

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, DECEMBER 10, 2018**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 10<sup>th</sup> day of December, 2018 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, Loretta Griffin, Lisa Krobot, Mike Reddell, Jessica Russell, Jimmy Galvan, Carmen Andrews, Denise Fortenberry, Kristen Kubecka, Mike Ferdinand, Matt Glaze, Bruce Spitzengel, J. Haagensen, Herff Cornelius, Susan Silver, Ron Silver, Dwight Vavra, Jonathan Vavra, Tom Schmidt, Becca Sitz, Clay Bishop, Richard Saunders, Nathan Yates, Priscilla Wissink, Brent Marceaux, David Sheblak, John D. Mercer, Shelby Storts and Maggie Perez

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Graham**

**4. Prayer – Commissioner Frick**

**5. Consideration and possible action regarding approving Commissioners' Court Minutes for December 3, 2018 and December 5, 2018**

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 Commissioners' Court Minutes for December 3, 2018 and December 5, 2018. 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, no action required.

**7. Consideration and possible action to approve an Application to Cross a County Road from Clearly Petroleum OPCO, LLC, to lay a 2" gas pipeline along County Road 394 (Graff Road) approximately 300' long, in Precinct #3, Matagorda County, Texas**

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 an Application to Cross a County Road from Clearly Petroleum OPCO, LLC, to lay a 2" gas pipeline along County Road 394 (Graff Road) approximately 300' long, in Precinct #3, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**8. Workshop regarding the discussion on the CDBG-DR Program and Projects**

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

**9. Consideration and possible action to select an engineer or engineers for Hurricane Harvey CDBG-DR program and implementation of projects**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to select an engineer or engineers for Hurricane Harvey CDBG-DR program and implementation of projects. Urban Engineering and Mercer were selected. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to authorize the County Judge to request an application deadline extension from January 31, 2019 to April 30, 2019 for the GLO CDBG-DR application**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Graham, with all others concurring, to authorize the County Judge to request an application deadline extension from January 31, 2019 to April 30, 2019 for the GLO CDBG-DR application. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to approve the Texas General Land Office's Texas Integrated Grant Reporting (TIGR) System Access Form and authorize the County Judge to submit**

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 Texas General Land Office's Texas Integrated Grant Reporting (TIGR) System Access Form and authorize the County Judge to submit. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to approve the Amended MOU with STP Nuclear Operating Company regarding phone lines at the EOC (Emergency Operating Center)**

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 the Amended MOU with STP Nuclear Operating Company regarding phone lines at the EOC (Emergency Operating Center). Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to approve an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Mattie Thompson, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval**

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 an order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Mattie Thompson, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to approve the Grant Pass Through Agreement with Matagorda County related to the Texas Department of Agriculture's 2019-2020 TX-CDBG Community Development Fund application for infrastructure improvement**

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 the Grant Pass Through Agreement with Matagorda County related to the Texas Department of Agriculture's 2019-2020 TX-CDBG Community Development Fund application for infrastructure improvement. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to approve a resolution authorizing the submission of a Community Development Block Grant (CDBG) – Community Development (CD) Fund 2019-2020 application to the Texas Department of Agriculture (TDA) and authorizing the County Judge to act as the County's Executive Officer and Authorized Representative in all matters pertaining to the County's participation in the CDBG program**

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 resolution authorizing the submission of a Community Development Block Grant (CDBG) – Community Development (CD) Fund 2019-2020 application to the Texas Department of Agriculture (TDA) and authorizing the County Judge to act as the County's Executive Officer and Authorized Representative in all matters pertaining to the County's participation in the CDBG program. Motion carried. Vote 5 ayes 0 nays.

**16. Consideration and possible action to authorize the City of Palacios Sewer and Lift Station Rehabilitation Project to award a bid**

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 table authorizing the City of Palacios Sewer and Lift Station Rehabilitation Project to award a bid. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to declare the following vehicle as salvage and authorize sale at auction: 2001 Dodge pickup VIN #3B7HC13Y51G802512, with proceeds going into Matagorda County Joint Task Force Account #217187658**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to declare the following vehicle as salvage and authorize sale at auction: 2001 Dodge pickup VIN #3B7HC13Y51G802512, with proceeds going into Matagorda County Joint Task Force Account #217187658. Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to approve the transfer of Adriana Ruiz from Dispatch to CID Secretary, replacing Stephanie Irwin, effective December 10, 2018, at a rate of \$13.09 per hour, with this amount being available in the 560 budget**

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 transfer of Adriana Ruiz from Dispatch to CID Secretary, replacing Stephanie Irwin, effective December 10, 2018, at a rate of \$13.09 per hour, with this amount being available in the 560 budget. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to approve the Auditor's Monthly Report for the months of July 2018, August 2018 and September 2018**

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 Auditor's Monthly Report for the months of July 2018, August 2018 and September 2018. Motion carried. Vote 5 ayes 0 nays.

**20. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report for November 2018**

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 the Matagorda County Treasurer's Monthly Investment Report for November 2018. Motion carried. Vote 5 ayes 0 nays

**21. Consideration and possible action to approve Bank Drafts**

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 Bank Drafts. Motion carried. Vote 5 ayes 0 nays

**22. Consideration and possible action to authorize the Payment of Bills**

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

**23. 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 Graham, with all others concurring, to approve Line Item Transfers. Motion carried.  
Vote 5 ayes 0 nays

**24. Consideration and possible action to approve Emergency Amendments**

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 Emergency Amendments. Motion carried.  
Vote 5 ayes 0 nays

25. **Meet in Executive Session:**

**Under section 551.086 of the Texas Government Code to discuss or deliberate 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 551.074(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**

**Under section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers**

This being the next item for business, at approximately 10:22 AM a motion was made by Commissioner Graham and seconded by Commissioner Frick to Meet in Executive Session:

Under section 551.086 of the Texas Government Code to discuss or deliberate 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 551.074(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

Under section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers

Motion carried. Vote 5 ayes 0 nays

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

**Under section 551.086 of the Texas Government Code to discuss or deliberate 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 551.074(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**

**Under section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers**

This being the next item for business, at approximately 1:24 PM a motion was made by Commissioner Graham and seconded by Commissioner Gibson to Reconvene open session and consider taking action on the matters discussed in Executive Session:

Under section 551.086 of the Texas Government Code to discuss or deliberate 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 551.074(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

Under section 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers

Motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson with all others concurring to approve wire payment to retirement system in the amount of \$516.62 on behalf of employee number 2665. Motion carried. Vote 5 ayes 0 nays

Motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring to offer the Emergency Management and 911 Coordinator to Amanda Campos for a salary of \$60,000 plus benefits. Motion carried. Vote 5 ayes 0 nays

Motion was duly made by Commissioner Pollard to grant a tax abatement to Peyton Creek Windfarms for five (5) years at 68%. Offer based on the County's current policy recommendations based on values and terms for new industrial projects with at least ten jobs and in line with recent industrial offers made to other companies. Motion did not receive a second.

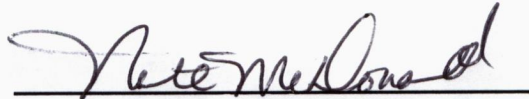
27. **Public Comments**

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

28. **Adjournment**

Motion was duly made at approximately 1:29 PM by Commissioner Graham 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 31<sup>st</sup> day of December, 2018.



**NATE McDONALD,  
County Judge**



**GARY GRAHAM,  
Commissioner Precinct No. One  
Judge Pro Tem**



**KENT POLLARD  
Commissioner Precinct No. Two**

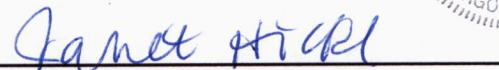


**JAMES GIBSON  
Commissioner Precinct No. Three**



**CHARLES "BUBBA" FRICK, Judge Pro-Tem  
Commissioner Precinct No. Four**



ATTEST:   
**Janet Hickl, County Clerk**