

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – NOVEMBER 13, 2019**

DeWitt County Commissioners Court met in regular session November 13, 2019 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:**

**Schedule Public Hearing Date (No. 1)**

MOTION: Mr. Afflerbach made a motion to establish a public hearing for the purpose of establishing 45 MPH speed limit on Hilbrich Road in Commissioner Precinct No. 1 and set up a yield sign at the intersection of Hilbrich Road and Hilbrich Bypass Road, the public hearing meeting will be held on December 9, 2019 at 9:00 a.m. in the DeWitt County Courtroom. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Schedule Public Hearing Date (No. 2)**

MOTION: Mr. Randle made a motion to schedule a public hearing date of December 9, 2019 at 9:00 a.m. in the DeWitt County Courthouse for establishing a 40 MPH speed limit on Green DeWitt Road. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Appraisal District Board of Directors for 2020-2021 Term (No. 3)**

MOTION: Mr. Afflerbach made a motion to grant 1000 votes to Patrick Elder and 425 votes to Conyetta Gaus Swaney. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0. (Resolution Order Number 2019-076)

**Proclamation for National Hospice Palliative Care Month (No. 4)**

MOTION: Mr. Kaiser made a motion to adopt a proclamation designating November 2019 as National Hospice and Palliative Care Month in DeWitt County. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Authorize Auditor to Advertise for Bids (No. 6)**

MOTION: Mr. Kaiser made a motion to authorize the county auditor to advertise for bids for excavation of courthouse exterior for basement flood mitigation. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**Resolution Cuero Airport (No. 7)**

MOTION: Mr. Afflerbach made a motion to approve a resolution accepting the price of \$900.00 per acre for 100 acres of real property offered by the Texas Board of Criminal Justice to DeWitt County pursuant to House Bill 3636, Resolution Order Number 2019-077. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Final Approval of Subdivision Development Application of Rainbow Hotz Ranch Estates, LLC (No. 9)**

MOTION: Mr. Randle made a motion to adopt Court Order Number 2019-078 granting final approval of subdivision application of Rainbow Hotz Ranch Estates, LLC. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**Interlocal Agreement (No. 8)**

MOTION: Mr. Kaiser made a motion to approve an Interlocal agreement between the County of DeWitt and the County of Hall for the purposes of performing functions of law enforcement through Hall County Sheriff's Office, which has an authorized access terminal providing access to the Texas Law Enforcement Telecommunications System (TLETS). Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Approval of Bid (No. 10)**

MOTION: Mr. Randle made a motion accept the bid of JTB Services, Inc. for the demolition of the County Archives and Election Office for the price of \$73,908.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**TXDOT Right of Way Purchase (No. 5)**

MOTION: Mr. Kaiser made a motion to approve Court Order Number 2019-079 authorizing final sale of right of way to Texas Department of Transportation for 0.4914 acres of Indianola Railroad Company survey, Abstract #251, Parcel 39 in DeWitt County (Highway 72 West). Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Temporary Right of Way Agreement (No. 12)**

MOTION: Mr. Kaiser made a motion to approve permit application with Burlington Resources Oil & Gas LP for installation of a dual water line along Kubala Store Road & Haase Road in Commissioner Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Temporary Right of Way Agreement (No. 13)**

MOTION: Mr. Afflerbach made a motion to approve permit application from Burlington Resources Oil & Gas LP for installation of a dual water line along Kubala Store Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

### **Temporary Right of Way Agreement (No. 14)**

MOTION: Mr. Pilchick made a motion to approve temporary right of way agreement permit application from Select Energy Services for installation of a dual water line along Gerdes Road, Rathkamp Dreyer Road & Lone Tree Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

### **Monthly Report of Officials (No. 15)**

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

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

### **County Auditor's Monthly Report (No. 16)**

MOTION: Mr. Kaiser made a motion to receive County Auditor's Monthly Report. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

### **County Treasurer's Monthly Report (No. 17)**

MOTION: Mr. Kaiser made a motion to receive report and approve Order Approving Treasurer's Monthly Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0. (Court Order Number 2019-075)

### **Minutes (No. 18)**

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

**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 5-0.

**Ratified Accounts Payable (No. 20)**

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

**Budget Amendment Requests (No. 21)**

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

**Personnel Changes (No. 23)**

None

**Bonds (No. 24)**

Carrie Rea – County Auditor

MOTION: Mr. Randle made a motion to approve a \$10,000 bond for Carrie Rea from Western Surety Company. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Courthouse/Annex Expenditures/Maintenance/Improvements (No. 25)**

Judge Fowler reported that the elevator in the courthouse quit working.

**Legislative Update (No. 26)**

Judge Fowler reported that the Transportation Commission would be meeting tomorrow to discuss the proposed rules for the next grant funding. If his meeting finishes in time, he will attend the Transportation Commission meeting.

**Discussion of Commissioner Precinct Operations (No. 27)**

Commissioner Pct. 1 reported that he has a meeting scheduled tomorrow with TxDOT to discuss the next stage of FM240 in regards to engineering design.

Commissioner Pct. 2 reported that he stills has a bridge out, bridge culvert is being delivered today and hoping to have Bluebonnet Road opened in a couple of weeks

Commissioner Pct. 3 reported on the Devon uncontrolled well in his precinct.

Commissioner Pct. 4 reported that all but 1/4 mile of Green DeWitt Road has been stabilized.

### **Motorola Update (No. 28)**

Mr. Pilchick reported that he would be meeting with Motorola about the Hochheim tower site.

### **County Building Workshop (No. 29)**

County Auditor reported that Brad Kocurek with RMA Architects & Interior Designers would be sending out an invite for a meeting on November 22, 2019. The meeting would be with the offices that will be in the building.

### **Canvass of Election Return (No. 11)**

Court canvassed election return for the November 5, 2019 Special (Constitutional Amendment) election.

### **Adjourn (No. 30)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:55 a.m.]

## **MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS REGULAR MEETING – NOVEMBER 25, 2019**

DeWitt County Commissioners Court met in regular session November 25, 2019 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. Randle gave the invocation.

## **New Business:**

### **Public Hearing (No. 1)**

Public hearing held in order to provide opportunity for public comments on establishing a 30 MPH speed limit on Metting Road in Commissioner Precinct 3. 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. Kaiser made a motion to establish a 30 MPH speed limit on Metting Road in Commissioner Precinct 3 beginning from the intersection of FM 240 and Metting Road and proceeding for one (1) mile to end of the pavement effective immediately. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Schedule Public Hearing Date (No. 4)**

MOTION: Mr. Randle made a motion to schedule a public hearing date for December 18, 2019 at 9:00 a.m. in the DeWitt County Courthouse to consider establishing a 15 or 20 MPH speed limit on Hopkinsville Road from Highway 236 for ½ mile in Commissioner Precinct No. 4. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

### **Application for a Subdivision Development (No. 5)**

MOTION: Mr. Pilchick made a motion to receive an application from John Hunter for subdivision development in a 17.09-acre tract of land in the J.G. Swisher Survey, Abstract 421 (on Cattle Guard Road and Neal Road) in DeWitt County pursuant to Chapter 232 of the Local Government Code and the DeWitt County Subdivision Development and Recreational Park. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

### **Elections Security Assessment (No. 6)**

MOTION: Mr. Afflerbach made a motion to enter into an Interlocal Contract between the Department of Information Resources and DeWitt County relating to the use of the DIR shared services master service agreements, DIR Contract No. DIR-SS-ILC288. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

### **Joint Primary Election Resolution (No. 7)**

MOTION: Mr. Randle made a motion to pass Resolution 2019-080, a Joint Resolution and statistical information for a joint Primary Election between DeWitt County and the DeWitt County Democratic Party and the DeWitt County Republican Party to be conducted by the DeWitt County Elections Administrator, authorizing a 2020 Joint Primary Election Services Contract with County Elections of DeWitt County and the Democratic Party and the Republican Party. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **TXDOT County Assistance Program (No. 8)**

MOTION: Mr. Randle made a motion to participate in the TXDOT County Assistance Program funding and the FY2020 allocation amount of \$30,179.00 to be divided equally between all four (4) precincts. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Offsite Storage Request (No. 12)**

MOTION: Mr. Kaiser made a motion to approve the expenditure for offsite storage for use by the DeWitt County AgriLife Extension. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **TDEM Disaster Declaration S4552 (No. 9)**

MOTION: Mr. Randle made a motion to receive letter indicating eligibility for low interest emergency disaster loans made available by the U.S. Department of Agriculture and Small Business Administration. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Order Rescinding Burn Ban (No. 10)**

MOTION: Mr. Kaiser made a motion to approve ratification Order No. 2019-074 rescinding burn ban in DeWitt County. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

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

MOTION: Mr. Kaiser made a motion to continue the current eminent domain authority of the DeWitt County Commissioners Court with no changes per statutory authority as required by Section D of the Texas Government Code Chapter 2206 and authorize Judge Daryl Fowler to electronically submit the annual report to the Comptroller of Public Accounts. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **AEP Contract (No. 13)**

MOTION: Mr. Randle made a motion to enter into a construction agreement under Contract Number DWMS00000479921, Work Order Number 75140068 at a cost of \$1,951.23. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

#### **GVEC Payment (No. 14)**

MOTION: Mr. Pilchick made a motion to approve payment to GVEC for \$350.00 for a meter loop for tower site off City of Hochheim Road. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

#### **Certificate of Participation (No. 15)**

MOTION: Mr. Kaiser made a motion to receive Certificate of Participation from the V.G. Young Institute of County Government for Judge Fowler for successfully completing 9 hours of educational training during the 97th Annual County Judges and Commissioners Association of Texas Conference, October 7-10, 2019. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

#### **Commercial Document Shredder (No. 16)**

No action taken

#### **Commissioners Court Meeting Schedule (No. 17)**

MOTION: Mr. Kaiser made a motion to cancel the regularly scheduled Commissioners Court Meeting of December 23, 2019 and schedule a meeting for December 18, 2019 at 9:00 a.m. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

#### **Presentation of Certificate and Award (No. 18)**

MOTION: Mr. Kaiser made a motion to present a Certificate of Achievement for Excellence in Financial Reporting and an Award of Financial Reporting Achievement to Carrie Rea, County Auditor, and her staff on behalf of the Government Finance Officers Association of the United States and Canada. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

#### **Temporary Right of Way Agreement (No. 19)**

MOTION: Mr. Pilchick made a motion to approve temporary right of way agreement permit application from Select Energy Services for installation of a dual water line along Gerdes Road, Rathkamp-Dreyer Road, & Lone Tree Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

#### **Pipeline Crossing Permit (No. 20)**

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit application with Burlington Resources Oil & Gas LP to cross Simecek Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.



**Pipeline Crossing Permit (No. 21)**

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit application with Burlington Resources Oil & Gas LP to cross Simecek Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**Pipeline Crossing Permit (No. 22)**

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit application with Burlington Resources Oil & Gas LP to cross Simecek Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**Authorize Auditor to Advertise for Bids (No. 23)**

MOTION: Mr. Afflerbach a motion to authorize the county auditor to advertise for bids for purchase of a new dump truck for Commissioner Precinct 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Authorize Auditor to Dispose of Salvage or Surplus Property (No. 24)**

MOTION: Mr. Afflerbach made a motion to authorize Auditor to dispose of salvage or surplus property, pursuant to Local Government Code §263, Subchapter D by means of an online auction. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**Accounts Payable (No. 25)**

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

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

**Ratified Accounts Payable (No. 26)**

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

**Budget Amendment Requests (No 27)**

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

### **Personnel Changes (No. 28)**

Jason Zabransky, Equipment Operator, Precinct 2; step increase effective November 3, 2019; Category 17 Step 4; 5 years of employment; rate of pay to be \$1,650.00/bi-weekly \$20.63/hour; next possible step increase November 3, 2021; comp time will be paid at time of step

Vincent Cross, Juvenile Probation Officer, Juvenile Probation; hired effective November 12, 2019; Category 19 Step 1; rate of pay to be \$1,724.08/bi-weekly \$21.55/hour \$16.16 cell phone; next possible step increase November 12, 2020

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

### **Bonds (No. 29)**

None

### **Courthouse/Annex Expenditures/Maintenance/Improvements (No. 30)**

County Auditor Carrie Rea has advertised for bid packets on courthouse basement excavation.

Mr. Randle reported that the air conditioning unit that was located on the metal building had been moved to the building across and placed over the jury room. The small unit is going to be stored at Commissioner Pct. 1 barn.

### **Legislative Update (No. 31)**

Judge Fowler reported that the rules have been published for review for the new grant funding.

### **Discussion of Commissioner Precinct Operations (No. 32)**

Commissioner Pct. 1 reported that he and County Attorney Jay Condie attended a meeting with TxDOT concerning FM 240.

Commissioner Pct. 2 reported that Bluebonnet Road is open.

Commissioner Pct. 3 reported that his crews are cleaning up on Cottonpatch Road.

Commissioner Pct. 4 reported on continuing work on Green DeWitt Road.

### **Motorola Update (No. 33)**

Court received an update from DeWitt County Sheriff regarding Motorola project.

**County Building Workshop (No. 34)**

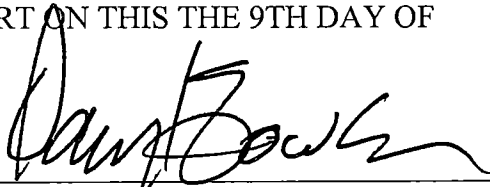
Mr. Randle reported that he and County Auditor Carrie Rea were working on an email to send out to employees and City of Cuero concerning the fencing off the parking lots at the annex for the demolition of the portable storage buildings.

Mr. Randle reported that the committee and officials that will have offices in the new building met with the architect last Friday to discuss office space, cabinets and flooring.

**Adjourn**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 11.20 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF NOVEMBER A.D. 2019 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 9TH DAY OF DECEMBER, A.D. 2019.

  
DARYL L. FOWLER, COUNTY JUDGE



ATTEST:   
NATALIE CARSON, COUNTY CLERK