

## **MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS**

### **REGULAR MEETING – FEBRUARY 8, 2016**

DeWitt County Commissioners Court met in regular session February 8, 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.

### **NEW BUSINESS:**

#### **PUBLIC HEARING (No. 1)**

Public hearing held to provide opportunity for public comments on a proposal to establish a “No Parking Zone” on St. John School Road adjacent to BHP Billiton Black Hawk facility 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 establishment of a “No Parking Zone” on St. John School Road adjacent to BHP Billiton Black Hawk facility in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

#### **LIVESTOCK SHOW PROCLAMATION (No. 4)**

MOTION: Mr. Kaiser made a motion to approve the resolution proclamation proclaiming February 27 through March 4, 2016 as DeWitt County Youth Livestock Show Week. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

#### **INTRODUCTION OF COUNTY EXTENSION EMPLOYEE (No. 5)**

DeWitt County Agricultural Agent Anthony Netardus introduced new agent Joseph Dickschat.

## **MAINTENANCE ISSUES (No. 6)**

MOTION: Mr. Randle made a motion to authorize the repairs in the jails plumbing utilizing Fund 44. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **RACIAL PROFILING REPORT (No. 7)**

MOTION: Mr. Pilchiek made a motion to receive Tier 1 – Partial Exemption Racial Profiling Report from DeWitt County Sheriff's Office. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **RACIAL PROFILING REPORT (No. 8)**

MOTION: Mr. Kaiser made a motion to receive Full Exemption Racial Profiling Report from DeWitt County Attorney's Office. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **RACIAL PROFILING REPORT (No. 9)**

MOTION: Mr. Kaiser made a motion to receive Tier 1 – Partial Exemption Racial Profiling Report from DeWitt County Constable Precinct No. 1. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **CROSSROADS PUBLIC HEALTH DISTRICT (No. 10)**

MOTION: Judge Fowler made a motion to table item #10 until a future meeting. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **TXDOT COUNTY ASSISTANCE PROGRAM (No. 11)**

MOTION: Mr. Pilchiek made a motion to rescind the previous allocation and adopt this change. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **INTERLOCAL CONTRACT (No. 12)**

MOTION: Mr. Kaiser made a motion to approve an Interlocal Agreement Contract between Harris County Department of Education (HCDE) and DeWitt County for cooperative purchasing of products and services more specifically for, but not limited to, geogrid road paving material. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **RECEIVE AND AWARD BIDS (No. 13)**

Thirteen (13) bids were received.

MOTION: Mr. Kaiser made a motion to award bid to Andale Construction Inc. for the price of \$1,218,204.83, the reason being going to try something new a wet slurry mix, turn key job for labor and material. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **RENTAL AGREEMENT WITH PURCHASE OPTION (No. 14)**

MOTION: Mr. Pilchiek made a motion to approve a one-year Rental Agreement with Purchase Option between Holt Texas Ltd. and DeWitt County Precinct No. 2 for a Model 140M3 Motor Grader current price at \$283,500 with a monthly rental at \$9,019.52. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **REQUEST FOR QUALIFICATIONS (No. 15)**

MOTION: Mr. Randle made a motion to authorize the county auditor to advertise for requests for qualifications (RFQ) for architectural services, including office space and use studies for DeWitt County. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **FINANCIAL REPORT (No. 16)**

MOTION: Mr. Kaiser made a motion to receive the Gulf Bend Center Comprehensive Annual Financial Report FY 2015. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **PIPELINE CROSSING PERMITS (No. 17)**

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

## **CERTIFICATES OF COMPLETION (No. 18)**

MOTION: Mr. Randle made a motion to receive certificates of completion from the County & District Clerks' Association of Texas for County Clerk Natalie Carson and District Clerk Tabeth Gardner for completing the required 20 hours of continuing education for 2015 as prescribed in Section 51.605 of the Texas Government Code. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **ACCOUNTS PAYABLE (No. 19)**

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

## **BUDGET AMENDMENT REQUESTS (No. 20)**

None

## **MONTHLY REPORT OF OFFICIALS (No. 21)**

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

MOTION: Mr. Pilchiek 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. 22)**

MOTION: Mr. Kaiser made a motion to receive and approve County Treasurer's Monthly Report. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.  
[Commissioner's Court Order #2016-004]

## **PERSONNEL CHANGES (No. 23)**

Olivia Blanton, Deputy, District Clerk; termination effective January 29, 2016; 1 year 3 months of employment; comp and vacation time will be paid out on last check

Irmalinda Cortines, Jailer, Sheriff Office; termination effective January 21, 2016; 1 year 7 months of employment; comp and vacation time will be paid out on last check

Carlos Flores, Jr., Jailer, Sheriff Office; resignation effective February 12, 2016; 1 year 5 months of employment; comp and vacation time will be paid out on last check

MOTION: Mr. Kaiser 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. 24)**

None

## **COURTHOUSE AND ANNEX EXPENDITURES, MAINTENANCE, IMPROVEMENTS (No. 25)**

Judge Fowler reported on the following:

Gas leak, in the boiler that had not been re-built, has been located and fixed

Chillers – county will possibly encounter some big maintenance in the future

## **LEGISLATIVE UPDATE (No. 26)**

Nothing

## **DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 27)**

Commissioners discussed routine operations.

Commissioner Afflerbach advised Commissioners Pilchiek and Randle that there are two bundles of grader blades at his precinct for them to pick up.

## **PUBLIC COMMENT**

None

## **ADJOURN (No. 28)**

MOTION: Mr. Afflerbach made a motion to adjourn. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 10:40 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS**

**SPECIAL MEETING – FEBRUARY 8, 2016**

DeWitt County Commissioners Court met in special session February 8, 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 Richard Randle, Precinct No. 4  
County Clerk Natalie Carson

**NEW BUSINESS**

**HISTORICAL MUSEUM REQUEST (No. 1)**

MOTION: Mr. Pilchiek made a motion to authorize the county judge to submit a letter of support for the DeWitt County Historical Museum Power Up Grant project. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**PUBLIC COMMENT**

None

**ADJOURN (No. 2)**

MOTION: Mr. Afflerbach made a motion to adjourn. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0. [Adjourned at 2:40 p.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS**

**REGULAR MEETING – FEBRUARY 29, 2016**

DeWitt County Commissioners Court met in regular session February 29, 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 & INVOCATION**

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 place speed bump(s) on Cheapside Road at Pennell Cattle Company in Commissioner Precinct No. 1 for a public safety purpose. Tim Pennell spoke in favor of the speed bumps. Constable Precinct No. 1 Kelly Phelps suggested moving the speed limit signs further out to see if this helps with the speed of the traffic before placing speed bumps.

#### **CLOSE PUBLIC HEARING (No. 2)**

Judge Fowler closed the public hearing.

#### **RULE ON PUBLIC HEARING (No. 3)**

No action taken

#### **PREDATOR CONTROL REPORT (No. 6)**

MOTION: Mr. Kaiser made a motion to receive activity report on predator control from S. L. Bennett, technician for Texas A & M Wildlife Services. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

#### **DISCUSSION AND POTENTIAL ACTION (No. 19)**

MOTION: Mr. Randle made a motion to set a public hearing date for the purpose of hearing the pros and cons of petition requesting the abandonment of Oliver Road in Precinct 1 at the County Courthouse at 1:30 p.m. on March 28th. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion to receive a petition by property owners of DeWitt County requesting Commissioner's Court to discontinue, vacate and/or abandon a portion of Oliver Road pursuant to § 251.051, § 251.052 and § 251.058 of the Texas Transportation Code. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

#### **BUDGET AMENDMENT REQUEST (No. 10)**

Kelly Phelps, Constable Pct. 1 requested that the court consider a budget amendment request for the purchase of a new police cruiser due to the unexpected and unforeseen emergency owing to excessive repairs and mechanical issues with the 2009 Chevy Tahoe.

MOTION: Mr. Randle made a motion to adopt court order number 2016-005, an order declaring a grave public necessity; meeting an unusual and unforeseen condition; authorizing an emergency expenditure; authorizing a budget transfer during fiscal year 2016 pursuant to the authority given in Local Government Code § 110.010; and conforming to the Open Meetings Act. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

## **FINANCIAL REPORT (No. 7)**

MOTION: Mr. Kaiser made a motion to receive the DeWitt County Comprehensive Annual Financial Report (CAFR) for the period ending September 30, 2015. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **BRIDGE REPLACEMENT PROJECT AND ROAD CLOSURE (No. 4)**

MOTION: Mr. Kaiser made a motion to receive notice and approve Texas Department of Transportation upcoming bridge replacement project and road closure on Charco Road (at Draw) in DeWitt County Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0 with Mr. Afflerbach absent during the vote.

## **CERTIFICATION OF FUNDS (No. 5)**

MOTION: Mr. Randle made a motion to receive letter from county auditor certifying the receipt of funds from Texas Department of Transportation of reimbursement of acquisition of right of way and adjustment of utilities for the U.S. Highway 183, for deposit warrant number 31680 for the funds deposit into general ledger code 26-100-660. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Mr. Afflerbach absent during the vote.

## **STATEMENT OF GRANT AWARD (No. 8)**

MOTION: Mr. Kaiser made a motion to receive Statement of Grant Award, FY16 Formula Grant for the amount of \$24,873 from the Texas Indigent Defense Commission. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0 with Mr. Afflerbach absent during the vote.

## **AUTHORIZE AUDITOR TO ADVERTISE FOR BIDS (No. 9)**

MOTION: Mr. Kaiser made a motion to authorize the county auditor to advertise for bids on the fiber optic networking project appropriated in the Information Technology Department budget for FY 2016. Mr. Randle seconded the motion. Motion carried on a vote of 4-0 with Mr. Afflerbach absent during the vote.

## **PETIT JURY SELECTION PLAN (No. 12)**

MOTION: Mr. Kaiser made a motion to approve the Petit Jury Selection Plan for DeWitt County. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **JUROR FEES (No. 13)**

MOTION: Mr. Afflerbach made a motion to continue with a juror fee rate of \$8.00 for first day if not selected to serve, \$15.00 for first day if selected and \$40.00 after first day of service. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **MEMORANDUM OF UNDERSTANDING (No. 11)**

MOTION: Mr. Randle made a motion to adopt a memorandum of understanding to the extension of an IHS Non-Exclusive License Agreement with Indigent Healthcare Solutions beginning April 1, 2016 for a period of two years. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

## **GRANT COMPLIANCE REPORT FOR JUVENILE PROBATION DEPARTMENT (No. 14)**

**MOTION:** Mr. Kaiser made a motion to receive the Grant Performance Rating Profile from the Texas Juvenile Justice Department dated January 16, 2016 representing its audited finding of FY2014 grant funds utilized by the DeWitt County Juvenile Probation Department. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **CONTRACT AND AGREEMENT (No. 15)**

Passed

## **PRE-ADJUDICATION DETENTION SERVICES AGREEMENT (No. 16)**

Passed

## **POST-ADJUDICATION CENTER SERVICES AGREEMENT (No. 17)**

Passed

## **EXECUTIVE/CLOSED SESSION (No. 18)**

Not held

## **CERTIFICATE OF COMPLETION (No. 20)**

**MOTION:** Mr. Afflerbach made a motion to receive 2015 Certificate of Completion for Commissioner Richard Randle from the County Judges and Commissioners Association of Texas for the successful completion of the continuing education provisions of Article 81.0025 of the Texas Local Government Code. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **CERTIFICATE OF COMPLETION (No. 21)**

**MOTION:** Mr. Kaiser made a motion to receive 2015 Certificate of Completion for Commissioner Curtis Afflerbach from the County Judges and Commissioners Association of Texas for the successful completion of the continuing education provisions of Article 81.0025 of the Texas Local Government Code. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **DECLARE FIXED ASSETS AS SALVAGE (No. 22)**

**MOTION:** Mr. Kaiser 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.

## **ACCOUNTS PAYABLE (No. 23)**

**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. 24)**

None

## **MINUTES (No. 25)**

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

## **PERSONNEL CHANGES (No. 26)**

Kasey Castro, Deputy, District Clerk; hired effective February 16, 2016; Category 1 Step 1; rate of pay to be \$1,146.60 bi-weekly \$14.3/hour; next possible step increase February 16, 2017

Danny Faz, Equipment Operator, Precinct 3; step increase effective March 2, 2016; Category 17 Step 2; 1 year of employment; rate of pay to be \$1,421.78 BW \$17.77 per hour; next possible step increase March 2, 2017; comp time will be paid out at time of step

Leslie Von Haefen, Equipment Operator, Precinct 1; step increase effective March 10, 2016; Category 17 Step 7; 2 years of employment (hired at step 6); rate of pay to be \$1,642.28 BW \$20.53 per hour; next possible step increase March 10, 2019; comp time will be paid out at time of step

Calvin Koenig, Equipment Operator, Precinct 1; hired effective February 29, 2016; Category 17 Step 1; rate of pay to be \$1,377.68 bi-weekly \$17.22/hour, Cell \$16.16 B/W; next possible step increase February 29, 2017

Ryan Richter, Corporal, Sheriff Office, promotion effective February 27, 2016; Category 11 Step 3; 2 years 6 months; \$1,535.95 bi-weekly \$17.87/hour; next possible step increase August 26, 2018; comp time will be paid out on next check

MOTION: Mr. Kaiser 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. 27)**

Deputation for Kasey Castro, District Clerk Deputy

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

## **COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 28)**

None

## **LEGISLATIVE UPDATE (No. 29)**

None

## **DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 30)**

Commissioner Afflerbach will provide the old safety policy to Safety Coordinator Rosie Ybarra in order for the policy to be updated.

County Auditor Carrie Rea requested that Commissioners Precinct 1 and Precinct 3 review the contracts for Bellevue Cemetery Road and Cotton Patch Road. The contracts will also be presented to the County Attorney for review.

## **PUBLIC COMMENT**

None

### **OLD BUSINESS:**

#### **CROSSROADS PUBLIC HEALTH DISTRICT (No. 1)**

**MOTION:** Mr. Kaiser made a motion to approve the updated agreement between Victoria County and DeWitt County organizing the Crossroads Public Health District. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

### **ADJOURN (No. 31)**

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

## **MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS**

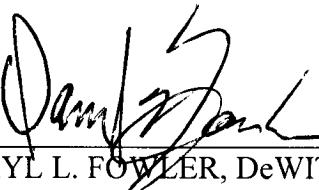
### **SPECIAL MEETING – FEBRUARY 29, 2016**

DeWitt County Commissioners Court met in special session February 29, 2016, at 1:30 p.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, with the following members present:

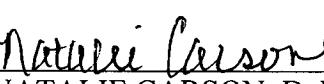
County Judge Daryl L. Fowler  
County Clerk Natalie Carson

Not being a quorum present Judge Fowler declared a meeting cannot be held.

THE FOREGOING MINUTES FOR THE MONTH OF FEBRUARY A.D. 2016 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 14TH DAY OF MARCH, A.D. 2016

  
DARYL L. FOWLER, DeWITT COUNTY JUDGE

ATTEST:

  
NATALIE CARSON, DeWITT COUNTY CLERK

