

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, APRIL 15, 2013**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 15<sup>th</sup> 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, Barry Halvorson, Tammy McDonald, Denise Fortenberry, Stanley H. Rosenthal, Lerda E. Laulke, PHS CyberSharks, Warren Morris, Doug Matthes, Carole Patrick, Ed Stavinoha, Owen Bludau, Mitch Thames, Barry Fry, Cheryl Stewart, Tonya Ellis, Berry O. Monteau, James D. Kinard, Mike Allison, Charles Allison, Steve Smith, Gene Farrer, W. C. Cornman, D C Dunham, Martha Drake, 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 Woodson**

**3. Texas Pledge – Commissioner Woodson**

**4. Prayer – Commissioner Gibson**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for April 8, 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, motion was duly made by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to approve three contracts from Matagorda County Democratic Party, TYRA and Veronica Villafuerte 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 congratulating Palacios High School CyberSharks and wishing them Good Luck at the FTC World Championship**

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 congratulating Palacios High School CyberSharks and wishing them Good Luck at the FTC World Championship. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve the Renewal of the Goodyear Federal Excise Tax Ultimate Purchaser Certificate and authorize the County Judge to sign**

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pustka, with all others concurring, to approve the Renewal of the Goodyear Federal Excise Tax Ultimate Purchaser Certificate and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve the Renewal of the Section 111 Mandatory Reporting Profile Report and authorize the County Judge to sign**

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 Renewal of the Section 111 Mandatory Reporting Profile Report and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve the submission of an Application for Participation between Matagorda County Precinct 6 Constables Office and Texas Department of Public Safety for the Texas 1033 Surplus Property Program**

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 submission of an Application for Participation between Matagorda County Precinct 6 Constables Office and Texas Department of Public Safety for the Texas 1033 Surplus Property Program. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to approve a Resolution authorizing Designated Signators for Contractual Documents for requesting funds pertaining to the Texas Community Development Block Grant Disaster Recovery Program Contract 12-485-000-6657**

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 authorizing Designated Signators for Contractual Documents for requesting funds pertaining to the Texas Community Development Block Grant Disaster Recovery Program Contract 12-485-000-6657. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to authorize the replacement of a pipeline on Matagorda County property from a well head to Hwy 2668 and then to a storage facility, boring underneath entrances to the fairground facilities, Precinct #2, Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to table authorizing the replacement of a pipeline on Matagorda County property from a well head to Hwy 2668 and then to a storage facility, boring underneath entrances to the fairground facilities, Precinct #2, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to approve the Re-Plat of the Outback Subdivision Slide 431B of the Matagorda County Plat Records, E. R. Wightman League, Abstract No. 101, Matagorda County, Texas**

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 Re-Plat of the Outback Subdivision Slide 431B of the Matagorda County Plat Records, E. R. Wightman League, Abstract No. 101, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to authorize the publishing of an Invitation to Bidders for Carancahua Road and Dolphin Way in Sargent, Precinct #2, to run on April 21 and 28, 2013, announcing the Prebid on Ma 1 at 9:00 a.m. and the Bid Opening on May 14, 2013 at 11:00 a.m.**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to authorize the publishing of an Invitation to Bidders for Carancahua Road and Dolphin Way in Sargent, Precinct #2, to run on April 21 and 28, 2013, announcing the Prebid on Ma 1 at 9:00 a.m. and the Bid Opening on May 14, 2013 at 11:00 a.m. Motion carried. Vote 5 ayes 0 nays

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

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

**16. 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**

**Economic Development**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard at 10:16 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 130<sup>th</sup> Judicial District Court of Matagorda County, Texas**

**Economic Development**

Motion carried. Vote 5 ayes 0 nays

- 17. **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**

**Economic Development**

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

Economic Development

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

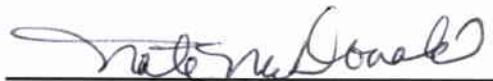
- 18. **Public Comments**

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

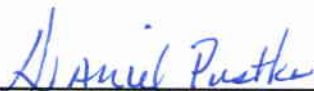
- 19. **Adjournment**

Motion was duly made at approximately 11:13 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 22<sup>nd</sup> 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**

