

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, DECEMBER 2, 2013

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 2nd day of December 2013 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: Doug Matthes, Joe Heaton, Carolyn Thames, Cathy Ezell, Haskell Simon, Marcus Michna, Bobby Wilkinson, Mike Strotmeide, Barry Halvorson, Bill Cornman, Tom Uher, Chris Peikert, Barry Calhoun, Chris North, Martha Drake, Ruben Gonzales, Sheriff Osborne, Ellen Dodd, Denise Fortenberry, Tammy McDonald, Harriet Townsend and Maggie Perez

1. **Certification of quorum**

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

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

3. **Texas Pledge – Commissioner Woodson**

4. **Prayer – Commissioner Gibson**

5. **Consideration and possible action regarding approving Commissioners Court Minutes for November 25, 2013**

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 Commissioners Court Minutes for November 25, 2013. 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, no action required.

7. **Consideration and possible action to approve a Texas Capital Fund Contract #713082, between the Texas Department of Agriculture and Matagorda County, in the amount of \$1,500,000.00 for real estate acquisition, roads, rail, sewer and water activities in Matagorda County**

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 Texas Capital Fund Contract #713082, between the Texas Department of Agriculture and Matagorda County, in the amount of \$1,500,000.00 for real estate acquisition, roads, rail, sewer and water activities in Matagorda County. Motion carried.

Vote 5 ayes 0 nays

8. Consideration and possible action to approve a Resolution supporting the City of Bay City's submission of an application to the Economic Development Administration's 2013 Investments for Public Works and Economic Development Facilities program for grant funds to construct water, sewer, street, and rail improvements in support of economic development activity and committing the County's Texas Capital Fund Contract No., 713082 award as the application's required matching share

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 Resolution supporting the City of Bay City's submission of an application to the Economic Development Administration's 2013 Investments for Public Works and Economic Development Facilities program for grant funds to construct water, sewer, street, and rail improvements in support of economic development activity and committing the County's Texas Capital Fund Contract No., 713082 award as the application's required matching share. Motion carried.

Vote 5 ayes 0 nays

9. Consideration and possible action to approve a Demand Check made payable to City of West Columbia for \$72.00 for 3 Dispatchers (Fancy Nichols, Abelina Garay, and Jillian Yocum) to attend conference "Crisis Communication #2120" to be held on December 11-13, 2013 in West Columbia, Texas, to be taken out of 010-512-485

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pustka, with all others concurring, to approve a Demand Check made payable to City of West Columbia for \$72.00 for 3 Dispatchers (Fancy Nichols, Abelina Garay, and Jillian Yocum) to attend conference "Crisis Communication #2120" to be held on December 11-13, 2013 in West Columbia, Texas, to be taken out of 010-512-485. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve a Proposal from R & M Telephone Service, for a new phone system at the Precinct Barn, Precinct #1, in the amount of \$1,645.00

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 a Proposal from R & M Telephone Service, for a new phone system at the Precinct Barn, Precinct #1, in the amount of \$1,645.00. Motion Carried.

Vote 5 ayes 0 nays

11. Consideration and possible action to accept a donation toward expenses of the Matagorda County Household Hazardous Waste Collection Event held October 26, 2013 in the amount of \$7,000.00 from OXEA Corporation

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 donation toward expenses of the Matagorda County Household Hazardous Waste Collection Event held October 26, 2013 in the amount of \$7,000.00 from OXEA Corporation. Motion carried. Vote 5 ayes 0 nays.

12. Consideration and possible action to accept a donation toward expenses of the Matagorda County Household Hazardous Waste Collection Event held October 26, 2013 in the amount of \$1,500.00 from Chevron Phillips Chemical Company, LP

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 donation toward expenses of the Matagorda County Household Hazardous Waste Collection Event held October 26, 2013 in the amount of \$1,500.00 from Chevron Phillips Chemical Company, LP. Motion carried. Vote 5 ayes 0 nays

13. Public Hearing at 9:45 am concerning the adoption of an ordinance to nominate an area of the County designated as a reinvestment zone, with proposed zone area as described in Instrument No. 071569 – Special Warranty Deed filed in the office

This being the next item for business, motion was duly made at 9:58 am by County Judge McDonald and seconded by Commissioner Gibson, with all others concurring, to go into a Public Hearing concerning the adoption of an ordinance to nominate an area of the County designated as a reinvestment zone, with proposed zone area as described in Instrument No. 071569 – Special Warranty Deed filed in the office. Motion carried. Vote 5 ayes 0 nays. A motion was duly made at 10:00 by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to exit the public hearing and go back into regular session of court. Motion carried. Vote 5 ayes and 0 nays.

14. Consideration and possible action to approve an Agreement for Management of the Midfield Community Center FY 2014 and FY 2015 between Matagorda County and Rose Woodson, to be paid monthly, in the amount of \$150.00 per month, not to exceed the aggregate sum of \$1,800.00

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 an Agreement for Management of the Midfield Community Center FY 2014 and FY 2015 between Matagorda County and Rose Woodson, to be paid monthly, in the amount of \$150.00 per month, not to exceed the aggregate sum of \$1,800.00. Motion carried. Vote 5 ayes 0 nays.

15. Consideration and possible action to approve the renewal of a Customer Service Plan Agreement between Matagorda County and Schneider Electric Buildings Business for the Schneider Electric automation System in the Matagorda County Courthouse, beginning December 02, 2013 and ending November 30, 2014, in the amount of \$7,852.00, to be paid \$1,963.00 per quarter

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring, to approve the renewal of a Customer Service Plan Agreement between Matagorda County and Schneider Electric Buildings Business for the Schneider Electric automation System in the Matagorda County Courthouse, beginning December 02, 2013 and ending November 30, 2014, in the amount of \$7,852.00, to be paid \$1,963.00 per quarter. Motion carried. Vote 5 ayes 0 nays.

16. Consideration and possible action to approve an Engineering Services Agreement between Matagorda County and Shelmark Engineering, LLC, related to the 2008-2010 Coastal Impact Assistance Program (CIAP), Matagorda County Gulf Pier and Education Program, Sargent, Texas

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 an Engineering Services Agreement between Matagorda County and Shelmark Engineering, LLC, related to the 2008-2010 Coastal Impact Assistance Program (CIAP), Matagorda County Gulf Pier and Education Program, Sargent, Texas. Motion carried. Vote 5 ayes 0 nays.

17. Consideration and possible action to approve a Consulting Agreement between Matagorda County and Mary Pat Curry, to assist the Emergency Management Coordinator, beginning January 1, 2014 and ending December 31, 2014, in the amount of \$12,000.00 annually, to be paid \$1,000.00 per month, and to also include a cell phone allowance of \$720.00, payable \$60.00 per month

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 a Consulting Agreement between Matagorda County and Mary Pat Curry, to assist the Emergency Management Coordinator, beginning January 1, 2014 and ending December 31, 2014, in the amount of \$12,000.00 annually, to be paid \$1,000.00 per month, and to also include a cell phone allowance of \$720.00, payable \$60.00 per month. Motion carried. Vote 5 ayes 0 nays.

18. Public Hearing at 10:00 am to discuss the application for tax abatement by OXEA for a project to stop bottlenecks at their Wadsworth facility

This being the next item for business, motion was duly made at 10:08 am by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring, to go into a Public Hearing to discuss the application for tax abatement by OXEA for a project to stop bottlenecks at their Wadsworth facility. Motion carried. Vote 5 ayes 0 nays. A motion was duly made at 10:09 am by Commissioner Gibson and seconded by Commissioner Pustka, with all others concurring, to go back into regular session of court. Motion carried. Vote 5 ayes 0 nays.

19. Consideration and possible action to approve Counsel Contingent Fee Contract between Matagorda County and Malouf & Nockels LLP, The Coffman Law Firm, and Mitchell A. Toups for representation in a lawsuit arising under the laws of The State of Texas against Mortgage Electronic Registration Systems, Inc., et al

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 Counsel Contingent Fee Contract between Matagorda County and Malouf & Nockels LLP, The Coffman Law Firm, and Mitchell A. Toups for representation in a lawsuit arising under the laws of The State of Texas against Mortgage Electronic Registration Systems, Inc., et al. Motion carried. Vote 5 ayes 0 nays.

20. Consideration and possible action to approve Counsel Contingent Fee Contract if Subchapter C, Chapter 2254 of the Texas Government Code is Not Applicable between Matagorda County and Malouf & Nockels LLP, The Coffman Law Firm, and Mitchell A. Toups for representation in a lawsuit arising under the laws of The State of Texas against Mortgage Electronic Registration Systems, Inc., et al

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 Counsel Contingent Fee Contract if Subchapter C, Chapter 2254 of the Texas Government Code is Not Applicable between Matagorda County and Malouf & Nockels LLP, The Coffman Law Firm, and Mitchell A. Toups for representation in a lawsuit arising under the laws of The State of Texas against Mortgage Electronic Registration Systems, Inc., et al. Motion carried. Vote 5 ayes 0 nays.

21. 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 Gibson, with all others concurring, to approve Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

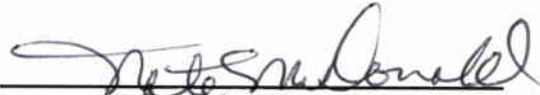
22. Public Comments

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


23. **Adjournment**

Motion was duly made at approximately 10:14 a.m. by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to adjourn the meeting. Motion carried.
Vote 5 ayes 0 nays


Approved in Open Court, this the 9th day of December, 2013.




NATE McDONALD,
County Judge




DANIEL PUSTKA,
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

