

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, SEPTEMBER 22, 2014

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 22nd day of September 2014 in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with Commissioner Pustka, Judge Pro Tem presiding.

Others present were as follows: Sheriff Osborne, Kristen Kubecka, Ruben Gonzales, Bobby Wilkinson, Doug Matthes, Barry Halvorson, Christ Peikert, Harriet Townsend and Janet Hickl

1. Certification of quorum

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

2. Pledge of Allegiance – Commissioner Gibson

3. Texas Pledge – Commissioner Gibson

4. Prayer – Commissioner Pollard

5. Consideration and possible action regarding approving Commissioners Court Minutes for September 15, 2014

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to approve Commissioners Court Minutes for September 15, 2014. 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 contract between Matagorda County and AT&T for phone, internet and long distance service for the Matagorda County Sheriff's Office and authorize Commissioner Pustka, Judge Pro Tem to sign

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring, to approve a contract between Matagorda County and AT&T for phone, internet and long distance service for the Matagorda County Sheriff's Office and authorize Commissioner Pustka, Judge Pro Tem to sign. Motion carried. Vote 4 ayes 0 nays

8. Consideration and possible action to authorize Sheriff Osborne to purchase a 2014 Chevrolet Tahoe in the amount of \$29,360.00 to be purchased through the H-GAC Buy Board from Caldwell Country Chevrolet to be used for narcotic interdiction, payment to be taken out of 010-560-570

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to authorize Sheriff Osborne to purchase a 2014 Chevrolet Tahoe in the amount of \$29,360.00 to be purchased through the H-GAC Buy Board from Caldwell Country Chevrolet to be used for narcotic interdiction, payment to be taken out of 010-560-570. Motion carried. Vote 4 ayes 0 nays

9. Consideration and possible action to approve a Proposal and Statement of Work with Enterprise Systems to update the Phone Equipment for the Matagorda County Sheriff's Office and authorize Commissioner Pustka, Judge Pro Tem to sign

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring, to approve a Proposal and Statement of Work with Enterprise Systems to update the Phone Equipment for the Matagorda County Sheriff's Office and authorize Commissioner Pustka, Judge Pro Tem to sign. Motion carried. Vote 4 ayes 0 nays

10. Consideration and possible action to approve an Exemption Certificate from Shell Fleet Card Services for federal, state, and local taxes on gasoline and diesel fuel to be used by Matagorda County during the years 2015 and 2016, and authorize the Judge Pro Tem, Dan Pustka to sign

This being the next item for business, motion was duly made by Commissioner Pustka, Judge Pro Tem and seconded by Commissioner Gibson, with all others concurring, to approve an Exemption Certificate from Shell Fleet Card Services for federal, state, and local taxes on gasoline and diesel fuel to be used by Matagorda County during the years 2015 and 2016, and authorize the Judge Pro Tem, Dan Pustka to sign. Motion carried. Vote 4 ayes 0 nays

11. Consideration and possible action to approve an Exemption Certificate from ExxonMobil Business Card for federal, state, and local taxes on gasoline and diesel fuel to be used by Matagorda County during the years 2015 and 2016, and authorize the Judge Pro Tem, Dan Pustka to sign

This being the next item for business, motion was duly made by Commissioner Pustka, Judge Pro Tem and seconded by Commissioner Gibson, with all others concurring, to approve an Exemption Certificate from ExxonMobil for federal, state, and local taxes on gasoline and diesel fuel to be used by Matagorda County during the years 2015 and 2016, and authorize the Judge Pro Tem, Dan Pustka to sign. Motion carried. Vote 4 ayes 0 nays

12. Consideration and possible action to accept the Emergency Management Performance Grant (EMPG) Program for Fiscal Year 2014, Grant Number 14TX-EMPG-528, from the Texas Department of Public Safety, Texas Division of Emergency Management, in the amount of \$35,108.62, 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 Pollard, with all others concurring, to accept the Emergency Management Performance Grant (EMPG) Program for Fiscal Year 2014, Grant Number 14TX-EMPG-528, from the Texas Department of Public Safety, Texas Division of Emergency Management, in the amount of \$35,108.62, and authorize the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

13. Consideration and possible action to approve the contract renewal and related forms with the Texas Department of Family Protective Services, Child Protective Services Contract #23940146, and authorize the County Judge to sign

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 contract renewal and related forms with the Texas Department of Family Protective Services, Child Protective Services Contract #23940146, and authorize the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

14. Consideration and possible action to approve the contract renewal and related forms with the Texas Department of Family Protective Services, Child Protective Services Contract #23940147, and authorize the County Judge to sign

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 contract renewal and related forms with the Texas Department of Family Protective Services, Child Protective Services Contract #23940147, and authorize the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

15. Public Hearing at 9:45 AM to discuss the partial abandonment of part of the Stewart Pasture Subdivision Plat located in the F. W. Dempsey Survey, Abstract 26, in Matagorda County, Texas, and being described as Lots 1, 2, 9, 10, 11, 12, and 23, with the plat being recorded in Volume 34, Pages 116 and 117 of the Deed Records, Matagorda County, Texas, and with said plat being recorded on September 5, 1911

This being the next item for business, motion was duly made at 9:46 AM by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to go into a public hearing to discuss the partial abandonment of part of the Stewart Pasture Subdivision Plat located in the F. W. Dempsey Survey, Abstract 26, in Matagorda County, Texas, and being described as Lots 1, 2, 9, 10, 11, 12, and 23, with the plat being recorded in Volume 34, Pages 116 and 117 of the Deed Records, Matagorda County, Texas, and with said plat being recorded on September 5, 1911. Motion carried. Vote 4 ayes 0 nays At 9:47 AM a motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson to go back into regular session of court. Motion carried.
Vote 4 ayes and 0 nays

16. Consideration and possible action to approve the partial abandonment of part of the Stewart Pasture Subdivision Plat located in the F. W. Dempsey Survey, Abstract 26, in Matagorda County, Texas, and being described as Lots 1, 2, 9, 10, 11, 12, and 23, with the plat being recorded in Volume 34, Pages 116 and 117 of the Deed Records, Matagorda County, Texas, and with said plat being recorded on September 5, 1911

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 partial abandonment of part of the Stewart Pasture Subdivision Plat located in the F. W. Dempsey Survey, Abstract 26, in Matagorda County, Texas, and being described as Lots 1, 2, 9, 10, 11, 12, and 23, with the plat being recorded in Volume 34, Pages 116 and 117 of the Deed Records, Matagorda County, Texas, and with said plat being recorded on September 5, 1911. Motion carried.
Vote 4 ayes 0 nays

17. Consideration and possible action to approve moving \$17,720.00 out of 010-560-479 (Narcotics Enforcement) and into 010-560-570 (Machinery and Equipment) in order to purchase a Narcotic Interdiction Vehicle

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 moving \$17,720.00 out of 010-560-479 (Narcotics Enforcement) and into 010-560-570 (Machinery and Equipment) in order to purchase a Narcotic Interdiction Vehicle. Motion carried. Vote 4 ayes 0 nays

18. Consideration and possible action to approve Payment of Bills

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 Payment of Bills. Motion carried. Vote 4 ayes 0 nays

19. Consideration and possible action to approve Emergency Amendments

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pollard, with all others concurring, to approve Emergency Amendments. Motion carried. Vote 4 ayes 0 nays

20. Meet in Executive session under Section 551.071(2) of the Gov't Code to consult with attorney(s) representing the count in an executive session 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 the Open Meetings Act, and under Section 551.071 (1)(b) of the Gov't 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, motion was duly made at 10:05 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(s) representing the count in an executive session 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 the Open Meetings Act, and under Section 551.071 (1)(b) of the Gov't Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers. Motion carried. Vote 4 ayes 0 nays

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

Meet in Executive session under Section 551.071(2) of the Gov't Code to consult with attorney(s) representing the count in an executive session 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 the Open Meetings Act, and under Section 551.071 (1)(b) of the Gov't 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, motion was duly made at 10:015 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: Meet in Executive session under Section 551.071(2) of the Gov't Code to consult with attorney(s) representing the count in an executive session 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 the Open Meetings Act, and under Section 551.071 (1)(b) of the Gov't Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers. Motion carried. Vote 4 ayes 0 nays.
No action taken

22. Public Comments

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

22. Adjournment

Motion was duly made at approximately 10:16 a.m. by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to adjourn the meeting. Motion carried. Vote 4 ayes 0 nays

Approved in Open Court, this the 29th day of September 2014.

absent

NATE McDONALD,
County Judge



DANIEL PUSTKA, Judge Pro Tem
Commissioner Precinct No. One



KENT POLLARD,
Commissioner Precinct No. Two




JAMES GIBSON,
Commissioner Precinct No. Three



DAVID "WOODY" WOODSON,
Commissioner Precinct No. Four



ATTEST:



Janet Hickl, County Clerk