

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, SEPTEMBER 10, 2018

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 10th day of September, 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, Mike Reddell, Jessica Russell, Chris Peikert, Lisa Krobot, Carmen Andrews, Doug Matthes, Karla Lewis, Tressa Ledford, Mike Ferdinand, John D. Mercer, Rhonda Gregg Hirsch, Jimmy Galvan, Frank Riley, Johan Heubers, Shelby Storts and Maggie Perez

1. Certification of quorum

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

2. Pledge of Allegiance – Commissioner Graham

3. Texas Pledge – Commissioner Graham

4. Prayer – Commissioner Frick

5. Consideration and possible action regarding approving Commissioners' Court Minutes for August 27, 2018 and August 29, 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 August 27, 2018 and August 29, 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, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve a contract for the use of the Matagorda County Fairground facilities. Motion carried. Vote 5 ayes 0 nays

7. Consideration and possible action to approve a Resolution designating Atkins and John D. Mercer & Associates, Inc. to complete application and project related engineering services for the General Land Office Community Development and Revitalization CDBG-Disaster Recovery funding

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 designating Atkins and John D. Mercer & Associates, Inc. to complete application and project related engineering services for the General Land Office Community Development and Revitalization CDBG-Disaster Recovery funding. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to designate Matagorda County's representatives to the Houston-Galveston Area Council, naming Judge McDonald as Representative to General Assembly and Delegate to Board of Directors, Commissioner Kent Pollard as Representative to General Assembly and Alternate to Board of Directors, Commissioner Gary Graham and Commissioner James Gibson as Alternates to General Assembly for the year 2019

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 designate Matagorda County's representatives to the Houston-Galveston Area Council, naming Judge McDonald as Representative to General Assembly and Delegate to Board of Directors, Commissioner Kent Pollard as Representative to General Assembly and Alternate to Board of Directors, Commissioner Gary Graham and Commissioner James Gibson as Alternates to General Assembly for the year 2019. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve the hiring of Brian Franklin for Deputy Constable position with Precinct #6 Constable Office

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 hiring of Brian Franklin for Deputy Constable position with Precinct #6 Constable Office. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to declare the following vehicle as salvage and authorize sale at auction: 2007 Dodge pickup VIN #1D7HA18217S201972, with proceeds going into account #010-55700-560

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 declare the following vehicle as salvage and authorize sale at auction: 2007 Dodge pickup VIN #1D7HA18217S201972, with proceeds going into account #010-55700-560. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to reimburse Commissioner Gary Graham for travel expenses for the Texas Local Leaders White House Conference being held in Washington D.C.

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to reimburse Commissioner Gary Graham for travel expenses for the Texas Local Leaders White House Conference being held in Washington D.C. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve the US Locality Domain Name Registration Terms and Conditions Agreement allowing Matagorda County to keep the co.matagorda.tx.us domain, effective September 10, 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 the US Locality Domain Name Registration Terms and Conditions Agreement allowing Matagorda County to keep the co.matagorda.tx.us domain, effective September 10, 2018. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to accept a contribution in the amount of \$10,000.00 from STP Nuclear Operating 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 Pollard and seconded by Commissioner Gibson, with all others concurring, to accept a contribution in the amount of \$10,000.00 from STP Nuclear Operating 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

14. Consideration and possible action to approve an Interlocal Agreement between the County of Matagorda and Matagorda County Drainage District No. 1 regarding Construction, Improvement, Maintenance, and/or Repair of a Bridge on C\$ 170 (Bates Rd.) located on Live Oak Bayou in 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 an Interlocal Agreement between the County of Matagorda and Matagorda County Drainage District No. 1 regarding Construction, Improvement, Maintenance, and/or Repair of a Bridge on C\$ 170 (Bates Rd.) located on Live Oak Bayou in Precinct #1. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to approve a Lease Agreement between Matagorda County and De Lage Landen Financial Services for a Konica Minolta Copier, C458, for the County of Matagorda Office Building, in the amount of \$402.07 per month, with a 60 month Term Lease, and Equipment Service Agreement with BCOS Office Technologies for \$0.00680 for black and white copies, and \$0.04500 for color copies 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 Graham, with all others concurring, to table approving a Lease Agreement between Matagorda County and De Lage Landen Financial Services for a Konica Minolta Copier, C458, for the County of Matagorda Office Building, in the amount of \$402.07 per month, with a 60 month Term Lease, and Equipment Service Agreement with BCOS Office Technologies for \$0.00680 for black and white copies, and \$0.04500 for color copies and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays.

16. Consideration and possible action to approve a Mutual Aid Agreement between Matagorda County Hospital District and Matagorda County for Dome use

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 Mutual Aid Agreement between Matagorda County Hospital District and Matagorda County for Dome use. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to authorize publication of a newspaper notice advertising a public hearing for participation in the Texas Community Development Block Grant Program (CDBG)

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to authorize publication of a newspaper notice advertising a public hearing for participation in the Texas Community Development Block Grant Program (CDBG). Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve the adoption of the CDBG Citizen Participation Plan

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 the adoption of the CDBG Citizen Participation Plan. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to reject the single Bid received for the City of Palacios Sewer and Lift Station Rehabilitation due to bid being out of budget

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to reject the single Bid received for the City of Palacios Sewer and Lift Station Rehabilitation due to bid being out of budget. Mr. John Mercer told the court that he rescinds his bid. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Ralph Atherton, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, for injunctive and other relief as is authorized the Texas Health and Safety Code, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Ralph Atherton, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, for injunctive and other relief as is authorized the Texas Health and Safety Code, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Cynthia Auzston, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Cynthia Auzston, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Donald Mustard, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Donald Mustard, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists, the County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to accept the renewal certificate for 1st Assistant Auditor, Karla Lewis, to be in effect for 2 years

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to accept the renewal certificate for 1st Assistant Auditor, Karla Lewis, to be in effect for 2 years. Motion carried. Vote 5 ayes 0 nays

24. Consideration and possible action to approve the Federal Emergency Management Agency project completion and certification report pertaining to PW #374 (Transfer Station Scale) and allow the County Judge to sign

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 the Federal Emergency Management Agency project completion and certification report pertaining to PW #374 (Transfer Station Scale) and allow the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to approve the Monthly Reports from various County Departments

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 the Monthly Reports from various County Departments. Motion carried. Vote 5 ayes 0 nays

26. Consideration and possible action to approve Payment of Bank Drafts

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

27. 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

28. Consideration and possible action to ratify Demand Checks from September 4, 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 ratify Demand Checks from September 4, 2018. Motion carried. Vote 5 ayes 0 nays

29. Consideration and possible action to approve 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 Payment of Bills. Motion carried. Vote 5 ayes 0 nays

30. **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

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

Motion carried. Vote 5 ayes 0 nays

31. **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

This being the next item for business, motion was duly made at 11:18 a.m. by Commissioner Gibson and seconded by Commissioner Frick, with all others concurring, to Reconvene open 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

Motion carried. Vote 5 ayes 0 nays

32. **Public Comments**

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

33. **Adjournment**

Motion was duly made at approximately 11:19 am 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, this the 17th day of September 2018.

absent

NATE McDONALD,
County Judge

absent

GARY GRAHAM,
Commissioner Precinct No. One
Judge Pro Tem

James Gibson

JAMES GIBSON
Commissioner Precinct No. Three

Kent Pollard

KENT POLLARD
Commissioner Precinct No. Two
JUDGE PRO-TEM

Charles "Bubba" Frick

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

ATTEST: *Janet Hickl*

Janet Hickl, County Clerk

