

MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS

REGULAR MEETING – APRIL 11, 2016

DeWitt County Commissioners Court met in regular session April 11, 2016, at 9:00 a.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, with the following members present:

County Judge Daryl L. Fowler
Commissioner Curtis Afflerbach, Precinct No. 1
Commissioner James B. Pilchiek Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4
County Clerk Natalie Carson

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INOVOCATION

Judge Fowler called the meeting to order and let everyone in the pledge of allegiance. Mr. Afflerbach gave the invocation.

NEW BUSINESS:

PUBLIC HEARING (No. 1)

Public hearing held to provide opportunity for public comments on a proposal to expand the existing 30 MPH speed limit on Cheapside Road in Precinct No. 1 for increased public safety. No one was present to speak for or against.

CLOSE PUBLIC HEARING (No. 2)

Judge Fowler closed the public hearing.

RULE ON PUBLIC HEARING (No. 3)

MOTION: Mr. Afflerbach made a motion to approve expanding the existing 30 MPH speed limit zone on Cheapside Road for an additional ½ mile on each direction. Mr. Kaiser seconded the motion. After discussion, Mr. Afflerbach withdrew his motion. Court took no action.

JOINT ELECTION AGREEMENT (No. 5)

MOTION: Mr. Kaiser made a motion to ratify the Joint Election Agreement to provide election services for the Joint General Election on May 7, 2016 between DeWitt County, by and through the DeWitt County Elections Administrator, and the City of Yorktown, Yorktown Independent School District and the City of Cuero. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

DE WITT COUNTY HISTORICAL COMMISSION (No. 6)

MOTION: Mr. Kaiser made a motion to approve the appointment of an additional member to the DeWitt County Historical Commission for the remaining 2015-2016 term of Cheryl Rabel Scott. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

REQUEST FOR CAPITAL CREDITS (No. 7)

MOTION: Mr. Afflerbach made a motion to authorize County Judge Daryl L. Fowler to complete and sign the County Request for Capital Credits form pursuant to Property Tax Code §74.602 and acknowledge that the use of the funds received will be in compliance with the provisions of Texas Local Government Code Section 381.004 for the 2015 reporting year, beneficiary to be Golden Crescent CASA. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID (No. 8)

Road Materials:

| <u>Product</u> | <u>Primary</u> | <u>Alternate</u> |
|---|--|--|
| Pre-Coated Aggregate Grade 3 | Vulcan Construction | Quality Hot Mix, Inc. |
| Pre-Coated Aggregate Grade 4 | Brauntex Materials | Vulcan Construction |
| Pre-Coated Aggregate Grade 5 | Brauntex Materials | Vulcan Construction |
| Uncoated Aggregate Grade 5 | Brauntex Materials | Quality Hot Mix Inc. |
| Premixed Rock Asphalt Pct. 1 & 3 Pct. 2 & 4 | Martin Marietta Vulcan Construction | Vulcan Construction Martin Marietta |
| Hot Mix Cold Laid Grade B Pct. 1, 2 & 4 Pct. 3 | Colorado Materials Brauntex Materials | Brauntex Materials Colorado Materials |
| Hot Mix Cold Laid Grade C | Brauntex Materials | All Star Materials |
| Hot Mix Cold Laid Grade D | Brauntex Materials | Colorado Materials |
| Crushed Limestone Base Material Pct. 1, 3 & 4 Pct. 2 | Colorado Materials All Star Materials | O & G Rocks Ken's Materials |
| Crushed Limestone Cover Stone, $\frac{1}{4}$ " F Rock Pct. 1, 2 & 3 Pct. 4 | Colorado Materials Colorado Materials | Brauntex Materials O & G Rocks |
| Crushed Limestone Cover Stone, Type B, Grade 3 | Colorado Materials | Quality Hot Mix, Inc. |
| Crushed Limestone Cover Stone Grade 4 Pct. 1, 3 & 4 Pct. 2 | Colorado Materials Colorado Materials | Brauntex Materials Ken's Materials |

| | | |
|--|-----------------------------------|-----------------------------------|
| ¾ to Dust Limestone Pct. 1, 3 & 4 Pct. 2 | O & G Rocks Ken's Materials | Brauntex Materials O & G Rocks |
| Bulk Rate Cement | Martin Marietta | All Star Materials |
| 3/8" Pea Gravel Pct. 1, 3 & 4 Pct. 2 | O & G Rocks All Star Materials | All Star Materials O & G Rocks |
| 5/8" Pea Gravel | All Star Materials | None |
| Pit Run Gravel | All Companies | |
| Screened Gravel | All Companies | |
| Bull Rock | All Companies | |

MOTION: Mr. Kaiser made a motion to award bids for road materials applicable to all commissioner precincts. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

PROCLAMATION (No. 4)

MOTION: Mr. Kaiser made a motion to adopt a proclamation establishing April 24 to May 1, 2016 as Soil & Water Stewardship Week. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID (No. 9)

Asphalt Oils:

| <u>Product</u> | <u>Primary</u> | <u>Alternate</u> |
|-----------------------|-----------------|-------------------|
| AC-5 | Martin Marietta | None |
| AC-10 | Martin Marietta | None |
| AC-15P | Martin Marietta | None |
| MC-30 | Martin Marietta | None |
| CRS-2 | Ergon Asphalt | Martin Marietta |
| CRS-2P | Ergon Asphalt | Western Emulsions |
| RC-250 | Martin Marietta | None |
| I-340-C PG70-22 SAC B | None | None |
| I-340-C PG64-22 SAC B | None | None |
| HMAC Type D (PG64-22) | None | None |

MOTION: Mr. Kaiser made a motion to award bid for asphalt oils applicable to all commissioner precincts. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID (No. 10)

| <u>Product</u> | <u>Primary</u> | <u>Alternate</u> |
|----------------|------------------|-------------------|
| Concrete | ABN Construction | Thomas Watson Co. |

MOTION: Mr. Randle made a motion to receive bids and consider award of bid for concrete applicable to all commissioner precincts primary being ABN Construction and alternate Thomas Watson Co. LLC. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

SUBSURFACE EASEMENT (No. 11)

MOTION: Mr. Afflerbach made a motion to approve a subsurface easement agreement between DeWitt County and BHP Billiton Petroleum Properties for four wellbores (WWBFOD 1H, 2H, 3H AND WWBFOD SA 1H) under Catholic Church Lane in Commissioner Precinct No. 1. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

PIPELINE CROSSING PERMITS (No. 12)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with Burlington Resources Oil & Gas Company, LP to cross A. Metting Road in Commissioner Precinct No. 3. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

TEMPORARY RIGHT OF WAY REQUESTS AND AGREEMENTS (No. 13)

MOTION: Mr. Kaiser made a motion to approve temporary right of way request and agreement with Burlington Resources Oil & Gas, L.P. for installation of water lines along Kubala Store Road and Schulle Road in Commissioner Precinct No. 1 and to cross A. Metting Road, Hy Koopmann Road and Jaeger Road in Commissioner Precinct No. 3. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 14)

MOTION: Mr. Afflerbach made a motion to approve temporary right of way request and agreement permit application from EOG Resources, Inc. for installation of a water line along Nolte-Boehl Road in Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

COUNTY AUDITOR'S 2ND QUARTER 2016 CASH COUNT REPORT (No. 15)

MOTION: Mr. Afflerbach made a motion to receive 2nd quarter 2016 cash count report. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

ACCOUNTS PAYABLE (No. 16)

MOTION: Mr. Kaiser made a motion to approve accounts payable. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion to approve accounts payable for a late bill of \$200 requested by Juvenile Probation. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

BUDGET AMENDMENT REQUESTS (No. 17)

MOTION: Mr. Kaiser made a motion to approve budget amendments. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

MONTHLY REPORT OF OFFICIALS (No. 18)

County Auditor Carrie Rea reported that her office had received monthly reports from all officials.

MOTION: Mr. Afflerbach made a motion to approve monthly reports of officials. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

COUNTY TREASURER'S MONTHLY REPORT (No. 19)

MOTION: Mr. Randle made a motion to receive County Treasurer's Monthly Report and approve Court Order #2016-007 Approving Treasurer's Monthly Report. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

COUNTY TREASURER'S QUARTERLY INVESTMENT REPORT (No. 20)

MOTION: Mr. Afflerbach made a motion to receive County Treasurer's Quarterly Investment Report. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

PERSONNEL CHANGES (No. 21)

Kasey Castro, Deputy, District Clerk; termination effective March 29, 2016; 1 month 13 days; no comp or vacation time to pay out

Ruben Rodriguez, Equipment Operator, Precinct 4; step increase effective April 13, 2016; Category 17 Step 2; 1 year of employment; rate of pay to be \$1,421.78/bi-weekly \$17.77/hour; next possible step increase April 13, 2017; comp time will be paid out at time of step

Michael Kelley, Deputy, Sheriff's Office; step increase effective April 23, 2016; Category 15 Step 2; 1 year of employment; rate of pay to be \$1,672.53/bi-weekly \$19.45/hour; next possible step increase April 23, 2017; comp time will be paid out at time of step

Charlotte Andersen, Clerk, JP #2; step increase effective May 11, 2016; Category 1 Step 2; 1 year of employment; rate of pay to be \$1,190.70/bi-weekly \$14.88/hour; next possible step increase May 11, 2017; comp time will be paid out at time of step

Esther Francis, Clerk, Tax Assessor; step increase effective May 15, 2016; Category 1 Step 6; 10 years of employment; rate of pay to be \$1,367.10/bi-weekly \$17.09/hour; next possible step increase May 15, 2018; comp time will be paid out at time of step

Dee Ann Watts, Clerk, Tax Assessor; hired effective April 11, 2016; Category 1 Step 1; rate of pay to be \$1,146.60/bi-weekly \$14.33/hour; next possible step increase April 11, 2017

Gabriel A. Dominguez, Equipment Operator, Precinct 4; hired effective April 4, 2016; Category 17 Step 3; rate of pay to be \$1,465.88/bi-weekly \$18.32/hour; next possible step increase April 4, 2019

Arlen R. Parma, Equipment Operator, Precinct 3; Category 17 Step 1; rate of pay to be \$1,377.68/bi-weekly \$17.22/hour; next possible step increase April 11, 2017

MOTION: Mr. Kaiser made a motion to approve personnel changes. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

MINUTES (No. 22)

MOTION: Mr. Afflerbach made a motion to approve minutes of the previous term of court. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

BONDS AND/OR DEPUTATIONS (No. 23)

Deputation – Dee Ann Watts, Deputy Clerk Tax Assessor Collector

MOTION: Mr. Kaiser made a motion to approve deputation. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 24)

Judge Fowler reported that there will be a meeting sometime within this month with Mr. Komatsu, Judge Fowler, Commissioner Randle and County Auditor Carrie Rea.

Judge Fowler reported the county's Trane representative has resigned; position is vacant; pending bills being negotiated at this time.

LEGISLATIVE UPDATE (No. 25)

Judge Fowler reported that there is ongoing hearings across the state regarding proposed legislation during the next term to put a cap on counties revenues.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 26)

Commissioners discussed routine operations.

PUBLIC COMMENT

None

ADJOURN (No. 27)

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 10:35 a.m.]

MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS

REGULAR MEETING – APRIL 25, 2016

DeWitt County Commissioners Court met in regular session April 25, 2016, at 9:00 a.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, with the following members present:

County Judge Daryl L. Fowler
Commissioner Curtis Afflerbach, Precinct No. 1
Commissioner James B. Pilchiek Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4
County Clerk Natalie Carson

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INOVOCATION

Judge Fowler called the meeting to order and let everyone in the pledge of allegiance. Mr. Randle gave the invocation.

AUTOMATED LICENSE PLATE RECOGNITION SYSTEM (No. 1)

Constable Pct. 1 Kelly Phelps presented information on the Automated License Plate Recognition System (ALPR).

No action taken.

BUDGET AMENDMENT (No. 4)

MOTION: Mr. Kaiser made a motion to approve budget amendment for the completion of the outfitting of the new Chevrolet Tahoe for Constable Precinct No. 1 with the amount of \$2800 being taken out of non-departmental contingent and uncommitted line item to the equipment line item of Constable Pct. 1. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

DE WITT COUNTY APPRAISAL DISTRICT (No. 5)

MOTION: Mr. Kaiser made a motion to receive the audited DeWitt County Appraisal District Financial Statements dated December 31, 2015. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

DE WITT COUNTY APPRAISAL DISTRICT (No. 6)

MOTION: Mr. Kaiser made a motion to receive letter of intent with respect to delivery of Estimate of Net Taxable Value for 2016 pursuant to Section 26.01(e) of the Texas Property Tax Code. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID (No. 7)

No bids received; passed

ALL HAZARD MITIGATION PLAN (No. 2)

No action taken; court will recess and reconvene on Tuesday April 26th to allow court to review the qualifications from professional planning and engineering firms.

PIPELINE CROSSING PERMITS (No. 8)

MOTION: Mr. Kaiser made a motion to approve pipeline permit application with Sabine Oil & Gas to cross Alfred Blaschke Road and Scheffler Road in Commissioner Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

PIPELINE CROSSING PERMITS (No. 9)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with EFS Midstream LLC to cross Alfred Blaschke Road, Cabeza Road, Noe Hinojosa Road, Rogge-Seifert Road and Simpson Ranch Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

TEMPORARY RIGHT OF WAY REQUESTS AND AGREEMENTS (No. 10)

MOTION: Mr. Kaiser made a motion to approve temporary right of way requests and agreement with Burlington Resources Oil & Gas, L.P. for installation of water lines along Gruenau Road, Hy Koopmann Road and Jaeger Road in Commissioner Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

ACCOUNTS PAYABLE (No. 11)

MOTION: Mr. Pilchiek made a motion to approve accounts payable. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

BUDGET AMENDMENT REQUESTS (No. 12)

MOTION: Mr. Pilchiek made a motion to approve budget amendment request. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

DECLARE FIXED ASSETS AS SALVAGE (No. 13)

MOTION: Mr. Kaiser made a motion to approve declaring inventory items as salvage pursuant to Local Government Code § 263.152 (A). Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

PERSONNEL CHANGES (No. 14)

Tyler Bressler, Jailer, Sheriff's Office; hired effective April 20, 2016; Category 12 Step 1; rate of pay to be \$1,404.21/bi-weekly \$16.33/hour; next possible step increase April 20, 2017

MOTION: Mr. Afflerbach made a motion to approve personnel changes. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

BONDS AND/OR DEPUTATIONS (No. 15)

Bond and Deputation for Todd Pfenninger.

MOTION: Mr. Kaiser made a motion to approve bond and deputation of Todd Pfenninger. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

TEXAS ASSOCIATION OF COUNTIES (No. 3)

Court received presentation from TAC representative Charlotte Collins concerning health insurance coverage and wellness programs.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 18)

Commissioners discussed routine precinct operations.

CETRZ committee – time to have a meeting

Judge Fowler and Commissioners will be attending conference in San Marcos in June.

County Auditor Carrie discussed accounts payable concerning tickets needing signatures; one company being All Star.

RECESS

Court recessed until 1:30 p.m.

RECONVENE

Court reconvened at 1:35 p.m. with Mr. Kaiser absent.

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 16)

Mr. Komatsu presented the court with a work plan outline.

PUBLIC COMMENT

None

RECESS

Court recessed until 9:00 a.m. on April 26, 2016.

RECONVENE

Court reconvened on April 26, 2016 at 9:00 a.m.

ALL HAZARD MITIGATION PLAN (No. 2)

MOTION: Mr. Kaiser made a motion to receive qualifications from professional planning and engineering firms of Lockwood, Andrews & Newman Inc., H2O Partners, HALFF Associates, Inc. and Grant Works. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion to select Lockwood, Andrews & Newman, Inc. and authorize County Judge to enter into contract negotiations pursuant to Government Code, Title 10, Chapter 2254, Subchapter A. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

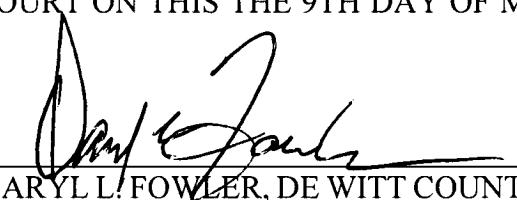
LEGISLATIVE UPDATE (No. 17)

Judge Fowler reported that he spoke with Steve Holzheuser who has had contact with a legal representative with TxDOT to see how much was still outstanding from the grant awards.

ADJOURN (No. 19)

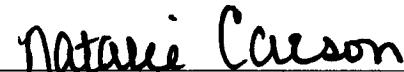
MOTION: Mr. Kaiser made a motion to adjourn. Mr. Randle seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 9:35 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF APRIL A.D. 2016 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 9TH DAY OF MAY, A.D. 2016



DARYL L. FOWLER, DE WITT COUNTY JUDGE

ATTEST:


NATALIE CARSON, DE WITT COUNTY CLERK

