

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, SEPTEMBER 12, 2016

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 12th day of September 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, Denise Fortenberry, Mike Reddell, Dwight Baker, Lisa Krobot, Carmen Andrews, Gary Graham, Kristen Kubecka, Chris Peikert, Marissa Valentine, Dustin Hodges, Alicia Waters, Edward Mata, Drew Scroggins, George Deshotels, Bill Orton, Bill Cornman, Crystal Folse, Allen Cumbie, Chris North, Michele Gaerke, Roberto DeHoyos, Rhonda Clegg, Mitch Thames, Germaine Cura, Britney Schaefer, Cristyn Hallmark, Shelby Storts and Janet Hickl

1. Certification of quorum

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

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 August 29, 2016

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 Commissioners Court Minutes for August 29, 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 Federal Excise Tax Exemption Form from Shell Fleet Card Services, for fuel purchases by the Matagorda County Sheriff's Office covering January 01, 2017 thru December 31, 2018, 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 Pollard, with all others concurring, to approve a Federal Excise Tax Exemption Form from Shell Fleet Card Services, for fuel purchases by the Matagorda County Sheriff's Office covering January 01, 2017 thru December 31, 2018, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve a Federal Excise Tax Exemption Form from ExxonMobil Business Card, for fuel purchases by the Matagorda County Sheriff's Office covering January 01, 2017 thru December 31, 2018, and authorize the County Judge to sign

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 a Federal Excise Tax Exemption Form from ExxonMobil Business Card, for fuel purchases by the Matagorda County Sheriff's Office covering January 01, 2017 thru December 31, 2018, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to authorize the District Clerk to hire Natalie Carroll as a part-time temporary employee working 29 hours or less per week, with effective hire date of August 31, 2016. Her bond will be covered under the Self Insurance Pool

This being the next item for business, motion was duly made by County Judge McDonald, and seconded by Commissioner Frick, with all others concurring, to authorize the District Clerk to hire Natalie Carroll as a part-time temporary employee working 29 hours or less per week, with effective hire date of August 31, 2016. Her bond will be covered under the Self Insurance Pool. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to accept a contribution toward expenses of the Matagorda County Household Hazardous Waste Collection Event scheduled for October 1, 2016, in the amount of \$10,000.00 from STP Nuclear Operating Company

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 a contribution toward expenses of the Matagorda County Household Hazardous Waste Collection Event scheduled for October 1, 2016, in the amount of \$10,000.00 from STP Nuclear Operating Company. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to accept a non-matching grant for Evidence Processing Equipment, in the amount of \$30,212.00 from Houston-Galveston Area Council (HGAC) Justice Assistance Grant (DJ) – Fiscal Year 2017, authorizing Judge Nate McDonald to go On-line and accept the award

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to accept a non-matching grant for Evidence Processing Equipment, in the amount of \$30,212.00 from Houston-Galveston Area Council (HGAC) Justice Assistance Grant (DJ) – Fiscal Year 2017, authorizing Judge Nate McDonald to go On-line and accept the award. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve a Cellular Phone Allowance Authorization in the amount of \$60.00 per month, effective September 9, 2016 for Animal Control Officer, Tracy Barnard

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 a Cellular Phone Allowance Authorization in the amount of \$60.00 per month, effective September 9, 2016 for Animal Control Officer, Tracy Barnard. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to accept a FY 2016 Emergency Management Performance rant (EMPG) from the Texas Department of Public Safety, Texas Division of Emergency Management, Grant #16TX-EMPG-0528, in the amount of \$34,790.61, and authorize the County Judge to sign

This being the next item for business, motion was duly made by County Judge McDonald, and seconded by Commissioner Pollard, with all others concurring, to accept a FY 2016 Emergency Management Performance rant (EMPG) from the Texas Department of Public Safety, Texas Division of Emergency Management, Grant #16TX-EMPG-0528, in the amount of \$34,790.61, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to authorize Alicia Waters, Bay City Main Street Program, to use the courthouse grounds with the consumption of alcohol, for the 2017 Wild Game and Camofest on January 28, 2017 from 7 AM to 7PM

This being the next item for business, motion was duly made by County Judge McDonald, and seconded by Commissioner Pollard, with all others concurring, to authorize Alicia Waters, Bay City Main Street Program, to use the courthouse grounds with the consumption of alcohol, for the 2017 Wild Game and Camofest on January 28, 2017 from 7 AM to 7PM. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to accept a Letter from the Secretary of State approving the Master Agreement for the HART Voting System, and authorize the County Judge to sign the Agreement

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to table accepting a Letter from the Secretary of State approving the Master Agreement for the HART Voting System, and authorize the County Judge to sign the Agreement. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to accept a donation from the City of Galena Park to be used by Precinct #6 Constable's Office for hand held and mobile Motorola Radios, for Emergency Management and the Sheriff's Office for Law Enforcement. Matagorda County is always available to assist the City of Galena Park in the event needed

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to accept a donation from the City of Galena Park to be used by Precinct #6 Constable's Office for hand held and mobile Motorola Radios, for Emergency Management and the Sheriff's Office for Law Enforcement. Matagorda County is always available to assist the City of Galena Park in the event needed. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to permit GM&A to perform a complimentary audit of the County's health insurance plan benefits and expenses under the current plan for healthcare and prescription costs and authorize GM&A to access records necessary to perform the audit

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Pollard, with all others concurring, to permit GM&A to perform a complimentary audit of the County's health insurance plan benefits and expenses under the current plan for healthcare and prescription costs and authorize GM&A to access records necessary to perform the audit. Motion carried.

Vote 5 ayes 0 nays

18. Consideration and possible action to approve the attached quote from Switzerland Air for work to be performed at the County Office building and exempt it from bid process under Texas Local Government Code Section 262.024(a)(3)

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 the attached quote from Switzerland Air for work to be performed at the County Office building and exempt it from bid process under Texas Local Government Code Section 262.024(a)(3). Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve an Agreement between Texas Department of Transportation (TXDOT) and Matagorda County, to contribute Right of Way Funds to replace the swing bridge on FM 457 with a corkscrew bridge across the Gulf Intracoastal Water Way (GIWW)

This being the next item for business, motion was duly made by County Judge McDonald, and seconded by Commissioner Pollard, with all others concurring, to approve an Agreement between Texas Department of Transportation (TXDOT) and Matagorda County, to contribute Right of Way Funds to replace the swing bridge on FM 457 with a corkscrew bridge across the Gulf Intracoastal Water Way (GIWW). Motion carried. Vote 5 ayes 0 nays

20. Workshop regarding the Tenaris/Bay City Project – Construction update and possible economic development contract modifications and a TCF Extension Letter

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

21. Consideration and possible action to approve a letter requesting a one-year extension for the Texas Capital Fund grant #173082 (Tenaris Bay City Pipe Mill) for \$1,500,000.00 until January 15, 2018

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 approve a letter requesting a one-year extension for the Texas Capital Fund grant #173082 (Tenaris Bay City Pipe Mill) for \$1,500,000.00 until January 15, 2018 with the understanding that this is separate from the 312 agreement. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to authorize the County Attorney to draft an Amended 312 Agreement with Tenaris Bay City

This being the next item for business, motion was duly made by County Judge McDonald, and seconded by Commissioner Gibson, with all others concurring and Commissioner Pollard voting nay, to authorize the County Attorney to draft an Amended 312 Agreement with Tenaris Bay City and that the County Attorney and Commissioner Gibson and Commissioner Pustka will be a part of the conversations and enter into any negotiations with Tenaris Bay City. Motion carried. Vote 4 ayes 1 nay

23. Consideration and possible action to approve the Payment of Bills

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 Payment of Bills. Motion carried. Vote 5 ayes 0 nays

24. Consideration and possible action to approve Line Item Transfers

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 Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

25. 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 Gibson, with all others concurring, to approve Emergency Amendments. Motion carried.
Vote 5 ayes 0 nays

25a. Consideration and possible action to approve termination letter to be sent to City of Bay City in regards to the Assessment and Collection of Ad Valorem Taxes Contract and authorize the County Judge to sign

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 termination letter to be sent to City of Bay City in regards to the Assessment and Collection of Ad Valorem Taxes Contract and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

26. Meet in Executive Session:

Under Section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan

This being the next item for business, motion was duly made at 11:12 AM by Commissioner Gibson, and seconded by Commissioner Frick, with all others concurring, to Meet in Executive Session:

Under Section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan

Motion carried. Vote 5 ayes 0 nays

27. Reconvene open session and consider taking action on the matters discussed in:

Executive Session under section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan

This being the next item for business, motion was duly made at 11:28 am by Commissioner Pustka, and seconded by Commissioner Gibson, with all others concurring, to Reconvene open session and consider taking action on the matters discussed in:

Executive Session under section 551.0785 of the Texas Government Code to discuss a matter involving medical or psychiatric records of individuals, as a governmental body that administers a self-funded health plan.

Motion carried. Vote 5 ayes 0 nays

28. Consideration and possible action to authorize Blue Cross Blue Shield or GM&A to perform a medical review of the employee's (Tracking No. 6990) medical records to determine whether a plan exception should be granted, not to exceed a professional review cost of \$600.00

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

29. Public Comments

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

30. Adjournment

Motion was duly made at approximately 11:29 am by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, this the 19th day of September, 2016.

Absent

NATE McDONALD,
County Judge

Daniel Pustka

DANIEL PUSTKA,
Commissioner Precinct No. One

Kent Pollard

KENT POLLARD
Commissioner Precinct No. Two

James Gibson

JAMES GIBSON, Judge Pro Tem
Commissioner Precinct No. Three

Charles "Bubba" Frick

CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four



ATTEST: *Janet Hickl*

Janet Hickl, County Clerk