

MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS

REGULAR MEETING – MARCH 14, 2016

DeWitt County Commissioners Court met in regular session March 14, 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. Pilchick Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4
Deputy County Clerk Pam Brandstetter

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INVOCATION

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

NEW BUSINESS:

SET PUBLIC HEARING DATE (No. 1)

MOTION: Mr. Afflerbach made a motion to set a public hearing date on April 11, 2016 in the DeWitt County Courtroom at 9:00 a.m. to consider expanding the existing 30 MPH speed limit on Cheapside Road in Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID AND CONTRACT APPROVAL (No. 2)

One bid received from H & C.

MOTION: Mr. Kaiser made a motion to award a contract to H & C for seal coating applicable to all commissioner precincts. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

AWARD OF BID AND CONTRACT APPROVAL (No. 3)

One bid received from

MOTION: Mr. Kaiser made a motion to award a contract for motor fuels to Rudolph's Inc. applicable to all commissioner precincts. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF COMPLETION (No. 7)

MOTION: Mr. Randle made a motion to receive 2015 Certificate of Completion for Commissioner James Kaiser 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. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF COMPLETION (No 8)

MOTION: Mr. Randle made a motion to receive October 8, 2015 Certificate of Completion for James Kaiser from the County Judges and Commissioners Association of Texas for having completed the Commissioners Court Advanced Curriculum and being designated as a Certified County Commissioners Court Member. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE PROJECT AGREEMENT (No. 9)

MOTION: Mr. Kaiser made a motion to approve the Texas Department of Criminal Justice Project Agreement between the Stevenson Unit of TDCJ and DeWitt County for the period of May 3, 2016 until October 28, 2016. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

PRO-RATA TOBACCO SETTLEMENT DISTRIBUTION (No. 10)

MOTION: Mr. Kaiser made a motion to receive the County Expenditure Statement – 2016 from the county auditor and authorize the county judge to submit the expenditure statement to the Texas Department of State Health Services. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CHILD WELFARE BOARD BUDGET (No. 11)

MOTION: Mr. Kaiser made a motion to receive the 2015-2016 fiscal year budget of the DeWitt County Child Welfare Board. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CHILD WELFARE BOARD APPOINTMENTS (No. 12)

MOTION: Mr. Randle made a motion to approve the appointment of additional members Kimberly Wardy and Ashley Markos to the DeWitt County Child Welfare Board. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CHILD WELFARE BOARD EMERGENCY RESOURCE ROOM (No. 13)

MOTION: Mr. Kaiser made a motion to receive information about the emergency resource room. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

DECLARE FIXED ASSETS AS SALVAGE (No. 14)

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

MONTHLY REPORT OF OFFICIALS (No. 17)

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

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

COUNTY TREASURER'S MONTHLY REPORT (No. 18)

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

PERSONNEL CHANGES (No. 19)

Francisco Diaz, Jailer, Sheriff Office; hired effective March 3, 2016; Category 12 Step 1; rate of pay to be \$1,404.21/bi-weekly \$16.33/hour; next possible step increase March 3, 2017

Brandon M. Mueller, Jailer, Sheriff Office; hired effective March 2, 2016; Category 12 Step 1; rate of pay to be \$1,404.21/bi-weekly \$16.33/hour; next possible step increase March 2, 2017

Brandon Mays, Deputy, Sheriff Office; hired effective March 3, 2016; Category 15 Step 3; rate of pay to be \$1,719.94/bi-weekly \$20.00/hour cell \$16.16/bi-weekly

Ronald Barnett, Equipment Operator, Precinct 4; retirement effective March 31, 2016; 13 years 10 months of employment; comp and vacation time will be paid out on last check

Aaron Gast, Jail Corporal, Sheriff Office; step increase effective March 25, 2016; Category 11 Step 3; 2 years of employment; rate of pay to be \$1,536.95 bi-weekly \$18.87/hour; next possible step increase March 25, 2019; comp time will be paid out at time of step

Jerry Garza, Jail Lieutenant, Sheriff Office; step increase effective March 23, 2016; Category 9 Step 5; 7 years of employment; rate of pay to be \$1,754.08 bi-weekly \$20.40/hour; next possible step increase March 23, 2019; comp time will be paid out at time of step

Shawna Tucker, Deputy, District Clerk; step increase effective March 24, 2016; Category 1 Step 3; 2 years of employment; rate of pay to be \$1,234.80 bi-weekly \$15.44/hour; next possible step increase March 24, 2019; comp time will be paid out at time of step

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

MINUTES (No. 20)

Pass

BONDS AND/OR DEPUTATIONS (No. 21)

Continuation bond of Cindy Bonner, Election Administrator

Deputation of Brandon Mays, Deputy Sheriff

MOTION: Mr. Kaiser made a motion to approve bond for Cindy Bonner. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

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

STATEMENTS OF QUALIFICATIONS (No. 4)

County received four (4) statements of qualifications from Rawley McCoy & Associates of Victoria, Texas, Randall Scott Architects of Dallas, Texas, Level 5 Design Group of Mansfield, Texas and Komatsu Architecture of Fort Worth, Texas

MOTION: Mr. Randle made a motion to receive the four (4) statements of qualifications from the firms of Rawley McCoy & Associates, Randall Scott Architects, Level 5 Design Group and Komatsu Architecture. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

COMMISSIONERS ANNUAL ROAD REPORT 2016 (No. 5)

MOTION: Mr. Kaiser made a motion to set the annual commissioners road report for 2016 due date to be June 27, 2016 pursuant 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 2016 FORMAT (No 6)

MOTION: Mr. Kaiser made a motion to table. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 22)

Roofing company from San Antonio made some repairs to some leaks on the courthouse roof. Water leaks at annex so Building Supt. David Slovacek will call the roofing company from San Antonio to look at the problems.

Because of the heat generated from the data equipment located in the room within District Clerk's office, there is a need for its own air conditioning system.

Discussion on updates on the plumbing issues at the jail.

Request for suspended ceilings in the Health Department (nurse area) and the data closet at the annex closet.

County Auditor Carrie Rea recently attended a TAC Risk Management training and updated the court with some information from the training concerning medical insurance and maintenance policies.

LEGISLATIVE UPDATE (No. 23)

None

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 24)

None

PUBLIC COMMENT

None

ADJOURN (No. 25)

MOTION: Mr. Pilchick made a motion to adjourn. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – MARCH 28 2016**

DeWitt County Commissioners Court met in regular session March 28, 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. Pilchick Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4
Deputy County Clerk Pam Brandstetter

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:

CONSTABLE PRECINCT NO. 1 ACTIVITY REPORT (No. 2)

MOTION: Mr. Randle made a motion to receive Constable Precinct No. 1 activity report. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

ARCHITECT CONSIDERATION AND SELECTION (No. 1)

MOTION: Mr. Randle made a motion to enter into contract negotiation pursuant to Government Code, Title 10, Chapter 2254, and Subchapter A with Komatsu Architectural Firm. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

PROPERTY INSURANCE RENEWAL APPLICATION (No. 3)

Passed

CERTIFICATE OF MEMBERSHIP COUNTY INVESTMENT ACADEMY (No. 6)

MOTION: Mr. Kaiser made a motion to receive certification that County Treasurer Carol Ann Martin successfully completed investment education that satisfies Section 2256.008 of the Texas Public Funds Investment Act. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF COMPLIANCE (No. 7)

MOTION: Mr. Kaiser made a motion to receive Certificate of Compliance that certifies County Treasurer Carol Ann Martin has successfully completed the required hours of continuing education satisfying education requirements as pursuant to Section 83.003 of the Texas Local Government Code. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF COMPLIANCE (No. 8)

MOTION: Mr. Kaiser made a motion to receive Certificate of Compliance that certifies County Treasurer Carol Ann Martin has successfully completed the required hours of investment training pursuant to Chapter 2256 of the Texas Government Code, the Public Funds Investment Act, Section 2256.008, Investment Training; Local Governments. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF COMPLETION (No. 9)

MOTION: Mr. Kaiser made a motion to receive Certificate of Completion of Training from the Texas Veterans Commission for DeWitt County Veterans' County Service Officer J.C. (Julius) Hull for completion of required training and maintenance of certification under the provisions of Section 434.038(a) of the Texas Government Code. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF COMPLETION (No. 10)

MOTION: Mr. Kaiser made a motion to receive certificate of completion from Texas State University Texas Justice Court Training Center for Judge Peggy Mayer for the successful completion of the 20 Hour Justice of the Peace Seminar. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

COMMISSIONERS ANNUAL ROAD REPORT 2016 FORMAT (No. 4)

MOTION: Mr. Kaiser made a motion to approve same Commissioner's Annual Road Report form from the year 2015 as required by Transportation Code 251.005. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

TAC RISK MANAGEMENT POOL RISK CONTROL REIMBURSEMENT PROGRAM (No. 5)

MOTION: Mr. Randle made a motion to proceed with the risk control reimbursement program forming a committee of 5 including Judge Daryl Fowler, Commissioner Randle, Auditor Carrie Rea, Treasurer Carol Martin, and Tax Assessor Collector Susie Dreyer. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

PIPELINE CROSSING PERMITS (No. 11)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with EOG Resources, Inc. to cross Wischkaemper Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 12)

MOTION: Mr. Afflerbach made a motion to approve temporary request and agreement from EOG Resources, Inc., for installation of a water line along Hahn Road in Commissioner Precinct No. 1 (180 day permit). Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 13)

MOTION: Mr. Kaiser made a motion to approve temporary right of way request and agreement applications from Burlington Resources Oil & Gas, L.P. for installation of water lines along Dubose Ranch Road, Respondek Road, Schlenstedt Road, Schulle Road and Seidel Road in Commissioner Precinct No. 1 and along Dudlefski Road, Gruenau Road, Jaeger Road and Hy Koopmann Road in Commissioner Precinct No. 3. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

ACCOUNTS PAYABLE (No. 14)

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

DECLARE FIXED ASSETS AS SALVAGE (No.15)

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

BUDGET AMENDMENT REQUESTS (No. 16)

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

MINUTES (No. 17)

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

PERSONNEL CHANGES (No. 18)

Lynnette Brown, Jailer, Sheriff Dept.; termination effective March 14, 2016; 1 year 2 months of employment; comp & vacation time will be paid out on last check

Danny Faz, Equipment Operator, Pct. 3; resignation effective March 10, 2016; 1 year of employment; comp & vacation time will be paid out on last check

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

BONDS AND/OR DEPUTATIONS (No. 19)

None

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 20)

Building Supt. David Slovacek is still working on additional HVAC installation for the infrastructure closet.

Significant roof repairs at the annex and courthouse.

LEGISLATIVE UPDATE (No. 21)

None

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 22)

Commissioner Afflerbach advised the court that he had provided the old copy of safety regulations to Emergency Coordinator Rosie Ybarra. Ms. Ybarra advised Mr. Afflerbach that she had been in contact with the safety representative with TAC and is planning on having the safety representative with TAC appear for a commissioner's court meeting.

Commissioner Randle was set to finish out Verhelle Road this week. Brian Nethery with ABN suggested to delay for a few more weeks until the county receives bids for oils and the county could possible save some money. County Auditor advised court that the current bids are good until the middle of April. Mr. Randle will pursue to have ABN to try to finish this week.

PUBLIC COMMENT

None

RECESS

MOTION: Mr. Kaiser made a motion to recess until 10:00 a.m. tomorrow morning at the DeWitt County Courthouse. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

RECONVENE

Court reconvened on March 29, 2016 at 10:00 a.m.

PROPERTY INSURANCE RENEWAL APPLICATION (No. 3)

MOTION: Mr. Randle made a motion to approve the renewal application for property insurance. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

ADJOURN (No. 23)

MOTION: Mr. Afflerbach made a motion to adjourn. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 10:18 a.m.]

MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS

SPECIAL MEETING – MARCH 28 2016

DeWitt County Commissioners Court met in special session March 28, 2016, at 1:30 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
Deputy County Clerk Pam Brandstetter

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INVOCATION

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

PUBLIC HEARING (No. 1)

Public hearing held to allow testimony and/or other evidence for or against the petition to discontinue, vacate and/or abandonment by the County of a portion of Oliver Road.

Individuals speaking for were Marcus Schwartz, Attorney for Robert Oliver & Mark & Betty Zgabay, Mark Zgabay and Robert Oliver

Individuals speaking against were Justin Waggoner, Attorney for BHP Petroleum, John R. Carson, Walton Ramee, Davin McGinnis, Attorney for Devon Energy, Patrick B. Elder and Donald Elder.

An April 29, 2016 at 5:00 p.m. deadline date was established for any written, email or hand delivered documentation to the County Judge.

CLOSE PUBLIC HEARING (No. 2)

Judge Fowler closed the public hearing.

EXECUTIVE/CLOSED SESSION (No. 3)

No action

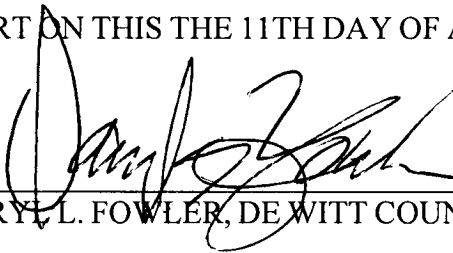
DISCUSSION AND POTENTIAL ACTION (No. 4)

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


ADJOURN (No. 5)

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

THE FOREGOING MINUTES FOR THE MONTH OF MARCH A.D. 2016 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 11TH DAY OF APRIL, A.D. 2016


DARYL L. FOWLER, DE WITT COUNTY JUDGE

ATTEST:


NATALIE CARSON, DE WITT COUNTY CLERK

