

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, APRIL 3, 2017

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 3rd day of April 2017 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, Mike Reddell, Tammy McDonald, Kristen Kubecka, Denise Fortenberry, Mike Ferdinand, Cristyn Hallmark, Carmen Andrews, Dwight Baker, Doug Matthes, Buddy Treybig, Lisa Krobot, Bobby Wilkinson, Shelby Storts and Janet Hickl

1. Certification of quorum

County Judge McDonald certified a quorum in attendance with Commissioner Gibson, Commissioner Graham, Commissioner Frick 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 27, 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 Commissioners Court Minutes for March 27, 2017. 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 seismic survey permit by Underground Services Markham, LLC, to lay wireless geophones along and across various county roads and four tracts in Precinct #4, Matagorda County

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 seismic survey permit by Underground Services Markham, LLC, to lay wireless geophones along and across various county roads and four tracts in Precinct #4, Matagorda County. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to accept the 2016 Financial Audit from the Matagorda County Appraisal District

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to accept the 2016 Financial Audit from the Matagorda County Appraisal District. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to authorize the County Judge to sign Matagorda County's Letter of Agreement with STP Nuclear Operating Company for emergencies, drills, and exercises

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 authorize the County Judge to sign Matagorda County's Letter of Agreement with STP Nuclear Operating Company for emergencies, drills, and exercises with corrections. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to issue a Demand Check for Courthouse Postage, in the amount of \$10,000.00

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Frick, with all others concurring, to issue a Demand Check for Courthouse Postage, in the amount of \$10,000.00. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to accept Petition for Abandonment (closing) of a Portion of Certain Roads and Alleyways in the Original Townsite of Collegeport in Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Frick, with all others concurring, to accept Petition for Abandonment (closing) of a Portion of Certain Roads and Alleyways in the Original Townsite of Collegeport in Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of Avenue H (referred to as Tract 1 on survey) situated between 8th Street and 6th Street, including all of that certain .91 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County, Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of Avenue H (referred to as Tract 1 on survey) situated between 8th Street and 6th Street, including all of that certain .91 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County, Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of Seventh Street (referred to as Tract 2 on survey) situated between Avenue G and Avenue H, including all of that certain .41 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County, Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance

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14. Consideration and possible action to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of Seventh Street (referred to as Tract 3 on survey) situated between Avenue H and Avenue I, including all of that certain .41 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County, Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance

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15. Consideration and possible action to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of 20' Alley (referred to as Tract 4 on survey) situated between Eighth Street and Seventh Street, including all of that certain .14 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County , Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of 20' Alley (referred to as Tract 4 on survey) situated between Eighth Street and Seventh Street, including all of that certain .14 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County , Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance. Motion carried.

Vote 5 ayes 0 nays

16. Consideration and possible action to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of 20' Alley (referred to as Tract 5 on survey) situated between Avenue G and Avenue H, including all of that certain .14 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County , Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance

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17. Consideration and possible action to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of 20' Alley (referred to as Tract 6 on survey) situated between Avenue G and Avenue H, including all of that certain .14 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County, Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to Order the Abandonment of the following street situated in the Original Townsite of Collegeport, Matagorda County, Texas pursuant to §251.058 of the Transportation Code. That portion of 20' Alley (referred to as Tract 6 on survey) situated between Avenue G and Avenue H, including all of that certain .14 acre tract of land lying and situated in the B. C. Arthur Survey, Abstract 111 and the George McWhorter Survey, Abstract 361 of Matagorda County, Texas and more particularly described metes and bounds by attached Exhibit "A" to this agenda request, and to enter an order which complies with §251.058(b) of the Tex. Trans. Code and further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property Grantor; and Benjamin A. Neichoy, Sr. and Laura L. Neichoy as Grantees receiving the conveyance. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve a re-plat of Lot 2 and Lot 3, Matagorda Townsite, Tier 1, Block 14, Matagorda Front in the Elias R. Wightman League, Abstract 101, 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 a re-plat of Lot 2 and Lot 3, Matagorda Townsite, Tier 1, Block 14, Matagorda Front in the Elias R. Wightman League, Abstract 101, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve an Agreement between Matagorda County and Matagorda County Museum Association for FY 2017 and FY 2018

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 an Agreement between Matagorda County and Matagorda County Museum Association for FY 2017 and FY 2018. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve the revised and updated Tax Assessor –Collector job descriptions for classes 1303, 1305, 1307, 1308, 1309 and 1311

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 revised and updated Tax Assessor –Collector job descriptions for classes 1303, 1305, 1307, 1308, 1309 and 1311. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to approve the revised and updated Treasurer job description for classes 1203 and 1204

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 the revised and updated Treasurer job description for classes 1203 and 1204. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to approve the revised and updated Human Resources job description for classes 2501 through 2504

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 the revised and updated Human Resources job description for classes 1203 and 1204. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to approve the revised and updated Auditor job description for classes 1103, 1105, 1107, 1109 and 1111

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 revised and updated Auditor job description for classes 1103, 1105, 1107, 1109 and 1111. Motion carried. Vote 5 ayes 0 nays

24. 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 Gibson and seconded by Commissioner Frick, with all others concurring, to approve the monthly reports from various county departments. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to ratify payroll checks from March 31, 2017

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 payroll checks from March 31, 2017. Motion carried. Vote 5 ayes 0 nays

26. 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

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. **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 10:21 a.m. by Commissioner Gibson and seconded by Commissioner Graham, 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

29. **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 10:40 a.m. by Commissioner Frick 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.

Motion carried. Vote 5 ayes 0 nays

30. Meet in Executive Session:

Under Section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending contemplated litigation regarding EMS contract with Allegiance Ambulance

This being the next item for business, motion was duly made at 10:41 a.m. by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to Meet in Executive Session:

Under Section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending contemplated litigation regarding EMS contract with Allegiance Ambulance.

Motion carried. Vote 5 ayes 0 nays

31. Reconvene Open Session and consider taking action on the matters discussed in Executive Session:

Under Section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending contemplated litigation regarding EMS contract with Allegiance Ambulance

This being the next item for business, motion was duly made at 11:02 a.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 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending contemplated litigation regarding EMS contract with Allegiance Ambulance.

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 11:04 a.m. by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, this the 10th day of April, 2017.

absent

NATE McDONALD,
County Judge

Gary Graham

GARY GRAHAM,
Commissioner Precinct No. One

Kent Pollard

KENT POLLARD
Commissioner Precinct No. Two

James Gibson

JAMES GIBSON
Commissioner Precinct No. Three

Charles "Bubba" Frick

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



ATTEST: *Janet Hickl*

Janet Hickl, County Clerk