

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, JULY 6, 2015**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 6<sup>th</sup> 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, Chris Peikert, Denise Fortenberry, Eva Peterson, Doug Matthes, Mike Reddell, Tammy McDonald, Cathy Ezell, Jamie Bludau, Michael A. Peters, Heather Peters, Samantha A. Peters, Beverly A. Peters, Jim Gilley, Jonathan Frels, Jonathan Seliger, James Gilley, Ed Stavinoha, Joe Lozano, Cristyn Hallmark, Carole Patrick, Heather Menzies, 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 Pustka**

**3. Texas Pledge – Commissioner Pustka**

**4. Prayer – Commissioner Gibson**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for June 29, 2015**

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 Commissioners Court Minutes for June 29, 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 two contracts for the use of the Matagorda County Fairground facilities. Motion carried. Vote 5 ayes 0 nays

**7. Consideration and possible action to accept a Continuation Certificate from Ballard Exploration Company, Inc. for Heavy Load Bond Number RLB0014858 (traveling CR 117 and CR 105, Precinct #1), extending the bond to November 7, 2015**

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 Continuation Certificate from Ballard Exploration Company, Inc. for Heavy Load Bond Number RLB0014858 (traveling CR 117 and CR 105, Precinct #1), extending the bond to November 7, 2015. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to accept a Continuation Certificate from Kebo Oil and Gas, Inc. for Heavy Load Bond Number 104691398 (traveling CR 326, Precinct #3), extending the bond to February 7, 2016**

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 a Continuation Certificate from Kebo Oil and Gas, Inc. for Heavy Load Bond Number 104691398 (traveling CR 326, Precinct #3), extending the bond to February 7, 2016. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to accept a Continuation Certificate from Kebo Oil and Gas, Inc. for Heavy Load Bond Number 106096228 (traveling CR 433, Precinct #4), extending the bond to May 5, 2016**

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 Continuation Certificate from Kebo Oil and Gas, Inc. for Heavy Load Bond Number 106096228 (traveling CR 433, Precinct #4), extending the bond to May 5, 2016. Motion carried. Vote 5 ayes 0 nays

**10. 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 Gibson, and seconded by Commissioner Pollard, with all others concurring and Commissioner Pustka abstaining, to table approving 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

**11. 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 Gibson, and seconded by Commissioner Pollard, with all others concurring and Commissioner Pustka abstaining, to table approving 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

**12. Consideration and possible action to approve a Proclamation congratulating Graduating Senior Heather Peters**

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 Proclamation congratulating Graduating Senior Heather Peters. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to appoint Eva Peterson, Executive Director of the Matagorda County Economic Development Corporation, to the Economic Development Advisory Committee, Houston-Galveston Area Council, representing Matagorda County**

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 appoint Eva Peterson, Executive Director of the Matagorda County Economic Development Corporation, to the Economic Development Advisory Committee, Houston-Galveston Area Council, representing Matagorda County. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to authorize Commissioner Dan Pustka to accept an Estimate from Ledwig Services, and schedule work to replace the Cedar Lane Community Center's roof, in the amount of \$8,250.00**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to authorize Commissioner Dan Pustka to accept an Estimate from Ledwig Services, and schedule work to replace the Cedar Lane Community Center's roof, in the amount of \$8,250.00. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to approve the Texas Enterprise Zone Program Mandatory Annual Report Form and allow the County Judge to sign for submission to the Office of the Governor**

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 Texas Enterprise Zone Program Mandatory Annual Report Form and allow the County Judge to sign for submission to the Office of the Governor. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve Exempt Employees to work Borderstar and be paid overtime for Borderstar work (paid by Local Borderstar Grant, not County) and make it retroactive to 09/01/2014**

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 Exempt Employees to work Borderstar and be paid overtime for Borderstar work (paid by Local Borderstar Grant, not County) and make it retroactive to 09/01/2014. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve Change Order #1 and Revision #6 Letter of Re-Evaluation for Contract DRS220112/GLO 12-485-000-6657 (Palacios Sewer Project), 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 approve Change Order #1 and Revision #6 Letter of Re-Evaluation for Contract DRS220112/GLO 12-485-000-6657 (Palacios Sewer Project), and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to approve a Dollar General Subdivision, being the subdivision of 5.46 Acres, 2 Lots, 0 Reserves, 1 Block, in the Hinton Curtis League, Abstract NO. 23, Sargent, Matagorda County, 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 a Dollar General Subdivision, being the subdivision of 5.46 Acres, 2 Lots, 0 Reserves, 1 Block, in the Hinton Curtis League, Abstract NO. 23, Sargent, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to begin the review process of the Henderson Fabrication Chapter 381 Application in place of Henderson Fabrication Tax Abatement Application**

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 begin the review process of the Henderson Fabrication Chapter 381 Application in place of Henderson Fabrication Tax Abatement Application. Motion carried.  
Vote 5 ayes 0 nays

**20. Consideration and possible action to approve a Resolution by the Commissioners Court of Matagorda County, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; An Approving Other Matters Incidental Thereto**

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 a Resolution by the Commissioners Court of Matagorda County, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; An Approving Other Matters Incidental Thereto. Motion carried. Vote 5 ayes 0 nays

**21. Consideration and possible action to accept a petition from home and property owners on CR 230 (Canal Drive) to reduce the speed limit from 30 miles per hour to 25 miles per hour**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to accept a petition from home and property owners on CR 230 (Canal Drive) to reduce the speed limit from 30 miles per hour to 25 miles per hour. Motion carried.  
Vote 5 ayes 0 nays

**22. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report for May 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 the Matagorda County Treasurer's Monthly Investment Report for May 2015. Motion carried. Vote 5 ayes 0 nays

**23. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report for June 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 the Matagorda County Treasurer's Monthly Investment Report for June 2015. Motion carried. Vote 5 ayes 0 nays

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

**25. 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 Gibson, with all others concurring, to Emergency Amendments. Motion carried.  
Vote 5 ayes 0 nays

**26. Meet in Executive Session under §551.071(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 10:21 a.m. by Commissioner Pustka, and seconded by Commissioner Gibson, with all other concurring, to Meet in Executive Session under §551.071(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

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

**Executive Session under §551.071(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 11:33 a.m. by Commissioner Pustka, and seconded by Commissioner Frick, with all other concurring, to Reconvene open session and consider taking action on the matters discussed in:

Executive Session under §551.071(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


**28. Public Comments**

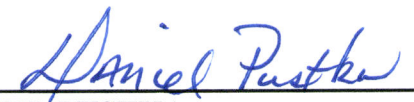
This being the next item for business, no action required.

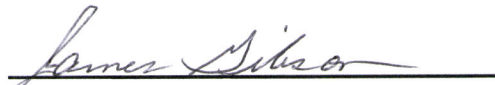
**29. Adjournment**


Motion was duly made at approximately 11:34 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 13<sup>th</sup> day of July, 2015.

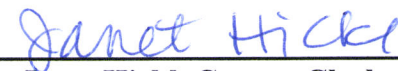
  
\_\_\_\_\_  
NATE McDONALD,  
County Judge

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

  
\_\_\_\_\_  
JAMES GIBSON,  
Commissioner Precinct No. Three

  
\_\_\_\_\_  
KENT POLLARD, Judge Pro Tem  
Commissioner Precinct No. Two

  
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CHARLES "BUBBA" FRICK,  
Commissioner Precinct No. Four

ATTEST:   
\_\_\_\_\_  
Janet Hickl, County Clerk

