

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, MAY 20, 2013**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 20<sup>th</sup> day of May 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, Owen Bludau, Carole Patrick, Mitch Thames, Cristyn Hallmark, Bob Watts, Doug Matthes, Bobbie Oncken, Charles Brookhouser, Chrystal Folse, Sandra Horris, James Folse, Chris Peikert, Ed Stavinoha, Bill Brown, Heather Menzies, Pasqual Martinez, Jack Matthews, Cheryl Stewart, Tonya Ellis, Larry Janak, Jim Gonzales, Elmo Duke, Greyson D. Watts, Jimmy Hubbard, Berry Dean, Ray Reid, Donna Reis, Jean Davis, Ron Carroll, Tom Uher, Lynn Grebe, Willie Younger, Mr. & Mrs. C. Jenkins, Diane Byer, Allan Brown, Jack Brown, John O'Brien, Donna Harrison, Maria Childers, Terry Farrar, Tammy McDonald, 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 Pollard**

3. **Texas Pledge – Commissioner Pollard**

4. **Prayer – Commissioner Pustka**

5. **Consideration and possible action regarding approving Commissioners Court Minutes for May 13, 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 May 13, 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 an Application to Cross a County Road by Kebo Oil and Gas to lay a 3 inch steel line 14 feet under and/r along 12<sup>th</sup> Street and Pheasant Switch Road, Precinct #3, Matagorda County, Texas**

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 an Application to Cross a County Road by Kebo Oil and Gas to lay a 3 inch steel line 14 feet under and/r along 12<sup>th</sup> Street and Pheasant Switch Road, Precinct #3, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve an Equitable Sharing Agreement and Certification for the Matagorda County Sheriff's Office with the Department of Justice and Department of the Treasury**

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 an Equitable Sharing Agreement and Certification for the Matagorda County Sheriff's Office with the Department of Justice and Department of the Treasury. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to amend the Approved Court Order for Item #24, Commissioners Court Agenda of February 25, 2013, authorizing the approval of 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, and change to, not to exceed \$54,000.00, as per the Grant Contract #712221 Budget**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to amend the Approved Court Order for Item #24, Commissioners Court Agenda of February 25, 2013, authorizing the approval of 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, and change to, not to exceed \$54,000.00, as per the Grant Contract #712221 Budget. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve the issuance of a Typed Check in the amount of \$6,500.00 to the City of Sweeny for the purchase of a used tanker truck and allow Commissioner Kent Pollard to hand deliver to the City of Sweeny in exchange for the title and a Bill of Sale for said truck**

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 issuance of a Typed Check in the amount of \$6,500.00 to the City of Sweeny for the purchase of a used tanker truck and allow Commissioner Kent Pollard to hand deliver to the City of Sweeny in exchange for the title and a Bill of Sale for said truck. Motion carried. Vote 5 ayes 0 nays.

**11. Consideration and possible action to approve a re-plat of Lots 203 and 204 of the Colorado River Estates, Section Two, recorded in Volume 5, Pages 51-55 of the Plat Records of Matagorda County, Texas, and being the same tract of land conveyed to John C. Rawlings recorded in Volume 444, Page 587 of the deed records of Matagorda County, Texas and being out of the Stephen F. Austin Survey, Abstract No. 2, Matagorda County, Texas**

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 a re-plat of Lots 203 and 204 of the Colorado River Estates, Section Two, recorded in Volume 5, Pages 51-55 of the Plat Records of Matagorda County, Texas, and being the same tract of land conveyed to John C. Rawlings recorded in Volume 444, Page 587 of the deed records of Matagorda County, Texas and being out of the Stephen F. Austin Survey, Abstract No. 2, Matagorda County, Texas Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to approve a Demand Check payable to Extended Stay America, Austin, Texas, in the amount of \$110.39, for Charles Adams Information Services to attend a Seminar, and authorize Charles Adams to hand deliver**

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 Demand Check payable to Extended Stay America, Austin, Texas, in the amount of \$110.39, for Charles Adams Information Services to attend a Seminar, and authorize Charles Adams to hand deliver. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to approve a payment for Bailiff's used during the Justice of the Peace Court on April 4, 2013 and May 9, 2013 to be paid out of the Justice of the Peace Security Fund, in the amount of \$172.48**

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 payment for Bailiff's used during the Justice of the Peace Court on April 4, 2013 and May 9, 2013 to be paid out of the Justice of the Peace Security Fund, in the amount of \$172.48. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to authorize a Demand Check to RAD Training, Inc. for \$99.00 in payment for a one day course on Courthouse Tactics for Bill Orton, with this amount coming out of Courthouse Security**

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 authorize a Demand Check to RAD Training, Inc. for \$99.00 in payment for a one day course on Courthouse Tactics for Bill Orton, with this amount coming out of Courthouse Security. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to accept the Commissary Agreement between Keefe Commissary Network, LLC and the Matagorda county Sheriff's Office, as presented by Sheriff Osborne to run for 3 years upon implementation**

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring, to accept the Commissary Agreement between Keefe Commissary Network, LLC and the Matagorda county Sheriff's Office, as presented by Sheriff Osborne to run for 3 years upon implementation. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve a Cell Phone Allowance Request for Deputy Jeremy Brown, Mental Health Officer, 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 Pollard, with all others concurring, to approve a Cell Phone Allowance Request for Deputy Jeremy Brown, Mental Health Officer, in the amount of \$60.00 per month according to county policies and procedures. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve the Matagorda County Treasurer's Quarterly Investment Report for the First Quarter, January 1, 2013 through March 31, 2013**

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 County Treasurer's Quarterly Investment Report for the First Quarter, January 1, 2013 through March 31, 2013. Motion carried. Vote 5 ayes 0 nays

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

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

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

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

**20. Consideration and possible action to approve by Resolution an Engineering Service Provider for a Traffic Study for the 2013 Planning and Infrastructure Grant Projects supporting the Tenaris SA DBA Maverick Tube Corp**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Gibson, with all others concurring and Commissioner Pollard abstaining, to approve by Resolution an Engineering Service Provider for a Traffic Study for the 2013 Planning and Infrastructure Grant Projects supporting the Tenaris SA DBA Maverick Tube Corp. Motion carried. Vote 5 ayes 0 nays 1 abstention

**21. Public Hearing at 10:00 a.m. concerning the adoption of an ordinance to nominate an area of the county to designate a reinvestment zone, with the proposed zone area as follows: The property located in the I G N RR Co. Survey, Abstract 275; the M. O'Connell Survey, Abstract #476; the John Duncan Survey, Abstract #150; the John Duncan Survey, Abstract #151; the W. J. Maynard Survey, Abstract #356; and the Thomas M. Duke Survey, Abstract #29, Matagorda County, Texas; said point of beginning being the north corner of that certain 23.04 acre tract lying adjacent to the south side of Texas Highway #35 (this point also being the most Northwesterly corner of the herein described tract) described in that certain deed from Guajillo Investments, L.L.C. to Liberman Broadcasting of Houston, Inc. dated October 8, 2002 and recorded November 1, 2002 under file #027501 of the Matagorda County Official Records**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Woodson, with all others concurring and Commissioner Pollard abstaining, to go into a Public Hearing at 10:11 concerning the adoption of an ordinance to nominate an area of the county to designate a reinvestment zone, with the proposed zone area as follows: The property located in the I G N RR Co. Survey, Abstract 275; the M. O'Connell Survey, Abstract #476; the John Duncan Survey, Abstract #150; the John Duncan Survey, Abstract #151; the W. J. Maynard Survey, Abstract #356; and the Thomas M. Duke Survey, Abstract #29, Matagorda County, Texas; said point of beginning being the north corner of that certain 23.04 acre tract lying adjacent to the south side of Texas Highway #35 (this point also being the most Northwesterly corner of the herein described tract) described in that certain deed from Guajillo Investments, L.L.C. to Liberman Broadcasting of Houston, Inc. dated October 8, 2002 and recorded November 1, 2002 under file #027501 of the Matagorda County Official Records. Motion carried. Vote 4 ayes 0 nays 1 abstention.

**22. Consideration and possible action to approve the nomination of an area of the county to designate a reinvestment zone, with the proposed zone area as follows: The property located in the I G N RR Co. Survey, Abstract 275; the M. O'Connell Survey, Abstract #476; the John Duncan Survey, Abstract #150; the John Duncan Survey, Abstract #151; the W. J. Maynard Survey, Abstract #356; and the Thomas M. Duke Survey, Abstract #29, Matagorda County, Texas; said point of beginning being the north corner of that certain 23.04 acre tract lying adjacent to the south side of Texas Highway #35 (this point also being the most Northwesterly corner of the herein described tract) described in that certain deed from Guajillo Investments, L.L.C. to Liberman Broadcasting of Houston, Inc. dated October 8, 2002 and recorded November 1, 2002 under file #027501 of the Matagorda County Official Records.**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Gibson, with all others concurring and Commissioner Pollard abstaining, to go back into regular session at 10:13. Motion was duly made by County Judge McDonald and seconded by Commissioner Gibson and Commissioner Pollard abstaining, to approve the nomination of an area of the county to designate a reinvestment zone, with the proposed zone area as follows: The property located in the I G N RR Co. Survey, Abstract 275; the M. O'Connell Survey, Abstract #476; the John Duncan Survey, Abstract #150; the John Duncan Survey, Abstract #151; the W. J. Maynard Survey, Abstract #356; and the Thomas M. Duke Survey, Abstract #29, Matagorda County, Texas; said point of beginning being the north corner of that certain 23.04 acre tract lying adjacent to the south side of Texas Highway #35 (this point also being the most Northwesterly corner of the herein described tract) described in that certain deed from Guajillo Investments, L.L.C. to Liberman Broadcasting of Houston, Inc. dated October 8, 2002 and recorded November 1, 2002 under file #027501 of the Matagorda County Official Records. Motion carried. Vote 4 ayes 0 nays 1 abstention.

**23. Consideration and possible action to grant Tenaris' request for waiver of the feasibility study required by Matagorda County's Tax Abatement Guidelines**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by County Judge McDonald, with all others concurring and Commissioner Pollard abstaining, to grant Tenaris' request for waiver of the feasibility study required by Matagorda County's Tax Abatement Guidelines. Motion carried. Vote 5 ayes 0 nays 1 abstention

**24. Meet in executive session under section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.**

**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 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**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson at 10:17 am, with all others concurring, to Meet in executive session under section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations and

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 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

Motion carried. Vote 5 ayes 0 nays

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

**Executive session under section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations**

**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 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**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson at 11:00 am, 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

Motion carried. Vote 5 ayes 0 nays.

No action was taken regarding the commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. Motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard to agree to a settlement of \$5,000.00 in Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas and Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas.

26. Public Comments

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

27. Adjournment

Motion was duly made at approximately 11:10 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 3<sup>rd</sup> day of June, 2013.



NATE McDONALD,  
County Judge



DANIEL PUSTKA,  
Commissioner Precinct No. One



KENT POLLARD,  
Commissioner Precinct No. Two



JAMES GIBSON, Judge Pro Tem  
Commissioner Precinct No. Three



DAVID "WOODY" WOODSON,  
Commissioner Precinct No. Four

ATTEST:

  
Janet Hickl, County Clerk

