

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, August 22, 2016

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 22nd 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: Robert Thompson, Denise Fortenberry, Mike Reddell, Dwight Baker, Tammy McDonald, Carmen Andrews, Gary Graham, Barbara Graham, Joseph Ramsey, Colleen LaBar, George Douglas Davis, 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 Frick

3. Texas Pledge – Commissioner Frick

4. Prayer – Commissioner Gibson

5. Consideration and possible action regarding approving Commissioners Court Minutes for August 15, 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 15, 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 Consulting Agreement – Emergency Management FY 2016 between Matagorda County and Amanda Campos for August thru December 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 a Consulting Agreement – Emergency Management FY 2016 between Matagorda County and Amanda Campos for August thru December 2016. Motion carried. Vote 5 ayes 0 nays

8. 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 454e copier to be used at the Matagorda County Courthouse, this will replace the lease contract that was approved in Commissioners Court on August 15, 2016

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 454e copier to be used at the Matagorda County Courthouse, this will replace the lease contract that was approved in Commissioners Court on August 15, 2016. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve a Demand Check for Drenner's Carpet Gallery, in the amount of \$11,536.46 for carpet replacement and a Demand Check for Holden Roofing, in the amount of \$33,284.94 for roof replacement and to allow Holden Roofing to pick up the check

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 a Demand Check for Drenner's Carpet Gallery, in the amount of \$11,536.46 for carpet replacement and a Demand Check for Holden Roofing, in the amount of \$33,284.94 for roof replacement and to allow Holden Roofing to pick up the check. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve an Order of General Election to be held on November 8, 2016, and signed by the County Judge

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 of General Election to be held on November 8, 2016, and signed by the County Judge. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve Matagorda County Treasurer's Office to claim any Unclaimed Money owed to the Matagorda County Child Support Offices

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 Matagorda County Treasurer's Office to claim any Unclaimed Money owed to the Matagorda County Child Support Offices. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve the payment as a Demand Check to the United States Treasury, in the amount of \$9,870.00, and authorize the County Treasurer to sign a response to the proposed penalty

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Pollard, with all others concurring, to table approving the payment as a Demand Check to the United States Treasury, in the amount of \$9,870.00, and authorize the County Treasurer to sign a response to the proposed penalty until after the Executive Session of Court. Motion carried. Vote 5 ayes 0 nays

Commissioners Court reconvened at 11:30 a.m. and motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all other concurring, to approve the payment as a Demand Check to the United States Treasury, in the amount of \$9,870.00, and authorize the County Treasurer to sign a response to the proposed penalty (a). The Treasurer is to contact the IRS by August 31, 2016 to receive a response and the check in the amount of \$9,870.00 will then be mailed by certified mail.

13. Consideration and possible action to authorize Commissioner Gibson, Precinct #3, to submit a Credit Application to Tire Gard of NW Ohio, for liners on a tractor tire

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 Gibson, Precinct #3, to submit a Credit Application to Tire Gard of NW Ohio, for liners on a tractor tire. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to appoint a County Surveyor to fill vacancy at the next session of Commissioners Court or order the ballot for the November 8, 2016 election to be printed to provide for voting for or against the proposition of "abolishing the office of county surveyor of this county," in accordance with the Texas Constitution Article XVI Section 44(c)

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Pustka, with all others concurring, to order the ballot for the November 8, 2016 election to be printed to provide for voting for or against the proposition of "abolishing the office of county surveyor of this county," in accordance with the Texas Constitution Article XVI Section 44(c). Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to set Monday, August 29, 2016 at 9:55 AM as the date and time to adopt the 2016 Proposed Maintenance and Operation tax rate of .41555, and the 2016 Proposed Interest and Sinking tax rate of .004433, making a total tax rate of .41993

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Frick, with all others concurring, to set Monday, August 29, 2016 at 9:55 AM as the date and time to adopt the 2016 Proposed Maintenance and Operation tax rate of .41555, and the 2016 Proposed Interest and Sinking tax rate of .004433, making a total tax rate of .41993. Motion carried. Vote 5 ayes 0 nays

16. Second Public Hearing at 9:45 AM to discuss the 2016 Proposed Maintenance and Operations tax rate of .41555 and the 2016 Proposed Interest and Sinking tax rate of .00443 (for a total tax rate of .41998)

This being the next item for business, second public hearing was held at 9:45 AM to discuss the 2016 Proposed Maintenance and Operations tax rate of .41555 and the 2016 Proposed Interest and Sinking tax rate of .00443 (for a total tax rate of .41998).

County Judge McDonald announced that there will be a Public Hearing to discuss the 2017 Budget on August 29, 2016 at 9:45 a.m. in the Matagorda County Commissioners Courtroom.

On August 29, 2016 the Matagorda County Commissioners Court will adopt the Budget for 2017.

On August 29, 2016 the Matagorda County Commissioners Court will adopt a 2016 Maintenance and Operation tax rate of .41555, and a 2016 Interest and Sinking tax rate of .00443, for a total tax rate of .41998

17. Consideration and possible action to finalize sale of Turtle Bay Access Road (1.09 acres, A. H. Pierce Survey, Abstract 456, Matagorda County, Texas) under Local Government Code §263.001 and 263.002 and authorize the County Judge to sign the following: (1) Settlement Statement; (2) Warranty Dee; (3) Deed Without Warranty; (4) Tax Proration Agreement and Disclosure; (5) Affidavit and Indemnity as to Debts, Liens and Possession; and (6) Seller Proceeds Instructions

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Pollard, with all others concurring, to finalize sale of Turtle Bay Access Road (1.09 acres, A. H. Pierce Survey, Abstract 456, Matagorda County, Texas) under Local Government Code §263.001 and 263.002 and authorize the County Judge to sign the following: (1) Settlement Statement; (2) Warranty Dee; (3) Deed Without Warranty; (4) Tax Proration Agreement and Disclosure; (5) Affidavit and Indemnity as to Debts, Liens and Possession; and (6) Seller Proceeds Instructions. Motion carried. Vote 5 ayes 0 nays.

18. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Marjorie Parks and William Parks, 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 Pollard, with all others concurring, to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Marjorie Parks and William Parks, 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

19. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Chris Staggs, 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 Chris Staggs, 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 approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Walker Sherman Estate and/or Levi Mitchell, 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 Walker Sherman Estate and/or Levi Mitchell, 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

21. Consideration and possible action to approve the contract renewal and related forms with the Texas Department of Family Protective Services, Child Protective Services Contract, #23940146, and authorize the County Judge to sign

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 contract renewal and related forms with the Texas Department of Family Protective Services, Child Protective Services Contract, #23940146, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to approve the contract renewal and related forms with the Texas Department of Family Protective Services, Child Protective Services Contract, #23940147, 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 Gibson, with all others concurring, to approve the contract renewal and related forms with the Texas Department of Family Protective Services, Child Protective Services Contract, #23940147, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to approve a contract between Matagorda County Attorney and Lexis Nexis for State/Local Government Master Service Agreement and authorize the County Attorney to sign

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Pollard, with all others concurring, to approve a contract between Matagorda County Attorney and Lexis Nexis for State/Local Government Master Service Agreement and authorize the County Attorney to sign. Motion carried. Vote 5 ayes 0 nays

24. Consideration and possible action to accept the Auditor's Monthly Financial Report for March 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 accept the Auditor's Monthly Financial Report for March 2016. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to accept the Auditor's Monthly Financial Report for April 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 accept the Auditor's Monthly Financial Report for April 2016. Motion carried. Vote 5 ayes 0 nays

26. Consideration and possible action to accept the Auditor's Monthly Financial Report for May 2016

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to accept the Auditor's Monthly Financial Report for May 2016. Motion carried. Vote 5 ayes 0 nays

27. Consideration and possible action to approve the Payment of Bills

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 Payment of Bills. Motion carried. Vote 5 ayes 0 nays

28. Consideration and possible action to approve the Line Item Transfers

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 Line Item Transfers until after the Executive Session of Court. Motion carried. Vote 5 ayes 0 nays

Motion was duly made by Commissioner Pustka and seconded by Commissioner Frick, with all other concurring, to approve the Line Item Transfers. Motion carried. Vote 5 ayes 0 nays.

29. Consideration and possible action to approve Emergency Amendments

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 Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

29a. Consideration and possible action to authorize notice of publication for RFP No. 16-0002 on August 28, 2016, and August 31, 2016, if necessary

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 notice of publication for RFP No. 16-0002 on August 28, 2016, and August 31, 2016, if necessary. Motion carried. Vote 5 ayes 0 nays

30. Meet in Executive Session:

Under Section 551.071(2) of the Gov't 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

This being the next item for business, motion was duly made at 10:23 AM by Commissioner Pustka, and seconded by Commissioner Pollard, with all others concurring, to Meet in Executive Session:

Under Section 551.071(2) of the Gov't 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.

Motion carried. Vote 5 ayes 0 nays

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

Executive Session under Section 551.071(2) of the Gov't 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

This being the next item for business, motion was duly made at 11:27 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 551.071(2) of the Gov't 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.

Motion carried. Vote 5 ayes 0 nays

No action taken

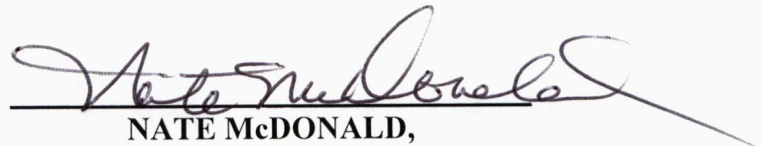
32. Public Comments

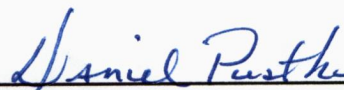
This being the next item for business, no action required.


33. Adjournment

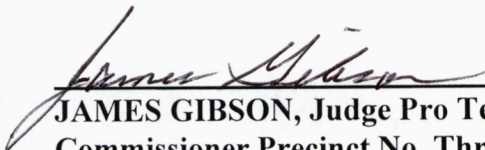
Motion was duly made at approximately 11:34 AM by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

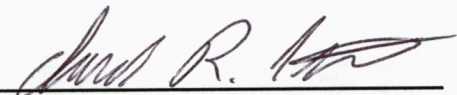
Approved in Open Court, this the 29th day of August, 2016.


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

