

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – FEBRUARY 13, 2017**

DeWitt County Commissioners Court met in regular session February 13, 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

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INVOCATION

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 held to provide opportunity for public comments on the need for traffic control and the proposal to establish a stop sign at the intersection of Lincke Road and Kubala Store Road in Commissioner Precinct Nos. 1 and 3.

CLOSE PUBLIC HEARING (No. 2)

Judge Fowler closed the public hearing.

RULE ON PUBLIC HEARING (No. 3)

MOTION: Mr. Afflerbach made a motion to install a stop signs at the intersection of Kubala Store Road on Lincke Road in Commissioner Precinct Nos. 1 and 3 effective when the signs go up. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

POLLING LOCATION CHANGE (No. 10)

MOTION: Mr. Pilchick made a motion to change the early voting location from the DeWitt County Elections Office to the Annex Courtroom which is still located at 115 N. Gonzales St., Cuero, Texas. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

LIVESTOCK SHOW PROCLAMATION (No. 9)

MOTION: Mr. Kaiser made a motion to adopt a resolution proclaiming February 25, 2017 through March 3, 2017 as DeWitt County Youth Livestock Show Week. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

LEASE/PURCHASE AGREEMENT (No. 8)

MOTION: Mr. Pilchick made a motion to approve the lease/purchase agreement with DeWitt Poth & Son for a Toshiba E-Studio 3505AC located in the County Extension office for a total contract price of \$15,058. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

RACIAL PROFILING REPORT (No. 4)

MOTION: Mr. Kaiser made a motion to receive Tier 1 – Racial Profiling Report from DeWitt County Sheriff. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

RACIAL PROFILING REPORT (No. 5)

MOTION: Mr. Afflerbach made a motion to receive Tier 1 – Racial Profiling Report from DeWitt County Constable Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

CONSTABLE PRECINCT NO. 2 ACTIVITY REPORT (No. 6)

MOTION: Mr. Pilchick made a motion to receive Constable Precinct No. 2 activity report. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

TRUANCY PREVENTION AND INTERVENTION (No. 11)

MOTION: Judge Fowler made a motion to authorize the Chief Juvenile Probation Officer to submit the grant application for the Criminal Justice Division Truancy Prevention and Intervention Program grant. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

INTERLOCAL AGREEMENT (No. 12)

MOTION: Mr. Afflerbach made a motion to enter into an Interlocal agreement between Bexar County Juvenile Probation Department and DeWitt County Juvenile Probation Department for short-term post-adjudication correctional facility services. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

CONTRACT FOR PROFESSIONAL SERVICES (No. 13)

MOTION: Mr. Afflerbach made a motion approve a contract for professional juvenile counseling services between DeWitt County Juvenile Probation Department and Liberty Resources Family Services, Inc. for tele-counseling services. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

ANNUAL FINANCIAL REPORT (No. 14)

MOTION: Mr. Kaiser made a motion to receive the DeWitt County Comprehensive Annual Financial Report (CAFR) for the period ending September 30, 2016. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

BOILER MAINTENANCE AGREEMENT (No. 7)

MOTION: Mr. Kaiser made a motion to approve a planned maintenance agreement with TDIndustries for inspection and maintenance of the hot water (boiler) system in the courthouse increasing the total amount to \$2,393.00 paid twice a year at the payment schedule of \$1,196.50 beginning January 26, 2017. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

SCHEDULE PUBLIC HEARING DATE (No. 15)

MOTION: Mr. Pilchick made a motion to schedule a public hearing for the purpose of establishing a 35 MPH speed limit on Herder Road in Commissioner Precinct No. 2 hearing to be held on March 13, 2017 at 9:00 a.m. at the County Courthouse. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

GCRPC DIRECTOR-AT-LARGE (No. 16)

No action taken

TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 17)

MOTION: Mr. Kaiser made a motion to approve temporary right of way request and agreement permit application from Burlington Resources Oil & Gas, L.P. for installation of a water line along Kubala Store Road and Haase Road in Commissioner Precinct Nos. 3 and 1. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

DE-GO-LA SPONSORSHIP REQUEST (No. 18)

No action taken

ACCOUNTS PAYABLE (No. 19)

MOTION: Mr. Kaiser made a motion to approve accounts payable. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

DECLARE FIXED ASSETS AS SALVAGE (No. 20)

MOTION: Mr. Kaiser made a motion to declare fixed assets as salvage pursuant to Local Government Code § 263.152(A). Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

BUDGET AMENDMENT REQUESTS (No. 21)

MOTION: Mr. Kaiser made a motion to approve budget amendment requests. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

MONTHLY REPORT OF OFFICIALS (No. 22)

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

MOTION: Mr. Kaiser made a motion to approve monthly reports of officials. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

COUNTY TREASURER'S MONTHLY REPORT (No. 23)

MOTION: Mr. Kaiser made a motion to receive and approve the Order Approving Treasurer's Monthly Report. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

PERSONNEL CHANGES (No. 24)

John McPhail, Patrol Deputy, Sheriff Office; hired effective February 1, 2017; Category 15 Step 2; \$1,672.53/bi-weekly \$19.45/hour \$16.16 cell phone bi-weekly; next possible step increase February 1, 2019

Debra Garner, Dispatcher, Sheriff Office; step increase effective February 12, 2017; Category 7 Step 6; 10 years of employment; rate of pay \$1,526.74/bi-weekly \$19.08/hour; next possible step increase February 12, 2019; comp time will be paid out at time of step

Diana Mireles, Administrative Secretary, Juvenile Probation; promotion from Clerk to Administrative Secretary effective February 27, 2017; Category 2 Step 2; 9 years 4 months of employment; rate of pay to be \$1,421.78/bi-weekly \$17.77/hour; next possible step increase October 1, 2019; comp time will be paid out on next check

Calvin Koenig, Equipment Operator, Precinct 1; step increase effective February 28, 2017; 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 February 28, 2018; comp time will be paid out at time of step

Gordon Spies, Equipment Operator, Precinct 3; step increase effective February 10, 2017; Category 17 Step 10; 20 years of employment; rate of pay to be \$1,774.58/bi-weekly \$22.18/hour; final step increase – 20 year step reached; comp time will be paid out at time of step

Emily M. Hayes, Call Taker-Dispatch, Sheriff Office; hired effective January 30, 2017; Category 1 Step 1; rate of pay to be \$1,146.60/bi-weekly \$14.33/hour; next possible step increase January 30, 2018

MOTION: Mr. Kaiser made a motion to approve personnel changes. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

MINUTES (No. 25)

MOTION: Mr. Kaiser made a motion to approve minutes. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

BONDS AND/OR DEPUTATIONS (No. 26)

Bond of Wallace W. Beck – Drainage District No. 1 Commissioner (bond and riders presented)
Deputation of John McPhail – Deputy Sheriff

MOTION: Mr. Kaiser made a motion to approve deputation. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

MOTION: Judge Fowler made a motion to approve the riders to the initial bond. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

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

Judge Fowler reported that the door locks are fully functioning.

LEGISLATIVE UPDATE (No. 28)

Judge Fowler reported that he had a meeting on Wednesday afternoon with Senator Ureste and Steve Holzheaser and discussed the challenges on SB 1747.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 29)

Commissioners discussed routine precinct operations.

PUBLIC COMMENT

None

ADJOURN (No. 30)

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0. [Adjourned at 11:10 a.m.]

MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS REGULAR MEETING – FEBRUARY 27, 2017

DeWitt County Commissioners Court met in regular session February 27, 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 & INVOCATION

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

NEW BUSINESS:

2016 DeWITT COUNTY HISTORICAL COMMISSION ANNUAL REPORT (No. 1)

MOTION: Mr. Randle made a motion to receive the DeWitt County Historical Commission Annual Report. Mr. Pilchick seconded the report. Motion carried on a vote of 5-0.

PREDATOR CONTROL REPORT (No. 17)

MOTION: Mr. Afflerbach made a motion to receive predator control activity report from Texas A&M Wildlife Services. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

RESOLUTION (No. 6)

MOTION: Mr. Kaiser made a motion to adopt a resolution supporting the Gulf Bend Community Collaborative plan to provide a viable solution to reduce criminalization of the mentally ill in DeWitt County through a comprehensive jail diversion and preventative treatment program and authorize the county judge to forward said resolution to members of the Texas Legislature, Resolution Order # 2017-013. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

RESOLUTION (No. 7)

MOTION: Mr. Kaiser made a motion to adopt a formal resolution authorizing application for grant funds, Grant Application Number 3335801 for the operation of The Truancy Prevention and Intervention Program approved by commissioner's court on February 13, 2017, Order #2017-011. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

LOW WATER BRIDGE MAINTENANCE AND ROAD CLOSURE (No. 11)

MOTION: Mr. Randle made a motion to authorize the closure of Wolf Hollow Road north of Fordtran Road, and south of Bialek Road, for low water bridge maintenance in County Commissioner Precinct No. 4 with work to take place between March 13, 2017 thru April 14, 2017. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

TIDC STATEMENT OF GRANT AWARD (No. 10)

MOTION: Mr. Kaiser made a motion to receive Statement of Grant Award FY17 Formula Grant for \$24,033 from the Texas Indigent Defense Commission. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

SUBSURFACE EASEMENT (No. 12)

MOTION: Mr. Pilchick made a motion to approve a subsurface easement agreement between DeWitt County and BHP Billiton Petroleum Properties for one wellbore at the Big Oak C-2H well under Emil Blank Road and Musselman Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

EXECUTIVE/CLOSED SESSION (No. 8)

Court did not go into executive/closed session.

DISCUSSION AND POTENTIAL ACTION (No. 9)

MOTION: Judge Fowler made a motion to authorize Naismith-Hanson to conduct a Phase II Environmental study on the 1.566 acre tract in the J.A.V.y Gonzales Survey (A-47). Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

RACIAL PROFILING REPORT (No. 2)

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

VSU REMOTE BIRTH ACCESS CONTRACT AMENDMENT NO. 01 (No. 3)

MOTION: Mr. Kaiser made a motion to approve Amendment No. 01 to The Department of State Health Services and DeWitt County Contract No. 537-16-0050-00001. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

COMMISSIONERS ANNUAL ROAD REPORT 2017 (No. 4)

MOTION: Mr. Kaiser made a motion to set the annual commissioners road report for 2017 due date to be June 26, 2017 pursuant to Transportation Code Sections 251.005 and 251.018. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

COMMISSIONERS ANNUAL ROAD REPORT 2017 FORMAT (No. 5)

MOTION: Mr. Pilchick made a motion to approve same Commissioner's Annual Road Report form from the year 2016 as required by Transportation Code Section 251.005. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

PIPELINE CROSSING PERMIT (No. 13)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with Pioneer Natural Resources USA, Inc. to cross Gohlke School 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 Wolverine Enterprises for installation of a water line along Kubala Store 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. 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 Hahn Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

INTERLOCAL AGREEMENT (No. 16)

MOTION: Mr. Afflerbach made a motion to not renew the Interlocal Agreement between DeWitt County and DeWitt County Drainage District No. 1 for accounting and payroll services with final date to be September 30, 2017 or unless an agreeable date prior to September 30, 2017. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATES OF COMPLETION (No. 18)

MOTION: Mr. Afflerbach made a motion to receive certificates of completion from the County & District Clerk's Association of Texas for County Clerk Natalie Carson and District Clerk Tabeth Gardner for completing the required 20 hours of continuing education for 2016 as prescribed in Section 51.605 of the Texas Government Code. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF MEMBERSHIP/COMPLETION (No. 19)

MOTION: Mr. Kaiser made a motion to receive Certificate of Membership/Completion in the County Investment Academy for County Treasurer Carol Ann Martin for successful completion of investment education that satisfied Section 2256.008 of the Texas Public Funds Investment Act. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

DEPOSITORY BID (No. 20)

MOTION: Mr. Kaiser made a motion to receive tabulated depository bids from TrustTexas Bank SSB, Cuero and First National Bank, Shiner (Cuero National Bank Branch) and award bank depository bid to First National Bank, Shiner (Cuero National Bank Branch). Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

GOVDEALS AUCTION REPORT (No. 21)

MOTION: Mr. Randle made a motion to receive report from county auditor regarding the February 2017 GovDeals online auction. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

DECLARE FIXED ASSETS AS SALVAGE (No. 22)

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

BUDGET AMENDMENT REQUESTS (No. 24)

None

PERSONNEL CHANGES (No. 25)

Gregory Escobedo, Sergeant, Sheriff Office; termination effective February 8, 2017; 3 years 4 months of employment; comp and vacation time will be paid out on last check

Eliazar Garibay, Jailer, Sheriff Office; hired effective February 9, 2017; Category 12 Step 1; rate of pay to be \$1,404.21/bi-weekly \$16.33/hour; next possible step increase February 9, 2018

Francisco Diaz, Jailer, Sheriff Office; step increase effective March 3, 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 March 3, 2018; comp time will be paid out at time of step

Dorothy Eravi, Jailer, Sheriff Office; step increase effective March 19, 2017; Category 12 Step 6; 10 years of employment; rate of pay to be \$1,641.25/bi-weekly \$19.08/hour; next possible step increase March 19, 2019; comp time will be paid out at time of step

Agustin C. Serrano, III, Jailer, Sheriff Office; hired effective February 13, 2017; Category 12 Step 2; rate of pay to be \$1,451.62/bi-weekly \$16.88/hour; next possible step increase February 13, 2019

Kody Davis, Equipment Operator, Precinct 4; step increase effective March 5, 2017; Category 17 Step 4; 5 years of employment; rate of pay to be \$1,509.98/bi-weekly \$18.87/hour; next possible step increase March 5, 2019; comp time will be paid out at time of step

Melissa Guajardo, Jail Corporal, Sheriff Office; promotion from Jailer to Jail Corporal effective February 25, 2017; Category 11 Step 2; 1 year 4 months of employment; rate of pay to be \$1,489.54/bi-weekly \$17.32/hour; next possible step increase October 20, 2017; comp time will be paid out on next check

Christopher Smith, Jail Sergeant, Sheriff Office; promotion from Jail Corporal to Jail Sergeant effective February 25, 2017; Category 10 Step 3; 2 years 6 months of employment; rate of pay to be \$1,625.13/bi-weekly \$18.90/hour; next possible step increase August 28, 2019; comp time will be paid out on next check

Eliazar Garibay, Jailer, Sheriff Office; resignation effective February 16, 2017; 7 days of employment; no comp & vacation time

Robert Armstrong, Patrol Deputy, Sheriff Office; resignation effective February 28, 2017; 1 year 8 months of employment; comp & vacation time will be paid out on last check

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

Bonnie Kaiser, Clerk/Deputy, Juvenile Probation; hired effective February 27, 2017; Category 1 Step 1; rate of pay to be \$1,146.60/bi-weekly \$14.33/hour; next possible step increase February 27, 2018

MOTION: Mr. Randle made a motion to approve personnel changes of Bonnie Kaiser. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Mr. Kaiser abstaining.

BONDS AND/OR DEPUTATIONS (No. 26)

None

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

Judge Fowler reported that he has scheduled a meeting with Komatsu for them to discuss the landscaping and flood projects.

County Auditor Carrie Rea reported that she had been contacted by Diana Bartosh with the Historical Museum concerning air conditioning problems. Court advised that Ms. Bartosh will need to come to court to discuss the problems.

LEGISLATIVE UPDATE (No. 28)

Judge Fowler reported that the oil & gas industry is working on trying to un-do CETRZ law.

Mr. Randle reported that the county should be interested in SB 2 and SB 4.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 29)

Commissioners discussed routine precinct operations.

County Auditor Carrie Rea requested information concerning each precinct's fuel tank size and whether the tank is above or below ground in order to be able to provide answers to questions concerning motor fuel bids.

PUBLIC COMMENT

None

ADJOURN (No. 30)

MOTION: Mr. Pilchick made a motion to adjourn. Mr. Randle seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

THE FOREGOING MINUTES FOR THE MONTH OF FEBRUARY A.D. 2017 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 13TH DAY OF MARCH, A.D. 2017.



DARYL L. FOWLER, DE WITT COUNTY JUDGE

ATTEST:

Natalie Carson

NATALIE CARSON, DE WITT COUNTY CLERK

