

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, JUNE 17, 2013

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 17th day of June 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, Sheriff Osborne, Barry Halvorson, Denise Fortenberry, Bob Watts, Doug Matthes, Gayle Watkins, Jr., Charles L. Wright, David F. Eby, Edward Stavinoha, Philip Miller, Dwight Vavra, B. Allen Cumbie, John Staszkesy, Martha Drake, Missy Howard, Susan Reed, Tammy McDonald, Cristyn Hallmark, 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 Pustka

3. Texas Pledge – Commissioner Pustka

4. Prayer – Commissioner Woodson

5. Consideration and possible action regarding approving Commissioners Court Minutes for June 6, 2013 and June 10, 2013

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 Commissioners Court Minutes for June 6, 2013 and June 10, 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 Amendment Request #1, changing the project scope for DRS 210112/GLO 12-287-000-5635 (Street Improvements for Dolphin Way Drive and Carancahua Street), with the amendment removing the work on Dolphin Way Drive and reducing the amount of road improvements on Carancahua Street, and authorize the County Judge to sign

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 Amendment Request #1, changing the project scope for DRS 210112/GLO 12-287-000-5635 (Street Improvements for Dolphin Way Drive and Carancahua Street), with the amendment removing the work on Dolphin Way Drive and reducing the amount of road improvements on Carancahua Street, and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve a Contract between Halff Associates, Inc. and Precinct #4, Commissioner David Woodson, regarding the updating of the existing FEMA study on the lower Tres Palacios River, for a fee of \$6,000.00

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 a Contract between Halff Associates, Inc. and Precinct #4, Commissioner David Woodson, regarding the updating of the existing FEMA study on the lower Tres Palacios River, for a fee of \$6,000.00. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve a Contract between Halff Associates, Inc. and Precinct #3, Commissioner James Gibson, regarding the updating of the existing FEMA study on the lower Tres Palacios River, for a fee of \$6,000.00

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 a Contract between Halff Associates, Inc. and Precinct #3, Commissioner James Gibson, regarding the updating of the existing FEMA study on the lower Tres Palacios River, for a fee of \$6,000.00. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve an order granting the Matagorda County Conservation and Reclamation District Number One a Blanket Easement over all roads and/or Streets in the Matagorda Townsite where the Matagorda Ring Levee is located

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 order granting the Matagorda County Conservation and Reclamation District Number One a Blanket Easement over all roads and/or Streets in the Matagorda Townsite where the Matagorda Ring Levee is located. Motion carried. Vote 5 ayes 0 nays.

11. Consideration and possible action to approve the 2012 Comprehensive Annual Financial Report as presented by Reed & Associates, P.C.

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 2012 Comprehensive Annual Financial Report as presented by Reed & Associates, P.C. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to change the Matagorda County Policy 2.02 for part time employees, requiring that part time employees work 29 hours or less a week

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to table taking action to change the Matagorda County Policy 2.02 for part time employees, requiring that part time employees work 29 hours or less a week. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve a Burn Ban in Matagorda County

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 a Burn Ban in Matagorda County. The drought index being at 523. Motion carried. Vote 5 ayes 0 nays

13 a. Consideration and possible action to approve a Resolution that authorizes the submission of an application to the Texas Department of Agriculture for a 2013 Texas Capital Fund grant for roadway, rail, water, and sewer improvements and property acquisition

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 that authorizes the submission of an application to the Texas Department of Agriculture for a 2013 Texas Capital Fund grant for roadway, rail, water, and sewer improvements and property acquisition. Motion carried. Vote 5 ayes 0 nays

14. Meet in executive session under section 551.071 of the Gov't Code to consult with attorney(s) representing the count in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

Claim of Paul Orsak and Loyce Orsak (flood at 563 Mimosa Lane, Matagorda, Texas)

This being the next item for business, motion was duly made at 10:37 a.m. by Commissioner Gibson and seconded by Commissioner Pollard, 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 count in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

Claim of Paul Orsak and Loyce Orsak (flood at 563 Mimosa Lane, Matagorda, Texas)

Motion carried. Vote 5 ayes 0 nays

15. Reconvene open session and consider taking action on the following matters:

Meet in executive session under section 551.071 of the Gov't Code to consult with attorney(s) representing the count in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

Claim of Paul Orsak and Loyce Orsak (flood at 563 Mimosa Lane, Matagorda, Texas)

This being the next item for business, motion was duly made at 10:51 a.m. by Commissioner Gibson and seconded by Commissioner Pustka, with all others concurring, to Reconvene open session and consider taking action on the following matters:

Meet in executive session under section 551.071 of the Gov't Code to consult with attorney(s) representing the count in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

Claim of Paul Orsak and Loyce Orsak (flood at 563 Mimosa Lane, Matagorda, Texas)

Motion carried. Vote 5 ayes 0 nays

Commissioner Pustka moved and Commissioner Gibson seconded, with all other concurring, to authorize the insurance agent to continue on with denial of claim concerning Paul and Loyce Orsak's flood at 563 Mimosa Lane, Matagorda, Texas

16. Public Comments

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

17. Adjournment

Motion was duly made at approximately 10:55 a.m. by Commissioner Gibson and seconded by Commissioner Pustka, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, this the 24th day of June, 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

