

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, NOVEMBER 25, 2013**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 25<sup>th</sup> day of November 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: Ruben Gonzales, Sheriff Osborne, Ellen Dodd, Chris Peikert, Brandon Budde, Caitlin Glenn, Joe Enoch, Stacia Taylor, Jim Von Suskil, Denise Fortenberry, Barry Halvorson, Doug Matthes, Brent Batchelor, 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 Pustka**

**3. Texas Pledge – Commissioner Pustka**

**4. Prayer – Commissioner Woodson**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for November 18, 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 November 18, 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 a Demand Check to Port Lavaca Chevrolet, Port Lavaca, Texas, in the amount of \$28,000.00, in payment for a 2014 Chevrolet 2500HD Silverado Crew Cab, Vin #1GC1CVCG3EF106819, to be used by the Matagorda County AgriLife Extension Office**

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 a Demand Check to Port Lavaca Chevrolet, Port Lavaca, Texas, in the amount of \$28,000.00, in payment for a 2014 Chevrolet 2500HD Silverado Crew Cab, Vin #1GC1CVCG3EF106819, to be used by the Matagorda County AgriLife Extension Office. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve a resolution of Matagorda County; authorizing Matagorda County to nominate NRG South Texas LP to the Office of the Governor Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("Bank") for designation as a qualified business and triple jumbo enterprise project ("Project") under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act")**

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 resolution of Matagorda County; authorizing Matagorda County to nominate NRG South Texas LP to the Office of the Governor Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("Bank") for designation as a qualified business and triple jumbo enterprise project ("Project") under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act"). Motion carried.

Vote 5 ayes 0 nays

**9. Consideration and possible action to accept a donation, in the amount of \$5,000.00, from Celanese for expenses of the Matagorda County Household Hazardous Waste Collection Event held on October 26, 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 a donation, in the amount of \$5,000.00, from Celanese for expenses of the Matagorda County Household Hazardous Waste Collection Event held on October 26, 2013. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve a Master Service Agreement from New Wave Communications Company for Internet Services, in the amount of \$229.99 per month and a one-time installation fee of \$100.00, to come out of Information Services budget**

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 Master Service Agreement from New Wave Communications Company for Internet Services, in the amount of \$229.99 per month and a one-time installation fee of \$100.00, to come out of Information Services budget. Motion Carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to correct a clerical error on agenda Items #8 and #9 from August 26, 2013, Commissioners Court Agenda. These items incorrectly state Gradall Industries, Inc. as the vender. The correct vendor is Associated Supply Company**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to correct a clerical error on agenda Items #8 and #9 from August 26, 2013, Commissioners Court Agenda. These items incorrectly state Gradall Industries, Inc. as the vender. The correct vendor is Associated Supply Company. Motion carried. Vote 5 ayes 0 nays.

**12. Consideration and possible action to approve the Proposal from Guardian Security Solutions, LC, for new security merchandise for the courthouse, in the amount of \$26,260.00, to be paid out of Grant funds**

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 Proposal from Guardian Security Solutions, LC, for new security merchandise for the courthouse, in the amount of \$26,260.00, to be paid out of Grant funds. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to approve the Proposal from Guardian Security Solutions, LC, for new security merchandise for the County Tax Assessor's Office, in the amount of \$1,610.00, with \$385.00 to be paid out of the Grant funds still available, and the remaining \$1,225.00 paid out of the County Tax Assessor's Budget**

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 Proposal from Guardian Security Solutions, LC, for new security merchandise for the County Tax Assessor's Office, in the amount of \$1,610.00, with \$385.00 to be paid out of the Grant funds still available, and the remaining \$1,225.00 paid out of the County Tax Assessor's Budget. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to approve a Demand Check made payable to James Nesbitt for \$58.00 for Per Diem to attend the "State Asset Forfeiture Act" Conference to be held on December 2-3, 2013 in Austin, Texas, to be taken out of 010-560-210**

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 Demand Check made payable to James Nesbitt for \$58.00 for Per Diem to attend the "State Asset Forfeiture Act" Conference to be held on December 2-3, 2013 in Austin, Texas, to be taken out of 010-560-210. Motion carried. Vote 5 ayes 0 nays.

**15. Consideration and possible action to approve a Demand Check made payable to Texas Police Association for \$345.00 for James Nesbitt to attend the "State Asset Forfeiture Act" Conference to be held on December 2-3, 2013 in Austin, Texas, and taken out of 010-560-485**

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 Demand Check made payable to Texas Police Association for \$345.00 for James Nesbitt to attend the "State Asset Forfeiture Act" Conference to be held on December 2-3, 2013 in Austin, Texas, and taken out of 010-560-485. Motion carried. Vote 5 ayes 0 nays.

**16. Consideration and possible action to approve a Demand Check payable to Larry Tucker for \$227.31 for a lost cell phone, to be taken out of 010-512-330**

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 Demand Check payable to Larry Tucker for \$227.31 for a lost cell phone, to be taken out of 010-512-330. Motion carried. Vote 5 ayes 0 nays.

**17. Consideration and possible action to designate Matagorda County's representatives to the Houston-Galveston Area Council, naming Judge Nate McDonald as Representative General Assembly and Delegate to Board of Directors, Commissioner Kent Pollard as Representative General Assembly, and Alternate to Board of Directors, Commissioner Dan Pustka as Alternate to General Assembly, and Commissioner James Gibson as Alternate to General Assembly for the year 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 designate Matagorda County's representatives to the Houston-Galveston Area Council, naming Judge Nate McDonald as Representative General Assembly and Delegate to Board of Directors, Commissioner Kent Pollard as Representative General Assembly, and Alternate to Board of Directors, Commissioner Dan Pustka as Alternate to General Assembly, and Commissioner James Gibson as Alternate to General Assembly for the year 2014. Motion carried. Vote 5 ayes 0 nays.

**18. Consideration and possible action to approve the Interlocal Agreement between Matagorda County and Lubbock County, Texas acting through the Regional Public Defender for Capital Cases, providing for court appointed counsel for individuals charged with the offense of capital murder, who cannot afford to hire their own attorney**

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 Interlocal Agreement between Matagorda County and Lubbock County, Texas acting through the Regional Public Defender for Capital Cases, providing for court appointed counsel for individuals charged with the offense of capital murder, who cannot afford to hire their own attorney. Motion carried. Vote 5 ayes 0 nays.

**19. Consideration and possible action to approve a Memorandum of Understanding between Matagorda County and STP Nuclear Operating Company regarding the purpose and scope of the purchase of WR-300 All Hazard/Weather radios**

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 Memorandum of Understanding between Matagorda County and STP Nuclear Operating Company regarding the purpose and scope of the purchase of WR-300 All Hazard/Weather radios. Motion carried. Vote 5 ayes 0 nays.

**20. Consideration and possible action to approve Ruben Gonzales to negotiate with Waste Connections of Texas to dispose of waste from transfer station**

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 Ruben Gonzales to negotiate with Waste Connections of Texas to dispose of waste from transfer station. Motion carried. Vote 5 ayes 0 nays.

**21. Consideration and possible action to approve Ruben Gonzales to negotiate with World Environmental, LLC for a consultant to assist the County with establishment of standard operating procedures which are necessary for the County to meet requirements in the TCEQ exit interview and acquisition of a Storm Water Permit**

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 Ruben Gonzales to negotiate with World Environmental, LLC for a consultant to assist the County with establishment of standard operating procedures which are necessary for the County to meet requirements in the TCEQ exit interview and acquisition of a Storm Water Permit. Motion carried. Vote 5 ayes 0 nays.

**22. Consideration and possible action to approve Ruben Gonzales to negotiate with Stella Environment Services for temporary services including: an employee to run the transfer station, a rental bobcat, and the hauling of waste from transfer station**

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 Ruben Gonzales to negotiate with Stella Environment Services for temporary services including: an employee to run the transfer station, a rental bobcat, and the hauling of waste from transfer station. Motion carried. Vote 5 ayes 0 nays.

**23. 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.

**24. Consideration and possible action to approve the Matagorda County Auditor's Report for October 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 Auditor's Report for October 2013. Motion carried. Vote 5 ayes 0 nays

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

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

**26. Consideration and possible action to approve Line Item Transfers**

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 Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

**27. Consideration and possible action to approve Emergency Amendments**

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 Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

**27a. Consideration and possible action to approve a Disposal Agreement between Matagorda County and Waste Connections, Inc. to dispose of the solid waste from the Transfer Station, in the amount of \$17.50 per ton**

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 Disposal Agreement between Matagorda County and Waste Connections, Inc. to dispose of the solid waste from the Transfer Station, in the amount of \$17.50 per ton. Motion carried. Vote 5 ayes 0 nays

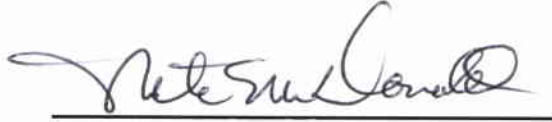
**28. Public Comments**

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

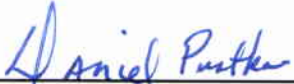
**29. Adjournment**

Motion was duly made at approximately 10:14 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 2<sup>nd</sup> day of December, 2013.



**NATE McDONALD,**  
County Judge



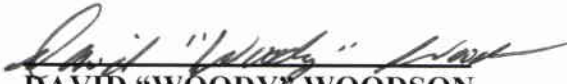
**DANIEL PUSTKA,**  
Commissioner Precinct No. One



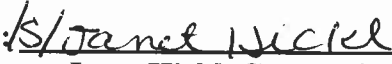
**KENT POLLARD,**  
Commissioner Precinct No. Two



**JAMES GIBSON,**  
Commissioner Precinct No. Three



**DAVID "WOODY" WOODSON**  
Commissioner Precinct No. Four

ATTEST:   
Janet Hickl, County Clerk  
