

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, JULY 21, 2014

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 21st day of July 2014 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, Cathy Ezell, Barry Halvorson, Doug Matthes, Ruben Gonzales, Bruce Spitengel, Kelle Odom, Amanda Campos, Ed Stavinoha, Tammy McDonald, Denise Fortenberry, Harriet Townsend and Janet Hickl

1. Certification of quorum

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

2. Pledge of Allegiance – Commissioner Pustka

3. Texas Pledge – Commissioner Pustka

4. Prayer – Commissioner Woodson

5. Consideration and possible action regarding approving Commissioners Court Minutes for July 14, 2014

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pollard, with all others concurring, to approve Commissioners Court Minutes for July 14, 2014. 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 Road Design Criteria and Specifications for the TxDOT Transportation Infrastructure Fund Grant Program

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 Road Design Criteria and Specifications for the TxDOT Transportation Infrastructure Fund Grant Program. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve the Project Delivery Services Contract for the TxDOT Transportation Infrastructure Fund Grant program and authorize Judge McDonald to sign

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 the Project Delivery Services Contract for the TxDOT Transportation Infrastructure Fund Grant program and authorize Judge McDonald to sign. Motion carried.

Vote 5 ayes 0 nays

9. Consideration and possible action to request an extension for GLO Grant #13-429-000-7888, Matagorda County Access Grant, changing ending date from August 31, 2014 to December 31, 2014

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to request an extension for GLO Grant #13-429-000-7888, Matagorda County Access Grant, changing ending date from August 31, 2014 to December 31, 2014. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve an Advance Funding Agreement Amendment for Bridge Replacement or Rehabilitation, terminating the original agreement approved November 5, 2012 and authorize Judge McDonald to sign

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pustka, with all others concurring, to approve an Advance Funding Agreement Amendment for Bridge Replacement or Rehabilitation, terminating the original agreement approved November 5, 2012 and authorize Judge McDonald to sign. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve a Resolution authorizing the replacement or rehabilitation of bridge located at Willow Creek on Lezak Road/CR425 and or bridge located at East Carancahua Draw on Morris Road/CR472, waiving the participation requirement, and in return performing or causing to be performed equivalent match improvement work

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pustka, with all others concurring, to approve a Resolution authorizing the replacement or rehabilitation of bridge located at Willow Creek on Lezak Road/CR425 and or bridge located at East Carancahua Draw on Morris Road/CR472, waiving the participation requirement, and in return performing or causing to be performed equivalent match improvement work. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action authorizing Sheriff Osborne to purchase a 2014 Dodge Ram 1500 SSV Crew Cab 4X4 pickup in the amount of \$24,485.00 to be purchased through the State Buy Board from Dodge City, McKinney, TX, with the payment to be taken out of 010-560-570

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring, to authorize Sheriff Osborne to purchase a 2014 Dodge Ram 1500 SSV Crew Cab 4X4 pickup in the amount of \$24,485.00 to be purchased through the State Buy Board from Dodge City, McKinney, TX, with the payment to be taken out of 010-560-570 Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve two (2) Demand Checks, (1) made payable to EconoLodge Inn by the Bay Fulton for \$248.37, and (2) made payable to Sonjya Tumlinson for \$134.00 for per diem, to attend the Basic County Corrections Physical Skills in Rockport, Texas on July 28-30, 2014

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 two (2) Demand Checks, (1) made payable to EconoLodge Inn by the Bay Fulton for \$248.37, and (2) made payable to Sonjya Tumlinson for \$134.00 for per diem, to attend the Basic County Corrections Physical Skills in Rockport, Texas on July 28-30, 2014. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to approve a Business Associate Agreement between Gallagher Benefit Services, Inc and Matagorda County, concerning HIPAA and Protected Health Information

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Woodson, with all others concurring, to approve a Business Associate Agreement between Gallagher Benefit Services, Inc and Matagorda County, concerning HIPAA and Protected Health Information. Motion carried.

Vote 5 ayes 0 nays

15. Consideration and possible action to approve the written plans for nine counties prepared by SouthEast Texas Regional Advisory Council, to work jointly in times that an emergency exceeds the capability of local resources and authorize Judge McDonald to sign the SETRAC Endorsement

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 written plans for nine counties prepared by SouthEast Texas Regional Advisory Council, to work jointly in times that an emergency exceeds the capability of local resources and authorize Judge McDonald to sign the SETRAC Endorsement. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to approve Justice of the Peace, Pct. #3, to purchase Security Door locks for the Matagorda County Annex Building located in Palacios, TX, in an amount of approximately \$119.00, with the payment to be taken out of Justice Court Building Security Fund – 18-340-060-004

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 Justice of the Peace, Pct. #3, to purchase Security Door locks for the Matagorda County Annex Building located in Palacios, TX, in an amount of approximately \$119.00, with the payment to be taken out of Justice Court Building Security Fund – 18-340-060-004. Motion carried.

Vote 5 ayes 0 nays

17. Consideration and possible action to approve a contract between Matagorda County and GrantWorks, Inc. for Project Delivery services for the Transportation Infrastructure Fund Project

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

18. Consideration and possible action to approve an agreement between Matagorda County and US Capital Advisors, LLC for financial advisory services

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to approve an agreement between Matagorda County and US Capital Advisors, LLC for financial advisory services. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve the State of Texas Fleet Contract Political Subdivision Addendum to allow Matagorda County to participate in the State of Texas Retail Fuel Card Program

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to approve the State of Texas Fleet Contract Political Subdivision Addendum to allow Matagorda County to participate in the State of Texas Retail Fuel Card Program. Motion carried. Vote 5 ayes 0 nays

20. **Consideration and possible action to accept the Internal Review Report for the 2nd quarter of 2014**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to accept the Internal Review Report for the 2nd quarter of 2014. Motion carried. Vote 5 ayes 0 nays

21. **Meet in executive session under Section 551.071 (2) of the Gov't Code to consult with attorney(s) representing the count in an executive session 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 the Open Meetings Act and Section 551.071(1)(b) of the Gov't 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 10:09 a.m. 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(s) representing the count in an executive session 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 the Open Meetings Act and Section 551.071(1)(b) of the Gov't 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

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

Meet in executive session under Section 551.071 (2) of the Gov't Code to consult with attorney(s) representing the count in an executive session 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 the Open Meetings Act and Section 551.071(1)(b) of the Gov't 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 10:58 a.m. by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to Reconvene open session and consider taking action on the matters discussed in: Meet in executive session under Section 551.071 (2) of the Gov't Code to consult with attorney(s) representing the count in an executive session 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 the Open Meetings Act and Section 551.071(1)(b) of the Gov't 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

23. **Public Comments**

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


24. **Adjournment**

Motion was duly made at approximately 10:59 a.m. 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 28th day of July, 2014.



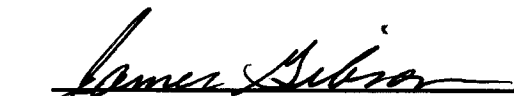
NATE McDONALD,
County Judge



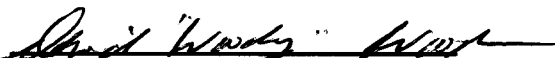
DANIEL PUSTKA, Judge Pro Tem
Commissioner Precinct No. One



KENT POLLARD,
Commissioner Precinct No. Two



JAMES GIBSON,
Commissioner Precinct No. Three



DAVID "WOODY" WOODSON,
Commissioner Precinct No. Four

ATTEST: 

Janet Hickl, County Clerk

