

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, SEPTEMBER 14, 2015**

**Call to Order**

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 14<sup>th</sup> day of September 2015 in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with Commissioner Pollard, Judge Pro Tem presiding.

Others present were as follows: Sheriff Osborne, Cathy Ezell, Doug Matthes, Chris Peikert, Cristyn Hallmark, Tammy McDonald, Jamie Bludau, Brandon Cox, Denise Fortenberry, Joe A. Lozano, Mike Reddell, Mitch Thames, Robb Muil, Kim Griffith, Marian Bullard, Chinatu Gladrich, Rhonda Gregg, Michele Gaerke, Bobby Head, Carole Patrtick, Harriet Townsend and Janet Hickl

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Gibson**

**4. Prayer – Commissioner Pustka**

**5. 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 Frick, with all others concurring, to approve two contracts for the use of the Matagorda County Fairground facilities. Motion carried. Vote 4 ayes 0 nays

**6. Consideration and possible action to regarding approving Commissioners Court Minutes for August 20, 2015, August 24, 2015 and August 31, 2015**

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 August 20, 2015, August 24, 2015 and August 31, 2015. Motion carried. Vote 4 ayes 0 nays

**7. Consideration and possible action to approve Southern Estates, A Simple Subdivision, being 37.26 Acres, Gary Lynn Krenek, et ux, 637/218 Matagorda County Official Records in the Henry Gosling Survey, Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Pollard, Judge Pro Tem and seconded by Commissioner Pustka, with all others concurring, to approve Southern Estates, A Simple Subdivision, being 37.26 Acres, Gary Lynn Krenek, et ux, 637/218 Matagorda County Official Records in the Henry Gosling Survey, Matagorda County, Texas. Motion carried. Vote 4 ayes 0 nays

**8. Consideration and possible action to approve a Proclamation declaring October 3, 2015 as the Family Fun Day Resource Fair in Matagorda County**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Frick, with all others concurring, to approve a Proclamation declaring October 3, 2015 as the Family Fun Day Resource Fair in Matagorda County. Motion carried. Vote 4 ayes 0 nays

**9. Consideration and possible action to approve an ACA Reporting and Tracking Service Agreement between Texas Association of Counties Health Employee Benefits Pool and Matagorda County**

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 an ACA Reporting and Tracking Service Agreement between Texas Association of Counties Health Employee Benefits Pool and Matagorda County. Motion carried. Vote 4 ayes 0 nays 1 abstain

**10. Presentation regarding the Texas General Land Office by Kim Griffith, Area Manager, and Robb Muil, Senior Response Officer, from the GLO office in Port Lavaca, Texas, Region 5, explaining the office's expanded jurisdiction for Oil Spill Prevention and Response to include Matagorda County**

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

**11. Consideration and possible action to approve revisions to Matagorda County's Travel Policy**

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 revisions to Matagorda County's Travel Policy. Motion carried. Vote 4 ayes 0 nays

**12. Consideration and possible action to approve the Republican Election Judges serving September 1, 2015 to August 31, 2016 and setting the number of election clerk's for each precinct**

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 Republican Election Judges serving September 1, 2015 to August 31, 2016 and setting the number of election clerk's for each precinct. Motion Carried. Vote 4 ayes 0 nays

**13. Consideration and possible action to approve the Democratic Election Judges serving September 1, 2015 to August 31, 2016 and setting the number of election clerk's for each precinct**

This being the next item for business, motion was duly made Commissioner Gibson and seconded by Commissioner Frick, with all others concurring, to approve the Democratic Election Judges serving September 1, 2015 to August 31, 2016 and setting the number of election clerk's for each precinct. Motion carried. Vote 4 ayes 0 nays

**14. Consideration and possible action to enter into a contract with Cigna for Matagorda County's Long-term Disability Coverage and allow Judge Pro-tem to sign all documents**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to enter into a contract with Cigna for Matagorda County's Long-term Disability Coverage and allow Judge Pro-tem to sign all documents. Motion carried. Vote 4 ayes 0 nays

**15. Consideration and possible action to authorize an application to American Public Life to provide voluntary accident insurance for Matagorda County Employees**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to authorize an application to American Public Life to provide voluntary accident insurance for Matagorda County Employees. Motion carried. Vote 4 ayes 0 nays

**16. Consideration and possible action to authorize an application to American Public Life to provide voluntary cancer insurance for Matagorda County Employees**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Gibson, with all others concurring, to authorize an application to American Public Life to provide voluntary cancer insurance for Matagorda County Employees. Motion carried. Vote 4 ayes 0 nays

**17. Consideration and possible action to approve making Financial Benefit Services, Inc., the Agent to act as the County's representative in negotiations in basic life, voluntary life, TXlife, vision, disability, critical illness, heart and stroke, cancer, accident, ID theft, medical reimbursement and COBRA**

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 making Financial Benefit Services, Inc., the Agent to act as the County's representative in negotiations in basic life, voluntary life, TXlife, vision, disability, critical illness, heart and stroke, cancer, accident, ID theft, medical reimbursement and COBRA. Motion carried. Vote 4 ayes 0 nays

**18. Consideration and possible action to issue a typed check for postage for tax statements in the amount of \$15,000.00**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to issue a typed check for postage for tax statements in the amount of \$15,000.00. Motion carried. Vote 4 ayes 0 nays.

**19. Consideration and possible action to approve the hiring of Jailer, Micheaux Goodson, at \$13.63, due to his years of experience working in jail environments, beginning on his hire date of September 4, 2015**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to approve the hiring of Jailer, Micheaux Goodson, at \$13.63, due to his years of experience working in jail environments, beginning on his hire date of September 4, 2015. Motion carried. Vote 4 ayes 0 nays

**20. Consideration and possible action to approve the move of Jennifer Keith from ID Clerk to Jailer, effective August 17, 2015 and pay at \$13.63, and being within my budget**

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 the move of Jennifer Keith from ID Clerk to Jailer, effective August 17, 2015 and pay at \$13.63, and being within my budget. Motion carried. Vote 4 ayes 0 nays

**21. Consideration and possible action to approve a Proclamation declaring September as Family Mealtime 2015, Making It Fun in Matagorda County**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to approve a Proclamation declaring September as Family Mealtime 2015, Making It Fun in Matagorda County. Motion carried. Vote 4 ayes 0 nays

**22. Consideration and possible action to approve the starting salary for Fred Pena III as a Light Equipment Operator for Precinct #3 at Pay Group 12, hourly rate of \$11.88, due to his previous experience, and for this salary to become effective September 1, 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 approve the starting salary for Fred Pena III as a Light Equipment Operator for Precinct #3 at Pay Group 12, hourly rate of \$11.88, due to his previous experience, and for this salary to become effective September 1, 2015. Motion carried. Vote 4 ayes 0 nays

**23. Consideration and possible action to approve a Federal Excise Tax Exemption Certificate from Voyager Fleet Systems, Inc. regarding taxable fuel for Matagorda County, and authorize County Judge Pro-Tem to sign**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to approve a Federal Excise Tax Exemption Certificate from Voyager Fleet Systems, Inc. regarding taxable fuel for Matagorda County, and authorize County Judge Pro-Tem to sign. Motion carried. Vote 4 ayes 0 nays

**24. Consideration and possible action to ratify a contract between Matagorda County and Champion Energy Services, to provide electricity for all county facilities for 24 months beginning on July 2, 2016**

This being the next item for business, motion was duly made by Commissioner Pollard, Judge Pro Tem, and seconded by Commissioner Frick, with all others concurring, to ratify a contract between Matagorda County and Champion Energy Services, to provide electricity for all county facilities for 24 months beginning on July 2, 2016. Motion carried. Vote 4 ayes 0 nays

**25. Consideration and possible action to allow the County Attorney and County Auditor to work on an interlocal agreement with Matagorda County Special Districts: Drainage District #1, Drainage District #2, Drainage District #3, Drainage District #4, Conservation and Reclamation, and Palacios Seawall Commission, to provide investment and human resources services**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to allow the County Attorney and County Auditor to work on an interlocal agreement with Matagorda County Special Districts: Drainage District #1, Drainage District #2, Drainage District #3, Drainage District #4, Conservation and Reclamation, and Palacios Seawall Commission, to provide investment and human resources services. Motion carried. Vote 4 ayes 0 nays

**26. Consideration and possible action to approve a Stop-Loss Agreement between the Texas Association of Counties Health and Employee Benefits Pool and Matagorda County**

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 a Stop-Loss Agreement between the Texas Association of Counties Health and Employee Benefits Pool and Matagorda County. Motion carried. Vote 4 ayes 0 nays

**27. Consideration and possible action to approve an Administrative Services Agreement between the Texas Association of Counties Health and Employee Benefits Pool and Matagorda County**

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 an Administrative Services Agreement between the Texas Association of Counties Health and Employee Benefits Pool and Matagorda County. Motion carried. Vote 4 ayes 0 nays

**28. Consideration and possible action to appoint appraiser, Bill Bell, to determine fair market value of 1.462 acre tract situated in A. H. Pierce Survey, Abstract 456, Matagorda County, Texas and being part of fractional Section 10 of the Theo. F. Koch Subdivision, according to the map of said Subdivision recorded in Volume 19, Page 640 of the Matagorda County Deed Records**

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Frick, with all others concurring, to appoint appraiser, Tim Bell, to determine fair market value of 2/3 acre that runs concurrent with 1.462 acre tract situated in A. H. Pierce Survey, Abstract 456, Matagorda County, Texas and being part of fractional Section 10 of the Theo. F. Koch Subdivision, according to the map of said Subdivision recorded in Volume 19, Page 640 of the Matagorda County Deed Records. Motion carried. Vote 4 ayes 0 nays

**29. Consideration and possible action to approve a Master Agreement for Professional Services between Atkins North America, Inc. and Matagorda County for Professionals Services listed in Attachment A (Preliminary Task List)**

This being the next item for business, motion was duly made by Commissioner Pollard, Judge Pro Tem, and seconded by Commissioner Pustka, with all others concurring, to approve a Master Agreement for Professional Services between Atkins North America, Inc. and Matagorda County for Professionals Services listed in Attachment A (Preliminary Task List). Motion carried. Vote 4 ayes 0 nays

**30. Consideration and possible action to accept the bid tabulation and recommendation for IDC, Inc. to award the bid for the Texas Capitol Fund Grant #713082 (SH 35 Infrastructure Improvement Project and SH 35 Bay City Pavement Widening of SH 35) to James Construction LLC, in the amount of \$1,126,524.67**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to accept the bid tabulation and recommendation for IDC, Inc. to award the bid for the Texas Capitol Fund Grant #713082 (SH 35 Infrastructure Improvement Project and SH 35 Bay City Pavement Widening of SH 35) to James Construction LLC, in the amount of \$1,126,524.67 Motion carried. Vote 4 ayes 0 nays

**31. Consideration and possible action to approve the July 2015 Monthly Investment Report**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to approve the July 2015 Monthly Investment Report. Motion carried. Vote 4 ayes 0 nays

**32. Consideration and possible action to approve the August 2015 Monthly Investment Report**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to approve the August 2015 Monthly Investment Report. Motion carried. Vote 4 ayes 0 nays

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

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to approve Payment of Bills. Motion carried. Vote 4 ayes 0 nays

**34. Consideration and possible action to approve Line Item Transfers**

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 Line Item Transfers. Motion carried.  
Vote 4 ayes 0 nays

**35. Meet in executive session under section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeds 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 10:43 am by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to Meet in executive session under section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeds 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 4 ayes 0 nays

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

**Meet in executive session under section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeds 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 11:19 am by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to Reconvene open session and consider taking action on the matters discussed in:

Meet in executive session under section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeds 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 4 ayes 0 nays

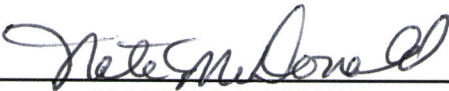
**37. Public Comments**

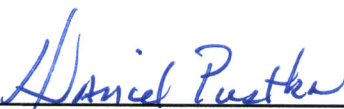
This being the next item for business, no action required.

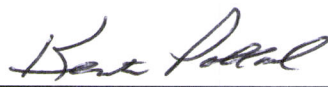
**38. Adjournment**


Motion was duly made at approximately 11:20 a.m. by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adjourn the meeting. Motion carried.  
Vote 4 ayes 0 nays

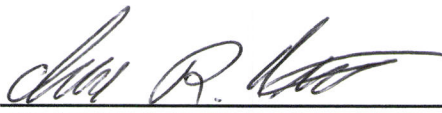
Approved in Open Court, this the 21<sup>st</sup> day of September, 2015.

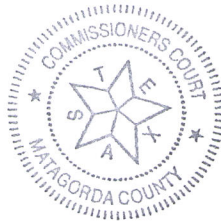
  
\_\_\_\_\_  
NATE McDONALD,  
County Judge

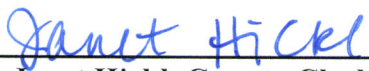
  
\_\_\_\_\_  
DANIEL PUSTKA,  
Commissioner Precinct No. One

  
\_\_\_\_\_  
KENT POLLARD, Judge Pro Tem  
Commissioner Precinct No. Two

  
\_\_\_\_\_  
JAMES GIBSON,  
Commissioner Precinct No. Three

  
\_\_\_\_\_  
CHARLES "BUBBA" FRICK  
Commissioner Precinct No. Four



ATTEST:   
\_\_\_\_\_  
Janet Hickl, County Clerk