

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – APRIL 10, 2017**

DeWitt County Commissioners Court met in regular session April 10, 2017, 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

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INOVCATION

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

NEW BUSINESS:

PUBLIC HEARING (No. 1)

Public hearing was held to provide opportunity for public comments on the proposed placement of a Yield sign at the intersection of Meyer Road and Dubose Ranch Road in Commissioner Precinct No. 1. 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 the placement of a Yield sign at the intersection of Meyer Road and Dubose Ranch Road in Commissioner Precinct No. 1 effective when the signs go up. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

SCHEDULE PUBLIC HEARING (No. 4)

MOTION: Mr. Randle made a motion to set a public hearing date of May 8, 2017 at 9:00 a.m. at the DeWitt County Courthouse for the hearing and receiving public input of the creation of Vote Centers in DeWitt County for the November General Election. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

CHILD ABUSE AWARENESS AND PREVENTION MONTH PROCLAMATION (No. 5)

MOTION: Mr. Afflerbach made a motion to ratify approval of Proclamation establishing April 2017 as National Child Abuse Prevention Month. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

SOIL & WATER STEWARDSHIP WEEK PROCLAMATION (No. 6)

MOTION: Mr. Randle made a motion to adopt a proclamation establishing April 30, 2017 to May 7, 2017 as Soil & Water Stewardship Week. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

DeWITT COUNTY HISTORICAL COMMISSION (No. 7)

MOTION: Mr. Afflerbach made a motion to approve the appointment of three additional members to the DeWitt County Historical Commission for the remaining 2017-2018 term, those people being Bobbie Foegelle, Tom Foegelle and Chuck Yarborough. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF PARTICIPATION (No. 8)

MOTION: Mr. Afflerbach made a motion to receive Certificate of Participation from The V. G. Young Institute of County Government certifying that Richard Randle has successfully completed 16 hours of Educational Training during the 59th Annual V. G. Young School for County Commissioners Courts. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID AND CONTRACT APPROVAL (No. 9)

Road Materials:

<u>Product</u>	<u>Primary</u>	<u>Alternate</u>
Pre-Coated Aggregate Grade 3 Pct. 1, 3 & 4 Pct. 2	Vulcan Construction Vulcan Construction	Martin Marietta Colorado Materials
Pre-Coated Aggregate Grade 4 Pct. 1, 3 & 4 Pct. 2	Brauntex Materials Brauntex Materials	Vulcan Construction Colorado Materials
Pre-Coated Aggregate Grade 5	Vulcan Construction	Martin Marietta
Uncoated Aggregate Grade 5	Colorado Materials	Quality Hot Mix Inc.
Premixed Rock Asphalt Hot Mix Cold Laid Grade B	Vulcan Construction Brauntex Materials	Allstar Materials No Alternate Bid
Hot Mix Cold Laid Grade C	No Bid Submitted	
Hot Mix Cold Laid Grade D	Brauntex Materials	Quality Hot Mix Inc.
Crushed Limestone Base Material Pct. 1 & 2 Pct. .3 Pct. 4	Allstar Materials Colorado Materials Colorado Materials	Colorado Materials Tindol Construction Allstar Materials
Crushed Limestone Cover Stone, ¼" F Rock	Colorado Materials	Quality Hot Mix Inc.

Crushed Limestone Cover Stone, Type B, Grade 3	Allstar Materials	Colorado Materials
Crushed Limestone Cover Stone, Type B, Grade 4	Colorado Materials	Allstar Materials
¾ to Dust Limestone Pct. 1, 3 & 4 Pct. 2	Allstar Materials Allstar Materials	Martin Marietta Brauntex Materials
Bulk Rate Cement	No Bid Submitted	
3/8" Pea Gravel Pct. 1 & 3 Pct. 2 & 4	Allstar Materials Prihoda Gravel	Prihoda Gravel Allstar Materials
5/8" Pea Gravel	Allstar Materials	Colorado Materials
Pit Gravel 70-22	Colorado Materials	No Alternate Bid
Pit Gravel 64-22	Colorado Materials	No Alternate Bid
HMAC D	Brauntex Materials	Quality Hot Mix Inc.
Pit Run Gravel	All Bids	
Screened Gravel	All Bids	
Bull Rock	All Bids	

MOTION: Mr. Kaiser made a motion to receive bids and award a contract for road materials (paving) as per schedule. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

MOTION: Judge Fowler made a motion to remove condition 9B from Exhibit C for all contracts awarded for road materials. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID AND CONTRACT APPROVAL (No. 10)

Asphalt Oils:

<u>Product</u>	<u>Primary</u>	<u>Alternate</u>
AC-5	Martin Asphalt	Ergon Asphalt
AC-10	Martin Asphalt	Ergon Asphalt
AC-15P	Ergon Asphalt	Martin Asphalt
MC-30	Wright Asphalt	Martin Asphalt
CRS-2	Cleveland Asphalt	Ergon Asphalt

CRS-2P	Ergon Asphalt	Martin Asphalt
RC-250	Martin Marietta	Wright Asphalt

MOTION: Mr. Afflerbach made a motion to receive and award contract for asphalt oils applicable to all commissioner precincts. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID AND CONTRACT APPROVAL (No. 11)

<u>Product</u>	<u>Primary</u>	<u>Alternate</u>
Concrete	ABN Construction	No Alternate Bid

MOTION: Mr. Afflerbach made a motion to receive bids and award a contract for concrete applicable to all commissioner precincts. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

PIPELINE CROSSING PERMITS (No. 14)

MOTION: Mr. Afflerbach made a motion to approve pipeline crossing permit applications of Copano Pipelines/South Texas, LLC to cross Hahn Road and Schulle Road in Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 15)

MOTION: Mr. Kaiser made a motion to approve temporary right of way request and agreement from Burlington Resources Oil & Gas, L.P. for installation of water lines along Gaebler Road, Klein Road, Rogge Seifert Road and Simpson Ranch Road in Commissioner Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

DECLARE FIXED ASSETS AS SALVAGE (No. 16)

MOTION: Mr. Afflerbach made a motion to declare fixed assets as salvage pursuant to Local Government Code 263.152 (A). Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

AUTHORIZE AUDITOR TO SELL SURPLUS PROPERTY (No. 17)

MOTION: Mr. Kaiser made a motion to authorize auditor to sell surplus property (Toshiba copiers: Inventory #3296 which is in possession of County Attorney and Inventory #3697 in possession of County Judge) by means of an online auction pursuant to Local Government Code 263, Subchapter D. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

ACCOUNTS PAYABLE (No. 18)

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

BUDGET AMENDMENT REQUESTS (No. 19)

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

COUNTY AUDITOR CASH COUNT REPORT 2ND QUARTER FY 2017 (No. 20)

MOTION: Mr. Kaiser made a motion to receive County Auditor's Cash Count Report 2nd quarter FY 2017. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

MONTHLY REPORT OF OFFICIALS (No. 21)

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

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

COUNTY TREASURER'S MONTHLY REPORT (No. 22)

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

COUNTY TREASURER'S QUARTERLY INVESTMENT REPORT (No. 23)

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

PERSONNEL CHANGES (No. 24)

Tyler Bressler, Jailer, Sheriff Office; step increase effective April 20, 2017; Category 12 Step 2; 1 year of employment; rate of pay to be \$1,451.62/bi-weekly \$16.88/hour; next possible step increase April 20, 2018; comp time will be paid out at time of step

Michael Kelley, Deputy, Sheriff Office; step increase effective April 23, 2017; Category 15 Step 3; 2 years of employment; rate of pay to be \$1,719.94/bi-weekly \$20.00/hour; next possible step increase April 23, 2020; comp time will be paid out at time of step

Jerome Dreyer, Jailer, Sheriff Office; step increase effective April 26, 2017; Category 12 Step 4; 5 years of employment; rate of pay to be \$1,546.43/bi-weekly \$17.98/hour; next possible step increase April 26, 2019; comp time will be paid out at time of step

Haskell D. Powell, Equipment Operator, Precinct 3; Part Time to Full Time effective March 30, 2017; Category 17 Step 1; 18 years of employment; rate of pay to be \$1,377.68/bi-weekly \$17.22/hour; next possible step increase March 30, 2018

Brittany Dillard, Dispatcher, Sheriff Office; hired effective March 23, 2017; Category 7 Step 2; rate of pay to be \$1,350.34/bi-weekly \$16.88/hour; next possible step increase March 23, 2019

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

MINUTES (No. 25)

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

BONDS AND/OR DEPUTATIONS (No. 26)

None

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 27)

County Auditor Carrie Rea reported that she had been contacted by Dianna Bartosh about the Historical Museum building needing to be leveled. Mr. Randle agreed to speak with Ms. Bartosh and determine what work needs to be done at the museum.

LEGISLATIVE UPDATE (No. 28)

Judge Fowler gave a status update of SB1305, HB3614 and HB4231

EXECUTIVE/CLOSED SESSION (No. 12)

Judge Fowler announced that the court would go into closed session on April 10, 2017 at 11:20 a.m. to deliberate with the County Attorney on a real estate matter sanctioned by Section 551.071 of the Texas Government Code.

Judge Fowler announced that the executive session ended on April 10, 2017 at 11:50 a.m. with no action to come out of the executive session.

DISCUSSION AND POTENTIAL ACTION (No. 13)

No action taken

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 29)

Commissioners discussed routine precinct operations.

PUBLIC COMMENT

County Attorney Raymond H. Reese spoke to the court about his concerns with how the burn ban order reads.

ADJOURN (No. 30)

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 11:55 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – APRIL 24, 2017**

DeWitt County Commissioners Court met in regular session April 24, 2017, 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. Pilchick Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INOVCATION

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

NEW BUSINESS:

DECLARE AS SALVAGE AND AUTHORIZE SALE (No. 1)

MOTION: Mr. Kaiser made a motion to declare the narcotics detection dog as salvage pursuant to Local Government Code 263.152 (A) and authorize Worldwide Canine to conduct a sale pursuant to Local Government Code 263.152 (a)(1). Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

EMERGENCY ACTION PLAN (No. 2)

No action taken

REQUEST FOR CAPITAL CREDIT (No. 3)

MOTION: Mr. Kaiser made a motion to authorize County Judge Daryl L. Fowler to execute 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 2017 reporting year. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

DeWITT COUNTY DEBARMENT POLICY (No. 4)

MOTION: Mr. Randle made a motion to approve the DeWitt County Debarment Policy, Court Order #2017-037. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

PLEDGE COLLATERAL CONTRACTS (No. 5)

MOTION: Mr. Kaiser made a motion to receive and approve the pledged collateral from First National Bank of Shiner/Cuero National Bank Branch and Resolution from First National Bank of Shiner/Cuero National Bank Branch ratifying and adopting depository bid and pledge collateral. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

PREDATOR TRAPPER REPORT (No. 7)

MOTION: Mr. Kaiser made a motion to receive the current activity report of the Texas A&M Wildlife Services predator trapper (dated 4/14/2017). Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

LEASE AND RENTAL AGREEMENT (No. 8)

MOTION: Mr. Kaiser made a motion to approve a lease and rental agreement between DeWitt County (Precinct No. 3) and Anderson Machinery Company for the purpose of renting a 4000-gallon water truck for a monthly price of \$4,320.00. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATES OF COMPLETION (No. 9)

MOTION: Mr. Afflerbach made a motion to receive the Certificate of Participation from The V. G. Young Institute of County Government certifying that Curtis Afflerbach has successfully completed 16 hours of Educational Training during the 59th Annual V. G. Young School for County Commissioners Courts; receive the Certificate of Completion certifying completion of the required continuing education provisions of Article 81.0025 of the Texas Local Government Code for 2016. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

SCHEDULE PUBLIC HEARING DATE (No. 10)

MOTION: Mr. Pilchiek made a motion to schedule a public hearing date of May 22, 2017 at 9:00 a.m. to consider establishing a 45-mile per hour speed limit on the entire length of Emil Blank Road in Commissioner Precinct No. 2 at the DeWitt County Courthouse. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

SCHEDULE PUBLIC HEARING DATE (No. 11)

MOTION: Mr. Pilchiek made a motion to schedule a public hearing date of May 22, 2017 to consider establishing a 40-mile per hour speed limit on the entire length of Kaiser-Adams Road in Commissioner Precinct No. 2 to be held at the DeWitt County Courthouse at 9:00 a.m. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

PIPELINE CROSSING PERMIT (No. 14)

MOTION: Mr. Afflerbach made a motion to approve five (5) pipeline crossing permit applications of EOG Resources, Inc. to cross Baker Road in Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

ACCOUNTS PAYABLE (No. 15)

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

BUDGET AMENDMENT REQUESTS (No. 16)

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

PERSONNEL CHANGES (No. 17)

Cody A. Kubicek, Jailer, Sheriff Office; hired effective April 5, 2017; Category 12 Step 1; rate of pay to be \$1,404.21/bi-weekly \$16.33/hour; next possible step increase April 5, 2018

Erin Gregorcyk, Jailer, Sheriff Office; transfer from Dispatcher to Jailer effective April 14, 2017; Category 12 Step 2; 1 year 10 months of employment; rate of pay to be \$1,451.62/bi-weekly \$16.88/hour; next possible step increase June 8, 2017; comp time will be paid out on next check

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

BONDS AND/OR DEPUTATIONS (No. 18)

None

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 19)

Judge Fowler reported that the terminate inspector suggested cutting back the Jasmine ground cover at the annex.

Judge Fowler reported that the Trane employee that worked on the remote computer access is no longer employed and Trane does not plan on replacing the employee. Court discussed the possible need to update the computer with internet access so that Trane could remote in.

LEGISLATIVE UPDATE (No. 20)

Judge Fowler provided a legislative update.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 21)

Precinct #1 & #2 – routine precinct operations

Precinct #3 – State has closed Baacke Road bridge for approximately 3 months.

Precinct #4 – Wolf Hollow Road has been re-opened; water crossing project is completed

FIBER OPTIC PROJECT UPDATE (No. 6)

MOTION: Mr. Randle made a motion to authorize the county auditor to advertise for bids for the fiber optic project with bids due on or before 2:00 p.m. on June 1, 2017 and bids will be publicly acknowledged and opened immediately after deadline submission. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion to receive the proposed 100 percent draft plans and specifications from Naismith-Hanson, Inc. for the IT Department Fiber Optic Project. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

EXECUTIVE/CLOSED SESSION (No. 12)

Judge Fowler announce that the DeWitt County Commissioners Court is now in closed session on the 24th day of April, 2017 at 10:55 a.m. to discuss and deliberate a real estate matter pursuant to Section 551.071 of the Texas Government Code.

Commissioners Court returned to open session at 11:35 a.m.

DISCUSSION AND POTENTIAL ACTION (No. 13)

MOTION: Mr. Afflerbach made a motion to ratify 2nd amendment involving the sale of the Union Pacific property located in Cuero, Texas to Commissioner Precinct 1 to extend the closing date to July 28, 2017. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

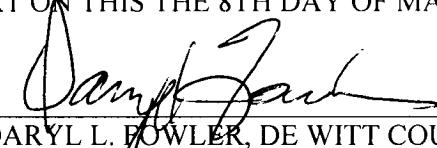
PUBLIC COMMENT

None

ADJOURN (No. 22)

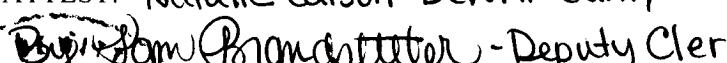
MOTION: Mr. Afflerbach made a motion to adjourn. Mr. Randle seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 11:40 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF APRIL A.D. 2017 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 8TH DAY OF MAY, A.D. 2017.



DARYL L. FOWLER, DE WITT COUNTY JUDGE

ATTEST: Natalie Carson-DeWitt County Clerk



NATALIE CARSON, DE WITT COUNTY CLERK

