

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, OCTOBER 8, 2018

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 October, 2018 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, Denise Fortenberry, Linda Arnold, James Arnold, Marilyn Sitz, Barbara Graham, Amy Kubecka, Denise Grisham, Madilyn Spalek, Avery Kubecka, Braden Kucera, Charles Wright, Nathan Yates, Richard Saunders, Amy McLeod, James Gann, Lee Weathers, Herff Cornelius, Bobby Wilkinson, Mike Ferdinand, Karla Lewis, Doug Matthes, Tracey Cook, Mike Griffith, Cristyn Hallmark, Donna Harrison, Janice Hawthorne, Rick Johnson, Lisa Moya, Lisa Volkmer, Kelli Wright, Falishea Charles, Jay Ledwig, Mitch Thames, Kirby Savage, David Shield, Calvin Jenkins, Sandra Jenkins, LeRoy Cunningham, Scott Savage, Stewart Savage, Josh Solis, Larry Bose, Cricia Ryan, Sylvia Huey, Priscilla Wissink, Arthur Milberger, Mary Crocker, Mike Reddell, Chris Peikert, Joey Sliva, Allison Sliva, Bonnie M. Benson, Cornelia Normann-Petersen, Jimmy Galvan, Kristen Kubecka, Jessica Russell, Mike Ferdinand, Shelby Storts and Janet Hickl

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 Frick

3. Texas Pledge – Commissioner Frick

4. Prayer – Commissioner Gibson

5. Consideration and possible action regarding approving Commissioners' Court Minutes for October 1, 2018

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 Commissioners' Court Minutes for October 1, 2018. 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 Proclamation proclaiming October 7-13, 2018, as National 4-H Week

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Graham, with all others concurring, to approve a Proclamation proclaiming October 7-13, 2018, as National 4-H Week. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve a Proclamation declaring the month of October 2018 as "Domestic Violence Awareness Month" in Matagorda County

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve a Proclamation declaring the month of October 2018 as "Domestic Violence Awareness Month" in Matagorda County. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve a Heavy Load Permit Application from Progressive Pipeline Construction for Ingress from CR 121 and Egress CR 121 in Matagorda County Precinct #1

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 a Heavy Load Permit Application from Progressive Pipeline Construction for Ingress from CR 121 and Egress CR 121 in Matagorda County Precinct #1. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to designate the County Auditor as the System for Award Management (SAM) Entity Administrator, 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 Frick, with all others concurring, to designate the County Auditor as the System for Award Management (SAM) Entity Administrator, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to accept a contribution in the amount of \$5,000.00 from Equistar A Lyondell Company for expenses toward the Matagorda County Household Hazardous Waste Collection Event to be held October 27, 2018

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to accept a contribution in the amount of \$5,000.00 from Equistar A Lyondell Company for expenses toward the Matagorda County Household Hazardous Waste Collection Event to be held October 27, 2018. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve a Cell Phone Allowance for Matagorda County Constable Precious Smith, in the amount of \$60.00 per month according to county policies and procedures

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 a Cell Phone Allowance for Matagorda County Constable Precious Smith, in the amount of \$60.00 per month according to county policies and procedures. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to allow Chris Peikert to sign an agreement between Matagorda County and U. S. Department of Homeland Security

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 Chris Peikert to sign an agreement between Matagorda County and U. S. Department of Homeland Security. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to approve a Federal Excise Gas Exemption Certificate of State or Local Government for gas purchases from Sun Coast Resources, Inc. commencing January 1, 2019 expiring December 31, 2019, 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 Graham, with all others concurring, to approve a Federal Excise Gas Exemption Certificate of State or Local Government for gas purchases from Sun Coast Resources, Inc. commencing January 1, 2019 expiring December 31, 2019, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to approve a Federal Excise Tax Exemption Certificate from Shell Fleet Card Services, for fuel purchases by Matagorda County Covering January 1, 2019 expiring December 31, 2020, 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 Graham, with all others concurring, to approve a Federal Excise Tax Exemption Certificate from Shell Fleet Card Services, for fuel purchases by Matagorda County Covering January 1, 2019 expiring December 31, 2020, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays.

16. Consideration and possible action to approve a Federal Excise Tax Exemption Certificate from Exxon Mobil, for fuel purchases by Matagorda County Covering January 1, 2019 expiring December 31, 2020, 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 Graham, with all others concurring, to approve a Federal Excise Tax Exemption Certificate from Exxon Mobil, for fuel purchases by Matagorda County Covering January 1, 2019 expiring December 31, 2020, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to ratify the approval of Texas Enterprise Zone Program Mandatory Annual Report Form (Reporting Period September 1, 2017 and August 31, 2018) and authorize the County Judge to sign

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 the approval of Texas Enterprise Zone Program Mandatory Annual Report Form (Reporting Period September 1, 2017 and August 31, 2018) and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve the application including assurances and certifications for FY 2018 SCAAP funds and allow the County Auditor to submit the application and related documents

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 application including assurances and certifications for FY 2018 SCAAP funds and allow the County Auditor to submit the application and related documents. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to ratify the approval of the Agreement between Matagorda County and Talley Amusement, Inc. for use of the Fairgrounds Facility

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to ratify the approval of the Agreement between Matagorda County and Talley Amusement, Inc. for use of the Fairgrounds Facility. The County Auditor will follow up with obtaining the 1295 form from the company. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve the execution of bond release for Samson Exploration, LLC 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 Gibson, with all others concurring, to approve the execution of bond release for Samson Exploration, LLC and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to approve a Demand Check made payable to Robert Garcia for \$368.00 for Per Diem (weekends only) to attend the Immigration Authority Delegation Program (IADP) Training in Charleston, South Carolina October 22 – November 16, 2018 to be taken from account 010-5200-512

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to approve a Demand Check made payable to Robert Garcia for \$368.00 for Per Diem (weekends only) to attend the Immigration Authority Delegation Program (IADP) Training in Charleston, South Carolina October 22 – November 16, 2018 to be taken from account 010-5200-512. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to approve a Demand Check made payable to Pete's Paint and Body Shop for \$4,143.73 for repairs to the Sheriff's Office Vehicle, 2013 Chevy Silverado 1500 LT Crew Cab Pickup VIN #3GCPKSE78DG266832 which was wrecked on August 30, 2018, funds to be taken from account 010-54510-560

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 a Demand Check made payable to Pete's Paint and Body Shop for \$4,143.73 for repairs to the Sheriff's Office Vehicle, 2013 Chevy Silverado 1500 LT Crew Cab Pickup VIN #3GCPKSE78DG266832 which was wrecked on August 30, 2018, funds to be taken from account 010-54510-560. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to approve a Demand Check made payable to Teresa Jeremiah for \$178.00 for Per Diem for the 2018 TAPEIT Conference in San Antonio, Texas on October 16-19, 2018

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 a Demand Check made payable to Teresa Jeremiah for \$178.00 for Per Diem for the 2018 TAPEIT Conference in San Antonio, Texas on October 16-19, 2018. Motion carried. Vote 5 ayes 0 nays

24. Public Hearing at 9:45 a.m. concerning the adoption of an ordinance to nominate an area of the County designated as a reinvestment zone, with proposed zone area as described in Attachment A

This being the next item for business, motion was duly made at 10:06 a.m. by Commissioner Graham and seconded by Commissioner Pollard, with all others concurring, to go into a Public Hearing concerning the adoption of an ordinance to nominate an area of the County designated as a reinvestment zone, with proposed zone area as described in Attachment A. Motion carried. Vote 4 ayes 1 nay from Commissioner Frick.

At 10:29 a.m. a motion was duly made by Commissioner Graham and seconded by Commissioner Pollard, with all others concurring to return to open session of Commissioners' Court. Motion carried. Vote 5 ayes 0 nays.

25. Consideration and possible action to approve the nomination of an area of the County designated as a reinvestment zone with proposed zone area as described in Exhibit A

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 the nomination of an area of the County designated as a reinvestment zone with proposed zone area as described in Exhibit A. Motion carried. Vote 4 ayes 1 nay from Commissioner Frick.

26. Consideration and possible action to accept additional information regarding Air Liquide's tax abatement application, specifically the Sustainable Development Report and financials

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 accept additional information regarding Air Liquide's tax abatement application, specifically the Sustainable Development Report and financials. Motion carried. Vote 5 ayes 0 nay

27. Consideration and possible action to approve the Matagorda County 2018 Levy Tax Roll Report and the Matagorda County 2018 Grand Total Report

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 the Matagorda County 2018 Levy Tax Roll Report and the Matagorda County 2018 Grand Total Report. Motion carried. Vote 5 ayes 0 nay

28. Consideration and possible action to approve Bank Drafts

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 Bank Drafts. Motion carried. Vote 5 ayes 0 nays

29. Consideration and possible action to approve the Payment of Bills

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 the Payment of Bills. Motion carried. Vote 5 ayes 0 nays

30. Consideration and possible action to approve Line Item Transfers

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 Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

31. Consideration and possible action to approve Emergency Amendments

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 Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

32. **Meet in Executive Session:**

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

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

This being the next item for business, motion was duly made at 10:54 a.m. by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to Meet in Executive Session:

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

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

Motion carried. Vote 5 ayes 0 nays

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

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

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

This being the next item for business, motion was duly made at 12:12 p.m. by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to Reconvene open session and consider taking action on the matters discussed in Executive Session:

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

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

Motion carried. Vote 5 ayes 0 nays

No action taken

34. **Public Comments**

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

35. **Adjournment**

Motion was duly made at approximately 12:13 p.m. by Commissioner Graham and seconded by Commissioner Gibson with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, the 15th day of October, 2018.



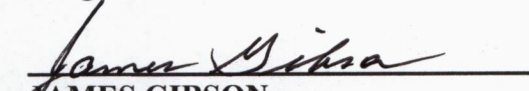
NATE McDONALD,
County Judge



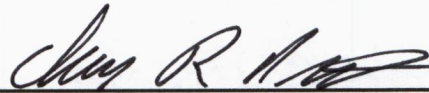
GARY GRAHAM,
Commissioner Precinct No. One
Judge Pro Tem



KENT POLLARD
Commissioner Precinct No. Two



JAMES GIBSON
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK, Judge Pro-Tem
Commissioner Precinct No. Four

ATTEST:


Janet Hickl, County Clerk