

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, February 25, 2013

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 25th day of February 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: Ellen Dodd, Ruben Gonzales, Doug Matthes, Bob Watts, Denise Fortenberry, Sheriff Osborne, Owen Bludau, Edward Stavinoha, Carole Patrick, Mitch Thames, Chris Peikert, Cristyn Hallmark, Curtis Mooneyham, Gayle Watkins, Jr., Kristie Smith, Muriel Tipps, Joe Heaton, Barry Halvorson, Tiger Lane, Janet Hickl and Harriet Townsend

1. Certification of quorum

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

2. Pledge of Allegiance – Gibson

3. Texas Pledge – Gibson

4. Prayer – Commissioner Pollard

5. Consideration and possible action regarding approving Commissioners Court Minutes for February 11, 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 February 11, 2013. Motion carried.

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 Woodson, with all others concurring, to approve one contract for the use of the Matagorda County Fairground facilities by Francisco Ayala. Motion carried.

7. Consideration and possible action to approve an Intergovernmental Agreement between Matagorda County and the City of Palacios regarding grant funds from the Coastal Impact Assistance Program, Contract # F13AF0080, for a 2,400 square foot open-air wooden pavilion structure to include additional site improvements such as benches and educational kiosks

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 newest version of the Intergovernmental Agreement between Matagorda County and the City of Palacios regarding grant funds from the Coastal Impact Assistance Program, Contract # F13AF0080, for a 2,400 square foot open-air wooden pavilion structure to include additional site improvements such as benches and educational kiosks. Motion carried.

8. Consideration and possible action to approve a Fire Fighting Agreement between Matagorda County and Blessing Volunteer Fire Department for 2013 and 2014

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 Fire Fighting Agreement between Matagorda County and Blessing Volunteer Fire Department for 2013 and 2014. Motion carried.

9. Consideration and possible action to approve a Fire Fighting Agreement between Matagorda County and Palacios Volunteer Fire Department for 2013 and 2014

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 Fire Fighting Agreement between Matagorda County and Palacios Volunteer Fire Department for 2013 and 2014. Motion carried.

10. Consideration and possible action to approve Matagorda Volunteer Fire Department and its chief, Mike Lambert, to provide an escort for the Matagorda County Mounted Calvary to Austin, Texas, March 4th and 5th, in order to participate in Matagorda County Day Activities at the State Capitol

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 Matagorda Volunteer Fire Department and its chief, Mike Lambert, to provide an escort for the Matagorda County Mounted Calvary to Austin, Texas, March 4th and 5th, in order to participate in Matagorda County Day Activities at the State Capitol. Motion carried.

11. Consideration and possible action to approve the purchase of additional equipment for the County Clerk's Office, if needed for the operation of the TYLER ODYSSEY software program, not to exceed \$5,000, payable from the County Clerk's Preservation & automation Fund 16-403-481

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 the purchase of additional equipment for the County Clerk's Office, if needed for the operation of the TYLER ODYSSEY software program, not to exceed \$5,000, payable from the County Clerk's Preservation & automation Fund 16-403-481. Motion carried.

12. Consideration and possible action to authorize Justice of the Peace #1, Jeannette Bell, to purchase a PC, in the amount of \$578.39 from Bass Computers, to replace Irene Gutierrez's PC, and to come out of the JP Technology Fund, 19-460-330

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to authorize Justice of the Peace #1, Jeannette Bell, to purchase a PC, in the amount of \$578.39 from Bass Computers, to replace Irene Gutierrez's PC, and to come out of the JP Technology Fund, 19-460-330. Motion carried.

13. Consideration and possible action to accept the donation of \$7,200.00 from the Matagorda County Sheriff's Office Citizens Law Enforcement Academy Alumni Association for the purchase of new uniforms for the Matagorda County Sheriff's Office

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by County Judge McDonald, with all others concurring, accept the donation of \$7,200.00 from the Matagorda County Sheriff's Office Citizens Law Enforcement Academy Alumni Association for the purchase of new uniforms for the Matagorda County Sheriff's Office. Motion carried.

14. Consideration and possible action to authorize the preparation and submission of a Texas Capital Fund application for \$1.5 million for infrastructure funds to be used for the Tenaris Project

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 authorize the preparation and submission of a Texas Capital Fund application for \$1.5 million for infrastructure funds to be used for the Tenaris Project. Motion carried.

15. Consideration and possible action to approve the solicitation and publication for RFP/RFQ's for the 2013 Texas Capital Fund Project

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 the solicitation and publication for RFP/RFQ's for the 2013 Texas Capital Fund Project. Motion carried.

16. Consideration and possible action to approve the solicitation and publication for RFP/RFQ's for the CIAP Gulf Pier Project

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 the solicitation and publication for RFP/RFQ's for the CIAP Gulf Pier Project. Motion carried.

17. Consideration and possible action to authorize the preparation and submission of an Economic Development Administration application for \$1.5 million for infrastructure funds to be used for the Tenaris Project

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to authorize the preparation and submission of an Economic Development Administration application for \$1.5 million for infrastructure funds to be used for the Tenaris Project. Motion carried.

18. Consideration and possible action to set a Public Hearing to discuss an application for Tax Abatement and Incentives by Tenaris, and authorize publishing of the Notice of Public Hearing

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 set a Public Hearing on March 11, 2013 at 9:45 a.m. to discuss an application for Tax Abatement and Incentives by Tenaris, and authorize publishing of the Notice of Public Hearing. Motion carried. Commissioner Pollard abstained.

19. Consideration and possible action to ratify a Grant Application to the Community Development Partnership Program for the Matagorda County Sheriff's Department, in the amount of \$19,560.00, to purchase body worn video camera systems

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to ratify a Grant Application to the Community Development Partnership Program for the Matagorda County Sheriff's Department, in the amount of \$19,560.00, to purchase body worn video camera systems. Motion carried

20. Consideration and possible action to approve the inspection contract with Switzerland Air Air Conditioning & Heating for the Matagorda County Sheriff's Office and the Matagorda County Jail. The contract will consist of four (4) quarterly inspections with a quarterly cost of \$2,545.00, an annual cost of \$10,180.00

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 the inspection contract with Switzerland Air Air Conditioning & Heating for the Matagorda County Sheriff's Office and the Matagorda County Jail. The contract will consist of four (4) quarterly inspections with a quarterly cost of \$2,545.00, an annual cost of \$10,180.00. Motion carried

21. Consideration and possible action to authorize the Matagorda County Sheriff's Office to purchase one (1) 2013 Chevrolet Tahoe through HGAC from Caldwell Country Chevrolet, using a trade-in of 16 vehicles (the list is attached)

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 inspection contract with Switzerland Air Air Conditioning & Heating for the Matagorda County Sheriff's Office and the Matagorda County Jail. The contract will consist of four (4) quarterly inspections with a quarterly cost of \$2,545.00, an annual cost of \$10,180.00. Motion carried

22. Consideration and possible action to approve a Permit to Conduct Geophysical Operations between Matagorda County and Layline Petroleum I, LLC for a 3-D seismic survey on the following property: 45 acres of land, more or less, being that certain tract of land out of the William New Survey, Abstract #366, the S. Lubbock Survey, Abstract #367, and M. E. John son Survey, Abstract #466 in Matagorda County, Texas, and being all of Farm Tract Numbers 333, 340,530,533,710,716,720,734, and 740 of the Francitas Farms Subdivision according to a map or plat of said Subdivision recorded in Volume 33, Page 628, of the Plat Records of Matagorda County, Texas

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 Permit to Conduct Geophysical Operations between Matagorda County and Layline Petroleum I, LLC for a 3-D seismic survey on the following property: 45 acres of land, more or less, being that certain tract of land out of the William New Survey, Abstract #366, the S. Lubbock Survey, Abstract #367, and M. E. John son Survey, Abstract #466 in Matagorda County, Texas, and being all of Farm Tract Numbers 333, 340,530,533,710,716,720,734, and 740 of the Francitas Farms Subdivision according to a map or plat of said Subdivision recorded in Volume 33, Page 628, of the Plat Records of Matagorda County, Texas. Motion carried

23. Consideration and possible action to approve a Cell Phone Allowance for Charles Adams, Network Administrator, Information Services in the amount of \$60.00 per month

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Woodson, with all others concurring, to approve a Cell Phone Allowance for Charles Adams, Network Administrator, Information Services in the amount of \$60.00 per month. Motion carried.

24. Consideration and possible action to approve an Engineering Contract between Matagorda County and John D. Mercer & Associates, Inc. for Wastewater Treatment Plant Improvements for the Matagorda Waste Disposal and Water Supply Corporation from a Texas Community Development Grant Program, not to exceed \$39,000.00

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 an Engineering Contract between Matagorda County and John D. Mercer & Associates, Inc. for Wastewater Treatment Plant Improvements for the Matagorda Waste Disposal and Water Supply Corporation from a Texas Community Development Grant Program, not to exceed \$39,000.00. Motion carried.

25. Consideration and possible action to re-approve the inspection contract for Silent Knight Programmable Fire Alarm System with SimplexGrinnell for the Matagorda County Jail, originally approve on February 11th in the amount of \$2,500.00, but needed to add a Sprinkler Test and Inspection in the amount of \$350.00, changing the annual payment to \$2,850.00

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to re-approve the inspection contract for Silent Knight Programmable Fire Alarm System with SimplexGrinnell for the Matagorda County Jail, originally approve on February 11th in the amount of \$2,500.00, but needed to add a Sprinkler Test and Inspection in the amount of \$350.00, changing the annual payment to \$2,850.00. Motion carried.

26. Consideration and possible action to approve an Interagency Project Cooperation Agreement between Matagorda County and the Texas General Land Office, regarding Contract No. 13-309-000-7587 for CEPRA Project No. 1532, not to exceed \$1,500,000.00, for the Sargent Beach Nourishment Project

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 an Interagency Project Cooperation Agreement between Matagorda County and the Texas General Land Office, regarding Contract No. 13-309-000-7587 for CEPRA Project No. 1532, not to exceed \$1,500,000.00, for the Sargent Beach Nourishment Project. Motion carried.

27. Consideration and possible action to approve Draw 13 for the Sargent Beach Restoration Project, Texas CDBG Contract #DRS010112/10-5108-000-5089, in the amount of \$635,098.75 and Draw #1 for the Sargent Beach Nourishment Project, GLO-CEPRA Contract 13-309-000-7587, CEPRA Project 1532, in the amount of \$414,651.25, and authorize the County Judge to sign both draws

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 Draw 13 for the Sargent Beach Restoration Project, Texas CDBG Contract #DRS010112/10-5108-000-5089, in the amount of \$635,098.75 and Draw #1 for the Sargent Beach Nourishment Project, GLO-CEPRA Contract 13-309-000-7587, CEPRA Project 1532, in the amount of \$414,651.25, and authorize the County Judge to sign both draws. Motion carried.

28. Consideration and possible action to accept a \$78,000.00 grant to the Tres Palacios Oaks Volunteer Fire Department from the Texas Forestry Service in order to purchase a small brush truck, and approve a \$13,600.00 match to be paid out of 543-570

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pustka, with all others concurring, to accept a \$78,000.00 grant to the Tres Palacios Oaks Volunteer Fire Department from the Texas Forestry Service in order to purchase a small brush truck, and approve a \$13,600.00 match to be paid out of 543-570. Motion carried.

29. Consideration and possible action to approve an Agreement between Matagorda County and Tres Palacios Oaks Volunteer Fire Department for the purchase of a small Brush Fire Truck, and to authorize the issuance of a Demand Check for \$91,600.00 payable to Philpott Motors upon notice of completion of truck, of which \$78,000.00 will be reimbursed from the Texas Forestry Grant

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 an Agreement between Matagorda County and Tres Palacios Oaks Volunteer Fire Department for the purchase of a small Brush Fire Truck, and to authorize the issuance of a Demand Check for \$91,600.00 payable to Philpott Motors upon notice of completion of truck, of which \$78,000.00 will be reimbursed from the Texas Forestry Grant. Motion carried.

30. Consideration and possible action to authorize Commissioner James Gibson, Precinct #3 to submit a Credit Application to Trinity Highway Products, LLC in order to purchase bridge rails

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 Commissioner James Gibson, Precinct #3 to submit a Credit Application to Trinity Highway Products, LLC in order to purchase bridge rails. Motion carried.

31. Consideration and possible action to approve the Matagorda County Auditor's Monthly Report for December 2012

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 Matagorda County Auditor's Monthly Report for December 2012. Motion carried.

32. Consideration an 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.

33. 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 Pollard, with all others concurring, to approve Line Item Transfers. Motion carried.

34. Consideration and possible action to approve Emergency Amendments

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

34a. Consideration and possible action to approve Board Appointments for Matagorda County-Palacios Seawall Commission, Matagorda County Hospital District Board of Managers, Wharton-Matagorda County Child Protective Services, Matagorda County Rail Transportation District

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 Board Appointments for Matagorda County-Palacios Seawall Commission, Matagorda County Hospital District Board of Managers, Wharton-Matagorda County Child Protective Services, Matagorda County Rail Transportation District with the exception of item #9 – Wharton-Matagorda County Child Protective Services (seven, 3-yr terms with annual staggered appointment – two each year) and item #15 – HGAC Committee on Natural Resources (2-year term) which were tabled. Motion carried.

34b. Consideration and possible action to award the 2013 Janitorial Contract to Bay City Janitorial for the Matagorda County Courthouse and the County of Matagorda Office Building

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 table awarding the 2013 Janitorial Contract to Bay City Janitorial for the Matagorda County Courthouse and the County of

35. Public Comments

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

36. Adjournment

Motion was duly made at approximately 10:38 a.m. by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adjourn the meeting. Motion carried.

Approved in Open Court, this the 4th day of March, 2013.

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

David "Woody" Woodson

DAVID "WOODY" WOODSON,
Commissioner Precinct No. Four

ATTEST:

Janet Hickl

Janet Hickl, County Clerk

