

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, AUGUST 27, 2018**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 27<sup>th</sup> day of August, 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, Cristyn Hallmark, Kristen Kubecka, Michael Malek, Leroy Ryman, O. Steve DeLeon, Lupe Ramirez, Jan Kressler, Barbara Graham, Jo Halbert, Brett Lawrence, Mike Mariner, Torsten Normann-Petersen, Cornelia Normann-Petersen, Marilyn Adkins, Donald Wells, Ron Ballenger, Mike Ferdinand, Wayne Bender, Kenneth L. Thames, David Lubby, Bill McGonagle, Nan Eldridge, Joseph D. Enoch, Stacia Taylor, Isidro Castenon, Anne McCalla, Clare Phelps, Jimmy Galvan, Joe A. Lozano Yvette Groover, Julie Culver, D C Dunham, Shelby Storts and Janet Hickl

**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 Gibson**

**3. Texas Pledge – Commissioner Gibson**

**4. Prayer – Commissioner Pollard**

**5. Consideration and possible action regarding approving Commissioners' Court Minutes for August 20, 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 20, 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 recognizing the Philip H. Parker Post 2438**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by County Judge McDonald, with all others concurring, to approve a Proclamation recognizing the Philip H. Parker Post 2438. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to accept a contribution in the amount of \$2,000.00 from Oxea Corporation 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 Frick and seconded by Commissioner Graham, with all others concurring, to accept a contribution in the amount of \$2,000.00 from Oxea Corporation for expenses toward the Matagorda County Household Hazardous Waste Collection Event to be held October 27, 2018. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to accept a contribution in the amount of \$1,000.00 from Dunn Heat Exchangers 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 Graham and seconded by Commissioner Pollard, with all others concurring, to accept a contribution in the amount of \$1,000.00 from Dunn Heat Exchangers for expenses toward the Matagorda County Household Hazardous Waste Collection Event to be held October 27, 2018. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve the TAC HEBP prescription implementation to Navitis Health Solutions (Navitis) and include dispense as written (DAW) prescriptions to the program**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to approve the TAC HEBP prescription implementation to Navitis Health Solutions (Navitis) and include dispense as written (DAW) prescriptions to the program. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to approve contract renewals and related forms with the Texas Department of Family Protective Services, Child Protective Services for contracts 24734772 and 24734775, 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 contract renewals and related forms with the Texas Department of Family Protective Services, Child Protective Services for contracts 24734772 and 24734775, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to declare the following vehicles as salvage and authorize sale at auction: (1) 2007 Dodge pickup VIN# 1FTRW12W17KC60404, (2) 1997 GMC Jimmy VIN# 1GKCS13W5V2502788, with proceeds going into account #101-55700-560**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Pollard, with all others concurring, to declare the following vehicles as salvage and authorize sale at auction: (1) 2007 Dodge pickup VIN# 1FTRW12W17KC60404, (2) 1997 GMC Jimmy VIN# 1GKCS13W5V2502788, with proceeds going into account #101-55700-560. Motion carried.  
Vote 5 ayes 0 nays

**13. Consideration and possible action to approve the hiring of Rodney Cavallin at Matagorda County Precinct #1 as a Heavy Equipment Operator at \$16.00 an hour as within the Precinct #1 budget**

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

**14. Consideration and possible action to approve the hiring of Joe Irvin at Matagorda County Precinct #1 as a Light Equipment Operator at \$13.50 an hour as within the Precinct #1 budget**

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 hiring of Joe Irvin at Matagorda County Precinct #1 as a Light Equipment Operator at \$13.50 an hour as within the Precinct #1 budget. Motion carried.

Vote 5 ayes 0 nays

**15. Consideration and possible action to Order the Partial Abandonment of the following unimproved roadway situated in the T. F. Koch Subdivision, Palacios, Matagorda County, Texas pursuant to 251.058 of the Transportation Code, that portion of roadway being a 40' wide road that runs north to south between tracts 1 and 15 of Section 28 a distance of approximately 5,250 feet to the south line of tracts 8 and 9, said south line also being the south line of Section 28 lying and situated in the T. F. Koch Subdivision Volume 23, page 118 and 119, Matagorda County Deed Records, once abandoned, the Court further orders further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property as Grantor; and Matagorda County Navigation District No. 1 as Grantees receiving the conveyance**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to Order the Partial Abandonment of the following unimproved roadway situated in the T. F. Koch Subdivision, Palacios, Matagorda County, Texas pursuant to 251.058 of the Transportation Code, that portion of roadway being a 40' wide road that runs north to south between tracts 1 and 15 of Section 28 a distance of approximately 5,250 feet to the south line of tracts 8 and 9, said south line also being the south line of Section 28 lying and situated in the T. F. Koch Subdivision Volume 23, page 118 and 119, Matagorda County Deed Records, once abandoned, the Court further orders further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property as Grantor; and Matagorda County Navigation District No. 1 as Grantees receiving the conveyance. Motion carried. Vote 5 ayes 0 nays.

**16. Consideration and possible action to Order the Partial Abandonment of the following unimproved roadway situated in the T. F. Koch Subdivision, Palacios, Matagorda County, Texas pursuant to 251.058 of the Transportation Code, that portion of roadway being a 60' wide road that runs east to west between the SW/4 of Section 11 and the northern side of Section 28, specifically along the North Side of Tracts 1 and 15 out of Section 28 (approximately 2,562.5 feet) lying and situated in the T. F. Koch Subdivision Volume 23, page 118 and 119, Matagorda County Deed Records, once abandoned, the Court further orders further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property as Grantor; and Matagorda County Navigation District No. 1 as Grantees receiving the conveyance**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to Order the Partial Abandonment of the following unimproved roadway situated in the T. F. Koch Subdivision, Palacios, Matagorda County, Texas pursuant to 251.058 of the Transportation Code, that portion of roadway being a 60' wide road that runs east to west between the SW/4 of Section 11 and the northern side of Section 28, specifically along the North Side of Tracts 1 and 15 out of Section 28 (approximately 2,562.5 feet) lying and situated in the T. F. Koch Subdivision Volume 23, page 118 and 119, Matagorda County Deed Records, once abandoned, the Court further orders further directs the County Clerk to index the order in the County Deed Records in a manner that describes the County conveying the property as Grantor; and Matagorda County Navigation District No. 1 as Grantees receiving the conveyance. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve a Cellular Phone Allowance for Sergeant Courtney Harvey, 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 Pollard and seconded by Commissioner Graham, with all others concurring, to approve a Cellular Phone Allowance for Sergeant Courtney Harvey, in the amount of \$60.00 per month according to county policies and procedures. Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to award Grant Works, Inc. as grant administrator pertaining to United States Economic Development Administration programs**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to award Grant Works, Inc. as grant administrator pertaining to United States Economic Development Administration programs. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to award Grant Works, Inc. as grant administrator pertaining to Texas Capital Fund as administered by the Texas Department of Agriculture**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to award Grant Works, Inc. as grant administrator pertaining to Texas Capital Fund as administered by the Texas Department of Agriculture. Motion carried. Vote 5 ayes 0 nays

**20. 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 Gibson 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

**21. Consideration and possible action to adopt the 2018 Proposed Maintenance and Operation tax rate of .41341, for a total tax rate of .41758**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to adopt the 2018 Proposed Maintenance and Operation tax rate of .41341, for a total tax rate of .41758. Motion carried. Record Vote:

County Judge	Aye
Commissioner Pct. 1	Aye
Commissioner Pct. 2	Aye
Commissioner Pct. 3	Aye
Commissioner Pct. 4	Aye

**22. Consideration and possible action to adopt the 2018 Proposed Interest and Sinking tax rate of .00417, for a total tax rate of .41758**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to adopt the 2018 Proposed Interest and Sinking tax rate of .00417, for a total tax rate of .41758. Motion carried. Record Vote:

County Judge	Aye
Commissioner Pct. 1	Aye
Commissioner Pct. 2	Aye
Commissioner Pct. 3	Aye
Commissioner Pct. 4	Aye

**23. Consideration and possible action to adopt the 2018 Property Tax Rate of .41758**

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 adopt the 2018 Property tax rate of .41758. Motion carried. Record Vote:

County Judge	Aye
Commissioner Pct. 1	Aye
Commissioner Pct. 2	Aye
Commissioner Pct. 3	Aye
Commissioner Pct. 4	Aye

**25. Consideration and possible action to approve the Order of Special Election to legalize the sale of all alcoholic beverages including mixed beverages in Commissioner/Justice of the Peace, Precinct #1, to be held on November 6, 2018 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 Frick, with all others concurring, to approve the Order of Special Election to legalize the sale of all alcoholic beverages including mixed beverages in Commissioner/Justice of the Peace, Precinct #1, to be held on November 6, 2018 and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**26. Consideration and possible action to approve a Hazard Mitigation Services Contract between Matagorda County and Grantworks, Inc.**

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 Hazard Mitigation Services Contract between Matagorda County and Grantworks, Inc. Motion carried. Vote 5 ayes 0 nays

**27. Consideration and possible action to approve the 2019 Sheriffs' and Constables' Fees, with no change in amount of fees from 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 the 2019 Sheriffs' and Constables' Fees, with no change in amount of fees from 2017. Motion carried. Vote 5 ayes 0 nays

**28. Consideration and possible action to appoint the Central Counting Station Judge, Central Counting Station Manager, Tabulation Supervisor, Assistant Tabulation Supervisor according to the Texas Election Code Sec. 127.002 to 127.005**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Pollard, with all others concurring, to appoint the Central Counting Station Judge, Central Counting Station Manager, Tabulation Supervisor, Assistant Tabulation Supervisor according to the Texas Election Code Sec. 127.002 to 127.005. Motion carried. Vote 5 ayes 0 nays

**29. Consideration and possible action to approve a Memorandum of Agreement between Matagorda County and the Federal Emergency Management Agency Integrated Public Alert and Warding System (IPAWS) Program Management Office, regarding the use of Matagorda County Interoperable Systems and IPAWS Open Platform for Emergency Networks**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to approve a Memorandum of Agreement between Matagorda County and the Federal Emergency Management Agency Integrated Public Alert and Warding System (IPAWS) Program Management Office, regarding the use of Matagorda County Interoperable Systems and IPAWS Open Platform for Emergency Networks. Motion carried. Vote 5 ayes 0 nays

**30. Consideration and possible action to approve the County Maintained Road Mileage Certification and allow 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 the County Maintained Road Mileage Certification and allow County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**31. Workshop regarding Matagorda County Child Protective Services**

This being the next item for business, no action required

**32. Consideration and possible action to approve payment in the amount of \$20,000 made payable to Matagorda County Child Protective Services**

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 in the amount of \$20,000 made payable to Matagorda County Child Protective Services. Motion carried. Vote 5 ayes 0 nays

**33. Consideration and possible action to approve the Payment of Bills**

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

**34. Consideration and possible action to approve Payment of 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 Payment of Bank Drafts. 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 County Judge McDonald and seconded by Commissioner Gibson, with all others concurring, to approve Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

36. **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 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**

This being the next item for business, motion was duly made at 10:43 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 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

Motion carried. Vote 5 ayes 0 nays

37. **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 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**

This being the next item for business, motion was duly made at 12:01 a.m. by Commissioner Graham and seconded by Commissioner Gibson, 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

Under section 551.071 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

Motion carried. Vote 5 ayes 0 nays

Motion was made by County Judge McDonald and seconded by Commissioner Frick, with all others concurring to authorize the County Attorney to send a notice letter to the Bay Area Model Airplane Club to clarify procedures for grounds maintenance pursuant to the contract.

Motion was made by Commissioner Pollard and seconded by Commissioner Graham, with all others concurring to authorize the County Attorney to send a letter to Eon (aka Peyton Wind Farm) from Commissioners Court declining to offer tax incentives for their project at this time.

38. **Public Comments**

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

39. **Adjournment**


Motion was duly made at approximately 12:04 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 10<sup>th</sup> day of September 2018.



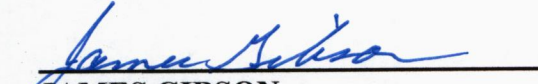
**NATE McDONALD,**  
**County Judge**



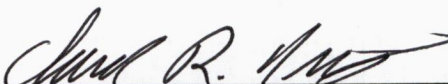
**GARY GRAHAM,**  
**Commissioner Precinct No. One**  
**Judge Pro Tem**



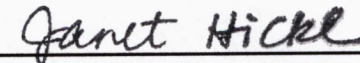
**KENT POLLARD**  
**Commissioner Precinct No. Two**



**JAMES GIBSON**  
**Commissioner Precinct No. Three**



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

ATTEST: 

**Janet Hickl, County Clerk**

*By: Maggie Perez  
Chief Deputy*