

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, DECEMBER 9, 2019**

**Call to Order**

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, December 9, 2019, 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: Denise Fortenberry, Kristen Kubecka, Chris Peikert, Skipper Osborne, Michael Ferdinand, Aaron Sumrall, Jimmy Galvan, Loretta Griffin, Amanda Campos, Lisa Krobot, Mike Reddell, Becca Sitz, Steven Johnson, Carmen Andrews, Crystal Morones and Stephanie Wurtz.

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Pollard**

**4. Prayer – Commissioner Graham**

**5. Consideration and possible action regarding approving Commissioner's Court Minutes for December 2, 2019**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve Commissioner's Court Minutes for December 2, 2019. Motion carried. Vote 5 ayes 0 nays

**6. Consideration and possible action regarding contracts for the use of the Matagorda County Fairgrounds facilities**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve three contracts for the use of Matagorda County Fairgrounds facilities. Motion carried. Vote 5 ayes 0 nays

**7. Consideration and possible action to allow Agriculture Extension Agent, Aaron Sumrall, to attend the Annual Cotton Physiology Conference in Ardmore, Oklahoma, during the week of February 3, 2020, and charge expenses to department budget**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to allow Agriculture Extension Agent, Aaron Sumrall, to attend the Annual Cotton Physiology Conference in Ardmore, Oklahoma, during the week of February 3, 2020, and charge expenses to department budget. Motion carried. Vote 5 ayes 0 nays



**8. Consideration and possible action to authorize Commissioner Graham to promote Gabriel Lara from Part Time Laborer to Full Time Light Equipment Operator at \$13.50/hour effective December 9, 2019**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to authorize Commissioner Graham to promote Gabriel Lara from Part Time Laborer to Full Time Light Equipment Operator at \$13.50/hour effective December 9, 2019. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve the transfer of remaining funds in 010-51020-490 (salary) and 010-51080-490 (overtime) in order to pay remaining invoices pertaining to the 2019 November 5th Constitutional Amendment Election**

This being the next item for business, motion was duly made by Graham and seconded by Commissioner Gibson, with all others concurring, to approve the transfer of remaining funds in 010-51020-490 (salary) and 010-51080-490 (overtime) in order to pay remaining invoices pertaining to the 2019 November 5<sup>th</sup> Constitutional Amendment Election. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve the payment of two invoices for Kofile Technologies totaling \$2,604.17, for the digital archiving of County records to be paid out of the County Clerk's Fund 16 Preservation and Automation Fund**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the payment of two invoices for Kofile Technologies totaling \$2,604.17, for the digital archiving of County records to be paid out of the County Clerk's Fund 16 Preservation and Automation Fund. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to approve an Amended and Restated Resolution between Matagorda County and Peyton Creek Wind Farm**

This being the next item for business, motion was duly made by Pollard and seconded by Commissioner Gibson, with all others concurring, to approve an Amended and Restated Resolution between Matagorda County and Peyton Creek Wind Farm. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to approve changes to Sheriff's Office position number 1707 Support Services Sergeant**

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 changes to Sheriff's Office position number 1707 Support Services Sergeant. Motion carried. Vote 3 ayes 2 nays from Judge McDonald and Commissioner Frick

**13. Consideration and possible action to approve a Demand Check in the amount of \$4,250.00 to US Alpha General Contractors as a 50% down payment for the renovation to occur at Juvenile Probation. The remaining \$4,250.00 will be paid upon job completion**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Graham, with all others concurring, to approve a Demand Check in the amount of \$4,250.00 to US Alpha General Contractors as a 50% down payment for the renovation to occur at Juvenile Probation. The remaining \$4,250.00 will be paid upon job completion. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to ratify the County Judge's Docu-signing of the General Land Office's closure letter, subject to Matagorda County receiving signatures on easement documents, for the closure of Grishman Road at Caney Creek, pertaining to GLO Project # 0913-21-048, Matagorda County**



This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Graham, with all others concurring, to ratify the County Judge's Docu-signing of the General Land Office's closure letter, subject to Matagorda County receiving signatures on easement documents, for the closure of Grishman Road at Caney Creek, pertaining to GLO Project # 0913-21-048, Matagorda County. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to approve Request for Proposal 19-004 related to Debris Clearance and Removal Services and authorize publication**

**Approval to advertise as follows:**

**Publication Dates: 12/15/2019 & 12/22/2019**

**Questions Due: 01/06/2020 by 1400 hours**

**Bids Due: 01/16/2020 by 1000 hours**

**Bids Awarded: 02/03/2020**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve Request for Proposal 19-004 related to Debris Clearance and Removal Services and authorize publication

Approval to advertise as follows:

Publication Dates: 12/15/2019 & 12/22/2019

Questions Due: 01/06/2020 by 1400 hours

Bids Due: 01/16/2020 by 1000 hours

Bids Awarded: 02/03/2020

Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly Reports for January - September 2019**

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 Matagorda County Treasurer's Office Monthly Reports for January - September 2019. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve Bank Drafts**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to approve Bank Drafts. Motion carried. Vote 5 ayes 0 nays

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

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve Payment of Bills. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to approve Emergency and Line Item Amendments**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve Emergency and Line Item Amendments. Motion carried. Vote 5 ayes 0 nays

20. **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**

**Under section 551.071(2) of the Texas Government Code to consult with attorney 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**

**Under section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding deliberation of contract being negotiated**

**Under section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan**

**Under section 551.086 of the Texas Government Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations**

This being the next item for business, motion was duly made at 10:12 a.m. by Commissioner Graham and seconded by Commissioner Gibson, 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

Under section 551.071(2) of the Texas Government Code to consult with attorney 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

Under section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding deliberation of contract being negotiated

Under section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan

Under section 551.086 of the Texas Government Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

Motion carried. Vote 5 ayes 0 nays



21. **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**

**Under section 551.071(2) of the Texas Government Code to consult with attorney 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**

**Under section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding deliberation of contract being negotiated**

**Under section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan**

**Under section 551.086 of the Texas Government Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations**

This being the next item for business, motion was duly made at 11:10 a.m. by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to Reconvene open 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

Under section 551.071(2) of the Texas Government Code to consult with attorney 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

Under section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding deliberation of contract being negotiated

Under section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan

Under section 551.086 of the Texas Government Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

Motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, to approve the purchase of two pieces of equipment for the son of Matagorda County Employee 2439 pending the complete review of the claim denial by Bob Treacy to be completed by adjournment of court on December 16, 2019, for possible reimbursement. Motion carried. Vote 5 ayes 0 nays

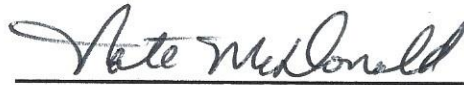
22. Public Comments

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

23. Adjournment

Motion was duly made at approximately 11:13 a.m. by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, the 16<sup>th</sup> day of December, 2019.



NATE McDONALD  
County Judge



GARY GRAHAM  
Commissioner Precinct No. One



KENT POLLARD  
Commissioner Precinct No. Two  
Judge Pro Tem

*absent*

JAMES GIBSON  
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK  
Commissioner Precinct No. Four

ATTEST:   
Stephanie Wurtz, County Clerk

