

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, MARCH 18, 2013**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 18<sup>th</sup> day of March 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, Denise Fortenberry, Sheriff Osborne, Carole Patrick, Cristyn Hallmark, Barry Halvorson, Tammy McDonald, E. J. Smith, Edward Stavinoha, Harriet Townsend and Janet Hickl

**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 March 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 March 11, 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, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, 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 authorize payment of Tyler Technologies Invoice 020-3932, dated 2/15/2013, in the amount of 25,460.00, for configuration and consulting, project management and training, and coming out of Fund 16**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to authorize payment of Tyler Technologies Invoice 020-3932, dated 2/15/2013, in the amount of 25,460.00, for configuration and consulting, project management and training, and coming out of Fund 16. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve the Investment Policy Appendix B, Authorized List of Brokers/Dealers as of March 18, 2013**

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 Investment Policy Appendix B, Authorized List of Brokers/Dealers as of March 18, 2013. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve a Cell Phone Allowance Request for Jail Lt. Benito Longoria in the amount of \$60.00 per month according to county policies and procedures**

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 Request for Jail Lt. Benito Longoria in the amount of \$60.00 per month according to county policies and procedures. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to authorize a Letter of Support and Approval to the U. S. Coast Guard, regarding the installation/replacement of waterlines along the bridges on County Road 230, as per SEG-2012-00954, by the WCID #2, Precinct #2, Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to authorize a Letter of Support and Approval to the U. S. Coast Guard, regarding the installation/replacement of waterlines along the bridges on County Road 230, as per SEG-2012-00954, by the WCID #2, Precinct #2, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to award the bid to L L & F Construction, as per recommendation of Baker I & Lawson, Inc. for the Base Bid of \$114,941.00 for the construction of a 7' Concrete Retaining Wall in 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 award the bid to L L & F Construction, as per recommendation of Baker I & Lawson, Inc. for the Base Bid of \$114,941.00 for the construction of a 7' Concrete Retaining Wall in Sargent, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Report for February 2013**

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 the Matagorda County Treasurer's Monthly Report for February 2013. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report for February 2013**

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 Treasurer's Monthly Investment Report for February 2013. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to declare the scrap iron collected from around the Matagorda County Sheriff's Office as surplus salvage and authorize its disposal**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to declare the scrap iron collected from around the Matagorda County Sheriff's Office as surplus salvage and authorize its disposal. Motion carried. Vote 5 ayes 0 nays

**15. Meet in executive session under section 551.071 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 in the following matter:**

**Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas**

**Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas**

**Economic Development**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard at 9:55 a.m., with all others concurring, to Meet in executive session under section 551.071 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 in the following matter:

Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas

Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas

**Economic Development**

Motion carried. Vote 5 ayes 0 nays

16. **Reconvene open session and consider taking action on the following matters:**  
**Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas**

**Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas**

**Economic Development**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pustka at 10:55 a.m., with all others concurring, to Reconvene open session and consider taking action on the following matters:

Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas

Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas

Economic Development

Commissioners agreed to allow the County Attorney to negotiate with the attorneys in the Civil Action No. 3:13-CV-058 and Cause NO. 13-E-0057-C. No action was taken regarding the Economic Development. Motion carried. Vote 5 ayes 0 nays


17. **Public Comments**


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


18. **Adjournment**

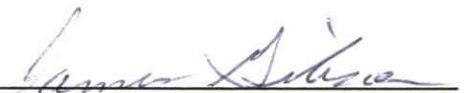
Motion was duly made at approximately 10:56 a.m. by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

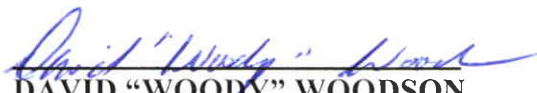
Approved in Open Court, this the 25<sup>th</sup> day of March, 2013.

  
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NATE McDONALD,  
County Judge

  
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DANIEL PUSTKA,  
Commissioner Precinct No. One

  
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KENT POLLARD,  
Commissioner Precinct No. Two

  
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JAMES GIBSON, Judge Pro Tem  
Commissioner Precinct No. Three

  
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DAVID "WOODY" WOODSON,  
Commissioner Precinct No. Four

ATTEST:   
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Janet Hickl, County Clerk

