

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, FEBRUARY 28, 2022

5

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, February 28, 2022, 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: Kristen Kubecka, Jennifer Chau, Becky Cook, Skipper Osborne, Mike Reddell, Janice Hawthorne, Tressa Leadford, Loretta Griffin, Gloria Millsap, Andrew Seigrist, David Pettit, Scott Hardwick, Brooke Vandygriff, Mike Lateur, Kim Willett, James Scardami, Renato Pereira, Michael Brooks, Jessica Russell, Meg Gentle, Shelly Leurig, Gerald Byrd, DC Dunham, Mitch Thames, Steven Reis, Victor Martinez, Jr., Chris Hadash, Patrick Talbet, Rick Goronto, Crystal Morones and Stephanie Wurtz.

1. Certification of quorum

County Judge McDonald certified a quorum in attendance with Commissioner Cook, Commissioner Pollard, Commissioner Shimek and Commissioner Frick.

2. Pledge of Allegiance – Commissioner Shimek

3. Texas Pledge – Commissioner Shimek

4. Prayer – Commissioner Pollard

5. Consideration and possible action regarding approving Commissioner's Court Minutes for February 14, 2022

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve Commissioner's Court Minutes for February 14, 2022. 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 a Re-Plat of Lot 75, Colorado River Estates, Section 1, Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Shimek, with all others concurring, to approve a Re-Plat of Lot 75, Colorado River Estates, Section 1, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve a Re-Plat of Lot 2, Owen's Acres Subdivision, Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve a Re-Plat of Lot 2, Owen's Acres Subdivision, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to allow Environmental Health Department to lease a Konica/Minolta Bizhub C250i + DF-714 Printer and accessories being a Paper Feed Cabinet and a Diagnostic Power Filter from BCOS Office Technologies for 48 months, monthly rate being \$141.54 to be paid out of 010-54600-630 Environmental Health Rentals 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 Cook, with all others concurring, to allow Environmental Health Department to lease a Konica/Minolta Bizhub C250i + DF-714 Printer and accessories being a Paper Feed Cabinet and a Diagnostic Power Filter from BCOS Office Technologies for 48 months, monthly rate being \$141.54 to be paid out of 010-54600-630 Environmental Health Rentals and allow the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve a Resolution authorizing the submission of Grant Application number 3186307 Operation Stonegarden Grant, applying to the Office of the Governor, Homeland Security

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to approve a Resolution authorizing the submission of Grant Application number 3186307 Operation Stonegarden Grant, applying to the Office of the Governor, Homeland Security. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve the authorization of Next Level Professional Development, to serve and sell alcohol beverages on County Property for an event with a temporary TABC Permit on the Matagorda County Courthouse Grounds on May 28, 2022, with the understanding that copy of the approved Permit will be sent to the County Attorney

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Shimek, with all others concurring, to approve the authorization of Next Level Professional Development, to serve and sell alcohol beverages on County Property for an event with a temporary TABC Permit on the Matagorda County Courthouse Grounds on May 28, 2022, with the understanding that copy of the approved Permit will be sent to the County Attorney. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to accept the job description amendment for Position 1005, Executive Secretary, for the office of the County Attorney

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to accept the job description amendment for Position 1005, Executive Secretary, for the office of the County Attorney. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to authorize County Attorney, Jennifer Kim Chau, to hire Melanie Nunley for position 1005 at \$22.00/hour due to her prior County experience with the County Attorney's Office

This being the next item for business, motion was duly made by Commissioner Shimek. Motion died for lack of a second.

14. Consideration and possible action to authorize County Attorney, Jennifer Kim Chau, to raise the hourly rate for Executive Assistant Donna LeAnn Vernon from \$15.50 (13.33 before supplemental) to \$22.00

(19.78 before supplemental) for position 1005 due to her prior county experience with the County Attorney's Office as well as the absorption of duties from two other positions, being the Legal Assistant and the Legal Secretary Positions

This being the next item for business, agenda item died for lack of motion or second.

15. Consideration and possible action to authorize County Attorney, Jennifer Kim Chau, to raise the supplemental rate for Assistant County Attorney Kay Cooper from \$225.00 to \$450.00 due to her prior County experience with the County Attorney's Office as well as the absorption of duties from two other positions, and the increase of workload for prosecution of environmental docket

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Shimek, to authorize County Attorney, Jennifer Kim Chau, to raise the supplemental rate for Assistant County Attorney Kay Cooper from \$225.00 to \$450.00 due to her prior County experience with the County Attorney's Office as well as the absorption of duties from two other positions, and the increase of workload for prosecution of environmental docket. Motion carried. Vote 4 ayes 1 nay from Commissioner Frick

16. Consideration and possible action to accept the County Attorney's request to redistribute an additional amount of \$8,122.80 of her 2021 fiscal year state supplemental to her staff as yearly supplement to be reviewed and renewed each year in conjunction with receiving state supplemental funds

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Cook, with all others concurring, to accept the County Attorney's request to redistribute an additional amount of \$2,925.00 of her 2021 fiscal year state supplemental to her staff as yearly supplement to be reviewed and renewed each year in conjunction with receiving state supplemental funds. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve the promotion of Laina Rosniak from Warrants Deputy to Civil Sergeant, increasing her pay from \$22.23 to \$23.36 per hour, with funds available in the budget, effective February 28, 2022

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to approve the promotion of Laina Rosniak from Warrants Deputy to Civil Sergeant, increasing her pay from \$22.23 to \$23.36 per hour, with funds available in the budget, effective February 28, 2022. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve the blank template Lease Agreement to be used for the rental or lease of the Cedar Lane Community Center

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to approve the blank template Lease Agreement to be used for the rental or lease of the Cedar Lane Community Center. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve the Contract Agreement between Matagorda County and Christie McDonald for the management of the Cedar Lane Community Center from March 1, 2022 until December 31, 2023

This being the next item for business, motion was duly made by Commissioner Cook and seconded by Commissioner Frick, with all others concurring, to approve the Contract Agreement between Matagorda County and Christie McDonald for the management of the Cedar Lane Community Center from March 1, 2022 until December 31, 2023. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve the Contract Agreement between Matagorda County

and Matagorda County Museum for year 2022 – 2023

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 Contract Agreement between Matagorda County and Matagorda County Museum for year 2022 – 2023. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to approve the Contract Agreement between Matagorda County and Economic Action Committee FY 2022 – 2023

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Shimek, with all others concurring, to approve the Contract Agreement between Matagorda County and Economic Action Committee FY 2022 – 2023. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to authorize the County to enter into an Easement Encroachment Agreement with William Ottis and allow Judge Nate McDonald and the Commissioners of each precinct to sign

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to authorize the County to enter into an Easement Encroachment Agreement with William Ottis and allow Judge Nate McDonald and the Commissioners of each precinct to sign. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to approve hiring W. Todd Oncken at a starting salary as Assistant District Attorney at the Pay Group 28 annual salary rate of \$70,000.00, effective March 28, 2022

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve hiring W. Todd Oncken at a starting salary as Assistant District Attorney at the Pay Group 28 annual salary rate of \$70,000.00, effective March 28, 2022. Motion carried. Vote 5 ayes 0 nays

24. Consideration and possible action to approve Amendment No.1 to the City of Bay City and Matagorda County, Texas Agreement to participate in Tax Increment Reinvestment Zone (TIRZ) Number One, City of Bay City, Texas and authorize Judge Nate McDonald the County Judge and County Attorney Jennifer Kim Chau to sign

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Shimek, with all others concurring, to approve Amendment No.1 to the City of Bay City and Matagorda County, Texas Agreement to participate in Tax Increment Reinvestment Zone (TIRZ) Number One, City of Bay City, Texas and authorize Judge Nate McDonald the County Judge and County Attorney Jennifer Kim Chau to sign. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to approve the proposal final engineering design and survey pertaining to the Sargent Historic Stretch Beach Nourishment Project

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve the proposal final engineering design and survey pertaining to the Sargent Historic Stretch Beach Nourishment Project. Motion carried. Vote 5 ayes 0 nays

26. Public Hearing at 9:45 a.m. regarding the participation in the Texas Enterprise Zone Program and to nominate NRG South Texas LP, FM 521 Road Wadsworth, Texas 77465, to the Office of the Governor as an Enterprise Project

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to enter into a Public Hearing at 10:41 a.m. regarding the

participation in the Texas Enterprise Zone Program and to nominate NRG South Texas LP, FM 521 Road Wadsworth, Texas 77465, to the Office of the Governor as an Enterprise Project. Motion carried. Vote 5 ayes 0 nays

At 10:44 a.m., motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to enter back into regular session of Commissioners Court. Motion carried. Vote 5 ayes 0 nays

27. Consideration and possible action to participate in the Texas Enterprise Zone Program and to nominate NRG South Texas LP, FM 521 Road Wadsworth, Texas 77465, to the Office of the Governor as an Enterprise Project, and authorize Judge Nate McDonald to execute the attached Resolution

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Shimek, with all others concurring, to participate in the Texas Enterprise Zone Program and to nominate NRG South Texas LP, FM 521 Road Wadsworth, Texas 77465, to the Office of the Governor as an Enterprise Project, and authorize Judge Nate McDonald to execute the attached Resolution. Motion carried. Vote 5 ayes 0 nays

28. Public Hearing at 10:00 a.m. regarding approval of a Tax Abatement with HIF USA, LLC (Project Helix)

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to enter into a Public Hearing at 10:48 a.m. regarding approval of a Tax Abatement with HIF USA, LLC (Project Helix). Motion carried. Vote 5 ayes 0 nays

At 11:02 a.m., motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to enter back into regular session of Commissioners Court. Motion carried. Vote 5 ayes 0 nays

29. Consideration and possible action to enter into a Tax Agreement between Matagorda County and HIF USA, LLC

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Pollard, to enter into a Tax Agreement between Matagorda County and HIF USA, LLC. Motion carried. Vote 4 ayes 1 nay from Commissioner Frick

30. Consideration and possible action to authorize the County Judge to execute Certification of Application and Full-Time Jobs for Benefit and cover letter for NRG's Enterprise Project

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to authorize the County Judge to execute Certification of Application and Full-Time Jobs for Benefit and cover letter for NRG's Enterprise Project. Motion carried. Vote 5 ayes 0 nays

31. Consideration and possible action to approve Invoices from the following Departments; District Judge, County Judge, Precinct #3, Tax Assessor-Collector, District Clerk, JP #2, and Sheriff's Office

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve Invoices from the following Departments; District Judge, County Judge, Precinct #3, Tax Assessor-Collector, District Clerk, JP #2, and Sheriff's Office. Motion carried. Vote 5 ayes 0 nays

32. Consideration and possible action to declare two filing cabinets as salvage and donate to the Self Insurance Pool

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to declare two filing cabinets as salvage and donate to the Self Insurance Pool. Motion carried. Vote 5 ayes 0 nays

33. Consideration and possible action to authorize the District Attorney's office to purchase a 2022 Chevrolet Tahoe 4WD in the amount of \$38,713.00 through the State Buy Board #601-19 from Lake Country Chevrolet and allow the County Judge to sign the purchase documents

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to authorize the District Attorney's office to purchase a 2022 Chevrolet Tahoe 4WD in the amount of \$38,713.00 through the State Buy Board #601-19 from Lake Country Chevrolet and allow the County Judge to sign the purchase documents. Motion carried. Vote 5 ayes 0 nays

34. Consideration and possible action to approve Bid#22-0001 and authorize the County Judge to sign associated contract between Matagorda County and Bay City Janitorial

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 Bid#22-0001 and authorize the County Judge to sign associated contract between Matagorda County and Bay City Janitorial. Motion carried. Vote 5 ayes 0 nays

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

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

36. Consideration and possible action to ratify Payment of Bills for February 18, 2022

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Cook, with all others concurring, to ratify Payment of Bills for February 18, 2022. Motion carried. Vote 5 ayes 0 nays

37. Consideration and possible action to approve Line Item Transfers

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Frick, with all others concurring, to approve Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

38. Consideration and possible action to approve Emergency Amendments

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Frick, with all others concurring, to approve Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

39. Meet in Executive Session:

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding deliberation of contract being negotiated

Under Section 551.086 of the Texas Government Code to consider and take action 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(2) of the Texas Government 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

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

This being the next item for business, motion was duly made at 10:42 a.m. by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to meet in Executive Session:

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding deliberation of contract being negotiated

Under Section 551.086 of the Texas Government Code to consider and take action 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(2) of the Texas Government 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

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

Motion carried. Vote 5 ayes 0 nays

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

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding deliberation of contract being negotiated

Under Section 551.086 of the Texas Government Code to consider and take action 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(2) of the Texas Government 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

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

This being the next item for business, motion was duly made at 1:31 p.m. by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to Reconvene open session:

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding deliberation of contract being negotiated

Under Section 551.086 of the Texas Government Code to consider and take action 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(2) of the Texas Government 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

Under Section 551.074(a)(1) and (2) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

Motion was duly made by Commissioner Pollard, and seconded by Commissioner Frick, with all others concurring, to authorize payment of \$19, 744.14 to TCDRS on behalf of employee numbers 2752, 2742 and 2838. A motion was then made by Commissioner Pollard, and seconded by Commissioner Frick, with all others concurring, to adjust the amount to \$19, 774.14. Motion carried. Vote 5 ayes 0 nays

41. Public Comments

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

42. Adjournment

Motion was duly made at approximately 1:36 p.m. by Commissioner Shimek and seconded by Commissioner Frick, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, the 7th day of March, 2022.

absent

NATE McDONALD
County Judge

Edward Cook

EDWARD "BUBBA" COOK
Commissioner Precinct No. One

Kent Pollard

KENT POLLARD
Commissioner Precinct No. Two

Troy Shimek

TROY SHIMEK
Commissioner Precinct No. Three

Charles "Bubba" Frick

CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST:

Stephanie Wurtz

Stephanie Wurtz, County Clerk

