

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, MAY 12, 2014**

**Call to Order**

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 12<sup>th</sup> day of May 2014 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, Ruben Gonzales, Chris Peikert, Cristyn Hallmark, Cathy Ezell, Tammy McDonald, Denise Fortenberry, Barry Halvorson, all Extension Agents, Brent Batchelor, Harriet Townsend and Dora Barron

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Gibson**

**4. Prayer – Commissioner Pollard**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for May 12, 2014**

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 May 12, 2014. 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 Woodson, 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 approve a Resolution celebrating the 100<sup>th</sup> Anniversary of the signing of the Smith-Lever Act, the founding legislation of the nationwide Cooperative Extension System**

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 Resolution celebrating the 100<sup>th</sup> Anniversary of the signing of the Smith-Lever Act, the founding legislation of the nationwide Cooperative Extension System. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve a Contract/Agreement with James Construction Group, LLC for the Sargent Roadway Hardening, Contract No. 12-403-001, Work Order 6663**

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 Contract/Agreement with James Construction Group, LLC for the Sargent Roadway Hardening, Contract No. 12-403-001, Work Order 6663. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve the Matagorda Ring Levee Operations and Maintenance Manual, written by Halff Associates, Inc. and approved by the Conservation and Reclamation District #1 on January 8, 2014. This manual supersedes all previous manuals and should be treated as the main source of information until it is deemed necessary to create a new set of standards in the future**

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 the Matagorda Ring Levee Operations and Maintenance Manual, written by Halff Associates, Inc. and approved by the Conservation and Reclamation District #1 on January 8, 2014. This manual supersedes all previous manuals and should be treated as the main source of information until it is deemed necessary to create a new set of standards in the future. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve a Rental Agreement between Mustang Rental Service and Matagorda County Precinct #2 for a Model 930K Wheel Loader to be used for cleaning seaweed at Matagorda and Sargent Beaches at a cost of \$4,200.00 per month**

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 a Rental Agreement between Mustang Rental Service and Matagorda County Precinct #2 for a Model 930K Wheel Loader to be used for cleaning seaweed at Matagorda and Sargent Beaches at a cost of \$4,200.00 per month. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to approve lodging, per diem, and mileage for Bill Orton to attend the Officer Safety Serving Civil Process Workshop, in the amount of \$310.73, to come out of Fund 18, Courthouse Security, 510-210**

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 lodging, per diem, and mileage for Bill Orton to attend the Officer Safety Serving Civil Process Workshop, in the amount of \$310.73, to come out of Fund 18, Courthouse Security, 510-210. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to accept the letter of resignation from Becky Denn, District Clerk, with an effective date of May 30, 2014**

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 accept the letter of resignation from Becky Denn, District Clerk, with an effective date of May 30, 2014. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to approve a temporary road closing of Market Street between Fisher Street and Lewis Street in the unincorporated Townsite of Matagorda on May 17, 2014, in order to host the "2014 Matagorda Boudi Fest"**

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 temporary road closing of Market Street between Fisher Street and Lewis Street in the unincorporated Townsite of Matagorda on May 17, 2014, in order to host the "2014 Matagorda Boudi Fest". Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to approve the Quarterly Employee Certification Report for the Texas Capital Fund Contract #713082 (Tenaris)**

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 Quarterly Employee Certification Report for the Texas Capital Fund Contract #713082 (Tenaris). Motion carried. Vote 4 ayes 1 nay

**15. Consideration and possible action to approve four Demand Checks to be deducted from 010-630-210 paying April 2014 Mileage Reimbursements for Environmental Health Department employees, in the amount of (1) Ruben Gonzales - \$814.24, (2) Lisa Krobot - \$492.80, (3) Gilbert Perez, Sr. - \$778.40, and (4) Mark Michalec, Jr. - \$281.68**

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 four Demand Checks to be deducted from 010-630-210 paying April 2014 Mileage Reimbursements for Environmental Health Department employees, in the amount of (1) Ruben Gonzales - \$814.24, (2) Lisa Krobot - \$492.80, (3) Gilbert Perez, Sr. - \$778.40, and (4) Mark Michalec, Jr. - \$281.68. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve the Matagorda County Treasurer's Deputations for Amanda Watson, and Rebecca Mayo**

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 the Matagorda County Treasurer's Deputations for Amanda Watson, and Rebecca Mayo. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve the Project Completion Report and cover letter to be submitted with Closeouts for the County's 2.1 DRS 210112/12-287-000-5935 (Sargent Street Improvements Project)**

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 the Project Completion Report and cover letter to be submitted with Closeouts for the County's 2.1 DRS 210112/12-287-000-5935 (Sargent Street Improvements Project). Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to authorize Commissioner Pustka, Precinct #1, to submit a credit application to Oil Patch Petroleum, Inc. for gasoline and diesel fuel**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Woodson, with all others concurring, to authorize Commissioner Pustka, Precinct #1, to submit a credit application to Oil Patch Petroleum, Inc. for gasoline and diesel fuel. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to approve the payment of funds in trust to the Regional Public Defender when ordered by the District Judge at the time of the order**

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 payment of funds in trust to the Regional Public Defender when ordered by the District Judge at the time of the order. Motion carried. Vote 5 ayes 0 nays

**20. Consideration and possible action to accept the Internal Review Report for the 4<sup>th</sup> quarter of 2013**

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 the Internal Review Report for the 4<sup>th</sup> quarter of 2013. Motion carried. Vote 5 ayes 0 nays

**21. Consideration and possible action to approve Monthly Reports from various county departments**

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 Monthly Reports from various county departments. Motion carried. Vote 5 ayes 0 nays

**22. Consideration and possible action to approve the Matagorda County Auditor's Monthly Report for February 2014**

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 February 2014. Motion carried. Vote 5 ayes 0 nays

**23. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report for March 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 the Matagorda County Treasurer's Monthly Investment Report for March 2014. Motion carried. Vote 5 ayes 0 nays

**24. Consideration and possible action to approve Payment of Bills**

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 Payment of Bills. Motion carried. Vote 5 ayes 0 nays

**25. 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**

This being the next item for business, motion was duly made at 10:17 am 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 county in an executive session concerning pending litigation, contemplated litigation, or settlement offers. Motion carried. Vote 5 ayes 0 nays

**26. 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 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 10:45 am by Commissioner Pustka and seconded by Commissioner Gibson, 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 county in an executive session concerning pending litigation, contemplated litigation, or settlement offers. Motion carried. Vote 5 ayes 0 nays

No action was taken.

**27. Public Comments**

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

**28. Adjournment**

Motion was duly made at approximately 10:46 a.m. by Commissioner Pollard 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 19<sup>th</sup> day of May, 2014.

*absent*

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NATE McDONALD,  
County Judge

*Daniel Pustka*

\_\_\_\_\_  
DANIEL PUSTKA,  
Commissioner Precinct No. One  
*Judge Pro Tem*

*Kent Pollard*

\_\_\_\_\_  
KENT POLLARD,  
Commissioner Precinct No. Two

*James Gibson*

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

*David "Woody" Woodson*

\_\_\_\_\_  
DAVID "WOODY" WOODSON,  
Commissioner Precinct No. Four



ATTEST: *Janet Hickl*  
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Janet Hickl, County Clerk