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**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – MARCH 13, 2023**

DeWitt County Commissioners Court met in regular session March 13, 2023 at 9:00 a.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, with the following members present:

Commissioner Curtis G. Afflerbach, Precinct No. 1  
Commissioner James B. Pilchick, Precinct No. 2  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Brian Carson, Precinct No. 4

**Call to Order; Pledge of Allegiance & Invocation**

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

**New Business:**

**Child Abuse Awareness and Prevention Month Proclamation (No. 1)**

MOTION: Mr. Pilchick made a motion for the approval of the Proclamation for Golden Crescent CASA and DeWitt County Child Welfare Board establishing April 2023 as National Child Abuse Prevention Month. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Update on Phase 2 of Belong (No. 2)**

Court heard a presentation from Nicole Nguyen regarding phase 2 of the SJRC Belong Organization.

**Drainage District Expansion Resolution (No. 3)**

Court heard a presentation from Jennifer Urban and Doug Sethness regarding the court supporting the expansion of the Green DeWitt Drainage in DeWitt County. Court passed on this agenda item.

**Pct. 4 Fuel Agreement (No. 4)**

MOTION: Mr. Pilchick made a motion for the approval of the maintenance agreement for the Fuelmaster Fuel Management System located at the Precinct 4 barn. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**207(K) Resolution (No. 5)**

MOTION: Mr. Kaiser made a motion to adopt resolution, Court Order No. 2023-008, adopting FLSA, 29 U.S.C. § 207(K) pertaining to compensation of law enforcement employees. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Affidavit Granting Permission to Enter Private Property (No. 6)**

MOTION: Mr. Carson made a motion to receive the affidavit for granting permission to enter private property owned by Richard Gohmert on Old Goliad Road. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Affidavit Granting Permission to Enter Private Property (No. 7)**

MOTION: Mr. Carson made a motion to receive the affidavit granting permission to enter private property owned by Thomas Henry Johnson at the corner of River Road and Old Goliad Road to fix drainage issues. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Certificate of Completion (No. 8)**

MOTION: Mr. Pilchick made a motion to receive Certificate of Completion from the County Judges and Commissioners Association of Texas for Commissioner James B. Pilchick, Sr. for successfully completing the continuing education provisions of Article 81.0025 of the Texas Local Government Code for 2022. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

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

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Select Energy Services for installation of a temporary water line on Rogge Seifert Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 10)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Select Energy Services for installation of a temporary water line on Cabeza Road and SA Butler Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 11)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Select Energy Services for installation of a temporary water line on Cabeza Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

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

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Select Energy Services for installation of a temporary water line on Steen Road in Commissioner Precinct No. 2. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

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

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas Company LP for installation of a temporary water line on Steen Road in Commissioner Precinct No. 2. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

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

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with AJ's Logistics Services for installation of a temporary water line on Spies Road & Metting School Road in Commissioner Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Property Insurance Renewal Application (No. 15)**

MOTION: Mr. Pilchick made a motion for the approval of the renewal application for property insurance. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Declare Fixed Assets as Salvage (No. 16)**

MOTION: Mr. Carson made a motion to declare inventory items as worn, damaged or obsolete, pursuant to Local Government Code §263.152. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Authorize Auditor to Advertise for Bids (No. 17)**

MOTION: Mr. Pilchick made 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 4-0.

**Monthly Report of Officials (No. 18)**

Assistant Auditor Neomi Williams reported that the auditor's office has received reports from all officials.

MOTION: Mr. Kaiser 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. 19)**

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

**County Treasurer's Monthly Report (No. 20)**

MOTION: Mr. Kaiser made a motion to receive County Treasurer's Monthly Report, Court Order Number 2023-007, and approve the Order Approving Treasurer's Monthly Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Minutes (No. 21)**

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

**Accounts Payable (No. 22)**

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

**Ratified Accounts Payable (No. 23)**

MOTION: Mr. Kaiser 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. 24)**

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

**Personnel Policy (No. 25)**

None

**Bonds (No. 26)**

None

**Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 27)**

Mr. Afflerbach reported on waiting for information to come back from the architect for the roof job at the DeWitt County Historical Museum.

Mr. Afflerbach reported that Judge Fowler received a quote to install top soil in the low spots on the courthouse lawn. County Judge's Executive Secretary Blair Duran reported that the septic company was at the courthouse today sucking stuff out the clogged drain.

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

Judge Fowler is in Austin today attending some Legislative meetings.

### **Discussion of Commissioner Precinct Operations (No. 29)**

Commissioner Precinct No. 1 reported that he is supposed to be paving Old San Antonio Road and Lindenau Road this week. Mr. Afflerbach discussed a shared smooth drum roller that has broken down and he has received quotes from Anderson to repair the equipment which will be very expensive. Mr. Afflerbach and Mr. Carson are both interested in continuing to share a new smooth drum roller and proceeding with getting a new machine.

Commissioner Precinct No. 2 reported on normal precinct operations.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on normal precinct operations.

### **Public Announcements/Comments (No. 30)**

None

### **Adjourn (No. 31)**

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 – MARCH 27, 2023**

DeWitt County Commissioners Court met in regular session March 27, 2023 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 G. Afflerbach, Precinct No. 1  
Commissioner James B. Pilchick, Precinct No. 2  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Brian Carson, 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:**

### **Annual Financial Report (No. 1)**

MOTION: Mr. Kaiser made a motion to receive Annual Financial Report for Green DeWitt Drainage District for fiscal year ended September 30, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Drainage District Expansion Resolution (No. 2)**

Court did not take any action on this agenda item.

### **Gulf Bend Center Resolution (No. 3)**

MOTION: Mr. Kaiser made a motion to adopt a resolution, Court Order Number 2023-009, supporting the Gulf Bend Community Collaborative plan to provide a viable solution to reduce criminalization of the mentally ill in DeWitt County through a regional 60-bed psychiatric inpatient facility in Victoria, Texas. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Memorandum of Understanding (No. 5)**

MOTION: Mr. Afflerbach made a motion to approve the agreement between DeWitt County Clerk's Office and Corporation Service Company (CSC) for electronic submission of documents for recording. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

### **Joint Election Agreement (No. 4)**

MOTION: Mr. Afflerbach made a motion to approve the contract for elections services for the May 6th General Election in DeWitt County between DeWitt County and the City of Cuero, Cuero ISD, and Yorktown ISD. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

### **Keep Cuero Beautiful Letter (No. 6)**

MOTION: Mr. Kaiser made a motion to receive letter, dated March 10, 2023, from Keep Cuero Beautiful regarding survey of litter on DeWitt County properties. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Pro-rata Tobacco Settlement Distribution (No. 7)**

MOTION: Mr. Carson made a motion to receive the Qualified Pro-rata Tobacco Settlement Distribution County Expenditure Statement – 2023 from the county auditor; and authorize the judge to submit the expenditure statement to the Texas Department of State Health Services. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**County Depository Pledge Contract (No. 12)**

Court passed on this agenda item.

**Award of Bid and Contract Approval (No. 8)**

**Road Materials:**

<b><u>Product</u></b>	<b><u>Primary</u></b>	<b><u>Alternate</u></b>
Pre-Coated Aggregate Grade 3	Brauntex Materials, Inc.	Colorado Materials
Pre-Coated Aggregate Grade 4	Brauntex Materials, Inc.	Colorado Materials
Pre-Coated Aggregate Grade 5	Brauntex Materials, Inc.	Vulcan Construction Materials LLC
Premix Rock Asphalt	Vulcan Construction Materials LLC	No Alternate Bid
Hot Mix Cold Laid Grade B	Brauntex Materials, Inc.	Colorado Materials
Hot Mix Cold Laid Grade D	Brauntex Materials, Inc.	Colorado Materials
ASPPM Grade IV Performance Cold Mix – Delivered	Waller County Asphalt	No Alternate Bid
Crushed Limestone Base Pct. 1 & 2	Colorado Materials	Allstar Materials
Pct. 3 & 4	Colorado Materials	Brauntex Materials, Inc.
Crushed Limestone Cover Stone, ¼” F Rock Pct. 1, 2 & 3	Colorado Materials	Allstar Materials
Pct. 4	Allstar Materials	Colorado Materials

Crushed Limestone Cover Stone, Type B, Grade 3 Pct. 1, 2 & 3 Pct. 4	Brauntex Materials, Inc. Brauntex Materials, Inc.	Colorado Materials Allstar Materials
Crushed Limestone Cover Stone, Type B, Grade 4	Brauntex Materials, Inc.	Allstar Materials
¾ to Dust Limestone Pct. 1 & 2 Pct. 3 & 4	Colorado Materials Colorado Materials	Allstar Materials Brauntex Materials, Inc.
Bulk Rate Cement	Martin Marietta	No Alternate Bid
3/8" Pea Gravel Not Delivered	ABN Construction LLC	Vulcan Construction Materials LLC
1-340-C PG70-22 SAC B Delivered	Brauntex Materials, Inc.	No Alternate Bid
1-340-C PG64-22 SAC B Delivered	Brauntex Materials, Inc.	Colorado Materials
HMAC Type D Delivered	Brauntex Materials, Inc.	Colorado Materials
Pit Run Gravel Delivered & Not Delivered	All Bids	
Screened Gravel Delivered & Not Delivered	All Bids	
Bull Rock Delivered & Not Delivered	All Bids	
3 Sack Stabilized Sand Not Delivered	ABN Construction LLC	

MOTION: Mr. Afflerbach made a motion to accept the road material bids as listed. Mr. Kaiser seconded the motion. Motion carried on a vote of 3-1-1 with Mr. Pilchick voting against and Mr. Carson abstaining.

**Award of Bid and Contract Approval (No. 9)**

MOTION: Mr. Afflerbach made a motion to accept ABN Construction as the concrete bid. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.



**Award of Bid and Contract Approval (No. 10)**

AC-5	Ergon Asphalt	Cleveland Asphalt
AC-10	Ergon Asphalt	Cleveland Asphalt
AC-15P	Ergon Asphalt	Wright Asphalt
MC-30	Wright Asphalt	Cleveland Asphalt
RC-250	Cleveland Asphalt	Wright Asphalt

MOTION: Mr. Afflerbach made a motion to approve the asphalt oils bids as listed. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Award of Bid and Contract Approval (No. 11)**

MOTION: Mr. Afflerbach made a motion to accept fuel bid of Schmidt & Sons. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Certificate of Completion (No. 13)**

MOTION: Mr. Kaiser made a motion to receive Certificate of Completion from the County Judges and Commissioners Association of Texas for Commissioner James Kaiser for successfully completing the continuing education provisions of Article 81.0025 of the Texas Local Government Code for 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Certificate of Completion (No. 14)**

MOTION: Mr. Afflerbach made a motion to receive Certificate of Completion from the VG Young Institute of County Government for Commissioner Curtis Afflerbach for successfully completing 12 hours of educational training at the 2023 School for County Commissioners Courts. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Certificate of Completion (No. 15)**

MOTION: Mr. Carson made a motion to receive Certificate of Completion from the VG Young Institute of County Government for Commissioner Brian Carson for successfully completing 16 hours of educational training at the 2023 School for County Commissioners Courts. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**Certificate of Membership Texas Judicial Academy (No. 16)**

MOTION: Mr. Kaiser made a motion to receive certification that County Judge Daryl L. Fowler has successfully completed judicial education of 52 hours in Fiscal Year 2022 that qualifies

for recognition as a Fellow of the Academy in the Texas Association of Counties Texas Judicial Academy. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Temporary Right of Way (No. 17)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Enersol Group for installation of a temporary water line on Seiler Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Temporary Right of Way (No. 18)**

MOTION: Mr. Pilchick made a motion to approve permit application from Qwik Pipe Inc. for installation of a temporary water line on Rathkamp-Dreyer Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

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

MOTION: Mr. Pilchick made a motion to approve permit application from Qwik Pipe Inc. for installation of a temporary water line on Martinez Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Temporary Right of Way (No. 20)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from Burlington Resources for installation of a temporary water line on Lincke Road and Kubala Store Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Temporary Right of Way (No. 21)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from Burlington Resources for installation of a temporary water line on Lincke Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Temporary Right of Way (No. 22)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from Burlington Resources for installation of a temporary water line on Haase Road and Kubala Store Road in Commissioner Precinct No. 1. Mr. Carson 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.

**Ratified Accounts Payable (No. 24)**

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. 25)**

None

**Personnel Policy (No. 26)**

None

**Bonds (No. 27)**

None

**Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 28)**

Judge Fowler reported that Trane had performed routine maintenance downstairs of the courthouse and had to come back because a valve in the air handler closet had gone bad which affected the air in the District Clerk's office and County Courtroom.

Mr. Afflerbach reported on the DeWitt County Museum foundation. Fascia boards have been purchased and painted. The old gutters and fascia boards will be removed. Roofer has all of his materials and has submitted the changes for the roof to the architect and historical commission.

Judge Fowler reported that a vacuum service company had sucked out the collection tank on the French drain on the outside of the courthouse building.

Judge Fowler reported that he is in the process of getting quotes from A-1 Shiner Fire & Safety and a company out of San Antonio for servicing the fire systems. The one (1) year maintenance has run out at the DeWitt County Annex Building.

**Legislative Update (No. 29)**

Judge Fowler reported that he had testified on SB 175. Senate Committee has passed it out and it is waiting a calendar date for the full Senate to consider. There is an identical bill in the House.

They removed the provision that said to repeal the law to cancel and kill Texas Association of Counties.

**Discussion of Commissioner Precinct Operations No. 30)**

Commissioner Precinct No. 1 reported on replacement of the bridge on Old Gonzales Road and will follow up with the box culvert.

Commissioner Precinct No. 2 reported on normal road maintenance precinct operations.

Commissioner Precinct No. 3 reported on normal road maintenance precinct operations.

Commissioner Precinct No. 4 reported that he will be closing Old Goliad Road in order to install some culverts to get rid of a low water crossing.

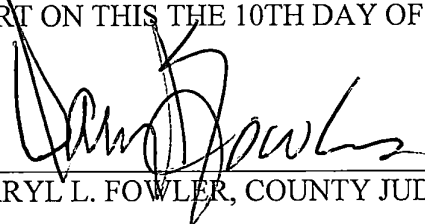
**Public Announcements/Comments (No. 31)**

None

**Adjourn (No. 32)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 11:44 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF MARCH A.D. 2023 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 10TH DAY OF APRIL, A.D. 2023.



DARYL L. FOWLER, COUNTY JUDGE

ATTEST: Natalie Carson  
NATALIE CARSON, COUNTY CLERK

