

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, SEPTEMBER 26, 2022**

**Call to Order**

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, September 26, 2022, 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: Kristen Kubecka, Jennifer Chau, Lisa Krobot, Amanda Campos, Chris Peikert, Skipper Osborne, Mike Reddell, Tressa Leadford, Loretta Griffin, Meagan Ramirez, Robert Krenek, Jr., Darve Smith, Melinda Moudy, Bobby Seiferman, Samantha Denbow, Susan Novak, Joe Novak, Daniella Nunez, Mike Spillers, Crystal Morones and Stephanie Wurtz.

**1. Certification of quorum**

County Judge McDonald certified a quorum in attendance with Commissioner Cook, Commissioner Pollard, Commissioner Shimek and Commissioner Frick.

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

**3. Texas Pledge – Commissioner Frick**

**4. Prayer – Commissioner Shimek**

**5. Consideration and possible action regarding approving Commissioner's Court Minutes for September 12, 2022 and September 19, 2022**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve Commissioner's Court Minutes for September 12, 2022 and September 19, 2022. 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, no action required.

**7. Consideration and possible action to approve an Application to Cross a County Road from Easton Energy Underground Storage Operations, LLC to lay a 14 inch Brine Pipeline under and along the following county road: CR #417 (Hoffman Road) in Precinct #4, Matagorda County, Texas**

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 Application to Cross a County Road from Easton Energy Underground Storage Operations, LLC to lay a 14 inch Brine Pipeline under and along the following county road: CR #417 (Hoffman Road) in Precinct #4, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to accept the Deputation of Raven White as Deputy District Clerk**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Shimek, with all others concurring, to accept the Deputation of Raven White as Deputy District Clerk. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve the hiring of Donnell Collins as a Transfer Station Operator at a rate of \$14.00 per hour due to his experience and ability to run the equipment and due to staff shortage, effective September 26, 2022**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Shimek, with all others concurring, to approve the hiring of Donnell Collins as a Transfer Station Operator at a rate of \$14.00 per hour due to his experience and ability to run the equipment and due to staff shortage, effective September 26, 2022. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve a Subdivision Plat of Willet Subdivision being all that certain Richard & Sandra Willet called a 0.5919 acre tract and being all that certain Richard & Sandra Willet called a 0.5325 acre tract in the Thomas Williams League, Abstract 107, Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Shimek, with all others concurring, to approve a Subdivision Plat of Willet Subdivision being all that certain Richard & Sandra Willet called a 0.5919 acre tract and being all that certain Richard & Sandra Willet called a 0.5325 acre tract in the Thomas Williams League, Abstract 107, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to approve a Replat of Lots 1-5, Block 1, Gibson Place, being a 39.96 acres in John Duncan Survey A-140, Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Frick, with all others concurring, to approve a Replat of Lots 1-5, Block 1, Gibson Place, being a 39.96 acres in John Duncan Survey A-140, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to approve the authorization of City of Bay City to serve alcoholic beverages on County Property for the Day of the Dead Festival with a temporary TABC Permit on November 5, 2022, with the understanding that a copy of the approved Permit will be sent to the County Attorney**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Cook, with all others concurring, to approve the authorization of City of Bay City to serve alcoholic beverages on County Property for the Day of the Dead Festival with a temporary TABC Permit on November 5, 2022, with the understanding that a copy of the approved Permit will be sent to the County Attorney. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to approve the specifications and authorize the County Auditor's Office to advertise for the 2023 Road Materials BID #22-0002 and 2023 Road Construction with Equipment BID #22-0003**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Shimek, with all others concurring, to approve the specifications and authorize the County Auditor's Office to advertise for the 2023 Road Materials BID #22-0002 and 2023 Road Construction with Equipment BID #22-0003. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to approve a Federal Excise Tax Exemption Certificate from U.S. Bank Voyager Fleet Cards for fuel purchases for the County Sheriff's Office covering January 1, 2023 through December 31, 2023, 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 Cook, with all others concurring, to approve a Federal Excise Tax Exemption Certificate from U.S.

Bank Voyager Fleet Cards for fuel purchases for the County Sheriff's Office covering January 1, 2023 through December 31, 2023, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to approve the Memorandum of Understanding between Matagorda County and Palacios Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve the Memorandum of Understanding between Matagorda County and Palacios Independent School District with respect to the HGAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve the Memorandum of Understanding between Matagorda County and Palacios Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve the Memorandum of Understanding between Matagorda County and Palacios Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve the Memorandum of Understanding between Matagorda County and Tidehaven Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve the Memorandum of Understanding between Matagorda County and Tidehaven Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents. Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to approve the Memorandum of Understanding between Matagorda County and Van Vleck Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve the Memorandum of Understanding between Matagorda County and Van Vleck Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to approve the Memorandum of Understanding between Matagorda County and Matagorda Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve the Memorandum of Understanding between

Matagorda County and Matagorda Independent School District with respect to the H-GAC Rural County Coronavirus Reimbursement Project Supplemental Funding and authorize the County Judge to sign and submit all related documents. Motion carried. Vote 5 ayes 0 nays

**20. Consideration and possible action to approve a Lease Contract Agreement between Matagorda County Juvenile Probation Office and Function4 (BCOS) for a replacement copier machine in 2023 and authorize Chief Juvenile Probation Officer, Daniella Nunez, to sign all related documents**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve a Lease Contract Agreement between Matagorda County Juvenile Probation Office and Function4 (BCOS) for a replacement copier machine in 2023, with the terms and conditions of the DIR to supersede, and authorize Chief Juvenile Probation Officer, Daniella Nunez, to sign all related documents. Motion carried. Vote 5 ayes 0 nays

**21. Consideration and possible action to approve a Lease Contract Agreement between Matagorda County and Function4, specific to the Matagorda County Office Building, covered under DIR Contract #TX-DIR-CPO-4439, and authorize the County Judge to sign all related documents**

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Frick, with all others concurring, to approve a Lease Contract Agreement between Matagorda County and Function4, specific to the Matagorda County Office Building, covered under DIR Contract #TX-DIR-CPO-4439 and the terms and conditions of the DIR to supersede, and authorize the County Judge to sign all related documents. Motion carried. Vote 5 ayes 0 nays

**22. Consideration and possible action to approve an Interlocal Agreement between Matagorda County and Coastal Plain Groundwater Conservation District and authorize the County Judge to sign**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Shimek, with all others concurring, to approve an Interlocal Agreement between Matagorda County and Coastal Plain Groundwater Conservation District and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**23. Consideration and possible action to ratify the approval of Texas Enterprise Zone Program Mandatory Annual Report Form (Reporting Period September 1, 2021 and August 31, 2022) and authorize the County Attorney's Office to file and electronically sign and submit the report per State requirements**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approval of Texas Enterprise Zone Program Mandatory Annual Report Form (Reporting Period September 1, 2021 and August 31, 2022) and authorize the County Attorney's Office to file and electronically sign and submit the report per State requirements. Motion carried. Vote 5 ayes 0 nays

**24. Consideration and possible action to approve an Agreement of Sale for the property and improvements located at 1801 7<sup>th</sup> Street, Bay City, Texas 77414 and authorize Judge Nate McDonald to sign**

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to approve an Agreement of Sale for the property and improvements located at 1801 7th Street, Bay City, Texas 77414 and authorize Judge Nate McDonald to sign. Motion carried. Vote 5 ayes 0 nays

**25. Consideration and possible action to approve an Engagement Letter from KM&L, LLC for year ending December 31, 2022 for a fee not to exceed \$45,000 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 Cook, with all others concurring, to approve an Engagement Letter from KM&L, LLC for year

ending December 31, 2022 for a fee not to exceed \$45,000 and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**26. Consideration and possible action to approve the Houston Galveston Area Council 2022 Aerial Imagery Letter in Intent**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve the Houston Galveston Area Council 2022 Aerial Imagery Letter in Intent. Motion carried. Vote 5 ayes 0 nays

**27. Consideration and possible action to designate Matagorda County's Representatives & Alternates to the Houston-Galveston Area Council to the General Assembly & Board of Directors for the Year 2023**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Pollard, with all others concurring, to designate Matagorda County's Representatives & Alternates to the Houston-Galveston Area Council to the General Assembly & Board of Directors for the Year 2023. Motion carried. Vote 5 ayes 0 nays

**28. Consideration and possible action to accept the donation of a 2014 Kia, VIN #5XXGN4A75EG245310 from the Bay City Police Department**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to accept the donation of a 2014 Kia, VIN #5XXGN4A75EG245310 from the Bay City Police Department. Motion carried. Vote 5 ayes 0 nays

**29. Consideration and possible action to authorize the donation of a 1999 Mazda 4D, VIN #1YVGF22D1X5843298 to the Bay City Police Department**

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to authorize the donation of a 1999 Mazda 4D, VIN #1YVGF22D1X5843298 to the Bay City Police Department. Motion carried. Vote 5 ayes 0 nays

**30. Consideration and possible action to approve the proposal for flooring for the Justice of the Peace, Precinct #4 totaling \$5,954, with \$3,000 due at acceptance and balance of \$2,954 upon completion**

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 the proposal for flooring for the Justice of the Peace, Precinct #4 totaling \$5,954, with \$3,000 due at acceptance and balance of \$2,954 upon completion. Motion carried. Vote 5 ayes 0 nays

**31. Consideration and possible action to authorize Matagorda County Precinct #3 Commissioner Troy Shimek to purchase and have a Demand Check issued for a new 2022 Land Pride 5715 Rotary Cutter from Wharton Tractor Company in the amount of \$23,422.40**

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to authorize Matagorda County Precinct #3 Commissioner Troy Shimek to purchase and have a Demand Check issued for a new 2022 Land Pride 5715 Rotary Cutter from Wharton Tractor Company in the amount of \$23,422.40. Motion carried. Vote 5 ayes 0 nays

**32. Consideration and possible action to approve Invoices from the following Departments: Precinct #1 and Precinct #2**

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Cook, with all others concurring, to approve Invoices from the following Departments: Precinct #1 and Precinct #2. Motion carried. Vote 5 ayes 0 nays

**33. Consideration and possible action to accept the 2022 2<sup>nd</sup> Quarter Internal Review and 2021-2022 Monthly Reports**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to accept the 2022 2nd Quarter Internal Review and 2021-2022 Monthly Reports. Motion carried. Vote 5 ayes 0 nays

**34. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly Investment Report for August 2022**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve Matagorda County Treasurer's Office Monthly Investment Report for August 2022. Motion carried. Vote 5 ayes 0 nays

**35. 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 Cook, with all others concurring, to approve Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

**36. 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 5 ayes 0 nays

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

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

**38. Meet in Executive Session:**

**Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee**

**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**

This being the next item for business, motion was duly made at 10:28 a.m. by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to meet in Executive Session:

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

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

Motion carried. Vote 5 ayes 0 nays

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

**Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee**

**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**

This being the next item for business, motion was duly made at 12:40 p.m. by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to Reconvene open session:

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

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

Motion carried. Vote 5 ayes 0 nays

**40. Public Comments**

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


**41. Adjournment**

Motion was duly made at approximately 12:41 p.m. by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, the 3<sup>rd</sup> day of October, 2022.

  
\_\_\_\_\_  
NATE McDONALD  
County Judge

  
\_\_\_\_\_  
EDWARD "BUBBA" COOK

  
\_\_\_\_\_  
KENT POLLARD

Commissioner Precinct No. One

Commissioner Precinct No. Two



TROY SHIMEK

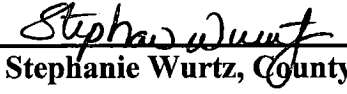
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK

Commissioner Precinct No. Four

ATTEST:



Stephanie Wurtz, County Clerk

