

THE STATE OF TEXAS)(

COUNTY OF LAVACA)(

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, January 14th, at 10:00 A. M. in the Lavaca County Commissioners' Courtroom, 1st 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 Opela, Louis Schott, Kathy Shepard, Jim Appelt, Dana Pohler, Roseann Mikes, Alton E. Brown Sr., Carl Tieken, Karen Bludau, Michael Andes, Deborah A. Sevcik, Patty Grahmann, Micah Harmon, Kerry L. Peterson, Sherry T. Henke, Stuart Fryer and 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.

No one addressed the court under Public Communication.

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

Louis Schott gave his quarterly report.

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 quarterly report from Louis Schott, Lavaca County representative on the Lavaca County Appraisal District Board of Directors.

2. Appoint Judge Pro-tem for 2013. (County Judge)

Moved by Judge Tramer Woytek, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO and with Commissioner Dennis Kocian ABSTAINING, IT IS HEREBY ORDERED to appoint the most tenured member of this current court, Commissioner Dennis Kocian as Judge Pro-tem for 2013.

3. Workers' Compensation Alliance Election Form for Lavaca County, Senior Citizen Nutrition Program and Information & Referral and authorize Pool Coordinator, Shana Opela to sign election form. (County Judge)

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 approve the Workers' Compensation Alliance Election Form for Lavaca County, Senior Citizen Nutrition Program and Information & Referral and authorize Pool Coordinator, Shana Opela to sign the election form.

4. Order for reoccurring claims. (County Judge)

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 approve the order for reoccurring claims.

5. Resolution to Support the County Attorney Acquiring Felony Jurisdiction. (County Attorney)

County Attorney, Stuart Fryer stated that we are in the 25th Judicial District of the State of Texas which comprises of four counties. There are three counties that are under a multi-county District Attorney. This year all three counties - Guadalupe, Gonzales and Lavaca are seeking for each county to have their own Felony Jurisdiction. The County Attorney in Lavaca County handles misdemeanors plus juveniles. If there is no multi-county District Attorney in the County, under the law the County Attorney assumes Felony Jurisdiction. Having Felony Jurisdiction means that we would have more local control over felonies and how quickly they would be processed.

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 Resolution to Support the County Attorney Acquiring Felony Jurisdiction.

6. Select date for Elected Officials group photo. (County Judge)

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 select the date for Elected Officials group photo to be January 28th at 9:30 am in the Commissioners' Courtroom.

7. Lavaca County Safety and Service awards. (County Judge)

Moved by Judge Tramer Woytek, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to appoint to the Safety Awards Committee Judge's Assistant Dana Pohler and Debbie Fishbeck and the Committee for Service Awards Judge's Assistant Dana Pohler and Karen Bludau.

8. Approve bonds of Lavaca County Sheriff Deputies: Daniel W. Peters, Jr., Edward C. Vaccaro, Michael Buchanek, James Whited, Jr., James A. Jakubek, Jo Ann Kristek, Michael W. Gibson, Jr., Jimmie Wayne Heiman, Jr., Leonard A. Rutledge, Christopher Rosales, Marilyn Prazak Chovanetz, Noe Miranda, Calvin J. Albrecht, William R. Felts, and Emery M. Gallia. (County Sheriff)

Moved by Commissioner Ronald Berckenhoff, 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 bonds of Lavaca County Sheriff Deputies: Daniel W. Peters, Jr., Edward C. Vaccaro, Michael Buchanek, James Whited, Jr., James A. Jakubek, Jo Ann Kristek, Michael W. Gibson, Jr., Jimmie Wayne Heiman, Jr., Leonard A. Rutledge, Christopher Rosales, Marilyn Prazak Chovanetz, Noe Miranda, Calvin J. Albrecht, William R. Felts, and Emery M. Gallia.

9. Approve bonds of Lavaca County Tax Assessor-Collector Deputies: Agnes F. Greer, Janis Muehr, Arleen Werner, Shirley Hollas, Mary Sklar, Sandra Migl and Melissa Holub. (Tax Assessor)

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 approve the bonds of Lavaca County Tax Assessor-Collector Deputies: Agnes F. Greer, Janis Muehr, Arleen Werner, Shirley Hollas, Mary Sklar, Sandra Migl and Melissa Holub.

10. Real Estate Lease between Minnie Lee Fisbeck and Lavaca County for office space located at 208 A W. Moore Avenue, Moulton, Texas for the Lavaca County Justice of the Peace, Precinct #2. (County Judge)

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 approve the Real Estate Lease between Minnie Lee Fisbeck and Lavaca County for office space located at 208 A W. Moore Avenue, Moulton, Texas for the Lavaca County Justice of the Peace, Precinct #2 for \$100 per month with the lease beginning on January 1, 2013 and expiring on December 31, 2013.

11. Award bids for purchase of the following: Level Up-Patch Material, Soil Stabilizer Quicklime – Pebble Bulk & Powder Lime, Cover Stone Material – Pre-coated and Uncoated, Asphalt Materials and Limestone. (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 #1347 to Leward Anders & Son for:

Pre-Mix Type D

Pct. 1 - \$66.00

Pct. 4 - \$67.00

Award Bid #1356 to Vulcan Construction Materials for:

Pre-Mix Type D

Pct. 2 - \$65.75

Pct. 3 - \$65.75

Plant Pick up - \$38.00

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 #1346 to Colorado Materials for:

Pre Coated PB-3

Pct. 1 - \$41.75

Pct. 2 - \$40.50

Pct. 3 - \$40.25

Pct. 4 - \$43.50

Reject any and all bids for material picked up at the plant.

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 #1354 to Martin Marietta for:

Pre-Coated PE-3

Pct. 1 - \$51.05

Pct. 2 - \$49.85

Pct. 3 - \$49.10

Pct. 4 - \$53.30

And not take a bid price on pick up at the plant.

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 #1346 to Colorado Materials for:

Pre-Coated PB-4

Pct. 1 - \$41.75

Pct. 2 - \$40.50

Pct. 3 - \$40.25

Pct. 4 - \$43.50

Reject plant price

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 #1356 to Vulcan Construction Materials for:

Pre-Coated PE-4

Pct. 1 - \$47.25

Pct. 2 - \$45.75

Pct. 3 - \$45.75

Pct. 4 - \$49.50

Reject plant price

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 #1348 to Quality Hot Mix for:

Uncoated Grade 3

Pct. 1 - \$19.70

Pct. 2 - \$18.20

Pct. 3 - \$19.70

Pct. 4 - \$20.90

Plant price awarded to Bid #1346 - Colorado Materials - \$11.00

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 #1348 to Quality Hot Mix for:

Uncoated Grade 4

Pct. 1 - \$19.00

Pct. 2 - \$17.70

Pct. 3 - \$19.00

Pct. 4 - \$20.25

Plant price awarded to Bid #1346 - Colorado Materials - \$11.00

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 Soil Stabilizer Quicklime Pebble Bulk Bid #1355 to Lhoist North America for \$138.38 per ton. Powder Lime (minimum 600-50 lb bags) for \$198.48 per ton.

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 to Martin Asphalt Company - Bid #1357 for:

ASPHALT MATERIALS

AC-5 - \$2.85

AC-10 - \$2.85

RC 250 - \$3.65

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 to Cleveland Asphalt - Bid #1349 for CRS 2 at \$2.3863.

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 to Cleveland Asphalt - Bid #1349 for AEP at \$3.0863.

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 to Martin Asphalts - Bid #1357 for MC-30 at \$3.90. Lots were drawn because Martin Asphalts & Performance Grade Asphalts had the same bid price.

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 to Ergon Asphalts - Bid #1351 for CRS-1P at \$2.977.

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 to Steffek Transport - Bid #1352 for:

Limestone 1 ½" :

Pct. 1 - \$15.00

Pct. 2 - \$14.00

Pct. 3 - \$14.00

Pct. 4 - \$16.00

Plant price awarded to Colorado Materials - Bid #1344 for \$4.00 per ton.

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 to Steffek Transport - Bid #1352 for:

Limestone 3/4" to Dust:

Pct. 1 - \$15.00

Pct. 2 - \$14.00

Pct. 3 - \$14.00

Pct. 4 - \$16.00

Reject any and all bids for plant price.

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 to Steffek Transport - Bid #1352 for:

Limestone 1" & Down

Pct. 1 - \$15.00

Pct. 2 - \$14.00

Pct. 3 - \$14.00

Pct. 4 - \$16.00

No bids for plant prices.

LEVEL UP-PATCH MATERIAL:

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 to Quality Hot Mix - Bid #1348 for:

Hot/Cold Lay Type D:

Pct. 1 - \$80.00

Pct. 2 - \$80.00

Pct. 3 - \$80.00

Pct. 4 - \$80.00

Lots were Drawn for Pct. 3 between Colorado Materials and Quality Hot Mix with Quality Hot Mix being Drawn.

Plant Price was awarded to Colorado Materials - Bid #1345 for 68.00.

12. Appointment of Lavaca County Veteran's Service Officer. (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 to hire Donald J. McAfee to be our new Veteran's Service Officer for Lavaca County.

13. Accept resignation of Melvin Petru as Van Driver for Lavaca County Senior Citizens Program (Nutrition Coordinator)

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 the resignation of Melvin Petru as Van Driver for Lavaca County Senior Citizens Program.

14. Hire Nelson Green Jr. as a Van Driver in Shiner for the Senior Citizens Nutrition Program. He will wok only when needed for \$7.25 per hour. (Nutrition Coordinator)

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 hire Nelson Green Jr as a Van Driver in Shiner for the Senior Citizens Nutrition Program. He will work only when needed for \$7.25 per hour.

15. Create committee to evaluate and update Lavaca County Application for Pipeline Permit, Special Road Use Agreement and Application to Lay Seismic Line. (County Judge)

Moved by Judge Tramer Woytek, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO and with Commissioner Ronald Berckenhoff and Commissioner Dennis Kocian ABSTAINING, IT IS HEREBY ORDERED to appoint Stuart Fryer, Commissioner Ronald Berckenhoff and Commissioner Dennis Kocian to be on this committee.

16. Acknowledge check received from Michels Corporation in the amount of \$20,000 for reimbursement of damages on LCR #441. (Comm. Pct. 4)

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 acknowledge a check received from Michels Corporation in the amount of \$20,000 for reimbursement of damages on LCR #441.

17. Per LGC 111.0108 certification of unanticipated revenue from:

- * Jim Clark & Associates, LLC - \$500 for restoration of files in the District Clerk's Office.
- * Michels Corporation – \$20,000 reimbursement for damages to LCR #441 (Auditor)

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 for the \$20,000 to go into Line Item #30456248542 for damages to LCR #441 and also to create another Line Item for the District Clerk.

18. Leave of absence request from jailer, George Sierra. (Sheriff)

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 approve the leave of absence request from jailer, George Sierra.

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 Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the consent agenda.

19. Minutes of December 26, 2012 Regular Meeting.

20. Minutes of January 2, 2013 Special Called Meeting.

21. Certificate of Liability Insurance for H&H Overhead Door Co. Inc. (Auditor)

22. Application for Lavaca County Pipeline Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #2 to include LCR #294.

23. Application for Lavaca County Pipeline Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #2 to include LCR #294.

24. Application for Lavaca County Pipeline Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #3 to include LCR #351.

25. Application for Lavaca County Pipeline Permit between Penn Virginia Oil & Gas, LP and Lavaca County Precinct #2 to include LCR #271.

26. Application for Lavaca County Pipeline Permit between Penn Virginia Oil & Gas, LP and Lavaca County Precinct #3 to include LCR #353.

27. Extend expiration date on application for Permit to Lay Seismic Line between O'Tool Oil & Gas, LLC and Precinct #1. Commissioners' Court dated February 6, 2012.

28. Extend expiration date on application for Permit to Lay Seismic Line between O'Tool Oil & Gas, LLC and Precinct #4. Commissioners' Court dated February 13, 2012.

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

30. County Auditor Monthly and Quarterly Reports

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

32. County Officials' reports

33. Budget Amendments, if any

34. Claims

Court members signing of paperwork related to items above

Adjournment by Presiding Officer

STATEMENT OF APPROVAL

THE STATE OF TEXAS]

COUNTY OF LAVACA]

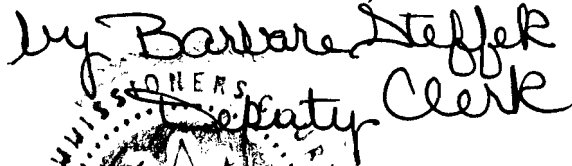
**WE, the COUNTY JUDGE, and COMMISSIONERS of
LAVACA COUNTY, TEXAS, majority being present, do hereby certify that the above and
foregoing Minutes of the Commissioners' Court Meeting dated January 14th, 2013 are
this day approved as submitted.**

Signed this the 28th day of January, A.D. 2013.


TRAMER J. WOYTEK, COUNTY JUDGE

ACKNOWLEDGED:


ELIZABETH A. KOUBA, COUNTY CLERK


Deputy Clerk

