

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, SEPTEMBER 8, 2014

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 8th day of September 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, Ruben Gonzales, Doug Matthes, Denise Fortenberry, Barry Halvorson, Cristyn Hallmark, Nicole B. Villarreal, Chip Sutton, Teri Zema, Brent Batchelor, Joe Lozano, Tous Schmirdt, 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 Pollard

3. Texas Pledge – Commissioner Pollard

4. Prayer – Commissioner Pustka

5. Consideration and possible action regarding approving Commissioners Court Minutes for August 25, 2014

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring, to approve Commissioners Court Minutes for August 25, 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 a Contract between the Department of State Health Services (DSHS) and Matagorda County clerk beginning 09/01/2014 and ending on 08/31/2016 for the purpose of issuing Certifications of Vital Records (Birth Certificates) to authorized individuals requesting such data

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 a Contract between the Department of State Health Services (DSHS) and Matagorda County clerk beginning 09/01/2014 and ending on 08/31/2016 for the purpose of issuing Certifications of Vital Records (Birth Certificates) to authorized individuals requesting such data. Motion carried. Vote 5 ayes 0 nays

8. Discussion followed by Consideration and possible action to approve a Resolution with Cover Letter for the Economic Action Committee of the Gulf Coast, in order for them to apply for a Texas Department of Agriculture, Texans Feeding Texans – Home Delivered Meal Grant Program

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 with Cover Letter for the Economic Action Committee of the Gulf Coast, in order for them to apply for a Texas Department of Agriculture, Texans Feeding Texans – Home Delivered Meal Grant Program. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve a contract between Matagorda County and Clean Harbors Environmental Services, Inc. for services and disposal of hazardous waste to be generated by the scheduled October 25, 2014 Matagorda County Household Hazardous Waste Collection Event at the Matagorda County Fairgrounds

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 between Matagorda County and Clean Harbors Environmental Services, Inc. for services and disposal of hazardous waste to be generated by the scheduled October 25, 2014 Matagorda County Household Hazardous Waste Collection Event at the Matagorda County Fairgrounds. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve the Democratic Election Judges serving September 1, 2014 to August 31, 2015 and setting the number of election clerks for each precinct

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 Democratic Election Judges serving September 1, 2014 to August 31, 2015 and setting the number of election clerks for each precinct. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve the deputation of Deborah Longoria as Deputy Tax Assessor-Collector, Grade 12, Step 1

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 the deputation of Deborah Longoria as Deputy Tax Assessor-Collector, Grade 12, Step 1. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve a Holiday Short Term Rental Agreement between Ambius and Matagorda County for rental of holiday decorations for three years, with an annual fee of \$3,920.00, to come out of 010-510-460

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 a Holiday Short Term Rental Agreement between Ambius and Matagorda County for rental of holiday decorations for three years, with an annual fee of \$3,920.00, to come out of 010-510-460. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve a Resolution with Cover Letter for the Friends of Elder Citizens, in order for them to apply for a Texas Department of Agriculture, Texans Feeding Texans – Home Delivered Meal Grant Program

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 Resolution with Cover Letter for the Friends of Elder Citizens, in order for them to apply for a Texas Department of Agriculture, Texans Feeding Texans – Home Delivered Meal Grant Program. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to approve GLO Contract #15-062-004 between Matagorda County and the Texas General Land Office for Beach Cleaning and Maintenance Assistance, effective September 1, 21014 through August 31, 2015, and authorize the County Judge to sign

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 GLO Contract #15-062-004 between Matagorda County and the Texas General Land Office for Beach Cleaning and Maintenance Assistance, effective September 1, 21014 through August 31, 2015, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to approve an Agreement for Tax Collection Services between Matagorda County and Linebarger Goggan Blair & Sampson, LLP, to run from October 1, 2014 thru September 30, 2018

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 an Agreement for Tax Collection Services between Matagorda County and Linebarger Goggan Blair & Sampson, LLP, to run from October 1, 2014 thru September 30, 2018. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to approve an Order authorizing an additional penalty on delinquent taxes in order to defray costs of collection pursuant to Texas Property Tax Code Sections 33.07 and 33.08

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 an additional penalty on delinquent taxes in order to defray costs of collection pursuant to Texas Property Tax Code Sections 33.07 and 33.08. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve a Memorandum of Understanding for Information Technology Services between Texas AgriLife Extension (AL-EXT) and Matagorda County for a term of two years beginning July 1, 2014 and ending July 1, 2016, and authorize Chris Peikert to sign for Matagorda County

This being the next item for business, motion was duly made by Commissioner Puskta and seconded by Commissioner Pollard, with all others concurring, to approve a Memorandum of Understanding for Information Technology Services between Texas AgriLife Extension (AL-EXT) and Matagorda County for a term of two years beginning July 1, 2014 and ending July 1, 2016, and authorize Chris Peikert to sign for Matagorda County. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve a Contract for the Turning Basin No. 1 West Dock Repairs – Phase 2, DRS Contract No. DRS220112, GLO(Contract No. 12-485-000-6657 between Shirley & Sons Construction Co., Inc. and Matagorda County, for approximately 357 linear feet of steel bulkhead on the west side of Turning Basin No. 1 in the Port of Palacios, Matagorda County, Texas, in the amount of \$924,773.98, and authorize the County Judge to sign

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 for the Turning Basin No. 1 West Dock Repairs – Phase 2, DRS Contract No. DRS220112, GLO(Contract No. 12-485-000-6657 between Shirley & Sons Construction Co., Inc. and Matagorda County, for approximately 357 linear feet of steel bulkhead on the west side of Turning Basin No. 1 in the Port of Palacios, Matagorda County, Texas, in the amount of \$924,773.98, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to ratify an Order of General Election to be held on November 4, 2014, and signed by the County Judge

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 ratify an Order of General Election to be held on November 4, 2014, and signed by the County Judge. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to adopt the 2014 Proposed Maintenance and Operation tax rate of .35384, for a total tax rate of .35867

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adopt the 2014 Proposed Maintenance and Operation tax rate of .35384, for a total tax rate of .35867. Motion carried.

Record vote:

County Judge	Aye
Commissioner Pct. 1	Aye
Commissioner Pct. 2	Aye
Commissioner Pct. 3	Aye
Commissioner Pct. 4	Aye

21. Consideration and possible action to adopt the 2014 Proposed Interest and Sinking tax rate of .00483, for a total tax rate of .35867

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adopt the 2014 Proposed Interest and Sinking tax rate of .00483, for a total tax rate of .35867. Motion carried.

Record vote:

County Judge	Aye
Commissioner Pct. 1	Aye
Commissioner Pct. 2	Aye
Commissioner Pct. 3	Aye
Commissioner Pct. 4	Aye

22. **Consideration and possible action to adopt the 2014 Property Tax Rate of .35867**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adopt the 2014 Proposed Tax Rate of .35867 which is effectively a 8.10 percent increase in the tax rate. Motion carried.

Record vote:

County Judge	Aye
Commissioner Pct. 1	Aye
Commissioner Pct. 2	Aye
Commissioner Pct. 3	Aye
Commissioner Pct. 4	Aye

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 8.00 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$36.89

23. **Consideration and possible action to ratify the 2014 Property Tax increase reflected in the 2015 Matagorda County Budget, with the total tax rate being .35867**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adopt the 2014 Proposed Tax Rate of .35867. Motion carried. Vote 5 ayes 0 nays

Record vote:

County Judge	Aye
Commissioner Pct. 1	Aye
Commissioner Pct. 2	Aye
Commissioner Pct. 3	Aye
Commissioner Pct. 4	Aye

24. **Consideration and possible action to approve Payment of Bills**

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 Payment of Bills. Motion carried.

Vote 5 ayes 0 nays

25. **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 Gibson, with all others concurring, to approve Emergency Amendments. Motion carried.

Vote 5 ayes 0 nays

26. Meet in executive session under Section 551.071(2) of the Gov't Code to consult with attorney(s) representing the county 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

This being the next item for business, motion was duly made at 10:16 am by Commissioner Gibson and seconded by Commissioner Pustka, 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 county 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. Motion carried. Vote 5 ayes 0 nays

27. 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 county 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

This being the next item for business, motion was duly made at 11:10 am by Commissioner Gibson and seconded by Commissioner Pustka, 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 county 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. Motion carried. Vote 5 ayes 0 nays. No action taken.

28. Public Comments

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

29. Adjournment

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

Approved in Open Court, this the 15th day of September 2014.

absent

NATE McDONALD,
County Judge

Daniel Pustka

DANIEL PUSTKA, Judge Pro Tem
Commissioner Precinct No. One

Kent Pollard

KENT POLLARD,
Commissioner Precinct No. Two

James Gibson

JAMES GIBSON,
Commissioner Precinct No. Three

David "Woody" Woodson

DAVID "WOODY" WOODSON,
Commissioner Precinct No. Four

ATTEST: Janet Hickl

Janet Hickl, County Clerk