

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, APRIL 8, 2013

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 8th day of April 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, Cristyn Hallmark, Barry Halvorson, Tammy McDonald, Denise Fortenberry, Gayle Watkins, Jr., Joe Heaton, Daniel Gray, Janice Hawthorne, Haskell Simon 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 April 1, 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 April 1, 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 taken.

7. Consideration and possible action to approve the renewal and payment of dues in the amount of \$1,500.00 to Gulf Intracoastal Canal Association (GICA)

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 renewal and payment of dues in the amount of \$1,500.00 to Gulf Intracoastal Canal Association (GICA). Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to accept a proposal from Gutierrez Painting Service to prep, prime, and paint the Wadsworth Volunteer Fire Department Building for a total of \$1,800.00

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Woodson, with all others concurring, to accept a proposal from Gutierrez Painting Service to prep, prime, and paint the Wadsworth Volunteer Fire Department Building for a total of \$1,800.00. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to enter into a rental agreement with Mustang Rental Service for the rental of a 12H motor Grader to be utilized for the maintenance of county beaches, with said rental being in the amount of \$5,290.36 per month for a five month period

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to enter into a rental agreement with Mustang Rental Service for the rental of a 12H motor Grader to be utilized for the maintenance of county beaches, with said rental being in the amount of \$5,290.36 per month for a five month period. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve a Resolution opposing SB 1631 at the Senate Natural Resource Committee on April 09, 2013

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 opposing SB 1631 at the Senate Natural Resource Committee on April 09, 2013. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve an Equipment Lease for 1 AutoMark Direct Recording Electronic Voting Machine (DRE) between Matagorda County and City of Bay City for an election to be held on May 11, 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 an Equipment Lease for 1 AutoMark Direct Recording Electronic Voting Machine (DRE) between Matagorda County and City of Bay City for an election to be held on May 11, 2013. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve an Amendment to the Contract between Matagorda County and AshBritt, Inc. extending the contract from August 31, 2013 until August 31, 2015

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring, to table approving an Amendment to the Contract between Matagorda County and AshBritt, Inc. extending the contract from August 31, 2013 until August 31, 2015. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve a Mutual Aid Law Enforcement Agreement between Matagorda County Sheriff's Office, Bay City Police Department and Palacios Police Department, with the right to terminate upon 30 days' written notice to all other parties

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 Mutual Aid Law Enforcement Agreement between Matagorda County Sheriff's Office, Bay City Police Department and Palacios Police Department, with the right to terminate upon 30 days' written notice to all other parties. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to approve a Demand Check made payable to Mutual Aid Agreement, c/o Bay City Police Department in the amount of \$10,000

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 made payable to Mutual Aid Agreement, c/o Bay City Police Department in the amount of \$10,000. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to set a Public Hearing at 5:00 PM on April 18, 2013, in the Commissioners Courtroom, Matagorda County Courthouse regarding the submission of one or more applications for CDBG assistance from the Texas Department of Agriculture's Texas Capital Fund program, and authorize the publication of Notice of Hearing

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 set a Public Hearing at 5:00 PM on April 18, 2013, in the Commissioners Courtroom, Matagorda County Courthouse regarding the submission of one or more applications for CDBG assistance from the Texas Department of Agriculture's Texas Capital Fund program, and authorize the publication of Notice of Hearing. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to accept the Internal Review Report for the 4th Quarter of 2012

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to accept the Internal Review Report for the 4th Quarter of 2012. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve Payment No. 2 for the Sargent Beach – Beach and Dune Restoration Project, and authorize Judge McDonald to sign

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 No. 2 for the Sargent Beach – Beach and Dune Restoration Project, and authorize Judge McDonald to sign. Motion carried. Vote 5 ayes 0 nays

18. 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

19. 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 130th 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 10:03 am, 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 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 130th Judicial District Court of Matagorda County, Texas

Economic Development

Motion carried. Vote 5 ayes 0 nays

20. 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 130th 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 10:24 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 130th Judicial District Court of Matagorda County, Texas

Economic Development

Motion carried. Vote 5 ayes 0 nays. No action was taken on the above matters.

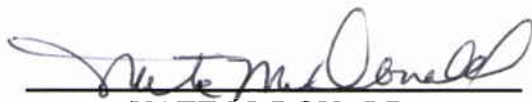
21. **Public Comments**

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

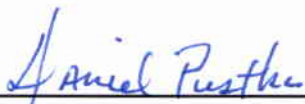
22. **Adjournment**

Motion was duly made at approximately 10:25 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 15th day of April, 2013.



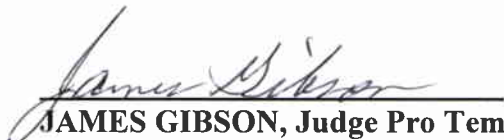
NATE McDONALD,
County Judge



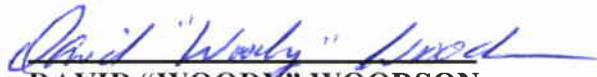
DANIEL PUSTKA,
Commissioner Precinct No. One



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