

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, MAY 5, 2014**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 5<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, Cathy Ezell, Denise Fortenberry, Tammy McDonald, Carole Patrick, Reese Conner, Remee Hornes, Sandy Downs, Doug Matthes, Joe A. Lozano, Barry Halvorson, Harriet Townsend and Janet Hickl

**1. Certification of quorum**

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

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

**3. Texas Pledge – Commissioner Woodson**

**4. Prayer – County Judge McDonald**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for April 28, 2014**

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pollard, with all others concurring, to approve Commissioners Court Minutes for April 28, 2014. Motion carried. Vote 4 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 4 ayes 0 nays

**7. Consideration and possible action to approve two applications by Fiberlight LLC to bore under and lay two 1.25" fiber optic lines along and across County Road 237 (Laird Road), County Road 228 (Doss Road), and County Road 262 (Chinquapin Road) in Precinct #2**

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 two applications by Fiberlight LLC to bore under and lay two 1.25" fiber optic lines along and across County Road 237 (Laird Road), County Road 228 (Doss Road), and County Road 262 (Chinquapin Road) in Precinct #2. Motion carried. Vote 4 ayes 0 nays

**8. Consideration and possible action to approve a Proclamation declaring May as “Older American’s Month” in Matagorda County**

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 Proclamation declaring May as “Older American’s Month” in Matagorda County. Motion carried. Vote 4 ayes 0 nays

**9. Consideration and possible action to authorize the County Judge Nate McDonald and County Auditor Cathy Ezell to make changes and/or updates to the credit card accounts with Commissioners Court approval**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to authorize the County Judge Nate McDonald and County Auditor Cathy Ezell to make changes and/or updates to the credit card accounts with Commissioners Court approval. Motion carried. Vote 4 ayes 0 nays

**10. Consideration and possible action to ratify the issuance of a Demand Check in the amount of \$12,500.00 for Indigent Defense paid to Trust Account of the Regional Public Defender from account 010-437-400-001-9387**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to ratify the issuance of a Demand Check in the amount of \$12,500.00 for Indigent Defense paid to Trust Account of the Regional Public Defender from account 010-437-400-001-9387. Motion carried. Vote 4 ayes 0 nays

**11. Consideration and possible action to approve the Final Plat of Waypoint Landing, Section 1, A subdivision of 83.038 acres of land out of the A. H. Pierce Survey, 1-456, and the Edmond P. Crosby Survey, A-133, 51 Lots, 1 Block, 3 Restricted Reserves, 7.95acres in Reserve, Palacios, Matagorda County, Texas**

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 Final Plat of Waypoint Landing, Section 1, A subdivision of 83.038 acres of land out of the A. H. Pierce Survey, 1-456, and the Edmond P. Crosby Survey, A-133, 51 Lots, 1 Block, 3 Restricted Reserves, 7.95acres in Reserve, Palacios, Matagorda County, Texas. Motion carried. Vote 4 ayes 0 nays

**12. Consideration and possible action to declare the following 2 vehicles as salvage, and authorize the Matagorda County Sheriff’s Office to sell them at auction:**

- 1. 1994 GMC Suburban Vin #1GKEC16K0RJ770187**
- 2. 2003 Dodge Pickup Vin #1D3HA18N53J540178**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Woodson, with all others concurring, to declare the following 2 vehicles as salvage, and authorize the Matagorda County Sheriff’s Office to sell them at auction:

1. 1994 GMC Suburban Vin #1GKEC16K0RJ770187
2. 2003 Dodge Pickup Vin #1D3HA18N53J540178

Motion carried. Vote 4 ayes 0 nays

**13. Consideration and possible action to declare as salvage a Cub Cadet Powershaft Series 5000 riding lawnmower (5252 2 wheel drive, 60" cut, Kohler engine, Model CH730S, Serial Number 3402215471), and authorize the Matagorda County Sheriff's Office to dispose of said item**

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 declare as salvage a Cub Cadet Powershaft Series 5000 riding lawnmower (5252 2 wheel drive, 60" cut, Kohler engine, Model CH730S, Serial Number 3402215471), and authorize the Matagorda County Sheriff's Office to dispose of said item. Motion carried. Vote 4 ayes 0 nays

**14. Consideration and possible action to void the October 21, 2013 replat of Bay Harbor Subdivision, all of that certain tract or parcel containing 16.44 acres situated in the E. R. Wightman League, Abstract No. 101 of Matagorda County, Texas and being a part of Bay Tract No. 09 and all of Bay Tract No. 10 and the portion of Cypress Street between the Southeast line of Matagorda Street and the northwest line of the Intracoastal Waterway Canal of the Matagorda Townsite according to the plat recorded in Volume 1, Page 35 of the Matagorda County Plat Records and revert back to the original plat**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to void the October 21, 2013 replat of Bay Harbor Subdivision, all of that certain tract or parcel containing 16.44 acres situated in the E. R. Wightman League, Abstract No. 101 of Matagorda County, Texas and being a part of Bay Tract No. 09 and all of Bay Tract No. 10 and the portion of Cypress Street between the Southeast line of Matagorda Street and the northwest line of the Intracoastal Waterway Canal of the Matagorda Townsite according to the plat recorded in Volume 1, Page 35 of the Matagorda County Plat Records and revert back to the original plat. Motion carried. Vote 4 ayes 0 nays

**15. Consideration and possible action to accept the donation of \$2,500.00 from the Matagorda County Sheriff's Association for the Matagorda County Sheriff's Office, and after being coded to 10-371-000, be transferred to 10-560-330 (Supplies) for the purpose of purchasing body camera kits**

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 the donation of \$2,500.00 from the Matagorda County Sheriff's Association for the Matagorda County Sheriff's Office, and after being coded to 10-371-000, be transferred to 10-560-330 (Supplies) for the purpose of purchasing body camera kits. Motion carried. Vote 4 ayes 0 nays

**16. Consideration and possible action to ratify a Resolution authorizing the submission of a Grant Application by Matagorda County regarding the Palacios Youth Opportunity Initiative to the Office of the Governor, Criminal Justice Division and authorize the County Judge to sign**

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 ratify a Resolution authorizing the submission of a Grant Application by Matagorda County regarding the Palacios Youth Opportunity Initiative to the Office of the Governor, Criminal Justice Division and authorize the County Judge to sign. Motion carried. Vote 4 ayes 0 nays

**17. Discussion on Matagorda County paying Drainage District #1 Fair Market Value of \$131,287.50 and accrued interest of \$77.69 for an investment that was purchased on December 1, 2013 for an investment (FHLMC 3137EACT4) by Matagorda County fro the par value of \$125,000 and accrued interest of \$77.69 with the difference being \$6,287.50**

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

**18. Consideration and possible action to approve the ratification of the issuance of a Demand Check in the amount of \$55,112.00 to Motorola Solutions, Inc. from account 010-406-330-001 for the 2012 Emergency Management Grant**

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 the ratification of the issuance of a Demand Check in the amount of \$55,112.00 to Motorola Solutions, Inc. from account 010-406-330-001 for the 2012 Emergency Management Grant. Motion carried. Vote 4 ayes 0 nays

**19. Consideration and possible action to approve a 2012 Grant Adjustment Notice, SAA Award Number 12-GA 48321-03, in the amount of \$60,000.00, extending the Grant Period to May 31, 2014 and authorize Judge McDonald to sign**

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 a 2012 Grant Adjustment Notice, SAA Award Number 12-GA 48321-03, in the amount of \$60,000.00, extending the Grant Period to May 31, 2014 and authorize Judge McDonald to sign. Motion carried. Vote 4 ayes 0 nays

**20. Consideration and possible action to approve an Advance Funding Agreement Amendment for Bridge Replacement or Rehabilitation off the State System (Avenue C at Cashes Creek, County Road 424 (Lezak Road)) between Matagorda County and the State of Texas, acting through the Texas Department of Transportation, terminating the original agreement**

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 an Advance Funding Agreement Amendment for Bridge Replacement or Rehabilitation off the State System (Avenue C at Cashes Creek, County Road 424 (Lezak Road)) between Matagorda County and the State of Texas, acting through the Texas Department of Transportation, terminating the original agreement. Motion carried. Vote 4 ayes 0 nays

**21. Consideration and possible action to approve an Equipment Lease for 2 Votec Votesafe Poll Book Machines between Matagorda County and the Bay City ISD for an election to be held on May 10, 2014**

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 approve an Equipment Lease for 2 Votec Votesafe Poll Book Machines between Matagorda County and the Bay City ISD for an election to be held on May 10, 2014. Motion carried. Vote 4 ayes 0 nays

**22. Consideration and possible action to approve Change Order No. 3 for the Texas CDBG Contract #DRS 010112, GLO #12-287-000-5635, to reflect the Final As-Build Quantities for the reconstruction and raising of Carancahua Street in Sargent**

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 Change Order No. 3 for the Texas CDBG Contract #DRS 010112, GLO #12-287-000-5635, to reflect the Final As-Build Quantities for the reconstruction and raising of Carancahua Street in Sargent. Motion carried. Vote 4 ayes 0 nays

**23. Consideration and possible action to approve a Certificate of Construction Completion for Texas CDBG Contract #DRS010112, GLO #12-287-000-5635**

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 Certificate of Construction Completion for Texas CDBG Contract #DRS010112, GLO #12-287-000-5635. Motion carried. Vote 4 ayes 0 nays

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

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 the Matagorda County Treasurer's Monthly Report for February 2014. Motion carried. Vote 4 ayes 0 nays

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

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pollard, with all others concurring, to approve Line Item Transfers Motion carried. Vote 4 ayes 0 nays

**26. Public Comments**

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

**27. Adjournment**

Motion was duly made at approximately 10:33 a.m. by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to adjourn the meeting. Motion carried. Vote 4 ayes 0 nays

Approved in Open Court, this the 12<sup>th</sup> day of May, 2014.



**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**