

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, APRIL 18, 2016**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 18<sup>th</sup> day of April 2016 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, Kristen Kubecka, Denise Fortenberry, Tammy McDonald, Mike Reddell, Doug Matthes, Dwight Baker, Ruben Gonzales, Denise Fortenberry, Jamie Bludau, Joe Lozano, Cristyn Hallmark, Chris Peikert, Gary Graham, Lisa Krobot, Jason Sanders, Danny R. Lee, Sharon Lee, Sherri Radford, Ronnie Radford, Ken Bacon, Karen Taylor, Jim Halbert, Jeff Mitchell, Peggy DeLancy, Don DeLancy, Tom Abendroth, Priscilla G. Obermeyer, Marilyn K. Luder, Sue Jahnsen, William Jahnsen, Paul McGee, Daniella Norris, Hoss Gwin, Jeannette Bell, Courtney Harvey, Susan Reed, April Harrington, Jason K. Sanders, Sara Bugy, Katherine Sewell, Christen Geffert, Amy Lehmann, Harriet Townsend and Maggie Perez

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Frick**

**4. Prayer – Commissioner Gibson**

**5. Consideration and possible action to regarding approving Commissioners Court Minutes for April 11, 2016**

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 Commissioners Court Minutes for April 11, 2016. 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 a Proclamation declaring the month of April as Child Abuse Prevention Month in Matagorda**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring, to approve a Proclamation declaring the month of April as Child Abuse Prevention Month in Matagorda. Motion carried. Vote 5 ayes 0 nays

8. **Presentation of the Junior Service League Provisionals by Amy Lehman, Vice President**

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

9. **Consideration and possible action to submit an Unclaimed Property Capital Credits Form from Commissioners Court to the Texas Comptroller of Public Accounts, requesting Matagorda County's portion of the unclaimed capital credits, as per Local Government Code 381.004 and Texas Property Code Section 74.602**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring, to submit an Unclaimed Property Capital Credits Form from Commissioners Court to the Texas Comptroller of Public Accounts, requesting Matagorda County's portion of the unclaimed capital credits, as per Local Government Code 381.004 and Texas Property Code Section 74.602. Motion carried. Vote 5 ayes 0 nays

10. **Consideration and possible action to set May 14, 2016 as the date for the Matagorda County Auction to be held at the "Old Drainage District #1 Facility, 3520 Nichols Road, Bay City, Texas at 10:00 a.m., selling surplus property from various county departments, and authorized the publications for this sale**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring, to set May 14, 2016 as the date for the Matagorda County Auction to be held at the "Old Drainage District #1 Facility, 3520 Nichols Road, Bay City, Texas at 10:00 a.m., selling surplus property from various county departments, and authorized the publications for this sale. Motion carried. Vote 5 ayes 0 nays

11. **Consideration and possible action to declare a Kubota T1760 Mower, Serial #51580 as salvage, and authorize Commissioner Pustka, Precinct #1 to sell at the County Auction**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to declare a Kubota T1760 Mower, Serial #51580 as salvage, and authorize Commissioner Pustka, Precinct #1 to sell at the County Auction. Motion carried. Vote 5 ayes 0 nays

12. **Consideration and possible action to declare a 1992 Ford Pickup, Vin #1FTEX15N7NKB18327, Asset #3574, as salvage and authorize Commissioner Pustka, Precinct #1 to sell at the County Auction**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Pollard, with all others concurring, to declare a 1992 Ford Pickup, Vin #1FTEX15N7NKB18327, Asset #3574, as salvage and authorize Commissioner Pustka, Precinct #1 to sell at the County Auction. Motion carried. Vote 5 ayes 0 nays

13. **Consideration and possible action to approve a Contract of Sale and Order for Title Policy between Matagorda County and Romie G. Cullins for the purchase of approximately 40,000 sq ft of real property located at State Hwy 35, Palacios, Texas 77465**

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 a Contract of Sale and Order for Title Policy between Matagorda County and Romie G. Cullins for the purchase of approximately 40,000 sq ft of real property located at State Hwy 35, Palacios, Texas 77465. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to authorize Matagorda County employees to participate in a Walking Challenge beginning sometime in May, which is a wellness event provided by the Matagorda Regional Medical Center's Wellness Works**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to authorize Matagorda County employees to participate in a Walking Challenge beginning sometime in May, which is a wellness event provided by the Matagorda Regional Medical Center's Wellness Works. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to issue a Demand Check for postage in the amount of \$3,500.00 for the delinquent tax mail out**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pollard, with all others concurring, to issue a Demand Check for postage in the amount of \$3,500.00 for the delinquent tax mail out. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to accept a letter of compliance from OXEA regarding their Phase 1 Project, dated February 25, 2016, pursuant to provisions in the tax abatement agreement**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pollard, with all others concurring, to accept a letter of compliance from OXEA regarding their Phase 1 Project, dated February 25, 2016, pursuant to provisions in the tax abatement agreement. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve a WAVE System Proposal for the Juvenile Probation Office from Secure Tech Systems, Inc., in the amount of \$5,550.00, with the majority of this amount coming out of grant funds, and the remainder to come out of the Juvenile Probation budget**

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 a WAVE System Proposal for the Juvenile Probation Office from Secure Tech Systems, Inc., in the amount of \$5,550.00, with the majority of this amount coming out of grant funds, and the remainder to come out of the Juvenile Probation budget. Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to authorize Commissioner James Gibson, Precinct #3, to trade in the following Shredders:**

**2007 #2715 Legend Bush Hog Shredder Serial #1200822**

**2009 #2715 Legend Bush Hog Shredder Serial #1202628**

**and purchase the following 2 new Shredders from Hlavinka Equipment Company:**

**2016 Land Pride RC5615 Serial #1011550**

**2016 Land Pride RC5615 Serial #1011551**

**and authorize the County Judge to sign the Purchase Order**

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Pustka, with all others concurring, to authorize Commissioner James Gibson, Precinct #3, to trade in the following Shredders:

2007 #2715 Legend Bush Hog Shredder Serial #1200822

2009 #2715 Legend Bush Hog Shredder Serial #1202628

and purchase the following 2 new Shredders from Hlavinka Equipment Company:

2016 Land Pride RC5615 Serial #1011550

2016 Land Pride RC5615 Serial #1011551

and authorize the County Judge to sign the Purchase Order. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to approve a Resolution authorizing Matagorda County to participate in the State of Texas Beach Cleaning Program and give Commissioner Pollard full authority to act for purposes of this program**

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 a Resolution authorizing Matagorda County to participate in the State of Texas Beach Cleaning Program and give Commissioner Pollard full authority to act for purposes of this program. Motion carried. Vote 5 ayes 0 nays

**20. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Report for March 2016**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to table approving the Matagorda County Treasurer's Monthly Report for March 2016. Vote 5 ayes 0 nays

**21. Consideration and possible action to approve the Matagorda County Treasurer's Quarterly Investment Report for the First Quarter ending March 31, 2016**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to approve the Matagorda County Treasurer's Quarterly Report for the First Quarter ending March 31, 2016. Vote 5 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 Gibson, and seconded by Commissioner Pollard, with all others concurring, to approve Line Item Transfers. Vote 5 ayes 0 nays

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

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 Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

**23a. Consideration and possible action to approve a Proclamation recognizing the Matagorda Calvary for their service and dedication to the Veterans of Matagorda County**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to approve a Proclamation recognizing the Matagorda Calvary for their service and dedication to the Veterans of Matagorda County. Motion carried. Vote 5 ayes 0 nays

**23b. Consideration and possible action to determine that an urgent public necessity exists under Section 551.045 of the Texas Gov't Code due to the resignation of County Auditor effective April 15, 2016**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to determine that an urgent public necessity exists under Section 551.045 of the Texas Gov't Code due to the resignation of County Auditor effective April 15, 2016. Motion carried. Vote 5 ayes 0 nays

**23c. Consideration and possible action to remove Cathy Ezell as a signer on the Prosperity Bank accounts signature cards**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to remove Cathy Ezell as a signer on the Prosperity Bank accounts signature cards. Motion carried. Vote 5 ayes 0 nays

**23d. Consideration and possible action to add Kristen Kubecka as a contact for all Prosperity bank accounts**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to add Kristen Kubecka as a contact for all Prosperity bank accounts. Motion carried. Vote 5 ayes 0 nays

**23e. Consideration and possible action to approve a Court Order resolving that vehicles used by the Matagorda County Sheriff's Department are exempt under VCS 6701m-2 when used in the performance of official duties and requesting the Texas State Department of Public Transportation issue regular plates upon proper application; and authorize Kristin Kubecka to sign the forms required for this type of registration**

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 a Court Order resolving that vehicles used by the Matagorda County Sheriff's Department are exempt under VCS 6701m-2 when used in the performance of official duties and requesting the Texas State Department of Public Transportation issue regular plates upon proper application; and authorize Kristin Kubecka to sign the forms required for this type of registration. Motion carried. Vote 5 ayes 0 nays

**23f. Consideration and possible action to remove Cathy Ezell from any and all grants, e-grants, and pass-through grants as fiscal officer and/or point of contact and replace with Kristen Kubecka**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to remove Cathy Ezell from any and all grants, e-grants, and pass-through grants as fiscal officer and/or point of contact and replace with Kristen Kubecka. Motion carried. Vote 5 ayes 0 nays

**23g. Consideration and possible action to remove Cathy Ezell's access from any and all software programs associated with Matagorda County**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Frick, with all others concurring, to remove Cathy Ezell's access from any and all software programs associated with Matagorda County. Motion carried. Vote 5 ayes 0 nays

24. **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; and**

**Under Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

This being the next item for business, motion was duly made at 10:16 a.m. by Commissioner Frick, 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; and

Under Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Motion carried. Vote 5 ayes 0 nays

25. **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; and**

**Executive session under 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

This being the next item for business, motion was duly made at 11:05 a.m. by Commissioner Gibson, and seconded by Commissioner Pollard, 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; and

Executive session under 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Action taken was to appoint Lisa Krobot as Environmental Director replacing Ruben Gonzales to be effective April 30, 2016. Motion carried. Vote 5 ayes 0 nays

26. Public Comments

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

27. Adjournment

Motion was duly made at approximately 11:09 am by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, this the 25<sup>th</sup> day of April, 2016.

*absent*

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NATE McDONALD,  
County Judge

*Daniel Pustka*

\_\_\_\_\_  
DANIEL PUSTKA,  
Commissioner Precinct No. One

*Kent Pollard*

\_\_\_\_\_  
KENT POLLARD  
Commissioner Precinct No. Two

*James Gibson*

\_\_\_\_\_  
JAMES GIBSON, Judge Pro Tem  
Commissioner Precinct No. Three

*Charles "Bubba" Frick*

\_\_\_\_\_  
CHARLES "BUBBA" FRICK  
Commissioner Precinct No. Four



ATTEST:

*Janet Hickl*

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Janet Hickl, County Clerk