the amount of \$5,650.00. (Constable 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 contribution from the Dickson Allen Foundation to Lavaca County Constable, Precinct #2 in the amount of \$5,650.00.

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9. Advertise for bids to purchase pickup truck for Precinct #3. (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 advertise for bids to purchase pickup truck for Precinct #3.

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10. Declare as surplus property: Cyber Power Battery Pack 425VA, Serial number CPY9N2008892 (non operational). (District Clerk)

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: Cyber Power Battery Pack 425VA, Serial number CPY9N2008892 (non operational).

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11. Agreement with Community Action Committee of Victoria, Texas for 2014. (County Judge)

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 accept the agreement with Community Action Committee of Victoria, Texas for 2014.

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12. Acknowledgment of completion of consolidation of records from Justice of the Peace, Precinct #3 to County Clerk. (County Clerk)

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 acknowledge the completion of consolidation of records from Justice of the Peace, Precinct #3 to County Clerk.

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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 approve the consent agenda.

13. Minutes of December 9, 2013 Regular Meeting.

14. Minutes of December 13, 2013 Special Called Meeting.

15. Continuing Education Certificate for Commissioner Dennis W. Kocian, Pct. #4 thru the 91<sup>st</sup> Annual County Judge's and Commissioner's Association Conference, October 7-10, 2013.

16. Continuing Education Certificate for Commissioner Ronald Berkenhoff, Pct. #2 thru the 91<sup>st</sup> Annual County Judge's and Commissioner's Association Conference, October 7-10, 2013.

17. Continuing Education Certificate for Commissioner Richard W. Brown, Pct. #3 thru the 91<sup>st</sup> Annual County Judge's and Commissioner's Association Conference, October 7-10, 2013.

18. Lavaca County Precinct #4 Road Sign Inventory, Retro-Reflectivity Compliance Evaluation and Replacement Policy.

19. Lavaca County Treasurer's Annual Report.

20. Budget Amendments, if any

21. Claims

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Court members signing of paperwork related to items above

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Adjournment by Presiding Officer

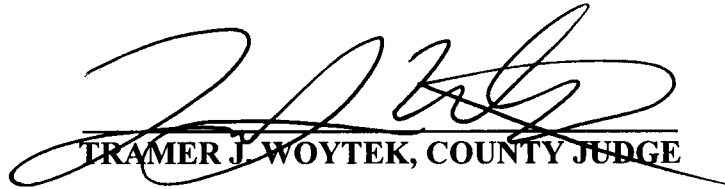
**STATEMENT OF APPROVAL**

**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 December 23, 2013 are  
this day approved as submitted.**

**Signed this the 13th day of January, A.D. 2014.**

  
**TRAMER J. WOYTEK, COUNTY JUDGE**

**ACKNOWLEDGED:**

  
**ELIZABETH A. KOUBA, COUNTY CLERK**

