

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, SEPTEMBER 14, 2020
VIA ZOOM TELECONFERENCE

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, September 14, 2020, via Zoom video teleconference (due to circumstances pertaining to COVID-19), with County Judge McDonald presiding.

Others present on the video teleconference were as follows: Kristen Kubecka, Denise Fortenberry, Skipper Osborne, Loretta Griffin, Aaron Sumrall, Amanda Campos, Andrew Biar, Jimmy Galvan, Mike Reddell, Jamie Grantz, Karla Lewis, Lisa Krobot, Mike Ferdinand, Tressa Leadford, Will Ferguson, Mitch Thames, Chris Peikert, Shannon Longoria, Jessica Russell, Crystal Morones and Stephanie Wurtz.

1. Certification of quorum

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

2. Pledge of Allegiance – Commissioner Frick

3. Texas Pledge – Commissioner Frick

4. Prayer – Commissioner Gibson

5. Consideration and possible action regarding approving Commissioner's Court Minutes for August 31, 2020

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 Commissioner's Court Minutes for August 31, 2020. Motion carried. Vote 5 ayes 0 nays

6. Consideration and possible action regarding contracts for the use of the Matagorda County Fairgrounds facilities

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

7. Consideration and possible action to approve the 2021 Holidays for Matagorda County Personnel

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 the 2021 Holidays for Matagorda County Personnel. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve an extension of the Matagorda County Declaration of Disaster for COVID-19 beginning on August 24, 2020 and ending on September 28, 2020 and allow County Judge, Nate McDonald to sign

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Gibson, with all others concurring, to approve an extension of the Matagorda County Declaration of Disaster for COVID-19 beginning on August 24, 2020 and ending on September 28, 2020 and allow County Judge, Nate McDonald to sign. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve an extension of the Matagorda County Declaration of Disaster for Hurricane Laura beginning on September 10, 2020 and ending on September 28, 2020 and allow County Judge, Nate McDonald to sign

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve an extension of the Matagorda County Declaration of Disaster for Hurricane Laura beginning on September 10, 2020 and ending on September 28, 2020 and allow County Judge, Nate McDonald to sign. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve a Federal Excise Tax Exemption Certificate from U.S. Bank Voyager Fleet Cards, for fuel purchases for the District Attorney Office covering January 01, 2021 through December 31, 2021, 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 Gibson, with all others concurring, to approve a Federal Excise Tax Exemption Certificate from U.S. Bank Voyager Fleet Cards, for fuel purchases for the District Attorney Office covering January 01, 2021 through December 31, 2021, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve a Federal Excise Tax Exemption Certificate from U.S. Bank Voyager Fleet Cards, for fuel purchases for the Sheriff's Department covering January 1, 2021 through December 31, 2021, 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 Federal Excise Tax Exemption Certificate from U.S. Bank Voyager Fleet Cards, for fuel purchases for the Sheriff's Department covering January 01, 2021 through December 31, 2021, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to accept Matagorda County's share of Unclaimed Capital Credits from the Texas Comptroller's Office, in the amount of \$18,627.00, and transfer as per Section 381.004 of the Texas Government Code, transfer to Matagorda County Economic Development Corporation for Economic Development Projects in Matagorda County

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to accept Matagorda County's share of Unclaimed Capital Credits from the Texas Comptroller's Office, in the amount of \$18,627.00, and transfer as per Section 381.004 of the Texas Government Code, transfer to Matagorda County Economic Development Corporation for Economic Development Projects in Matagorda County. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve a temporary License/Permit for alcohol beverages at the Matagorda County Birding and Nature Center on October 24, 2020, for their Full Moon Food Truck Festival

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to table approving a temporary License/Permit for alcohol beverages at the Matagorda County Birding and Nature Center on October 24, 2020, for their Full Moon Food

Truck Festival. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to approve the Deputation of Kelly Lewis as Part Time Deputy Treasurer in the position of Human Resources/Payroll Secretary/Receptionist class No. 2504

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 Deputation of Kelly Lewis as Part Time Deputy Treasurer in the position of Human Resources/Payroll Secretary/Receptionist class No. 2504. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to enter Public Hearing on September 14, 2020 at 9:45 a.m. regarding the adoption of an Order Limiting the Weight and Establishing Rules and Regulations of Certain Heavy-Haul Vehicles On or Over Roads Maintained by Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Graham, with all others concurring, to enter Public Hearing on September 14, 2020 at 9:47 a.m. regarding the adoption of an Order Limiting the Weight and Establishing Rules and Regulations of Certain Heavy-Haul Vehicles On or Over Roads Maintained by Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

At 9:49 a.m., motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to enter back into regular session of Commissioners Court. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to adopt an Order Limiting the Weight and Establishing Rules and Regulations of Certain Heavy-Haul Vehicles On or Over Roads Maintained by Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to adopt an Order Limiting the Weight and Establishing Rules and Regulations of Certain Heavy-Haul Vehicles On or Over Roads Maintained by Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve the submittal of a letter to the Texas Department of Agriculture to suspend the current 2, 4D Aerial Application date of October 1st, to the proposed date as September 15th, to allow ground Aerial Application by permit

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 submittal of a letter to the Texas Department of Agriculture to suspend the current 2, 4D Aerial Application date of October 1st, to the proposed date as September 15th, to allow ground Aerial Application by permit. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve Consulting Agreement-Emergency Management FY 2020 between Matagorda County and Douglas Matthes for July 2020 thru December 2020

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

19. Consideration and possible action to approve the Order of Election for the General Election to be held on November 3, 2020 and authorize the County Judge and Commissioners 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 Election for the General Election to be held

on November 3, 2020 and authorize the County Judge and Commissioners to sign. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve an Election Services Contract between Matagorda County and Palacios ISD for an election to be held November 3, 2020 and authorize the County Elections Administrator 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 an Election Services Contract between Matagorda County and Palacios ISD for an election to be held November 3, 2020 and authorize the County Elections Administrator to sign. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to approve an Election Services Contract between Matagorda County and City of Bay City for an election to be held on November 3, 2020 and authorize the County Elections Administrator 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 an Election Services Contract between Matagorda County and City of Bay City for an election to be held on November 3, 2020 and authorize the County Elections Administrator to sign. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to approve an Election Services Contract between Matagorda County and Van Vleck ISD for an election to be held on November 3, 2020 and authorize the County Elections Administrator to sign

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 an Election Services Contract between Matagorda County and Van Vleck ISD for an election to be held on November 3, 2020 and authorize the County Elections Administrator to sign. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to amend the Smarsh Agreement to increase the number of devices to 95 and allow 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 amend the Smarsh Agreement to increase the number of devices to 95 and allow the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

24. Consideration and possible action to approve the FirstNet Agreement, which will allow employees to have access to FirstNet Service on their personal devices as long as they are employed by Matagorda County and allow 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 FirstNet Agreement, which will allow employees to have access to FirstNet Service on their personal devices as long as they are employed by Matagorda County and allow the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to approve a Resolution and Financing Agreement with Government Capital Corporation pending the County Attorney's review and approval, and authorize the County Judge to sign all associated documents, regarding a 2020 914 14A Wheel Loader DCA and attachments from Mustang CAT, in amount \$134,778.70, with the first payment due in September 2021, and annually thereafter

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 Resolution and Financing Agreement with Government Capital Corporation pending the County Attorney's review and approval, and authorize the County Judge to sign all associated documents, regarding a 2020 914 14A Wheel Loader DCA and attachments from Mustang CAT, in amount \$134,778.70, with the first payment due in September 2021, and annually thereafter. Motion carried. Vote 5 ayes 0 nays

26. Consideration and possible action to approve the purchase of a 2020 914 14A Wheel Loader DCA, in the amount of \$134,778.70, from Mustang CAT by Commissioner Kent Pollard, Precinct #2, to be financed over 3 years, 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 the purchase of a 2020 914 14A Wheel Loader DCA, in the amount of \$134,778.70, from Mustang CAT by Commissioner Kent Pollard, Precinct #2, to be financed over 3 years, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

27. Consideration and possible action to accept the Engineering Services Agreement between Matagorda County and Sample Engineering Inc. DBA John D. Mercer & Associates, associated with the Texas General Land Office (GLO) Community Development Block Grant Disaster Recovery- Mitigation (CDBG-MIT) Program

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to accept the Engineering Services Agreement between Matagorda County and Sample Engineering Inc. DBA John D. Mercer & Associates, associated with the Texas General Land Office (GLO) Community Development Block Grant Disaster Recovery-Mitigation (CDBG-MIT) Program. Motion carried. Vote 5 ayes 0 nays

28. Consideration and possible action to approve Matagorda County Treasurer's Office Quarterly Investment Report for 2nd Quarter 2020

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 Matagorda County Treasurer's Office Quarterly Investment Report for 2nd Quarter 2020. Motion carried. Vote 5 ayes 0 nays

29. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly Report for June 2020

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 Matagorda County Treasurer's Office Monthly Report for June 2020. Motion carried. Vote 5 ayes 0 nays

30. Consideration and possible action to approve Payment of Demand Checks

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Pollard, with all others concurring, to approve Payment of Demand Checks. Motion carried. Vote 5 ayes 0 nays

31. Consideration and possible action to ratify Demand Checks from September 4, 2020

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to ratify Demand Checks from September 4, 2020. Motion carried. Vote 5 ayes 0 nays

32. 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

33. Consideration and possible action to approve Emergency Amendments

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 Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

34. Meet in Executive Session:

Under section 551.076 of the Texas Government Code to discuss or deliberate regarding security devices or security audits

This being the next item for business, motion was duly made at 10:31 a.m. by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to meet in Executive Session:

Under section 551.076 of the Texas Government Code to discuss or deliberate regarding security devices or security audits

Under section 551.086 of the Texas Government 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 governmental body and with which the governmental body is conducting economic developmental negotiations

Motion carried. Vote 5 ayes 0 nays

35. Reconvene open session and consider taking action on the matters discussed in Executive Session:

Under section 551.076 of the Texas Government Code to discuss or deliberate regarding security devices or security audits

This being the next item for business, motion was duly made at 11:23 a.m. by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to Reconvene open session:

Under section 551.076 of the Texas Government Code to discuss or deliberate regarding security devices or security audits

Under section 551.086 of the Texas Government 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 governmental body and with which the governmental body is conducting economic developmental negotiations

Motion was duly made by Judge McDonald, and seconded by Commissioner Frick, to reject the tax abatement application of Danish Fields Solar, LLC and return application fee to the company. Motion carried. Vote 5 ayes 0 nays

36. **Public Comments**

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

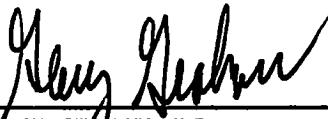
37. **Adjournment**

Motion was duly made at approximately 11:26 a.m. 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, the 21st day of September, 2020.



NATE McDONALD
County Judge



GARY GRAHAM
Commissioner Precinct No. One



KENT POLLARD
Commissioner Precinct No. Two
Judge Pro Tem

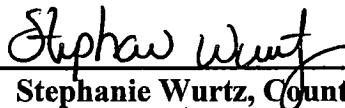


JAMES GIBSON
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST:



Stephanie Wurtz, County Clerk

