

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
SPECIAL MEETING – DECEMBER 2, 2020**

DeWitt County Commissioners Court met in special session December 2, 2020 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:**

**Mandatory Pre-Bid Meeting for Construction and Maintenance of Roadway Base Courses & Asphalt Roadways (No. 1)**

Discussion with contractors interested in bidding on county road construction and maintenance contracts. No action taken.

**Agenda (No. 2)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:00 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – DECEMBER 14, 2020**

DeWitt County Commissioners Court met in regular session December 14, 2020 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 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. Randle gave the invocation.

**New Business:**

**Appointment of Local Health Authority (No. 8)**

MOTION: Mr. Randle made a motion to appoint John Lee McNeill, DO as the Local Health Authority for DeWitt County and to notify Victoria City-County Health Department and the Regional Medical Director for Health Services Region 8 – San Antonio of the appointment. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Public Hearing (No. 1)**

Public hearing held in order for the public to comment regarding the proposed Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas (“Regulations”). No one was present to speak in favor or against.

**Executive/Closed Session (No. 2)**

Court did not go into executive/closed session.

**Discussion and Potential Action (No. 3)**

Charles Kimbrough addressed the court on the potential action that shall occur regarding: (1) approval of a takings impact assessment pursuant to Chapter 2007 of the Texas Local Government Code and other authority regarding the proposed Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas; and (2) scheduling and notice to consider approval, adoption, and enactment of said Regulations at a future public meeting of the Commissioners Court.

Andrew Abrameit addressed the court concerning the proposed Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas.

MOTION: Mr. Pilchick made a motion to adopt Court Order Number 2020-072. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Request for Utility Installation (No. 4)**

Court heard request from City of Cuero Director of Utilities Wayne Berger for water and sewer utility beneath Old Gonzales Road.

MOTION: Mr. Afflerbach made a motion to receive the request from City of Cuero for water and sewer utility beneath Old Gonzales Road and authorize County Attorney to work with city staff on the development of an interlocal agreement with the City of Cuero for a water and sewer utility placement. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Maintenance of Private Road – Causey/Buch Lane (No. 5)**

Court received a petition for maintenance of private road.

Brian Bazar and Rudy Moreno addressed the court concerning the petition/request for maintenance of Causey/Buch Lane.

MOTION: Mr. Randle made a motion to receive this petition for maintenance of private road and put it into consideration for future contacts. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Aerial Fireworks Ban (No. 7)**

No action taken.

**Schedule Public Hearing Date (No. 6)**

MOTION: Mr. Afflerbach made a motion to schedule a public hearing for designating Old Clinton Road in Commissioner Precinct No. 3 as a No Thru Truck Traffic road, that hearing will be scheduled on January 11, 2020 in the DeWitt County Courtroom at 9:00 a.m. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Extension of Lease Agreement (No. 9)**

MOTION: Mr. Afflerbach made a motion to ratify the Notice to Landlord confirming a one-year extension of the rental agreement between County of DeWitt and GeoSouthern Cuero LLC prepared by the County Judge on behalf of Commissioners Court. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Appointment of Drainage District Commissioners (No. 10)**

No action taken.

### **Annual Report of Eminent Domain Authority (No. 11)**

MOTION: Mr. Randle made a motion to authorize the county judge to make electronic submission of the annual report to the Comptroller of Public Accounts required by Section D of the Texas Government Code Chapter 2206, that eminent domain authority that we currently observe. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **TxDOT County Assistance Program (No. 12)**

MOTION: Mr. Randle made a motion to participate in the TxDOT County Assistance Program funding and FY2021 allocation amount of \$28,733.00 to be divided equally between all four (4) precincts. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Certificate of Participation (No. 13)**

MOTION: Mr. Afflerbach made a motion to receive Certificate of Participation for Tax Assessor Collector Ashley D. Mraz from V.G. Young Institute of County Government for the successful completion of 18 hours at the V.G. Young School for Tax Assessor Collectors. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Certificate of Attendance (No. 14)**

MOTION: Mr. Afflerbach made a motion to receive Certificate of Attendance for Elections Administrator Melissa Alcazar from Texas Secretary of State for the successful completion of 13 hours at the 32nd Annual Election Law Seminar for Cities, Schools, and Other Political Subdivisions. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Temporary Right of Way (No. 15)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way request permit application from Burlington Resources for installation of a dual water line along Simecek Road and Schultz Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Sheriff Commissary and Inmate Trust Accounts Audit (No. 16)**

Court passed on this agenda item.

### **Monthly Report of Officials (No. 17)**

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

**County Auditor's Monthly Report (No. 18)**

MOTION: Mr. Randle made a motion to receive County Auditor's Monthly Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**County Treasurer's Monthly Report (No. 19)**

MOTION: Mr. Randle made a motion to receive County Treasurer's Monthly Report and approve the Order Number 2020-070 of the Treasurer's Monthly Report. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Minutes (No. 20)**

MOTION: Mr. Randle made a motion to receive and approve previous months minutes. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Accounts Payable (No. 21)**

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

**Ratified Accounts Payable (No. 22)**

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

**Budget Amendment Requests (No. 23)**

None

**Personnel Changes (No. 24)**

Pamela Thompson, Jail Sergeant, Sheriff Office; step increase effective December 10, 2020; Category 10 Step 5; 7 years of employment; rate of pay to be \$22.51 hourly; next possible step increase December 10, 2023

Juan Ruiz, Deputy, Sheriff Office; step increase effective December 9, 2020; Category 15 Step 2; 1 year of employment; rate of pay to be \$21.89/hour; next possible step increase December 9, 2021

Chelsea Kirkland, Deputy Clerk, County Clerk; transfer from District Clerk Deputy Clerk to County Clerk Deputy Clerk effective December 7, 2020; Category 1 Step 3; 4 years 1 month of employment; rate of pay to be \$17.38/hour; next possible step increase October 26, 2021

Otto Koliba, Jr., Foreman, Precinct 2; retirement effective December 3, 2020; Category 16 Step 5; 9 years of employment; rate of pay \$22.75/hour

Kenneth Siegel, Equipment Operator, Precinct 2; resignation effective November 30, 2020; Category 17 Step 3; 4 years of employment; rate of pay to be \$20.62/hour;

Mark Herchek, Equipment Operator, Precinct 2; hired effective December 7, 2020; Category 17 Step 2; rate of pay to be \$20.00/hour; next possible step increase December 7, 2022

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

### **Bonds (No. 25)**

None

### **Courthouse/Annex Expenditures/Maintenance/Improvements (No. 26)**

Judge Fowler reported that part of the large tanks are sitting in the ground and covered back up at the courthouse.

Judge Fowler reported on the elevator issues caused by the recent flooding. The water within the elevator shaft caused the fire alarm to go off.

Emergency Management Coordinator Cyndi Smith spoke to the court concerning the fire department having issues with obtaining access into the courthouse during the recent fire call. Ms. Smith presented information to the court about an electronic Knoxbox, which is a high-security key lock box. This would allow the fire department to have access to a key and or fob in order to enter the courthouse if the fire alarm would go off.

### **Legislative Update (No. 27)**

Judge Fowler reported that Steve Holzheuser and his son are working on scheduling a zoom meeting with State Senator serving on the Governor Affairs Committee. The purpose of the zoom meeting is to discuss the legislation bill that has already been filed prohibiting counties from hiring lobbyist.

Judge Fowler reported that he is waiting on confirmation of the meeting date with State Representative Geanie W. Morrison to discuss concerns with the county.

### **Discussion of Commissioner Precinct Operations (No. 28)**

Commissioner Precinct No. 1 reported normal precinct operations.

Commissioner Precinct No. 2 reported normal precinct operations.

Commissioner Precinct No. 4 reported normal precinct operations.

### **Motorola Update (No. 29)**

Sheriff Bowen was not present in court to provide an update.

Emergency Management Coordinator reported that some of the hand held radios have been programmed. There were some issues with having enough time to complete the programming so if any radio was not programmed it is being postponed until January.

### **County Building Workshop (No. 30)**

Mr. Randle reported that the last of the aluminum beams were being put up and the rest of the steel. It is planned for the pouring of the second floor cement to be done before the end of the year. The exterior brick mock up is close to being finished.

### **COVID-19 Disaster Update (No. 31)**

Dr. McNeill reported that First Responders vaccinations are beginning this week.

Emergency Management Coordinator Cyndi Smith reported that six (6) locations in DeWitt County that has signed up as providers,

Emergency Management Coordinator Cyndi Smith reported that she recently distributed facemask at restaurants all over the county; on December 28 Yorktown EMS is collaborating up with Emergency Management Coordinator to distribute facemask in Yorktown; and this past weekend she distributed mask at Christmas in the Park.

### **TxDOT Infrastructure Fund Grant Agreement (Addendum No. 1)**

MOTION: Mr. Randle made a motion to enter into the Resolution, Court Order Number 2020-071, approving the County Transportation Infrastructure Fund Grant Program Agreement, and designating authorize representative, and making specific findings required by the Texas Department of Transportation and conforming to the Texas Open Meeting Acts for the amount of \$6,129,994.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Adjourn (No. 32)**

MOTION: Mr. Afflerbach made a motion to adjourn. [Adjourned at 11:59 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – DECEMBER 28, 2020**

DeWitt County Commissioners Court met in regular session December 28, 2020 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:**

**Order Rescinding Burn Ban (No. 1)**

MOTION: Mr. Pilchick made a motion to ratify Order No. 2020-069 rescinding burn ban in DeWitt County. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Center for Tech and Civic Life COVID-19 Response Grant (No. 2)**

MOTION: Mr. Kaiser made a motion to reject the grant from Center for Tech and Civic Life COVID-19 and return the check to the originator. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Extension of Lease Agreement (No. 3)**

MOTION: Mr. Randle made a motion to approve a one-year extension of the rental agreement between County of DeWitt and GeoSouthern Cuero LLC prepared by the County Judge on behalf of Commissioners Court to extend the lease by one (1) year until January 31, 2022. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**Emergency Paid Sick Leave Act (EPSLA) and Expanded Family Medical Leave (EFMLEA) (No. 5)**

MOTION: Mr. Kaiser made a motion that the Emergency Paid Sick Leave Act (EPSLA) and Expanded Family Medical Leave (EFMLEA) just expire on the 31<sup>st</sup> day of December 2020. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.



**24th Judicial District Community Supervision and Corrections Department Financial Statement (No. 7)**

MOTION: Mr. Kaiser made a motion to receive financial statement for Fiscal Year 2020 from the 24<sup>th</sup> Judicial District Community Supervision and Corrections Department. Mr. Randle seconded the motion. Motion carried on a vote 5-0.

**Appointment of Drainage District Commissioners (No. 6)**

MOTION: Mr. Randle made a motion to consider the appointment of these three directors as Drainage District Commissioners being Joe Olive, Emil Garza and Doug Sethness to be on the DeWitt County Drainage District No. 1 for a 2-year term beginning January 1, 2021. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Award of Bid(s) and Contract(s) Approval (No. 4)**

MOTION: Mr. Pilchick made a motion to receive bids and award bids and contract approval to (1) ABN Construction, (2) Tierra Lease Services and (3) RPMx Construction for the road drainage and dirt work. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion to accept all four (4) bids for the asphalt maintenance and improvements and authorize the execution of the contracts. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Continuing Education Transcript (No. 8)**

MOTION: Mr. Afflerbach made a motion to receive a continuing education transcript from the Texas Tax Assessor-Collectors Association indicating that the Honorable Ashley D. Mraz, DeWitt County Tax Assessor-Collector, has completed the required 20 hours of continuing education for reporting period of May 6, 2019 to May 5, 2020. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Temporary Right of Way (No. 9)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from Burlington Resources for installation of a dual water line along Gruenau Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 4-0 with Mr. Kaiser absent.

**Pipeline Crossing Permit (No. 10)**

MOTION: Mr. Afflerbach made a motion to approve pipeline crossing permit application of Enterprise Texas Pipeline LLC to cross Dubose Ranch Road in Commissioner Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Mr. Kaiser absent.

**Sheriff Commissary and Inmate Trust Accounts Audit (No. 11)**

MOTION: Mr. Afflerbach made a motion to receive DeWitt County Auditor's Audit Report of the Sheriff Commissary and Inmate Trust Accounts Audit. Mr. Randle seconded the motion. Motion carried on a vote of 4-0 with Mr. Kaiser absent.

**Accounts Payable (No. 12)**

None

**Ratified Accounts Payable (No. 13)**

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

**Budget Amendment Requests (No. 14)**

None

**Personnel Changes (No. 15)**

Brandi Reyes, Chief Deputy Clerk, County Clerk; promoted from Deputy Clerk to Chief Deputy Clerk effective December 14, 2020; Category 3 Step 4; 5 years 4 months of employment; rate of pay to be \$22.13/hour; next possible step increase August 11, 2022

Pamela Brandstetter, Deputy Clerk, County Clerk; demoted from Chief Deputy Clerk to Deputy Clerk effective December 14, 2020; Category 1 Step 9; 19 years 2 months of employment; rate of pay to be \$21.09/hour; next possible step increase October 1, 2021

Jeffery A. Abbott, Constable, Precinct Number 2; severance effective December 31, 2020; 1 year 4 months of employment

Jefferson Hobbs, Constable, Precinct Number 2; elected effective January 1, 2021; rate of pay to be \$27,013.00 annual salary, \$20,070.00 traffic patrol stipend

MOTION: Mr. Afflerbach made a motion to approve personnel changes of all employees except for Jefferson Hobbs. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Mr. Kaiser absent.

MOTION: Mr. Randle made a motion to approve the personnel change for Jefferson Hobbs at the annual salary of \$27,013.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Mr. Kaiser absent.

### **Bonds (No. 16)**

Jefferson B. Hobbs, Constable Precinct No. 2

MOTION: Mr. Afflerbach made a motion to approve bond of Jefferson Hobbs for \$1,000.00 payable to the governor and the governor's successors in office. Mr. Randle seconded the motion. Motion carried on a vote of 4-0 with Mr. Kaiser absent.

### **Courthouse/Annex Expenditures/Maintenance/Improvements (No. 17)**

Judge Fowler reported that the front door of the courthouse is now opened and the south side door, which is the handicap entrance, is going to be closed.

Judge Fowler reported that the new crew doing the excavation work is much more efficient than the last crew is and they are ahead of schedule.

### **Legislative Update (No. 18)**

Judge Fowler reported that the Cook County Judge Jason Brinkley has resigned from office last week and declared to be a candidate for state representative in a house district vacated by his state representative who won an election to the senate.

Judge Fowler reported that he is working with Steve Holzheuser trying to arrange an interview with Senator Birdwell concerning the anti-lobbying initiative.

### **Discussion of Commissioner Precinct Operations (No. 19)**

Commissioner Precinct No. 1 reported normal precinct operations.

Commissioner Precinct No. 2 reported that TxDOT is closing Garrett Road and Chicolote Creek on December 30<sup>th</sup> and the road will remain closed until sometime in April depending upon the weather.

Commissioner Precinct No. 3 reported normal precinct operations.

Commissioner Precinct No. 4 reported normal precinct operations.

### **Motorola Update (No. 20)**

Emergency Management Coordinator reported that there were still a few portable radios that need to be programmed. Johnny Jank could not program some of the radios. Vehicle radios will be programmed in January.

### **County Building Workshop (No. 21)**

Mr. Randle reported that construction at the new building is still moving forward.

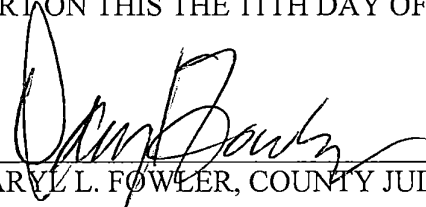
**COVID-19 Disaster Update (No. 22)**

Emergency Management Coordinator Cyndi Smith reported that the numbers are continuing to increase. She reported that she and the Yorktown EMS would be handing out facemasks this evening at the Yorktown Fire Department. She has also been leaving some face masks at restaurants in Cuero.

**Adjourn (No. 23)**

MOTION: Mr. Afflerbach made a motion to adjourn. [Adjourned at 10:50 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF DECEMBER A.D. 2020 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 11TH DAY OF JANUARY, A.D. 2021.

  
DARYL L. FOWLER, COUNTY JUDGE

ATTEST:   
NATALIE CARSON, COUNTY CLERK

