

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, NOVEMBER 5, 2018**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 5<sup>th</sup> day of November, 2018 in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with County Judge McDonald presiding.

Others present were as follows: Sheriff Osborne, Doug Matthes, Chris Peikert, Lisa Krobot, Carmen Andrews, Denise Fortenberry, Kristen Kubecka, Bruce Spitzengel, David Ngo, Richard Davis, Tom Schmidt, Rhonda Gregg Hirsch, Steve Pratt, Bob Powell, Mike Ferdinand, Shelby Storts and Maggie Perez

**1. Certification of quorum**

County Judge McDonald, certified a quorum in attendance with Commissioner Frick, Commissioner Gibson, Commissioner Graham and Commissioner Pollard

**2. Pledge of Allegiance – Commissioner Pollard**

**3. Texas Pledge – Commissioner Pollard**

**4. Prayer – Commissioner Graham**

**5. Consideration and possible action regarding approving Commissioners' Court Minutes for October 29, 2018**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to approve Commissioners' Court Minutes for October 29, 2018. Motion carried. Vote 5 ayes 0 nays

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

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

**7. Consideration and possible action to approve the TxCDBG Contract 7216321 Amendment/Modification Request and authorize the County Judge to sign**

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 TxCDBG Contract 7216321 Amendment/Modification Request and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve the TxCDBG Contract 7216321 Certificate of Construction Completion (COCC) and authorize the County Judge to sign**

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 TxCDBG Contract 7216321 Certificate of Construction Completion (COCC) and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays



**9. Consideration and possible action to review and approve the TxCDBG Contract 7216321 Project Completion Report and authorize the County Judge to sign**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to review and approve the TxCDBG Contract 7216321 Project Completion Report and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve the nomination of an area of the County designated as a reinvestment zone, with proposed zone area as described in Exhibit A**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to approve the nomination of an area of the County designated as a reinvestment zone, with proposed zone area as described in Exhibit A. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to authorize the Matagorda County Auditor's Office to advertise for bids for the 2019 Janitorial Services Contract covering the Matagorda County Courthouse and the County of Matagorda Office Building, and approve the specifications for the bid**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to authorize the Matagorda County Auditor's Office to advertise for bids for the 2019 Janitorial Services Contract covering the Matagorda County Courthouse and the County of Matagorda Office Building, and approve the specifications for the bid. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to accept the Letter of Resignation from Jamie Grantz, District Clerk, with an effective date of November 13, 2018**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to accept the Letter of Resignation from Jamie Grantz, District Clerk, with an effective date of November 13, 2018. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to accept the Letter of Resignation from James Engbrock, Texas AgriLife Extension Agent Emeritus, Consultant, effective October 29, 2018**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to accept the Letter of Resignation from James Engbrock, Texas AgriLife Extension Agent Emeritus, Consultant, effective October 29, 2018. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to approve an Interlocal Agreement between Harris County Department of Education (HCDE) and Matagorda County, and authorize the County Judge to sign**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve an Interlocal Agreement between Harris County Department of Education (HCDE) and Matagorda County, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays



**15. Consideration and possible action to ratify the submission of the Local Public Agency Real Estate Acquisition Report, Right of Way Project Delivery, September 1, 2017 through August 31, 2018**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to ratify the submission of the Local Public Agency Real Estate Acquisition Report, Right of Way Project Delivery, September 1, 2017 through August 31, 2018. Motion carried. Vote 5 ayes 0 nays.

**16. Consideration and possible action to set a Public Hearing on November 19, 2018 at 9:45 a.m. regarding the participation in the Texas Enterprise Zone Program and to nominate NRG South Texas LP. FM 521 Road Wadsworth, Texas 77465, to the Office of the Governor as an Enterprise Project, and authorize the publication of the Notice of Public Hearing**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to set a Public Hearing on November 19, 2018 at 9:45 a.m. regarding the participation in the Texas Enterprise Zone Program and to nominate NRG South Texas LP. FM 521 Road Wadsworth, Texas 77465, to the Office of the Governor as an Enterprise Project, and authorize the publication of the Notice of Public Hearing. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve the Annual Service Award Banquet to be held at the VFW on Saturday, December 8, 2018, to be paid from account #010-53300-496 and authorize the County Judge to sign**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve the Annual Service Award Banquet to be held at the VFW on Saturday, December 8, 2018, to be paid from account #010-53300-496 and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to approve the hiring of Ashley Orta into Position 0913 of the Office of the District Attorney (Department 452) at Pay Group 23, at the hourly rate of \$25.00**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the hiring of Ashley Orta into Position 0913 of the Office of the District Attorney (Department 452) at Pay Group 23, at the hourly rate of \$25.00. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to approve a Cell Phone Allowance for D. A. Investigator Ashley Orta, in the amount of \$60.00 per month according to county policies and procedures**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve a Cell Phone Allowance for D. A. Investigator Ashley Orta, in the amount of \$60.00 per month according to county policies and procedures pending the necessary paperwork being signed. Motion carried. Vote 5 ayes 0 nays

**20. Consideration and possible action to approve the Memorandum of Understanding between the Van Vleck Independent School District and the County of Matagorda and authorize the County Judge to sign**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve the Memorandum of Understanding between the Van Vleck Independent School District and the County of Matagorda and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays.



**21. Consideration and possible action to approve the Monthly Reports from various County Departments**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to approve the Monthly Reports from various County Departments. Motion carried. Vote 5 ayes 0 nays

**22. Consideration and possible action to approve Bank Drafts**

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 Bank Drafts. Motion carried. Vote 5 ayes 0 nays

**23. Consideration and possible action to approve the Payment of Demand Checks**

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

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

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

**25. Consideration and possible action to approve Emergency Amendments**

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

26. **Meet in Executive Session:**

**Under Section 551.086 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 and with the governmental body is conducting economic development negotiations**

**Under Section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers**

**Under Section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan**

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

Under section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers

Under Section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers

Under Section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan

Motion carried. Vote 5 ayes 0 nays



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

**Under Section 551.086 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 and with the governmental body is conducting economic development negotiations**

**Under Section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers**

**Under Section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan**

This being the next item for business, motion was duly made at 12:05 p.m. by Commissioner Gibson and seconded by Commissioner Frick, with all others concurring, to Reconvene open session and consider taking action on the matters discussed in Executive Session:

Under Section 551.086 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 and with the governmental body is conducting economic development negotiations. Motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to authorize County Attorney, Denise Fortenberry, to extend an offer of tax abatement to Air Liquide of a 5 year declining abatement of 100%, 100%, 100%, 75% and 50%. Motion carried.  
Vote 5 ayes 0 nays

Under Section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers. Motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to ratify the filing of the Petition for Writ of Mandamus to Houston 1<sup>st</sup> Court of Appeals, cause number 01-18-00912-CV for review of the denial of the County's Motion to Transfer Venue in *Kevin Davis v. Matagorda County* filed in the 122<sup>nd</sup> District Court in Galveston County, Texas. Motion carried.  
Vote 5 ayes 0 nays

Under Section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan. Motion was duly made by County Judge McDonald and seconded by Commissioner Graham, with all others concurring, to order Blue Cross Blue Shield to approve order number 9970225 as medically necessary expense related to a dependent listed on employee 2349's insurance policy number 903262759. Motion carried.  
Vote 5 ayes 0 nays.


28. **Public Comments**

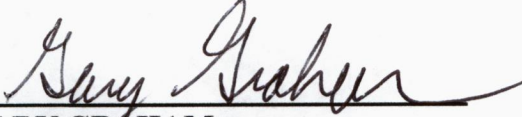
This being the next item for business, no action required.

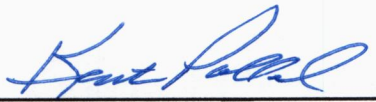
29. **Adjournment**


Motion was duly made at approximately 12:09 p.m. by Commissioner Pollard and seconded by Commissioner Gibson with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

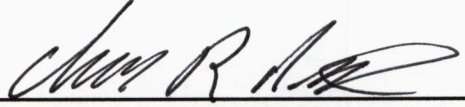
Approved in Open Court, the 19<sup>th</sup> day of November, 2018.

  
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**NATE McDONALD,**  
**County Judge**

  
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**GARY GRAHAM,**  
**Commissioner Precinct No. One**  
**Judge Pro Tem**

  
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**KENT POLLARD**  
**Commissioner Precinct No. Two**

  
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**JAMES GIBSON**  
**Commissioner Precinct No. Three**

  
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**CHARLES "BUBBA" FRICK , Judge Pro-Tem**  
**Commissioner Precinct No. Four**

ATTEST:   
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**Janet Hickl, County Clerk**

