

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, DECEMBER 16, 2013

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 16th day of December 2013 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: Doug Matthes, Mike Strotmeide, Barry Halvorson, Ruben Gonzales, Sheriff Osborne, Chinatu Gladrich, Laura Reyna, Brent Batchelor, Ellen Dodd, Denise Fortenberry, Harriet Townsend and Janet Hickl

1. **Certification of quorum**

County Judge McDonald certified a quorum in attendance with Commissioner Kent Pollard, Commissioner Pustka, Commissioner Woodson and Commissioner James Gibson.

2. **Pledge of Allegiance – Commissioner Pollard**

3. **Texas Pledge – Commissioner Pollard**

4. **Prayer – Commissioner Pustka**

5. **Consideration and possible action regarding approving Commissioners Court Minutes for December 09, 2013**

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring, to approve Commissioners Court Minutes for December 9, 2013. 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 Pustka and seconded by Commissioner Woodson, with all others concurring, to approve one 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 Contract between Matagorda County and the Bay City Service Center for FY 2014 and FY 2015, to operate the Bay City Service Center as a recreational or cultural facility, and receive the amount of \$3,591.00 annually**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to approve a Contract between Matagorda County and the Bay City Service Center for FY 2014 and FY 2015, to operate the Bay City Service Center as a recreational or cultural facility, and receive the amount of \$3,591.00 annually. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve a Contract between Matagorda County and Yrenia Cruz to manage and maintain the Markham Community Center and Markham Annex Building for FY 2014 and FY 2015, and receive \$200.00 per month

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring, to approve a Contract between Matagorda County and Yrenia Cruz to manage and maintain the Markham Community Center and Markham Annex Building for FY 2014 and FY 2015, and receive \$200.00 per month. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve a Contract between Matagorda County and Dane Simons, M.D., to serve as the EMS Director for Matagorda County for FY 2014 and FY 2015, and receive \$2,000.00 per month

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 a Contract between Matagorda County and Dane Simons, M.D., to serve as the EMS Director for Matagorda County for FY 2014 and FY 2015, and receive \$2,000.00 per month. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve a Contract in the amount of \$300.00 between Matagorda County and Coastal Aerobic Systems, LLC for On Site Sewage Facility (OSSF) Maintenance at the Matagorda County Transfer Station for one year, beginning January 2, 2014 and ending January 2, 2015

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 a Contract in the amount of \$300.00 between Matagorda County and Coastal Aerobic Systems, LLC for On Site Sewage Facility (OSSF) Maintenance at the Matagorda County Transfer Station for one year, beginning January 2, 2014 and ending January 2, 2015. Motion Carried. Vote 5 ayes 0 nays

11. Consideration and possible action to accept a donation from the Bay City Lions Club in the amount of \$500.00 to the Matagorda County Sheriff's Office for use with the new Narcotics Detection/Tracking Canine

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to accept a donation from the Bay City Lions Club in the amount of \$500.00 to the Matagorda County Sheriff's Office for use with the new Narcotics Detection/Tracking Canine. Motion carried. Vote 5 ayes 0 nays.

12. Consideration and possible action to authorize the Matagorda County Sheriff's Office to donate a white 2006 Ford Crown Victoria, Vin #2FAFP71W06X154564, to the City of Palacios for use at the city airport

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to authorize the Matagorda County Sheriff's Office to donate a white 2006 Ford Crown Victoria, Vin #2FAFP71W06X154564, to the City of Palacios for use at the city airport. Motion carried. Vote 5 ayes 0 nays

13. Presentation of the 2013 Texas A&M AgriLife Extension Office Annual Report by Brent Batchelor, Laura Reyna, and Chinatu Gladrich

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

14. Consideration and possible action to approve a Demand Check in the amount of \$10,904.00 to VFIS of Texas, in payment for the second (2) year installment of a three (3) year contract for medical coverage over and above Workers' Compensation for volunteer firefighters in Matagorda County

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to approve a Demand Check in the amount of \$10,904.00 to VFIS of Texas, in payment for the second (2) year installment of a three (3) year contract for medical coverage over and above Workers' Compensation for volunteer firefighters in Matagorda County. Motion carried. Vote 5 ayes 0 nays.

15. Consideration and possible action to authorize Commissioner Gibson, Precinct #3, to hire Kenneth McCay as a mechanic at 13-3 due to his experience

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to authorize Commissioner Gibson, Precinct #3, to hire Kenneth McCay as a mechanic at 13-3 due to his experience. Motion carried. Vote 5 ayes 0 nays.

16. Consideration and possible action to approve a Demand Check made payable to Caterpillar Financial Services in the amount of \$61,800.00

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to approve a Demand Check made payable to Caterpillar Financial Services in the amount of \$61,800.00. Motion carried. Vote 5 ayes 0 nays.

17. Consideration and possible action to approve the reimbursement of Matagorda Volunteer Fire Department in the amount of \$6,000.00 toward the purchase price of a 1990 International Commercial 6X4 Tanker

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 reimbursement of Matagorda Volunteer Fire Department in the amount of \$6,000.00 toward the purchase price of a 1990 International Commercial 6X4 Tanker. Motion carried. Vote 5 ayes 0 nays.

18. Consideration and possible action to approve a Temporary Construction License between Ken Shupak and Starla Shupak and Matagorda County and allow Judge Nate McDonald to execute on behalf of Matagorda County

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 a Temporary Construction License between Ken Shupak and Starla Shupak and Matagorda County and allow Judge Nate McDonald to execute on behalf of Matagorda County. Motion carried. Vote 5 ayes 0 nays.

19. Consideration and possible action to approve a Temporary Construction License between S. H. Hawkins Estate, % Mike Hawkins and Matagorda County and allow Judge Nate McDonald to execute on behalf of Matagorda County

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 a Temporary Construction License between S. H. Hawkins Estate, % Mike Hawkins and Matagorda County and allow Judge Nate McDonald to execute on behalf of Matagorda County. Motion carried. Vote 5 ayes 0 nays.

20. Consideration and possible action to grant OXEA's request for variances from Section 2(k)(2) from the current Matagorda County's Tax Abatement Policy and Guidelines

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to table action to grant OXEA's request for variances from Section 2(k)(2) from the current Matagorda County's Tax Abatement Policy and Guidelines. Motion carried. Vote 5 ayes 0 nays.

21. Consideration and possible action to approve the Tax Abatement Agreement with OXEA Corporation pursuant to Chapter 312 of the Texas Tax Code and give County Judge authorization to sign

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to table approving the Tax Abatement Agreement with OXEA Corporation pursuant to Chapter 312 of the Texas Tax Code and give County Judge authorization to sign. Motion carried. Vote 5 ayes 0 nays.

22. Consideration and possible action to approve Line Item Transfers

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

23. 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.

23a. Consideration and possible action to ratify a contract with COD Auto Glass Services in the amount of \$3,000.00 for the removal and replacement of glass on the west side of the County Attorney's office

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to ratify a contract with COD Auto Glass Services in the amount of \$3,000.00 for the removal and replacement of glass on the west side of the County Attorney's office. Motion carried. Vote 5 ayes 0 nays.

23b. Consideration and possible action to issue a typed check for postage in the amount of \$6,000.00 for Voters Registration mail out

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to issue a typed check for postage in the amount of \$6,000.00 for Voters Registration mail out. Motion carried. Vote 5 ayes 0 nays.

24. Meet in executive session under Section 551.071 of the Gov't Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

EEOC Complaint of Leanne Johnson

This being the next item for business, motion was duly made at 10:03 am by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to Meet in executive session under Section 551.071 of the Gov't Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

EEOC Complaint of Leanne Johnson

Motion carried. Vote 5 ayes 0 nays.

25. Reconvene open session and consider taking action on the following matters:

Meet in executive session under section 551.071 of the Gov't Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matter:

EEOC Complaint of Leanne Johnson

This being the next item for business, motion was duly made at 10:09 by Commissioner Pustka and seconded by Commissioner Woodson, with all others concurring, to Reconvene open session and consider taking action on the following matters:

Meet in executive session under section 551.071 of the Gov't Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matter:

EEOC Complaint of Leanne Johnson

Motion carried. Vote 5 ayes 0 nays. No action taken.

26. Public Comments

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

27. Adjournment

Motion was duly made at approximately 10:10 a.m. by Commissioner Pustka 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 23rd day of December, 2013.

Nate McDonald
NATE McDONALD,
County Judge

Daniel Pustka
DANIEL PUSTKA,
Commissioner Precinct No. One

Kent Pollard
KENT POLLARD,
Commissioner Precinct No. Two

James Gibson
JAMES GIBSON,
Commissioner Precinct No. Three

David "Woody" Woodson
DAVID "WOODY" WOODSON
Commissioner Precinct No. Four



ATTEST: *Janet Hickl*
Janet Hickl, County Clerk