

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, MARCH 7, 2022

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, March 7, 2022, in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with Judge Pro-Tem Cook presiding.

Others present were as follows: Kristen Kubecka, Jennifer Chau, Becky Cook, Skipper Osborne, Chris Peikert, Doug Matthes, Loretta Griffin, Karla Lewis, Mike Estlinbaum, Jessica Shepard, Anthony Maenza, Mitch Thames, Crystal Morones and Stephanie Wurtz.

1. Certification of quorum

Judge Pro-Tem Cook certified a quorum in attendance with Commissioner Pollard, Commissioner Shimek and Commissioner Frick. County Judge McDonald was absent.

2. Pledge of Allegiance – Commissioner Pollard

3. Texas Pledge – Commissioner Pollard

4. Prayer – Commissioner Cook

5. Consideration and possible action regarding approving Commissioner's Court Minutes for February 28, 2022

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 Commissioner's Court Minutes for February 28, 2022. Motion carried. Vote 4 ayes 0 nays

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

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Shimek, with all others concurring, to approve one contract for the use of the Matagorda County Fairgrounds facilities. Motion carried. Vote 4 ayes 0 nays

7. Consideration and possible action to approve an extension of the Matagorda County Declaration of Disaster for COVID-19 beginning on March 7, 2022 and ending on April 7, 2022

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to approve an extension of the Matagorda County Declaration of Disaster for COVID-19 beginning on March 7, 2022 and ending on April 7, 2022. Motion carried. Vote 4 ayes 0 nays

8. Consideration and possible action to approve a plat being a 5 acre subdivision – Buck’s Bayou Acres, being a part of Lot 34 of the B.E. Norvell Subdivision. I. & G.N.R.R. Co Survey XI, Abstract No. 219 & Phillip Kestler Survey, Abstract No. 347, Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Pollard, with all others concurring, to approve a plat being a 5 acre subdivision – Buck’s Bayou Acres, being a part of Lot 34 of the B.E. Norvell Subdivision. I. & G.N.R.R. Co Survey XI, Abstract No. 219 & Phillip Kestler Survey, Abstract No. 347, Matagorda County, Texas. Motion carried. Vote 4 ayes 0 nays

9. Consideration and possible action to approve Board Appointments for the Matagorda County Drainage District No. 3, 02/14/2022 through 02/14/2024

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to approve Board Appointments for the Matagorda County Drainage District No. 3, 02/14/2022 through 02/14/2024. Motion carried. Vote 4 ayes 0 nays

10. Consideration and possible action to approve the hiring of Mario Lerma, Jr. as a full time Deputy for Matagorda County Sheriff’s Office at an hourly rate of \$20.16, instead of \$19.76, due to staff shortage

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to approve the hiring of Mario Lerma, Jr. as a full time Deputy for Matagorda County Sheriff’s Office at an hourly rate of \$20.16, instead of \$19.76, due to staff shortage. Motion carried. Vote 4 ayes 0 nays

11. Consideration and possible action to allow the Information Services Department to enroll Matagorda County in the State Mandated Cybersecurity Course

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to allow the Information Services Department to enroll Matagorda County in the State Mandated Cybersecurity Course. Motion carried. Vote 4 ayes 0 nays

12. Discussion concerning the Juvenile Probation Building

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

13. Consideration and possible action to abandon a platted road located in the John Duncan Survey, Section 3, Abstract No. 150, being approximately a 1.561 acre tract in Matagorda County, Texas, and being more particularly described in Exhibit A of the application by Bold Fox Developments. Once abandoned, the property interest shall vest to the owners of the surrounding property in benefit of the Bay City Enterprise Zone TIRZ #2 Development Agreement

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to abandon a platted road located in the John Duncan Survey, Section 3, Abstract No. 150, being approximately a 1.561 acre tract in Matagorda County, Texas, and being more particularly described in Exhibit A of the application by Bold Fox Developments. Once abandoned, the property interest shall vest to the owners of the surrounding property in benefit of the Bay City Enterprise Zone TIRZ #2 Development Agreement. Motion carried. Vote 4 ayes 0 nays

14. Consideration and possible action to call into effect an immediate burn ban due to present drought conditions being a public safety hazard, which would exacerbate with outdoor burning, and allow the County Judge to sign

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Frick, with all others concurring, to call into effect an immediate burn ban due to present drought

conditions being a public safety hazard, which would exacerbate with outdoor burning, and allow the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

15. Consideration and possible action regarding participation with the Office of the Texas Attorney General and the Global Prescription Opioid Litigation Settlement Agreement the Court previously has authorized to participate in and allow Judge Nate McDonald to sign Exhibit A – Texas Subdivision and Special District Election and Release Form

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, to authorize participation with the Office of the Texas Attorney General and the Global Prescription Opioid Litigation Settlement Agreement and allow Judge Nate McDonald to sign Exhibit A – Texas Subdivision and Special District Election and Release Form. Motion carried. Vote 4 ayes 0 nays

16. Consideration and possible action regarding participation with the Office of the Texas Attorney General and the Global Prescription Opioid Litigation Settlement Agreement the Court previously has authorized to participate in and allow Judge Nate McDonald to sign Exhibit B – Texas Subdivision and Special District Election and Release Form

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Frick, to authorize participation with the Office of the Texas Attorney General and the Global Prescription Opioid Litigation Settlement Agreement and allow Judge Nate McDonald to sign Exhibit B – Texas Subdivision and Special District Election and Release Form. Motion carried. Vote 4 ayes 0 nays

17. Consideration and possible action to approve Monthly Reports from various County Departments

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to approve Monthly Reports from various County Departments. Motion carried. Vote 4 ayes 0 nays

18. Consideration and possible action to ratify payment of Verde Environmental, Inc. Invoice #53948 for \$366.40, charged to the Fairgrounds

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve the blank template Lease Agreement to be used for the rental or lease of the Cedar Lane Community Center. Motion carried. Vote 4 ayes 0 nays

19. Consideration and possible action to ratify payment of Jackson Services, Invoice #20799a for \$426.55, charged to Precinct #1

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to ratify payment of Jackson Services, Invoice #20799a for \$426.55, charged to Precinct #1. Motion carried. Vote 4 ayes 0 nays

20. Consideration and possible action to approve Invoices from the following Departments: Precinct #1, County Attorney and Sheriff's Department

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to approve Invoices from the following Departments: Precinct #1, County Attorney and Sheriff's Department. Motion carried. Vote 4 ayes 0 nays

21. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly Investment Report for January 2022

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 Matagorda County Treasurer's Office Monthly Investment Report for January 2022. Motion carried. Vote 4 ayes 0 nays

22. Consideration and possible action to approve Line Item Transfers

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 Line Item Transfers. Motion carried. Vote 4 ayes 0 nays

23. Consideration and possible action to approve Payment of Bills

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 Payment of Bills. Motion carried. Vote 4 ayes 0 nays

24. Consideration and possible action to approve Emergency Amendments

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 Emergency Amendments. Motion carried. Vote 4 ayes 0 nays

25. 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 regarding deliberation of contract being negotiated

This being the next item for business, motion was duly made at 10:11 a.m. by Commissioner Frick and seconded by Commissioner Shimek, 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 regarding deliberation of contract being negotiated

Motion carried. Vote 4 ayes 0 nays

26. 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 regarding deliberation of contract being negotiated

This being the next item for business, motion was duly made at 10:29 a.m. by Commissioner Shimek and seconded by Commissioner Frick, 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 regarding deliberation of contract being negotiated

Motion carried. Vote 4 ayes 0 nays

27. **Public Comments**

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

28. **Adjournment**

Motion was duly made at approximately 10:31 a.m. by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to adjourn the meeting. Motion carried. Vote 4 ayes 0 nays

Approved in Open Court, the 14th day of March, 2022.

Absent

NATE McDONALD
County Judge

Edward Cook

EDWARD "BUBBA" COOK
Commissioner Precinct No. One

Kent Pollard

KENT POLLARD
Commissioner Precinct No. Two

absent

TROY SHIMEK
Commissioner Precinct No. Three

Charles "Bubba" Frick

CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST: Stephanie Wurtz
Stephanie Wurtz, County Clerk

By: Margie River
Chief Deputy

