

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, DECEMBER 21, 2015

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 21st day of December 2015 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, Cathy Ezell, Tammy McDonald, Ruben Gonzales, Denise Fortenberry, Dwight Baker, Joe Lozano, Mike Reddell, Cristyn Hallmark, Doug Matthes, Steve Matula, and Janet Hickl

1. Certification of quorum

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

2. Pledge of Allegiance – County Judge McDonald

3. Texas Pledge – County Judge McDonald

4. Prayer – Commissioner Gibson

5. Consideration and possible action to regarding approving Commissioners Court Minutes for December 14, 2015

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 Commissioners Court Minutes for December 14, 2015. Motion carried. Vote 4 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 Gibson, with all others concurring, to approve one contract for the use of the Matagorda County Fairground facilities. Motion carried. Vote 4 ayes 0 nays

7. Consideration and possible action to Order the Abandonment of the Showboat Subdivision (Lots 1,2,3, and 4, and Reserve A), including all the County's right, title and interest in right of ways, roads or utility easements within this Addition, and being all of that certain tract or parcel containing 27.98 acres situated in the I&GNRR, Co. Survey 3 Block 3, Abstract No. 339 and in the I&GNRR Co. Survey 2, Block No. 3, Abstract No. 275, and being a part of Lot 10 of the Morton's Bucks Bayou Subdivision according to the plat recorded in Volume 35, Page 143 of the Matagorda County Deed Records, and being the same property described as 27.88 acres in Warranty Deed with Vendor's Lien dated December 31, 1984 from Mary Anna Hudson to J. N. McDonald, Jr., recorded in Volume 48, Page 330 of the Matagorda County Records with this 27.98 acres more particularly described by metes and bounds which are attached. Tom Fore, dba Fore Financial Services, Owner, represented by Bobby Wilkinson, is in negotiations with a buyer represented by John Merck

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to Order the Abandonment of the Showboat Subdivision (Lots 1,2,3, and 4, and Reserve A), including all the County's right, title and interest in right of ways, roads or utility easements within this Addition, and being all of that certain tract or parcel containing 27.98 acres situated in the I&GNRR, Co. Survey 3 Block 3, Abstract No. 339 and in the I&GNRR Co. Survey 2, Block No. 3, Abstract No. 275, and being a part of Lot 10 of the Morton's Bucks Bayou Subdivision according to the plat recorded in Volume 35, Page 143 of the Matagorda County Deed Records, and being the same property described as 27.88 acres in Warranty Deed with Vendor's Lien dated December 31, 1984 from Mary Anna Hudson to J. N. McDonald, Jr., recorded in Volume 48, Page 330 of the Matagorda County Records with this 27.98 acres more particularly described by metes and bounds which are attached. Tom Fore, dba Fore Financial Services, Owner, represented by Bobby Wilkinson, is in negotiations with a buyer represented by John Merck. Motion carried. Vote 4 ayes 0 nays

8. Consideration and possible action to accept an Order from the District Courts of Matagorda County appointing the Matagorda County Auditor, Cathy Ezell, for a two year term beginning January 1, 2016

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to accept an Order from the District Courts of Matagorda County appointing the Matagorda County Auditor, Cathy Ezell, for a two year term beginning January 1, 2016. Motion carried. Vote 4 ayes 0 nays

9. Consideration and possible action to approve an Interlocal Agreement between Matagorda County and Lubbock County acting through the Regional Public Defender for Capital Cases, to provide court-appointed counsel for individuals charged with the offense of capital Murder who cannot afford to hire their own attorney, with Matagorda County's contribution being \$19,407.33 per year

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 an Interlocal Agreement between Matagorda County and Lubbock County acting through the Regional Public Defender for Capital Cases, to provide court-appointed counsel for individuals charged with the offense of capital Murder who cannot afford to hire their own attorney, with Matagorda County's contribution being \$19,407.33 per year. Motion carried. Vote 4 ayes 0 nays

10. Consideration and possible action to approve the promotion of Tyler Garza from Jailer to Jail Sergeant, increasing pay from \$13.63 to \$14.68 per hour, with this amount being available in the 512 Jail budget, as of December 8, 2015

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 the promotion of Tyler Garza from Jailer to Jail Sergeant, increasing pay from \$13.63 to \$14.68 per hour, with this amount being available in the 512 Jail budget, as of December 8, 2015. Motion carried. Vote 4 ayes 0 nays

11. Consideration and possible action to approve a Demand Check payable to VFIS of Texas, for Volunteer Firefighter Insurance over and above Workers Compensation, in the amount of \$10,857.00, for the first year premium of a 3 year Renewal Policy #4644-4903E-0

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring, to approve a Demand Check payable to VFIS of Texas, for Volunteer Firefighter Insurance over and above Workers Compensation, in the amount of \$10,857.00, for the first year premium of a 3 year Renewal Policy #4644-4903E-0. Motion carried. Vote 4 ayes 0 nays

12. Consideration and possible action to approve a Construction Contract Change Order for Disaster Recovery Grant #12-485-000-6657 (Sargent Streets Roadway Hardening) decreasing the contract Price by \$142,899.54, and authorizing the County Judge to sign

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 Construction Contract Change Order for Disaster Recovery Grant #12-485-000-6657 (Sargent Streets Roadway Hardening) decreasing the contract Price by \$142,899.54, and authorizing the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

13. Consideration and possible action to approve a Certificate of Construction Completion for Disaster Recovery Grant #12-485-000-6657 (Sargent Streets Roadway Hardening), 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 Gibson, with all others concurring, to approve a Certificate of Construction Completion for Disaster Recovery Grant #12-485-000-6657 (Sargent Streets Roadway Hardening), and authorize the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

14. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Report for September 2015

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 the Matagorda County Treasurer's Monthly Report for September 2015. Motion carried. Vote 4 ayes 0 nays

15. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Report for October 2015

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 the Matagorda County Treasurer's Monthly Report for October 2015. Motion carried. Vote 4 ayes 0 nays

16. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Report for November 2015

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Pollard, with all others concurring, to table approving the Matagorda County Treasurer's Monthly Report for November 2015. Motion carried. Vote 4 ayes 0 nays

17. Consideration and possible action to accept the Matagorda County Auditor's Monthly Report for September 2015

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to accept the Matagorda County Auditor's Monthly Report for September 2015. Motion carried. Vote 4 ayes 0 nays

18. Consideration and possible action to accept the Internal Review Reports for 3rd Quarter of 2015

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Pustka, with all others concurring, to accept the Internal Review Reports for 3rd Quarter of 2015. Motion carried. Vote 4 ayes 0 nays

19. Consideration and possible action to accept the Matagorda County Auditor's Monthly Investment Report for November 2015

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to accept the Matagorda County Auditor's Monthly Investment Report for November 2015. Motion carried. Vote 4 ayes 0 nays

20. 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 4 ayes 0 nays

21. 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 Pustka, with all others concurring, to approve Emergency Amendments. Motion carried. Vote 4 ayes 0 nays

22. Meet in executive session under section 551.071(1)(a) 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;

Under Section 551.087 of the Gov't Code to discuss or deliberate regarding commercial or financial information 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; and

Under Section 551.071(2) of the Gov't Code to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

This being the next item for business, motion was duly made at 9:57 am by Commissioner Gibson, and seconded by Commissioner Pustka, with all others concurring, to Meet in executive session under section 551.071(1)(a) 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;

Under Section 551.087 of the Gov't Code to discuss or deliberate regarding commercial or financial information 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; and Under Section 551.071(2) of the Gov't Code to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. Motion carried. Vote 4 ayes 0 nays

23. **Reconvene open session and consider taking action on the matters discussed in:**

Executive Session under section 551.071(1)(a) 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;

Executive Session under Section 551.087 of the Gov't Code to discuss or deliberate regarding commercial or financial information 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;

Executive Session under Section 551.071(2) of the Gov't Code to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

This being the next item for business, motion was duly made at 11:14 am by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to Reconvene open session and consider taking action on the matters discussed in:

Executive Session under section 551.071(1)(a) 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;

Executive Session under Section 551.087 of the Gov't Code to discuss or deliberate regarding commercial or financial information 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;

Executive Session under Section 551.071(2) of the Gov't Code to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. Motion carried. Vote 4 ayes 0 nays

24. **Public Comments**

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

25. **Adjournment**

Motion was duly made at approximately 11:14 a.m. by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to adjourn the meeting. Motion carried. Vote 4 ayes 0 nays

Approved in Open Court, this the ^{28th} 7th day of December, 2015.

absent
NATE McDONALD,
County Judge

absent
DANIEL PUSTKA,
Commissioner Precinct No. One

Kent Pollard
KENT POLLARD, Judge Pro Tem
Commissioner Precinct No. Two

James Gibson
JAMES GIBSON,
Commissioner Precinct No. Three

Charles "Bubba" Frick
CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST: Janet Hickl
Janet Hickl, County Clerk

