

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, JULY 13, 2015

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 13th day of July 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, Denise Fortenberry, Eva Peterson, Doug Matthes, Mike Reddell, Tammy McDonald, Cathy Ezell, Jamie Bludau, Joe Lozano, Cristyn Hallmark, Randy Perry, Ruben Gonzales, Ken McKay, Barry Halvorson, Elmo Duke, Bill Orton, Jeannette Bell, Harriet Townsend and Janet Hickl

1. Certification of quorum

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

2. Pledge of Allegiance – Commissioner Frick

3. Texas Pledge – Commissioner Frick

4. Prayer – Commissioner Pollard

5. Consideration and possible action regarding approving Commissioners Court Minutes for July 6, 2015

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 Commissioners Court Minutes for July 6, 2015. 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 Frick, 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 the payment of \$3,369.12 to Jay Hayes and \$4.19 to Vicki Matthes for compensation time that was not paid out when they left employment with Matagorda County and pay any benefits associated with these payouts

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 payment of \$3,369.12 to Jay Hayes and \$4.19 to Vicki Matthes for compensation time that was not paid out when they left employment with Matagorda County and pay any benefits associated with these payouts. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to accept a FY 2015 Emergency Management Performance Grant (EMPG) from the Texas Department of Public Safety, Texas Division of Emergency Management, Grant #15TX-EMPG-0528, in the amount of \$34,286.53, 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 accept a FY 2015 Emergency Management Performance Grant (EMPG) from the Texas Department of Public Safety, Texas Division of Emergency Management, Grant #15TX-EMPG-0528, in the amount of \$34,286.53, and authorize the County Judge to sign. Motion carried.
Vote 5 ayes 0 nays

9. Consideration and possible action to approve an ArcGIS for Desktop Basic Use Primary Maintenance Quote in the amount of \$400 between Matagorda County and Environmental Systems Research Institute, Inc. (ESRI) for the Matagorda County Environmental Health Floodplain computer program beginning June 30, 2015 and ending June 29, 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 an ArcGIS for Desktop Basic Use Primary Maintenance Quote in the amount of \$400 between Matagorda County and Environmental Systems Research Institute, Inc. (ESRI) for the Matagorda County Environmental Health Floodplain computer program beginning June 30, 2015 and ending June 29, 2016. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve an engagement with Standard & Poor's for rating services for the issuance of Certificates of Obligation

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 an engagement with Standard & Poor's for rating services for the issuance of Certificates of Obligation. Motion carried.
Vote 5 ayes 0 nays

11. Meet in Executive session under §551.07(1)(a) of the Texas Government 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 9:41 a.m. by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to Meet in Executive session under §551.07(1)(a) of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers. Motion carried.
Vote 5 ayes 0 nays

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

Executive session under §551.071(a) of the Texas Government 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 10:07 a.m. by Commissioner Pollard, 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 §551.071(a) of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers.

Motion carried. Vote 5 ayes 0 nays

13. **Consideration and possible action to approve an Application to Cross a County Road from Copano NGL Services, LLC, to lay a 12 inch pipeline under and/or along County Road 106 (Skelly Road), in Precinct #1, Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Frick, with all others concurring and Commissioner Pustka abstaining, to approve an Application to Cross a County Road from Copano NGL Services, LLC, to lay a 12 inch pipeline under and/or along County Road 106 (Skelly Road), in Precinct #1, Matagorda County, Texas. Motion carried.

Vote 4 ayes 0 nays 1 abstain

14. **Consideration and possible action to approve an Application to Cross a County Road from Copano NGL Services, LLC, to lay a 12 inch pipeline under and/or along County Road 113 (Savage Road), in Precinct #1, Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Frick, with all others concurring and Commissioner Pustka abstaining, to approve an Application to Cross a County Road from Copano NGL Services, LLC, to lay a 12 inch pipeline under and/or along County Road 113 (Savage Road), in Precinct #1, Matagorda County, Texas. Motion carried.

Vote 4 ayes 0 nays 1 abstain

15. **Consideration and possible action to approve a letter of support for the Palacios Community Hub, in their application for a United States Department of Agriculture, Rural Community Development Initiative grant, "Palacios Works Together"**

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 letter of support for the Palacios Community Hub, in their application for a United States Department of Agriculture, Rural Community Development Initiative grant, "Palacios Works Together". Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to ratify approval of a support letter for the Wastewater Collection and Water System Improvement Project being proposed by the Matagorda Waste Disposal and Water Supply Corp. and requesting consideration for financial assistance from USDA Rural Utility Services

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to ratify approval of a support letter for the Wastewater Collection and Water System Improvement Project being proposed by the Matagorda Waste Disposal and Water Supply Corp. and requesting consideration for financial assistance from USDA Rural Utility Services. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve a 6 month extension request letter to the Texas Department of Agriculture for the Texas Capital Fund Grant, Contract 713082, due to a need to rebid the contract, after only receiving 1 bid, and it coming in \$300,000 over budget

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 approve a 6 month extension request letter to the Texas Department of Agriculture for the Texas Capital Fund Grant, Contract 713082, due to a need to rebid the contract, after only receiving 1 bid, and it coming in \$300,000 over budget. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to remove and replace current Investment Officer and Alternate Investment Officer, and direct necessary changes to be made in the County's Investment Policy to reflect names of newly appointed Interim Investment Officers

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to remove and replace current Investment Officer and Alternate Investment Officer, and direct necessary changes to be made in the County's Investment Policy to reflect names of newly appointed Interim Investment Officers. County Judge McDonald stated for the record that he is within the first degree of consanguinity and will not participate in discussion or any action on this matter. County Auditor Cathy Ezell was appointed interim investment officer and Kristen Kubecka as assistant investment officer. Motion carried. Vote 4 ayes 0 nays 1 abstain

19. 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 Pustka, 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

20. Consideration and possible action to approve Monthly Reports for 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 Monthly Reports for various county departments. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to approve 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

22. Public Comments

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

23. Adjournment

Motion was duly made at approximately 10:30 a.m. 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 20th day of July, 2015.

absent

NATE McDONALD,
County Judge

Daniel Pustka

DANIEL PUSTKA,
Commissioner Precinct No. One

Kent Pollard

KENT POLLARD, Judge Pro Tem
Commissioner Precinct No. Two

James Gibson

JAMES GIBSON,
Commissioner Precinct No. Three

Charles "Bubba" Frick

CHARLES "BUBBA" FRICK,
Commissioner Precinct No. Four

ATTEST:

Janet Hickl

Janet Hickl, County Clerk

