

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, August 15, 2016**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 15<sup>th</sup> day of August 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, Denise Fortenberry, Mike Reddell, Dwight Baker, Carole Patrick, Tammy McDonald, Chris Peikert, Brent Batchelor, Bob Treacy, Jamie Grantz, Carmen Andrews, Gary Graham, Kristen Kubecka, Doug Matthes, Cristyn Hallmark, Shelby Storts and Janet Hickl

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Pustka**

**4. Prayer – Commissioner Frick**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for August 8, 2016**

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 August 8, 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 reduce the speed limit on and along County Road 230/Canal Drive beginning at FM 457 to the end of County Road 230 at Block 15, L9ot 53-55 from 30 mph to 25 mph pursuant to Tex. Transp. Code §545.355(b)(2)**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to reduce the speed limit on and along County Road 230/Canal Drive beginning at FM 457 to the end of County Road 230 at Block 15, L9ot 53-55 from 30 mph to 25 mph pursuant to Tex. Transp. Code §545.355(b)(2). Motion carried. Vote 5 ayes 0 nays



**8. Consideration and possible action to ratify the acceptance of modifications to the contract with Holden Roofing which was approved by Commissioners Court on April 25, 2016, regarding work being performed at the County of Matagorda Office Building located at 2200 7<sup>th</sup> Street, Bay City**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to ratify the acceptance of modifications to the contract with Holden Roofing which was approved by Commissioners Court on April 25, 2016, regarding work being performed at the County of Matagorda Office Building located at 2200 7<sup>th</sup> Street, Bay City. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Cesar Garcia, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, for injunctive and other relief as is authorized by the Texas Health and Safety Code, including the right to prohibit or control access to the premises to prevent a continued or future violation and other environmental, public health and welfare protection laws. 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, no action required.

**10. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Maria Govea and Christina Govea, whom has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, for injunctive and other relief as is authorized by the Texas Health and Safety Code, including the right to prohibit or control access to the premises to prevent a continued or future violation and other environmental, public health and welfare protection laws. 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, no action required.

**11. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Frank J. Mondrik, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, for injunctive and other relief as is authorized by the Texas Health and Safety Code, including the right to prohibit or control access to the premises to prevent a continued or future violation and other environmental, public health and welfare protection laws. 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 Gibson, with all others concurring, to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Frank J. Mondrik, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, for injunctive and other relief as is authorized by the Texas Health and Safety Code, including the right to prohibit or control access to the premises to prevent a continued or future violation and other environmental, public health and welfare protection laws. 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 the Deputation of Brittany Krenek as Deputy District Clerk for Jamie C. Grantz, Matagorda County District Clerk**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to approve the Deputation of Brittany Krenek as Deputy District Clerk for Jamie C. Grantz, Matagorda County District Clerk. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to approve the Deputation of Faith Rugeley as Deputy District Clerk (part time) for Jamie C. Grantz, Matagorda County District Clerk**

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 the Deputation of Faith Rugeley as Deputy District Clerk (part time) for Jamie C. Grantz, Matagorda County District Clerk. Motion carried.  
Vote 5 ayes 0 nays

**14. Consideration and possible action to approve the hiring of Ginger Iovanna at \$12.98 per hour as payroll administrator, effective August 22, 2016, with this rate being available in the Human Resources budget**

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 Ginger Iovanna at \$12.98 per hour as payroll administrator, effective August 22, 2016, with this rate being available in the Human Resources budget. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to approve the 2016-2017 fully insured Life/AD&D and self-funded ASO Medical/Dental Plan to TAC HEBP effective October 1, 2016, with benefit plan change to the 1400 NGS Medical and 5C RC-NG RX package and authorize the County Judge to initial and sign**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to approve the 2016-2017 fully insured Life/AD&D and self-funded ASO Medical/Dental Plan to TAC HEBP effective October 1, 2016, with benefit plan change to the 1400 NGS Medical and 5C RC-NG RX package and authorize the County Judge to initial and sign. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve Coastal Lease No. CL20050003 between Matagorda County and the Texas General Land Office regarding the Boat Ramp, Concrete Slab, and Walkway in Tres Palacios Bay, Precinct #3, Matagorda County, to be effective on January 1, 2015, and terminate on December 31, 2024**

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 Coastal Lease No. CL20050003 between Matagorda County and the Texas General Land Office regarding the Boat Ramp, Concrete Slab, and Walkway in Tres Palacios Bay, Precinct #3, Matagorda County, to be effective on January 1, 2015, and terminate on December 31, 2024. Motion carried. Vote 5 ayes 0 nays



**17. Consideration and possible action to approve a new lease contract with De Lage Landen Financial Services, Inc. for 60 months, in the amount of \$195.00 per month and a maintenance agreement with BCOS at \$.00850 per copy, for a Konica/Minolta bizhub 554e copier to be used at the Matagorda County Courthouse**

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 a new lease contract with De Lage Landen Financial Services, Inc. for 60 months, in the amount of \$195.00 per month and a maintenance agreement with BCOS at \$.00850 per copy, for a Konica/Minolta bizhub 554e copier to be used at the Matagorda County Courthouse. Motion carried. Vote 5 ayes 0 nays.

**18. Consideration and possible action to authorize the submittal of a request to the Texas Department of Agriculture to allow the application of restricted herbicides beginning August 22, 2016 in Matagorda County**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to authorize the submittal of a request to the Texas Department of Agriculture to allow the application of restricted herbicides by air or by permit beginning August 22, 2016 in Matagorda County. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Beatrice Lule Martinez, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, for injunctive and other relief as is authorized by the Texas Health and Safety Code, including the right to prohibit or control access to the premises to prevent a continued or future violation and other environmental, public health and welfare protection laws. 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 Gibson, with all others concurring, to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Beatrice Lule Martinez, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, for injunctive and other relief as is authorized by the Texas Health and Safety Code, including the right to prohibit or control access to the premises to prevent a continued or future violation and other environmental, public health and welfare protection laws. 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

**20. Consideration and possible action to accept the Internal Review Reports for 2016 -2<sup>nd</sup> Quarter**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Pollard, with all others concurring, to accept the Internal Review Reports for 2016 -2<sup>nd</sup> Quarter. Motion carried. Vote 5 ayes 0 nays

**21. Consideration and possible action to approve the Matagorda County Treasurer's Monthly report for July 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 the Matagorda County Treasurer's Monthly report for July 2016. Motion carried. Vote 5 ayes 0 nays



**22. Consideration and possible action to approve the Line Item Transfers**

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 Line Item Transfers. Motion carried.  
Vote 5 ayes 0 nays

**22a. Consideration and possible action to authorize the Public Hearing for the 2017 Budget to be moved from August 22, 2016 to August 29, 2016, and authorize the publication for this hearing**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to authorize the Public Hearing for the 2017 Budget to be moved from August 22, 2016 to August 29, 2016, and authorize the publication for this hearing at 9:45 AM. Motion carried. Vote 5 ayes 0 nays

**23. Meet in Executive Session:**

**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**

This being the next item for business, motion was duly made at 10:21 AM by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to Meet in Executive Session:

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.

Motion carried. Vote 5 ayes 0 nays

**24. Reconvene open session and consider taking action on the matters discussed in:**

**Executive Session 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.**

This being the next item for business, motion was duly made at 11:09 AM by Commissioner Pustka, 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 551.074(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.

Motion carried. Vote 5 ayes 0 nays

No action taken

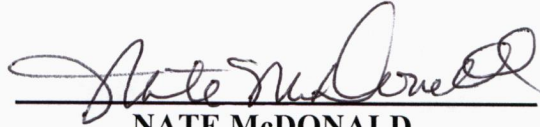
**25. Public Comments**

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

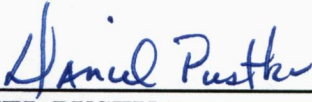
26. **Adjournment**

Motion was duly made at approximately 11:10 AM by Commissioner Pustka and seconded by Commissioner Frick, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, this the 22<sup>nd</sup> day of August, 2016.



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



**DANIEL PUSTKA,**  
**Commissioner Precinct No. One**



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



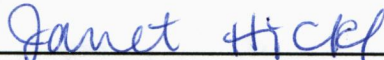
**JAMES GIBSON, Judge Pro Tem**  
**Commissioner Precinct No. Three**



**CHARLES "BUBBA" FRICK**  
**Commissioner Precinct No. Four**



ATTEST:



**Janet Hickl, County Clerk**