

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, DECEMBER 5, 2016

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 5th day of December 2016 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, Mike Reddell, Dwight Baker, Kristen Kubecka, Chris Peikert, Lisa Krobot, Tammy McDonald, Denise Fortenberry, Gary Graham, Bill Orton, Jeffrey S. Carr, Doug Matthes, Haskell Simon, Daniel Hayes, Jamie Grantz, Kristie Smith, Shelby Storts and Janet Hickl

1. Certification of quorum

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

2. Pledge of Allegiance – Commissioner Pollard

3. Texas Pledge – Commissioner Pollard

4. Prayer – Commissioner Pustka

5. Consideration and possible action regarding approving Commissioners Court Minutes for November 28, 2016

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 Commissioners Court Minutes for November 28, 2016. 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, 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 5 ayes 0 nays

7. Consideration and possible action to approve a Resolution Recognizing the Queen Hamlin Post 2467, Veterans of Foreign Wars of the United States and Auxiliary on Pearl Harbor Day, December 7, 2016

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 a Resolution Recognizing the Queen Hamlin Post 2467, Veterans of Foreign Wars of the United States and Auxiliary on Pearl Harbor Day, December 7, 2016. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve the attached quote for work to be performed at the Matagorda County Office Building's first, third, and fourth floors. The scope of work includes demolition, mold assessment, mold remediation, and repairs. This project is exempt from the bid process under Tex. Loc. Govt. Code Sec. 262.024(s)(2)

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 attached quote for work to be performed at the Matagorda County Office Building's first, third, and fourth floors. The scope of work includes demolition, mold assessment, mold remediation, and repairs. This project is exempt from the bid process under Tex. Loc. Govt. Code Sec. 262.024(s)(2). Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve a Prisoner Agreement by and between Matagorda County and the City of Bay City, Texas

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 Prisoner Agreement by and between Matagorda County and the City of Bay City, Texas. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve a Demand Check for courthouse postage, in the amount of \$10,000.00

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 Demand Check for courthouse postage, in the amount of \$10,000.00. Motion carried. Vote 5 ayes 0 nays

11. **Consideration and possible action to Order the Abandonment of all of the County's right, title, and interest in all of that certain 0.52 acre tract of land lying and situated in the E. R. Wightman League Abstract No. 101, more particularly being part of Live Oak Street, Tier 1, Northwest Fraction of Matagorda Townsite, Volume 1, Page 35 of Matagorda County, Texas plat Records. Described in metes and bounds by attached Exhibit "A" consisting of Live Oak Street Tract 1, 2, 3, and 4 (labeled for purposes of this abandonment only) to this agenda request. Once abandoned, the property interest in:**

- A. Live Oak Street Tract 1 dimensions in Exhibit "A" shall vest in Lot 4, Block 11, owners Rodger D. Boese and Gina L. Boese**
- B. Live Oak Street Tract 2 dimensions in Exhibit "A" shall vest in Lot 6, Block 12, owners Rodger D. Boese and Gina L. Boese**
- C. Live Oak Street Tract 3 dimensions in Exhibit "A" shall vest in Lot 3, Block 11, owners Rodger D. Boese and Gina L. Boese**
- D. Live Oak Street Tract 4 dimensions in Exhibit "A" shall vest in Lot 1, Block 12, owners Rodger D. Boese and Gina L. Boese**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to Order the Abandonment of all of the County's right, title, and interest in all of that certain 0.52 acre tract of land lying and situated in the E. R. Wightman League Abstract No. 101, more particularly being part of Live Oak Street, Tier 1, Northwest Fraction of Matagorda Townsite, Volume 1, Page 35 of Matagorda County, Texas plat Records. Described in metes and bounds by attached Exhibit "A" consisting of Live Oak Street Tract 1, 2, 3, and 4 (labeled for purposes of this abandonment only) to this agenda request. Once abandoned, the property interest in:

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- B. Live Oak Street Tract 2 dimensions in Exhibit "A" shall vest in Lot 6, Block 12, owners Rodger D. Boese and Gina L. Boese
- C. Live Oak Street Tract 3 dimensions in Exhibit "A" shall vest in Lot 3, Block 11, owners Rodger D. Boese and Gina L. Boese
- D. Live Oak Street Tract 4 dimensions in Exhibit "A" shall vest in Lot 1, Block 12, owners Rodger D. Boese and Gina L. Boese

Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to Order the Abandonment of all of the County's right, title, and interest in all of that certain 0.52 acre tract of land lying and situated in the E. R. Wightman League Abstract No. 101, more particularly being part of Peach Street, Tier 1, Northwest Fraction of Matagorda Townsite, Volume 1, Page 35 of Matagorda County, Texas plat Records. Described in metes and bounds by attached Exhibit "A" consisting of Peach Street Tract 1, 2, 3, and 4 (labeled for purposes of this abandonment only) to this agenda request. Once abandoned, the property interest in:

- A. Peach Street Tract 1 dimensions in Exhibit "A" shall vest in Lot 4, Block 11, owners Rodger D. Boese and Gina L. Boese**
- B. Peach Street Tract 2 dimensions in Exhibit "A" shall vest in Lot 6, Block 12, owners Rodger D. Boese and Gina L. Boese**
- C. Peach Street Tract 3 dimensions in Exhibit "A" shall vest in Lot 3, Block 11, owners Rodger D. Boese and Gina L. Boese**
- D. Peach Street Tract 4 dimensions in Exhibit "A" shall vest in Lot 1, Block 12, owners Rodger D. Boese and Gina L. Boese**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to Order the Abandonment of all of the County's right, title, and interest in all of that certain 0.52 acre tract of land lying and situated in the E. R. Wightman League Abstract No. 101, more particularly being part of Peach Street, Tier 1, Northwest Fraction of Matagorda Townsite, Volume 1, Page 35 of Matagorda County, Texas plat Records. Described in metes and bounds by attached Exhibit "A" consisting of Peach Street Tract 1, 2, 3, and 4 (labeled for purposes of this abandonment only) to this agenda request. Once abandoned, the property interest in:

- A. Peach Street Tract 1 dimensions in Exhibit "A" shall vest in Lot 4, Block 11, owners Rodger D. Boese and Gina L. Boese
- B. Peach Street Tract 2 dimensions in Exhibit "A" shall vest in Lot 6, Block 12, owners Rodger D. Boese and Gina L. Boese
- C. Peach Street Tract 3 dimensions in Exhibit "A" shall vest in Lot 3, Block 11, owners Rodger D. Boese and Gina L. Boese
- D. Peach Street Tract 4 dimensions in Exhibit "A" shall vest in Lot 1, Block 12, owners Rodger D. Boese and Gina L. Boese

Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve a Resolution opposing the permit application from Altair Disposal Services, LLC (AKA Clean Harbors) to Texas Commission on Environmental Quality (TCEQ) for a hazardous waste disposal site at the facility in Colorado County

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 Resolution opposing the permit application from Altair Disposal Services, LLC (AKA Clean Harbors) to Texas Commission on Environmental Quality (TCEQ) for a hazardous waste disposal site at the facility in Colorado County. Motion carried.

Vote 5 ayes 0 nays

14. Consideration and possible action to approve a quote from R&M Telephone Service, not to exceed the amount of \$5,685, for the County of Matagorda Office Building second floor renovations, pertaining to phone and data installation

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to table approving a quote from R&M Telephone Service, not to exceed the amount of \$5,685, for the County of Matagorda Office Building second floor renovations, pertaining to phone and data installation. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to accept a contribution in the amount of \$500.00, from Dunn Heat Exchangers for expenses of the Matagorda County Household Hazardous Waste Collection Event held on October 1, 2016

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to accept a contribution in the amount of \$500.00, from Dunn Heat Exchangers for expenses of the Matagorda County Household Hazardous Waste Collection Event held on October 1, 2016. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve Change Order #6 to the Contract for the County of Matagorda Office Building renovations and repairs, to cover expenditures related to an upgrade in siding per engineering requirement for TDI Certification

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 Change Order #6 to the Contract for the County of Matagorda Office Building renovations and repairs, to cover expenditures related to an upgrade in siding per engineering requirement for TDI Certification. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve Emergency Amendments

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 Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

18a. Consideration and possible action to approve a Resolution certifying that the County has made a grant to Economic Action Committee of the Gulf Coast, an organization that provides home-delivered meals to homebound persons in the county who are elderly and/or have a disability, and certifying that the county has approved the organization's accounting system or fiscal agent. This will replace the previous Resolution passed by Commissioners Court on September 19, 2016

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 certifying that the County has made a grant to Economic Action Committee of the Gulf Coast, an organization that provides home-delivered meals to homebound persons in the county who are elderly and/or have a disability, and certifying that the county has approved the organization's accounting system or fiscal agent. This will replace the previous Resolution passed by Commissioners Court on September 19, 2016. Motion carried. Vote 5 ayes 0 nays

19. **Meet in 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 10:23 a.m. by Commissioner Gibson, and seconded by Commissioner Pollard, with all others concurring, to Meet in 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 5 ayes 0 nays

20. **Reconvene Open Session and consider taking action on the matters discussed in:**

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 11:12 a.m. by Commissioner Gibson, and seconded by Commissioner Pollard, with all others concurring, to Reconvene Open Session and consider taking action on the matters discussed in:

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 5 ayes 0 nays

21. **Public Comments**

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

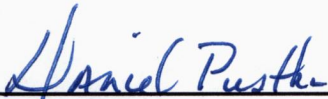
22. **Adjournment**

Motion was duly made at approximately 11:13 am by Commissioner Gibson and seconded by Commissioner Pustka, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, this the 12th day of December, 2016.



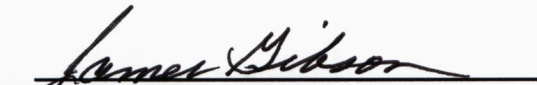
NATE McDONALD,
County Judge



DANIEL PUSTKA,
Commissioner Precinct No. One



KENT POLLARD
Commissioner Precinct No. Two



JAMES GIBSON, Judge Pro Tem
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST:


Janet Hickl, County Clerk