

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, MARCH 13, 2023

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:35 A.M., Monday, March 13, 2023, in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with County Judge Seiferman presiding.

Others present were as follows: Kristen Kubecka, Skipper Osborne, Lisa Krobot, Tressa Leadford, Loretta Griffin, Becky Cook, Meagan Ramirez, Mike Reddell, Mike Spillers, Jessica Russell, Muriel Tripps, Herb Johnson, Matt Glaze, Chris Peikert, Ashley Brooking, Mike Ferdinand, Doug Matthes, Crystal Morones, Shelby Storts, Miranda Ortiz and Stephanie Wurtz.

1. Certification of quorum

County Judge Seiferman certified a quorum in attendance with Commissioner Cook, Commissioner Estlinbaum and Commissioner Frick. Commissioner Shimek was absent.

2. Pledge of Allegiance – Commissioner Cook

3. Texas Pledge – Commissioner Cook

4. Prayer – Commissioner Frick

5. Public Comments

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

6. Consideration and possible action regarding approving Commissioner's Court Minutes for March 13, 2023

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve Commissioner's Court Minutes for March 13, 2023. Motion carried. Vote 4 ayes 0 nays

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

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

8. Consideration and possible action to approve a contract for AT&T Phone Service for the County Tax Office Building (CTOB)

This being the next item for business, motion was duly made by Commissioner Estlinbaum and seconded by Commissioner Frick, with all others concurring, to approve a contract for AT&T Phone Service for the County Tax Office Building (CTOB). Motion carried. Vote 4 ayes 0 nays

9. Consideration and possible action to approve an Election Services Contract between Matagorda County and the Port of Bay City Authority for an election to be held May 6, 2023, and authorize the County Elections Administrator to sign

This being the next item for business, motion was duly made by Commissioner Estlinbaum and seconded by Commissioner Frick, with all others concurring, to approve an Election Services Contract between Matagorda County and the Port of Bay City Authority for an election to be held May 6, 2023, and authorize the County Elections Administrator to sign. Motion carried. Vote 4 ayes 0 nays

10. Consideration and possible action to approve an Opioid Settlement Agreement between Allergan, CVS, Walmart and Matagorda County regarding participation in the Opioid Settlement Lawsuit by the Texas Attorney General Office and authorize County Judge Bobby Seiferman to sign

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to approve an Opioid Settlement Agreement between Allergan, CVS, Walmart and Matagorda County regarding participation in the Opioid Settlement Lawsuit by the Texas Attorney General Office and authorize County Judge Bobby Seiferman to sign. Motion carried. Vote 4 ayes 0 nays

11. Consideration and possible action to approve the Board Appointments for the Dunes Committee, 02/14/2023 through 02/14/2025

This being the next item for business, motion was duly made by Commissioner Estlinbaum and seconded by Commissioner Frick, with all others concurring, to approve the Board Appointments for the Dunes Committee, 02/14/2023 through 02/14/2025. Motion carried. Vote 4 ayes 0 nays

12. Consideration and possible action regarding the Tax Abatement Agreement between Matagorda County and PCC Chemicals accepted and signed on December 30, 2022 by the Commissioner's Court due to an administrative error printing out the correct version of the agreement to be signed and authorize the current County Judge, Bobby Seiferman, to sign the corrected and previously agreed version as reviewed and confirmed by the County Attorney

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve the Tax Abatement Agreement between Matagorda County and PCC Chemicals, originally accepted and signed on December 30, 2022 by the Commissioner's Court, and authorize the current County Judge, Bobby Seiferman, to sign the corrected and previously agreed version as reviewed and confirmed by the County Attorney. Motion carried. Vote 4 ayes 0 nays

13. Consideration and possible action to award Bid, excluding alternates to Lester Contracting, Inc. of Port Lavaca related to the Van Vleck Street & Drainage Improvements and Marlin Drive Improvements (GLO20-065-123-C430), totaling \$2,618,054.50

This being the next item for business, motion was duly made by Commissioner Estlinbaum and seconded by Commissioner Frick, with all others concurring, to award Bid, excluding alternates to Lester Contracting, Inc. of Port Lavaca related to the Van Vleck Street & Drainage Improvements and Marlin Drive Improvements (GLO20-065-123-C430), totaling \$2,618,054.50. Motion carried. Vote 4 ayes 0 nays

14. Consideration and possible action to approve the Construction Contract Change Order No. 1 for a decrease of \$470,479.50 pertaining to Van Vleck Street & Drainage Improvements and Marlin Drive Improvements (GLO20-065-123-C430), and allow the County Judge to sign

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to approve the Construction Contract Change Order No. 1 for a

decrease of \$470,479.50 pertaining to Van Vleck Street & Drainage Improvements and Marlin Drive Improvements (GLO20-065-123-C430), and allow the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

15. Consideration and possible action to approve the Notice of Withdrawal from and Termination of a Memorandum of Understanding with Palacios Independent School District, previously considered on September 26, 2022, with respect to Coronavirus Supplemental Funding and authorize the submission of this Notice, if approved

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve the Notice of Withdrawal from and Termination of a Memorandum of Understanding with Palacios Independent School District, previously considered on September 26, 2022, with respect to Coronavirus Supplemental Funding and authorize the submission of this Notice. Motion carried. Vote 4 ayes 0 nays

16. Consideration and possible action to approve the Notice of Withdrawal from and Termination of a Memorandum of Understanding with Tidehaven Independent School District, previously considered on September 26, 2022, with respect to Coronavirus Supplemental Funding and authorize the submission of this Notice, if approved

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve the Notice of Withdrawal from and Termination of a Memorandum of Understanding with Tidehaven Independent School District, previously considered on September 26, 2022, with respect to Coronavirus Supplemental Funding and authorize the submission of this Notice. Motion carried. Vote 4 ayes 0 nays

17. Consideration and possible action to approve the Notice of Withdrawal from and Termination of a Memorandum of Understanding with Matagorda Independent School District, previously considered on September 26, 2022, with respect to Coronavirus Supplemental Funding and authorize the submission of this Notice, if approved

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve the Notice of Withdrawal from and Termination of a Memorandum of Understanding with Matagorda Independent School District, previously considered on September 26, 2022, with respect to Coronavirus Supplemental Funding and authorize the submission of this Notice. Motion carried. Vote 4 ayes 0 nays

18. Consideration and possible action to approve the Notice of Withdrawal from and Termination of a Memorandum of Understanding with Bay City Independent School District, previously considered on September 26, 2022, with respect to Coronavirus Supplemental Funding and authorize the submission of this Notice, if approved

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve the Notice of Withdrawal from and Termination of a Memorandum of Understanding with Bay City Independent School District, previously considered on September 26, 2022, with respect to Coronavirus Supplemental Funding and authorize the submission of this Notice. Motion carried. Vote 4 ayes 0 nays

19. Consideration and possible action to approve a Resolution to designate authorized signatories for the 2023-2024 Community Development Block Grant – Texas Department of Agriculture Program

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to approve a Resolution to designate authorized signatories for

the 2023-2024 Community Development Block Grant – Texas Department of Agriculture Program. Motion carried. Vote 4 ayes 0 nays

20. Consideration and possible action to discuss and accept a community-wide analysis performed regarding any impediments to Fair Housing for Matagorda, pertaining to the 2023-2024 Community Development Block Grant – Texas Department of Agriculture Program

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to discuss and accept a community-wide analysis performed regarding any impediments to Fair Housing for Matagorda, pertaining to the 2023-2024 Community Development Block Grant – Texas Department of Agriculture Program. Motion carried. Vote 4 ayes 0 nays

21. Consideration and possible action to approve a Resolution authorizing the 2023-2024 Community Development Block Grant – Texas Department of Agriculture Program Application submission and related policies:

- **Citizen Participation Plan (Form A1013);**
- **Excessive Force Policy (Form A1003);**
- **Section 504 Policy and Grievance Procedures (Form A1004);**
- **Fair Housing Policy (Form 1015); and**
- **Code of Conduct Policy (Form A1002)**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to approve a Resolution authorizing the 2023-2024 Community Development Block Grant – Texas Department of Agriculture Program Application submission and related policies:

- Citizen Participation Plan (Form A1013);
- Excessive Force Policy (Form A1003);
- Section 504 Policy and Grievance Procedures (Form A1004);
- Fair Housing Policy (Form 1015); and
- Code of Conduct Policy (Form A1002)

Motion carried. Vote 4 ayes 0 nays

22. Consideration and possible action to approve payment of Invoices for Precinct #2

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve payment of Invoices for Precinct #2. Motion carried. Vote 4 ayes 0 nays

23. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly report for February 2023

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to approve Matagorda County Treasurer's Office Monthly report for February 2023. Motion carried. Vote 4 ayes 0 nays

24. Consideration and possible action to approve Line Item Transfers

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Estlinbaum, with all others concurring, to approve Line Item Transfers. Motion carried. Vote 4 ayes 0 nays

25. **Consideration and possible action to approve Payment of Demand Checks**

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to approve Payment of Demand Checks. Motion carried. Vote 4 ayes 0 nays

26. **Consideration and possible action to approve Emergency Amendments**

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to approve Emergency Amendments. Motion carried. Vote 4 ayes 0 nays

27. **Meet in Executive Session:**

Under Section 551.072 of the Texas Government code to consult with attorney representing the county in an executive session to discuss a real estate matter

Under Section 551.086 of the Texas Government Code to consider and take action 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 10:0 a.m. by Commissioner Estlinbaum and seconded by Commissioner Frick, with all others concurring, to meet in Executive Session:

Under Section 551.072 of the Texas Government code to consult with attorney representing the county in an executive session to discuss a real estate matter

Under Section 551.086 of the Texas Government Code to consider and take action 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 4 ayes 0 nays

28. **Reconvene open session and consider taking action on the matters discussed in Executive Session:**

Under Section 551.072 of the Texas Government code to consult with attorney representing the county in an executive session to discuss a real estate matter

Under Section 551.086 of the Texas Government Code to consider and take action 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 11:09 a.m. by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to Reconvene open session:

Under Section 551.072 of the Texas Government code to consult with attorney representing the county in an executive session to discuss a real estate matter

Under Section 551.086 of the Texas Government Code to consider and take action 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 4 ayes 0 nays

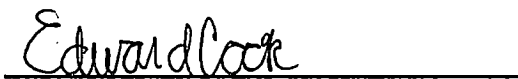
29. Adjournment

Motion was duly made at approximately 11:10 a.m. by Commissioner Estlinbaum and seconded by Commissioner Frick, with all others concurring, to adjourn the meeting. Motion carried. Vote 4 ayes 0 nays

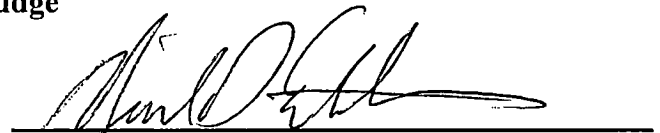
Approved in Open Court, the 20th day of March, 2023.



BOBBY SEIFERMAN
County Judge



EDWARD "BUBBA" COOK
Commissioner Precinct No. One



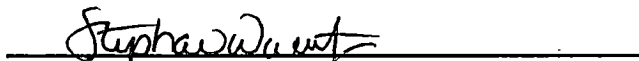
MIKE ESTLINBAUM
Commissioner Precinct No. Two



TROY SHIMEK
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST: 

Stephanie Wurtz, County Clerk