

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, APRIL 29, 2024

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:33 A.M., Monday, April 29, 2024, in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with County Judge Seiferman presiding.

Others present were as follows: Jennifer Chau, Kristen Kubecka, Skipper Osborne, Matthew Tilley, Doug Schoppe, Chris Peikert, Ashley Brooking, Mike Reddell, Loretta Griffin, Meagan Ramirez, Rick DeLeon, Mike Spillers, Jessica Russell, Mike Ferdinand, Rick DeLeon, Vic Everett, Kanita Robinson, Jonathan Frels, Julie Miller, Jose Alvarez, Sean Polley, Nathan Watkins, James Gilley, Jr., Donald Brinkman, Mitch Thames, Tressa Leadford, Shelby Storts and Stephanie Wurtz.

1. Certification of quorum

County Judge Seiferman certified a quorum with Commissioner Cook, Commissioner Estlinbaum, Commissioner Shimek and Commissioner Frick.

2. Pledge of Allegiance – Commissioner Cook

3. Texas Pledge – Commissioner Cook

4. Prayer – Commissioner Frick

5. Public Comments

This being the next item for business, no action required.

6. Consideration and possible action regarding approving Commissioner's Court Minutes for April 22, 2024

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve Commissioner's Court Minutes for April 22, 2024. Motion carried. Vote 5 ayes 0 nays

7. Consideration and possible action regarding contracts for the use of the Matagorda County Fairgrounds facilities

This being the next item for business, no action required.

8. Consideration and possible action to approve a Resolution by the Commissioners Court of Matagorda County, Texas authorizing Publication of Notice of Intention to Issue Certificates of Obligation approving the preparation of a Preliminary Official Statement and Notice of Sale; and approving other matters incidental thereto

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Estlinbaum, with all others concurring, to approve a Resolution by the Commissioners Court of

Matagorda County, Texas authorizing Publication of Notice of Intention to Issue Certificates of Obligation approving the preparation of a Preliminary Official Statement and Notice of Sale; and approving other matters incidental thereto. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve termination on a current Contract Lease with Pitney Bowes for a mail machine and approve a new Contract with Pitney Bowes for a larger mail machine for the County Tax Office

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Estlinbaum, with all others concurring, to approve termination on a current Contract Lease with Pitney Bowes for a mail machine and approve a new Contract with Pitney Bowes for a larger mail machine for the County Tax Office. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to withdraw an Easement Canal Application that was tabled on March 4, 2024, for Eddy and Jenny Marcum for Property ID: 45094, 609 CR 230, Sargent, TX 77414 and allow Matagorda County Treasurer Loretta Griffin to refund the fee as the Application was never accepted for action by the Court

This being the next item for business, motion was duly made by Commissioner Estlinbaum and seconded by Commissioner Frick, with all others concurring, to withdraw an Easement Canal Application that was tabled on March 4, 2024, for Eddy and Jenny Marcum for Property ID: 45094, 609 CR 230, Sargent, TX 77414 and allow Matagorda County Treasurer Loretta Griffin to refund the fee as the Application was never accepted for action by the Court. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to accept a name change for the NRG STPNOC Texas Enterprise Project Application from NRG STP to Constellation Energy and allow County Judge Bobby Seiferman to sign

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Estlinbaum, with all others concurring, to accept a name change for the NRG STPNOC Texas Enterprise Project Application from NRG STP to Constellation Energy and allow County Judge Bobby Seiferman to sign. Motion carried. Vote 5 ayes 0 nays

12. Public Hearing at 9:45 a.m. regarding the approval of the Shoshana Storage Project, LLC Tax Abatement Agreement

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to enter into a Public Hearing at 9:45 a.m. regarding the approval of the Shoshana Storage Project, LLC Tax Abatement Agreement. Motion carried. Vote 5 ayes 0 nays

At 9:48 a.m., motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to enter back into regular session of Commissioners Court. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to adopt the Shoshana Storage Project, LLC Tax Abatement Agreement

This being the next item for business, motion was duly made by Commissioner Estlinbaum and seconded by Commissioner Frick, with all others concurring, to adopt the Shoshana Storage Project, LLC Tax Abatement Agreement. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to grant a variance to the Matagorda County Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones and/or Enterprise Zones created in Matagorda County by Petitioner Shoshana Storage Project, LLC, specifically for the requirements of Section 4(m)(2) regarding the creation or job retention of a minimum of 10 jobs and grant the variance due to good cause as shown by Petitioner's Variance Application

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to grant a variance to the Matagorda County Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones and/or Enterprise Zones created in Matagorda County by Petitioner Shoshana Storage Project, LLC, specifically for the requirements of Section 4(m)(2) regarding the creation or job retention of a minimum of 10 jobs and grant the variance due to good cause as shown by Petitioner's Variance Application. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to ratify a Road Use Agreement between Matagorda County and MCRT Partners Owner, LLC

This being the next item for business, motion was duly made by Judge Seiferman and seconded by Commissioner Frick, with all others concurring, to ratify a Road Use Agreement between Matagorda County and MCRT Partners Owner, LLC. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to revoke an Order for Replat of Lot 1 and Lot 2 in Block 1 in Section 22 of Texas Rice Development Company Subdivision, Property Records Number: 2019-08262019-10, passed by this Court on August 26, 2019, due to the original applicant of the Replat not being the owner of the property and lacking authority for the original request

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to revoke an Order for Replat of Lot 1 and Lot 2 in Block 1 in Section 22 of Texas Rice Development Company Subdivision, Property Records Number: 2019-08262019-10, passed by this Court on August 26, 2019, due to the original applicant of the Replat not being the owner of the property and lacking authority for the original request. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to accept the 2024 1st Quarter and Internal Review

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to accept the 2024 1st Quarter and Internal Review. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve Invoices from the following Departments: Precinct #4

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve Invoices from the following Departments: Precinct #4. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly Report for March 2024

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to approve Matagorda County Treasurer's Office Monthly Report for March 2024. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve Payment of Bills

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve Payment of Bills. Motion carried. Vote 5 ayes 0 nays

21. **Consideration and possible action to approve Line Item Transfers**

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Frick, with all others concurring, to approve Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

22. **Meet in Executive Session:**

Under Section 551.071(2) of the Texas Government Code to consult with attorney on a matter in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the County in an executive session concerning Real Property

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

Under Section 551.076 of the Texas Government Code to deliberate the deployment or specific occasions for implementation of security personnel or devices; or a security audit

Under Section 551.087 of the Texas Government Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

This being the next item for business, motion was duly made at 10:00 a.m. by Commissioner Shimek and seconded by Commissioner Cook, with all others concurring, to meet in Executive Session:

Under Section 551.071(2) of the Texas Government Code to consult with attorney on a matter in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the County in an executive session concerning Real Property

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

Under Section 551.076 of the Texas Government Code to deliberate the deployment or specific occasions for implementation of security personnel or devices; or a security audit

Under Section 551.087 of the Texas Government Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body

and with which the governmental body is conducting economic development negotiations

Motion carried. Vote 5 ayes 0 nays. Executive Session suspended at 10:00 a.m. to go into Workshop discussion regarding Matagorda County Pre-Renewal Insurance.

23. **Reconvene open session and consider taking action on the matters discussed in Executive Session:**

Under Section 551.071(2) of the Texas Government Code to consult with attorney on a matter in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the County in an executive session concerning Real Property

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

Under Section 551.076 of the Texas Government Code to deliberate the deployment or specific occasions for implementation of security personnel or devices; or a security audit

Under Section 551.087 of the Texas Government Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

This being the next item for business, motion was duly made at 12:22 p.m. by Commissioner Cook and seconded by Commissioner Shimek, with all others concurring, to Reconvene open session:

Under Section 551.071(2) of the Texas Government Code to consult with attorney on a matter in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the County in an executive session concerning Real Property

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

Under Section 551.076 of the Texas Government Code to deliberate the deployment or specific occasions for implementation of security personnel or devices; or a security audit

Under Section 551.087 of the Texas Government Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

Motion carried. Vote 5 ayes 0 nays

24. **Adjournment**

At approximately 12:24 p.m. Judge Seiferman adjourned the meeting.

Approved in Open Court, the 6th day of May, 2024.



BOBBY SEIFERMAN
County Judge



EDWARD "BUBBA" COOK
Commissioner Precinct No. One



MIKE ESTLINBAUM
Commissioner Precinct No. Two

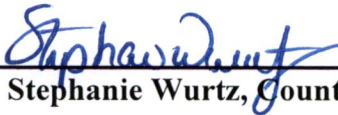


TROY SHIMEK
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST:



Stephanie Wurtz, County Clerk

