

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, SEPTEMBER 19, 2016**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 19<sup>th</sup> 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 Commissioner Gibson, Judge Pro-Tem presiding.

Others present were as follows: Sheriff Osborne, Denise Fortenberry, Mike Reddell, Dwight Baker, Lisa Krobot, Kristen Kubecka, Chris Peikert, Doug Matthes, Steve Johnson, Kristie Smith, Doris Overton, Steven Reis, Dustin Hodges, Bill Cornman, Chrystal Folsie, Rhonda Clegg, Carolyn Thames, Cristyn Hallmark, Shelby Storts and Janet Hickl

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Pustka**

**4. Prayer – Commissioner Frick**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for September 12, 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 September 12, 2016. Motion carried. Vote 4 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 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 being the next item for business, motion was duly made by Commissioner Gibson, Judge Pro-Tem and seconded by Commissioner Frick, 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. Motion carried.

Vote 4 ayes 0 nays



**8. Consideration and possible action to approve an Application for Funds from Southeast Texas Housing Finance Corp. (SETH), in the amount of \$50,000.00, for design, installation, and construction of on-site septic facilities for qualified recipients based on need, and authorize the Judge Pro-Tem 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 an Application for Funds from Southeast Texas Housing Finance Corp. (SETH), in the amount of \$50,000.00, for design, installation, and construction of on-site septic facilities for qualified recipients based on need, and authorize the Judge Pro-Tem to sign.

Motion carried. Vote 4 ayes 0 nays

**9. Consideration and possible action to approve the Texas Facilities Commission – Federal Surplus Program, Utilization Questionnaire, and authorize its submittal by Commissioner Kent Pollard**

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 Texas Facilities Commission – Federal Surplus Program, Utilization Questionnaire, and authorize its submittal by Commissioner Kent Pollard. Motion carried.

Vote 4 ayes 0 nays

**10. Consideration and possible action to issue a typed check for postage for tax statements, in the amount of \$15,000.00**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to issue a typed check for postage for tax statements, in the amount of \$15,000.00. Motion carried. Vote 4 ayes 0 nays

**11. 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 \$2,000.00 from OXEA Corporation**

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 toward expenses of the Matagorda County Household Hazardous Waste Collection Event scheduled for October 1, 2016, in the amount of \$2,000.00 from OXEA Corporation. Motion carried. Vote 4 ayes 0 nays

**12. 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 \$5,000.00 from LyondellBasell (EQUISTAR, a Lyondell Company)**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, 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 \$5,000.00 from LyondellBasell (EQUISTAR, a Lyondell Company). Motion carried. Vote 4 ayes 0 nays

**13. Consideration and possible action to approve the Republican Election Judges serving September 1, 2016 to August 31, 2017 and setting the number of election clerks for each precinct**

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 the Republican Election Judges serving September 1, 2016 to August 31, 2017 and setting the number of election clerks for each precinct. Motion carried.

Vote 4 ayes 0 nays



**14. Consideration and possible action to approve the Democratic Election Judges serving September 1, 2016 to August 31, 2017 and setting the number of election clerks for each precinct**

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 Democratic Election Judges serving September 1, 2016 to August 31, 2017 and setting the number of election clerks for each precinct. Motion carried. Vote 4 ayes 0 nays

**15. Consideration and possible action to approve a contract between Matagorda County and Clean Harbors Environmental Services, Inc. for services and disposal of hazardous waste to be generated by the October 1, 2016 Matagorda County Household Hazardous Waste Collection Event at the Matagorda County Fairgrounds**

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 contract between Matagorda County and Clean Harbors Environmental Services, Inc. for services and disposal of hazardous waste to be generated by the October 1, 2016 Matagorda County Household Hazardous Waste Collection Event at the Matagorda County Fairgrounds. Motion carried. Vote 4 ayes 0 nays

**16. 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**

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 Letter from the Secretary of State approving the Master Agreement for the HART Voting System and authorize the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

**17. Consideration and possible action to accept the District Attorney Chapter 59 Assets Forfeiture report from September 1, 2015 to August 31, 2016**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Pollard, with all others concurring, to accept the District Attorney Chapter 59 Assets Forfeiture report from September 1, 2015 to August 31, 2016. Motion carried. Vote 4 ayes 0 nays

**18. Consideration and possible action to accept the donation of a 2009 Chevrolet Tahoe, Vin #1GNEC03029R194328, from the Bay City Police Department, to be used by the Precinct #6 Constable's Office, and to add the vehicle to Matagorda County's vehicle insurance**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pollard, with all others concurring, to accept the donation of a 2009 Chevrolet Tahoe, Vin #1GNEC03029R194328, from the Bay City Police Department, to be used by the Precinct #6 Constable's Office, and to add the vehicle to Matagorda County's vehicle insurance. Motion carried. Vote 4 ayes 0 nays

**19. Consideration and possible action to approve a Lease Agreement between Matagorda County (130<sup>th</sup> District Judge) and De Lage Landen Financial Services, Inc. for 60 months, in the amount of \$140.00 per month and an Equipment Service Agreement with BCOS, in the amount of \$360.00 annually for a Konica/Minolta bizhub C3850FS**

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 Lease Agreement between Matagorda County (130<sup>th</sup> District Judge) and De Lage Landen Financial Services, Inc. for 60 months, in the amount of \$140.00 per month and an Equipment Service Agreement with BCOS, in the amount of \$360.00 annually for a Konica/Minolta bizhub C3850FS. Motion carried. Vote 4 ayes 0 nays



**20. Consideration and possible action to authorize a Demand Check to the Texas Department of Transportation (TXDOT), in the amount of \$25,000.00, as a payment for Matagorda County's contribution for 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 Commissioner Pollard, and seconded by Commissioner Frick, with all others concurring, to authorize a Demand Check to the Texas Department of Transportation (TXDOT), in the amount of \$25,000.00, as a payment for Matagorda County's contribution for 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 4 ayes 0 nays

**21. Consideration and possible action to approve a Federal Excise Tax Exemption Certificate of State or Local Government for gas purchases from U.S. Bank Voyager Fleet commencing January 1, 2017 expiring December 31, 2017, 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 Certificate of State or Local Government for gas purchases from U.S. Bank Voyager Fleet commencing January 1, 2017 expiring December 31, 2017, and authorize the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

**22. Consideration and possible action to approve 2 Demand Checks (1) made payable to Karnes City Lodging LLC, Karnes City, TX, in the amount of \$158.18, and (2) to William D. Hall, in the amount of \$112.00 (Per Diem) for Jailer William Hall to attend the Basic County Corrections Physical Skills/LS-LET306-738, being held September 28-29, 2016, to be taken from 010-52100-512**

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 2 Demand Checks (1) made payable to Karnes City Lodging LLC, Karnes City, TX, in the amount of \$158.18, and (2) to William D. Hall, in the amount of \$112.00 (Per Diem) for Jailer William Hall to attend the Basic County Corrections Physical Skills/LS-LET306-738, being held September 28-29, 2016, to be taken from 010-52100-512. Motion carried. Vote 4 ayes 0 nays

**23. Consideration and possible action to approve a Demand Check made payable to Teresa Jeremiah, in the amount of \$162.00, as reimbursement for repairs to Matagorda County Sheriff's Office vehicle while on a trip to the Crime Lab in Houston, on September 14, 2016, funds to be taken from 010-54510-560**

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 Demand Check made payable to Teresa Jeremiah, in the amount of \$162.00, as reimbursement for repairs to Matagorda County Sheriff's Office vehicle while on a trip to the Crime Lab in Houston, on September 14, 2016, funds to be taken from 010-54510-560. Motion carried. Vote 4 ayes 0 nays



**24. Consideration and possible action to find good cause to approve the postponement of the deadline regarding RFP 16-0002, in accordance with LGC 262.026, for questions and bid opening to the following date:**

**September 19, 2016 at 10:00 a.m. – Deadline for Questions**

**September 27, 2016 at 10:00 a.m. – Bid Opening**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to find good cause to approve the postponement of the deadline regarding RFP 16-0002, in accordance with LGC 262.026, for questions and bid opening to the following date:

September 19, 2016 at 10:00 a.m. – Deadline for Questions

September 27, 2016 at 10:00 a.m. – Bid Opening

Motion carried. Vote 4 ayes 0 nays

**25. Consideration and possible action to approve the 2016 Agreement between Matagorda County and Southeast Texas Regional Advisory Council regarding disaster emergency planning, preparation, or actual emergency, and authorize the County Judge Pro-Tem 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 the 2016 Agreement between Matagorda County and Southeast Texas Regional Advisory Council regarding disaster emergency planning, preparation, or actual emergency, and authorize the County Judge Pro-Tem to sign. Motion carried. Vote 4 ayes 0 nays

**26. Consideration and possible action to approve a Memorandum of Understanding between Texas A&M AgriLife Extension Service and Matagorda County pertaining to Information Technology Services**

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 Memorandum of Understanding between Texas A&M AgriLife Extension Service and Matagorda County pertaining to Information Technology Services.

Motion carried. Vote 4 ayes 0 nays

**27. Consideration and possible action to approve the purchase of two Utility Trucks (Humvees) and two Tool Boxes from Texas Facilities Commission thru the Federal Surplus Property Program and issue a Demand Check in the amount of \$6,050.00, as per the attached invoice**

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 purchase of two Utility Trucks (Humvees) and two Tool Boxes from Texas Facilities Commission thru the Federal Surplus Property Program and issue a Demand Check in the amount of \$6,050.00, as per the attached invoice. Motion carried. Vote 4 ayes 0 nays

**28. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report August 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 the Matagorda County Treasurer's Monthly Investment Report August 2016. Motion carried. Vote 4 ayes 0 nays

**29. Consideration and possible action to approve the Monthly Reports from various county departments**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Pollard, with all others concurring, to approve the Monthly Reports from various county departments. Motion carried. Vote 4 ayes 0 nays

**30. Consideration and possible action to approve Line Item Transfers**

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 Line Item Transfers. Motion carried. Vote 4 ayes 0 nays

**31. Public Comments**

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

**32. Adjournment**

Motion was duly made at approximately 9:55 am by Commissioner Pustka and seconded by Commissioner Frick, with all others concurring, to adjourn the meeting. Motion carried. Vote 4 ayes 0 nays

Approved in Open Court, this the 26<sup>th</sup> day of September, 2016.

*Absent*

\_\_\_\_\_  
NATE McDONALD,  
County Judge

*Daniel Pustka*

\_\_\_\_\_  
DANIEL PUSTKA,  
Commissioner Precinct No. One

*absent*

\_\_\_\_\_  
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