

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, MARCH 18, 2019**

**Call to Order**

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, the 18<sup>th</sup> day of March, 2019, in the Matagorda County Commissioners' 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, Denise Fortenberry, Skipper Osborne, Chris Peikert, Laura Glaspie, Mike Reddell, Michael Ferdinand, Bill Orton and Janice Hawthorne.

**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 Gibson**

**3. Texas Pledge – Commissioner Gibson**

**4. Prayer – Commissioner Pollard**

**5. Consideration and possible action regarding approving Commissioners' Court Minutes for March 11, 2019 and March 13, 2019**

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 Commissioners' Court Minutes for March 11, 2019 and March 13, 2019. 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 two contracts for the use of the Matagorda County Fairground facilities. Motion carried. Vote 5 ayes 0 nays.

**7. Consideration and possible action to approve an Application to Cross a County Road from Peyton Creek Wind Farm, LLC, to lay a connection line consisting of three 2" cables, one fiber optic and one ground wire, for the following County Road: CR 222 (Sheppard Mott Rd.) in Precinct #2, Matagorda County, Texas**

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 Application to Cross a County Road from Peyton Creek Wind Farm, LLC, to lay a connection line consisting of three 2" cables, one fiber optic and one ground wire, for the following County Road: CR 222 (Sheppard Mott Rd.) in Precinct #2, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve an Application to Cross a County Road from King Solution Services, LLC, to lay a 6" Force Main for the following County Road: Lewis Street in Precinct #2, Matagorda County, Texas**

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 an Application to Cross a County Road from King Solution Services, LLC, to lay a 6" Force Main for the following County Road: Lewis Street in Precinct #2, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve a Resolution by Matagorda County Navigation District #1, the Port of Palacios, requesting the Texas Legislature to amend Section 623 of the Texas Transportation Code to create an Overweight Corridor in and through Matagorda County to and from the Port of Palacios**

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 a Resolution by Matagorda County Navigation District #1, the Port of Palacios, requesting the Texas Legislature to amend Section 623 of the Texas Transportation Code to create an Overweight Corridor in and through Matagorda County to and from the Port of Palacios. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve the Board Appointments for the Economic Action Committee of the Gulf Coast Board of Directors, 02/14/2019 through 02/14/2021**

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Gibson, with all others concurring, to approve the Board Appointments for the Economic Action Committee of the Gulf Coast Board of Directors, 02/14/2019 through 02/14/2021. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to accept the low bid received from BNA Construction Company, in the amount of \$28, 701.00, to replace the roof of the Fireman's Hall in Matagorda**

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 the low bid received from BNA Construction Company, in the amount of \$28, 701.00, to replace the roof of the Fireman's Hall in Matagorda. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to declare the following vehicle as salvage and authorize sale at Auction: 2007 Pontiac G6, VIN#1G2ZG58N474182101, with proceeds going into Matagorda County Joint Task Force Account**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to declare the following vehicle as salvage and authorize sale at Auction: 2007 Pontiac G6, VIN#1G2ZG58N474182101, with proceeds going into Matagorda County Joint Task Force Account. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to declare the following vehicle as salvage and authorize sale at Auction: 2012 Dodge Charger, VIN#2C3CDXAG7CH241015, with proceeds going into Matagorda County Sheriff's Office Machinery and Equipment Account**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to declare the following vehicle as salvage and authorize sale at Auction: 2012 Dodge Charger, VIN#2C3CDXAG7CH241015, with proceeds going into Matagorda County Sheriff's Office Machinery and Equipment Account. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to approve the Non Registered CDP (457) New Business Agreement with American United Life Insurance Company and authorize the County Judge to sign**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by

Commissioner Pollard, with all others concurring, to approve the Non Registered CDP (457) New Business Agreement with American United Life Insurance Company and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to approve Matagorda County Treasurer's Office Corrected Monthly Reports for October through December 2017**

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 Matagorda County Treasurer's Office Corrected Monthly Reports for October through December 2017. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly Investment Report for February 2019**

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

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

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 Payment of Demand Checks. Motion carried. Vote 5 ayes 0 nays

**19. 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

**19a. Meet in Executive Session:**

**Under Sections 551.071 and 551.129 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 551.086 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 10:03 a.m. by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to meet in Executive Session:

Under Sections 551.071 and 551.129 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 551.086 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

**19b. Reconvene open session and consider taking action on the matters discussed in Executive Session:**

**Under Sections 551.071 and 551.129 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 551.086 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, at approximately 11:30 a.m. a motion was made by Commissioner Graham and seconded by Commissioner Gibson to Reconvene open session and consider taking action on the matters discussed in Executive Session:

Under Sections 551.071 and 551.129 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 551.086 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 Graham to authorize the preparation, filing and prosecution of an original proceeding to be filed in the Texas Supreme Court by Matagorda County for mandamus and all other appropriate relief regarding Matagorda County's Motion to Transfer Venue to Matagorda County from Galveston County in Kevin Davis v. Matagorda County, in Cause No. 18-CV-0678, pending in the 122<sup>nd</sup> District Court of Galveston County, with the aforesaid original proceeding to be filed against all appropriate parties to obtain the requested relief. Motion carried. Vote 5 ayes 0 nays

**20. Public Comments**

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

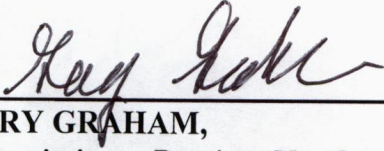
**21. Adjournment**

Motion was duly made at approximately 11:36 a.m. by Commissioner Graham 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 25<sup>th</sup> day of March, 2019.



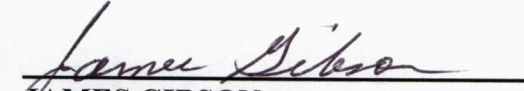
NATE McDONALD,  
County Judge



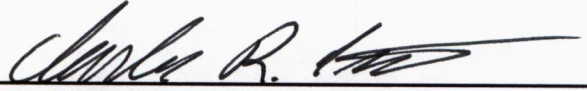
GARY GRAHAM,  
Commissioner Precinct No. One



KENT POLLARD  
Commissioner Precinct No. Two  
Judge Pro-Tem

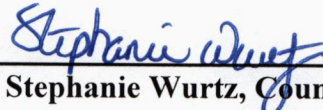


JAMES GIBSON  
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK  
Commissioner Precinct No. Four

ATTEST:

  
Stephanie Wurtz, County Clerk