

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, SEPTEMBER 21, 2015**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 21<sup>st</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 County Judge McDonald presiding.

Others present were as follows: Sheriff Osborne, Cathy Ezell, Chris Peikert, Cristyn Hallmark, Tammy McDonald, Jamie Bludau, Brandon Cox, Denise Fortenberry, Mike Reddell, J. N. McDonald, Jr., Gene Tumlinson, Charles Bundick, Marguerite Bundick, Ruben Gonzales, Mona Keen, Vickie Hathorn, Lisa Krobot, Donna Barrett, Barbara Zapalac, Heather Menzies, Kelsy Granbury, Bob Chase, Bill Orton, Harriet Townsend and Janet Hickl

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Pollard**

**4. Prayer – Commissioner Frick**

**5. 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.

**6. Consideration and possible action to regarding approving Commissioners Court Minutes for September 14, 2015**

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 Commissioners Court Minutes for September 14, 2015. Motion carried. Vote 5 ayes 0 nays

**7. Consideration and possible action to approve a Resolution regarding a Financing Agreement for the purpose of procuring voting equipment between Matagorda County and Government Capital**

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 a Resolution regarding a Financing Agreement for the purpose of procuring voting equipment between Matagorda County and Government Capital. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve Amendment No. 1 for GLO Contract #12-485-000-6657, extending the term of the Contract to December 31, 2018, and replacing the Performance Statement and Implementation Schedule with the Revised Performance Statement and Implementation Schedule as Attachment A-1**

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 Amendment No. 1 for GLO Contract #12-485-000-6657, extending the term of the Contract to December 31, 2018, and replacing the Performance Statement and Implementation Schedule with the Revised Performance Statement and Implementation Schedule as Attachment A-1. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve paying Matagorda County Drainage District #1 all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pustka, except County Judge McDonald, excusing himself from participating in any discussion and upholding the County's nepotism policy, being related to the office holder in the 1<sup>st</sup> degree of consanguinity, with all others concurring, to approve paying Matagorda County Drainage District #1 all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account. Motion carried. Vote 4 ayes 0 nays 1 abstain

**10. Consideration and possible action to approve paying Matagorda County Drainage District #2 all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pustka, except County Judge McDonald, excusing himself from participating in any discussion and upholding the County's nepotism policy, being related to the office holder in the 1<sup>st</sup> degree of consanguinity, with all others concurring, to approve paying Matagorda County Drainage District #2 all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account. Motion carried. Vote 4 ayes 0 nays 1 abstain

**11. Consideration and possible action to approve paying Matagorda County Drainage District #3 all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pustka, with all others concurring, except County Judge McDonald, excusing himself from participating in any discussion and upholding the County's nepotism policy, being related to the office holder in the 1<sup>st</sup> degree of consanguinity, to approve paying Matagorda County Drainage District #3 all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account. Motion carried. Vote 4 ayes 0 nays 1 abstain

**12. Consideration and possible action to approve paying Matagorda County Drainage District #4 all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account**

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Pustka, with all others concurring, except County Judge McDonald, excusing himself from participating in any discussion and upholding the County's nepotism policy, being related to the office holder in the 1<sup>st</sup> degree of consanguinity, to approve paying Matagorda County Drainage District #4 all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account. Motion carried. Vote 4 ayes 0 nays 1 abstain

**13. Consideration and possible action to approve paying Palacios Seawall all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account**

This being the next item for business, motion was duly made Commissioner Gibson and seconded by Commissioner Pustka, with all others concurring, except County Judge McDonald, excusing himself from participating in any discussion and upholding the County's nepotism policy, being related to the office holder in the 1<sup>st</sup> degree of consanguinity, to approve paying Palacios Seawall all interest and principal paid based upon the percentage purchased for the following investments being held in Matagorda County's safekeeping account. Motion carried. Vote 4 ayes 0 nays 1 abstain

**14. Consideration and possible action to declare the following two (2) vehicles as salvage, and authorizing their sale for auction: (#1) 1981 Chev Van, VIN #1GBHPP32M1B3311619, (#2) 1966 Kaiser Jeep, VIN #10317**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Frick, with all others concurring, to declare the following two (2) vehicles as salvage, and authorizing their sale for auction: (#1) 1981 Chev Van, VIN #1GBHPP32M1B3311619, (#2) 1966 Kaiser Jeep, VIN #10317. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to approve Change Order No. 2 for the Palacios Sewer Rehabilitation Project, GLO 12-485-000-6657, regarding quantity changes**

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 Change Order No. 2 for the Palacios Sewer Rehabilitation Project, GLO 12-485-000-6657, regarding quantity changes. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve an Amendment to the Master Electricity Supply Agreement between Matagorda County and Constellation New Energy, Inc. adding Meter Number 10032789420166760 located at 4511 FM 2668, Unit 7, under a start date of 09/17/2015 and end date of 07/05/2016**

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 an Amendment to the Master Electricity Supply Agreement between Matagorda County and Constellation New Energy, Inc. adding Meter Number 10032789420166760 located at 4511 FM 2668, Unit 7, under a start date of 09/17/2015 and end date of 07/05/2016. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve 2 Amendments to the Commercial Energy Sales Agreement between Matagorda County and Champion Energy Services adding Meter Number 10032789420166760 located at 4511 FM 2668, Unit 7, 1)with a start date of 7/1/2016 and end date of 7/1/2018, and 2) with a start date of 7/1/2018 and end date of 7/1/2020**

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 2 Amendments to the Commercial Energy Sales Agreement between Matagorda County and Champion Energy Services adding Meter Number 10032789420166760 located at 4511 FM 2668, Unit 7, 1)with a start date of 7/1/2016 and end date of 7/1/2018, and 2) with a start date of 7/1/2018 and end date of 7/1/2020. Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to accept Trustee's Deed from Frost Bank, Trustee of the LeTulle Foundation, A Charitable Trust to Matagorda County for the conveyance of surface estate only of real property described as: 1.00 acre tract of land situated in the Hosea H. League, Abstract No. 57 in Matagorda County, Texas, being all of that certain called one acre tract of land bequeathed to the LeTulle Ranch Cemetery Association in Cause No. 88-C-0089-C in the Matagorda County District Court Minutes, and further being a part or portion of a called 1,476 acre tract of land (found to contain 1,450.11 acres upon resurvey) conveyed to Thomas B. LeTulle and described in Volume 94, Page 313 in Deed Records of Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Gibson, with all others concurring, to accept Trustee's Deed from Frost Bank, Trustee of the LeTulle Foundation, A Charitable Trust to Matagorda County for the conveyance of surface estate only of real property described as: 1.00 acre tract of land situated in the Hosea H. League, Abstract No. 57 in Matagorda County, Texas, being all of that certain called one acre tract of land bequeathed to the LeTulle Ranch Cemetery Association in Cause No. 88-C-0089-C in the Matagorda County District Court Minutes, and further being a part or portion of a called 1,476 acre tract of land (found to contain 1,450.11 acres upon resurvey) conveyed to Thomas B. LeTulle and described in Volume 94, Page 313 in Deed Records of Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays.

**19. Consideration and possible action to approve an STP Nuclear Operating Company Blanket Contract regarding the telephone lines at the Emergency Operations Center (EOC), for which a Memorandum of Understanding was approved by Commissioners Court on April 20, 2015**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Frick, with all others concurring, to table approving an STP Nuclear Operating Company Blanket Contract regarding the telephone lines at the Emergency Operations Center (EOC), for which a Memorandum of Understanding was approved by Commissioners Court on April 20, 2015. Motion carried. Vote 5 ayes 0 nays

**20. Consideration and possible action to approve the Texas Enterprise Zone Program Mandatory Annual Report Form for the State Fiscal Year 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 the Texas Enterprise Zone Program Mandatory Annual Report Form for the State Fiscal Year 2015. Motion carried. Vote 5 ayes 0 nays

**21. Consideration and possible action to approve the Quote from Hart Intercivic in the amount of \$436,953.00 electronic voting equipment**

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 the Quote from Hart Intercivic in the amount of \$436,953.00 electronic voting equipment. Motion carried. Vote 5 ayes 0 nays

**22. Consideration and possible action to approve the Hart Voting System Master Agreement between Hart Intercivic and Matagorda County for the purchase of new electronic voting equipment**

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 Hart Voting System Master Agreement between Hart Intercivic and Matagorda County for the purchase of new electronic voting equipment. Motion carried. Vote 5 ayes 0 nays

**23. Consideration and possible action to approve the Hart Voting System Warranty, Support, and License Agreement between Hart Intercivic and Matagorda County for the purchase of new electronic equipment**

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 Hart Voting System Warranty, Support, and License Agreement between Hart Intercivic and Matagorda County for the purchase of new electronic equipment. Motion carried. Vote 5 ayes 0 nays

**24. Consideration and possible action to permit the sale of fireworks to the public by fireworks retailers (properly licensed under Texas Occupations Code) for the following fireworks seasons:**

1. **Beginning February 25 and ending at midnight on March 2 (Texas Independence Day Fireworks Season)**
2. **Beginning April 16 and ending at midnight on April 21 (San Jacinto Day Fireworks Season)**
3. **Beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May (Memorial Day Fireworks Season)**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to permit the sale of fireworks to the public by fireworks retailers (properly licensed under Texas Occupations Code) for the following fireworks seasons:

1. Beginning February 25 and ending at midnight on March 2 (Texas Independence Day Fireworks Season)
2. Beginning April 16 and ending at midnight on April 21 (San Jacinto Day Fireworks Season)
3. Beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May (Memorial Day Fireworks Season)

Motion carried. Vote 5 ayes 0 nays

**25. Consideration and possible action to approve the purchase of a Humvee truck through the Texas Surplus Commission in the amount of \$4,500.00 and authorize Commissioner Pollard to sign all related documents. Said vehicle to be utilized by Matagorda Volunteer Fire Department**

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 Humvee truck through the Texas Surplus Commission in the amount of \$4,500.00 and authorize Commissioner Pollard to sign all related documents. Said vehicle to be utilized by Matagorda Volunteer Fire Department. Motion carried. Vote 5 ayes 0 nays