

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, OCTOBER 1, 2018

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 1st day of October, 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, Denise Fortenberry, Mike Reddell, Chris Peikert, Ginger Iovanna, Jimmy Galvan, Jaene Haagensen, Ron Williams, George Deshotels, Aaron Sumrall, James Engbrock, Thomas R. Laird, Kristen Kubecka, Lisa Krobot, Jessica Russell, Mike Ferdinand, Belinda Cortinez and Janet Hickl

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 Graham

3. Texas Pledge – Commissioner Graham

4. Prayer – Commissioner Frick

5. Consideration and possible action regarding approving Commissioners' Court Minutes for September 24, 2018

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 Commissioners' Court Minutes for September 24, 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 2019 Holidays for Matagorda County Personnel

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve the 2019 Holidays for Matagorda County Personnel. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve the Democratic Election Judges and Alternate Judges serving September 1, 2018 to August 31, 2019 and setting the number of election clerks for each precinct

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Gibson, with all others concurring, to approve the Democratic Election Judges and Alternate Judges serving September 1, 2018 to August 31, 2019 and setting the number of election clerks for each precinct. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve the setting and publication of a Final Public Hearing on October 11, 2018 at 5:05 p.m. to review performance and obtain comments regarding the 2016 Texas CDBG Program Community Development Contract 7216321

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to approve the setting and publication of a Final Public Hearing on Thursday, October 11, 2018 at 5:05 p.m. to review performance and obtain comments regarding the 2016 Texas CDBG Program Community Development Contract 7216321. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to authorize the County Auditor's Office to advertise for the 2019 Road Material (Bid #18-0005) and Road Construction with Equipment (Bid #18-0006) and approve the specifications for each

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to authorize the County Auditor's Office to advertise for the 2019 Road Material (Bid #18-0005) and Road Construction with Equipment (Bid #18-0006) and approve the specifications for each. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Joe Walton, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Joe Walton, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Lynn H. Collette, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Lynn H. Collette, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Lloyd Allen Wobbe, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Lloyd Allen Wobbe, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Billy Bentley, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Billy Bentley, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Patricia Moreno, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to table approving an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Patricia Moreno, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays.

16. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Wilma Gatson, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Wilma Gatson, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve the appointment of a deputy constable, who is qualified in the same manner as provided for a Sheriff's Deputy for Precinct #6, in order to properly handle the business of the constable's office and to approve and confirm the appointment of Leroy Cunningham as Deputy Constable for Precinct #6

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 appointment of a deputy constable, who is qualified in the same manner as provided for a Sheriff's Deputy for Precinct #6, in order to properly handle the business of the constable's office and to approve and confirm the appointment of Leroy Cunningham as Deputy Constable for Precinct #6. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to accept a contribution in the amount of \$1,000.00 from Jackson Electric Cooperative Inc. for expenses toward the Matagorda County Household Hazardous Waste Collection Event to be held October 27, 2018

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to accept a contribution in the amount of \$1,000.00 from Jackson Electric Cooperative Inc. for expenses toward the Matagorda County Household Hazardous Waste Collection Event to be held October 27, 2018. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve the final change order and the Certification of Construction Completion for the 2016 Water and Sanitary Improvements, Blessing and Wadsworth, Texas

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 final change order and the Certification of Construction Completion for the 2016 Water and Sanitary Improvements, Blessing and Wadsworth, Texas. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve the General and No Litigation Certificate between Matagorda County and Southeast Texas Housing Finance Corporation

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pollard, with all others concurring, to approve the General and No Litigation Certificate between Matagorda County and Southeast Texas Housing Finance Corporation. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to authorize Sheriff Osborne to purchase a 2018 Dodge Ram 1500 Pickup SSV in the amount of \$29,405.00 to be purchased through the State Buy Board from Grapevine Dodge Chrysler Jeep, Grapevine, Texas, payment to be taken out of account 010-55700-560

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to authorize Sheriff Osborne to purchase a 2018 Dodge Ram 1500 Pickup SSV in the amount of \$29,405.00 to be purchased through the State Buy Board from Grapevine Dodge Chrysler Jeep, Grapevine, Texas, payment to be taken out of account 010-55700-560. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to approve a Lease Agreement between Matagorda County and De Lage Landen Financial Services for a Konica Minolta Copier, C458, for the County of Matagorda Office Building, in the amount of \$435.65 per month, with a 60 month Term Lease, and Equipment Service Agreement with BCOS Office Technologies for \$0.00730 for black and white copies and \$0.05000 for color copies 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 a Lease Agreement between Matagorda County and De Lage Landen Financial Services for a Konica Minolta Copier, C458, for the County of Matagorda Office Building, in the amount of \$435.65 per month, with a 60 month Term Lease, and Equipment Service Agreement with BCOS Office Technologies for \$0.00730 for black and white copies and \$0.05000 for color copies and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

23. 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 Pollard and seconded by Commissioner Frick, with all others concurring, to approve the Monthly Reports from various County Departments. Motion carried. Vote 5 ayes 0 nays

24. 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 Graham, with all others concurring, to approve Bank Drafts. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to ratify Payroll for September 28, 2018

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to ratify Payroll for September 28, 2018. Motion carried. Vote 5 ayes 0 nays

26. 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

27. 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 Gibson, with all others concurring, to approve Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

28. 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

29. **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

This being the next item for business, motion was duly made at 10:33 a.m. by Commissioner Graham and seconded by Commissioner Frick, 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

Motion carried. Vote 5 ayes 0 nays

30. **Reconvene open session and consider taking action on the matters discussed 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

This being the next item for business, motion was duly made at 11:11 a.m. by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to Reconvene open session and consider taking action on the matters discussed 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.

Action Taken: Motion was duly made by County Judge McDonald and seconded by Commissioner Gibson, with all others concurring, to authorize the County Attorney, Denise M. Fortenberry, to file an Intervention on behalf of Matagorda County in the Center Point Energy Transmission Lines.

Motion carried. Vote 5 ayes 0 nays

31. **Public Comments**

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

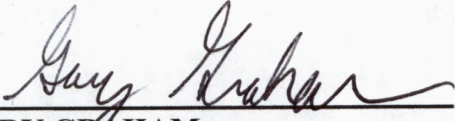
32. **Adjournment**

Motion was duly made at approximately 11:13 am by Commissioner Graham 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 8th day of October, 2018.



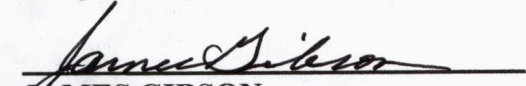
NATE McDONALD,
County Judge



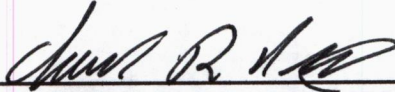
GARY GRAHAM,
Commissioner Precinct No. One
Judge Pro Tem



KENT POLLARD
Commissioner Precinct No. Two



JAMES GIBSON
Commissioner Precinct No. Three



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

ATTEST:


Janet Hickl, County Clerk

