

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, MARCH 4, 2013

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 4th day of March 2013 in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with Commissioner Woodson presiding. County Judge McDonald was absent.

Others present were as follows: Ellen Dodd, Ruben Gonzales, Doug Matthes, Bob Watts, Denise Fortenberry, Sheriff Osborne, Carole Patrick, Cristyn Hallmark, Barry Halvorson, Kristie Smith, Tammy McDonald, Janice Hawthorne, Eugene Davis

1. Certification of quorum

Commissioner Woodson certified a quorum in attendance with Commissioner Kent Pollard, Commissioner Pustka and James Gibson.

2. Pledge of Allegiance – Pollard

3. Texas Pledge – Pollard

4. Prayer – Commissioner Pustka

5. Consideration and possible action regarding approving Commissioners Court Minutes for February 25, 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 Commissioners Court Minutes for February 25, 2013. Motion carried.

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 a Fire Fighting Agreement between Matagorda County and Midfield Volunteer Fire Department for 2013 and 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 approve a Fire Fighting Agreement between Matagorda County and Midfield Volunteer Fire Department for 2013 and 2014. Motion carried.

8. Consideration and possible action to approve a Fire Fighting Agreement between Matagorda County and Sargent Volunteer Fire Department for 2013 and 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 approve a Fire Fighting Agreement between Matagorda County and Sargent Volunteer Fire Department for 2013 and 2014. Motion carried.

9. Consideration and possible action to approve a Fire Fighting Agreement between Matagorda County and Wadsworth Volunteer Fire Department for 2013 and 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 approve a Fire Fighting Agreement between Matagorda County and Wadsworth Volunteer Fire Department for 2013 and 2014. Motion carried.

10. Consideration and possible action to accept the Local Border Security Program FY 2013 Grant, in the amount of \$25,000.00, for the Matagorda County Sheriff's Office and authorize the County Judge to sign

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 the Local Border Security Program FY 2013 Grant, in the amount of \$25,000.00, for the Matagorda County Sheriff's Office and authorize the County Judge to sign. Motion carried.

11. Consideration and possible action to approve Board Appointments for Wharton-Matagorda County Child Protective Services and HGAC Committee on Natural Resources

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 Board Appointments for Wharton-Matagorda County Child Protective Services and HGAC Committee on Natural Resources. Motion carried.

12. Consideration and possible action to approve a check in the amount of \$300.00 for the Beach Permit Change Fund

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 check in the amount of \$300.00 for the Beach Permit Change Fund. Motion carried.

13. Consideration and possible action to approve the deputation of Vicki Lynn Matthes as Deputy Tax Assessor-Collector

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 deputation of Vicki Lynn Matthes as Deputy Tax Assessor-Collector. Motion carried.

14. Consideration and possible action to approve a Resolution opposing the passage of HB 958 which proposes to reduce the interest crediting rate on all TCDRS funds from 7% to 5%

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 opposing the passage of HB 958 which proposes to reduce the interest crediting rate on all TCDRS funds from 7% to 5%. Motion carried.

15. Consideration and possible action to approve 2 Demand Checks for Tammy McDonald's Border Star Training, (1) to Hampton Inn in the amount of \$136.85, and (2) to Tammy McDonald for per diem, in the amount of \$38.00

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 2 Demand Checks for Tammy McDonald's Border Star Training, (1) to Hampton Inn in the amount of \$136.85, and (2) to Tammy McDonald for per diem, in the amount of \$38.00. Motion carried.

16. Consideration and possible action to authorize the submittal of an Emergency Solutions Grant for Federal Fiscal Year 2013, being a collaborative application from the Matagorda County Women's Crisis Center, The Economic Action Committee of the Gulf Coast, and authorize the County Judge 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 authorize the submittal of an Emergency Solutions Grant for Federal Fiscal Year 2013, being a collaborative application from the Matagorda County Women's Crisis Center, The Economic Action Committee of the Gulf Coast, and authorize the County Judge to sign. Motion carried.

17. Consideration and possible action to approve Amendment Request #10 for the DRS0100112/GLO 10-5108-000-5089, changing the project scope to 120 ft. wide by 3,600 l.f. long area, and authorize Judge McDonald to sign

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 Amendment Request #10 for the DRS0100112/GLO 10-5108-000-5089, changing the project scope to 120 ft. wide by 3,600 l.f. long area, and authorize Judge McDonald to sign. Motion carried.

18. Meet in executive session under section 551.071 of the Gov't Code to consult with attorney(s) representing the court in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

Civil Action NO. 3-11-CV-32; Matagorda County Teen Court Program, Inc. et al. vs. The City of Bay City, et al.; In the United State District Court for the Southern District of Texas

Cause No. 11-464; United States of America vs. James L. Ziegenhals; Robert Louis Ziegenhals; Le Tulle Foundation, a trust; Le Tulle Foundation, a defunct corporation, and Matagorda County; In the U. S. District Court for the Southern District of Texas, Galveston Division

Cause No. 11-E-0693-C; In the Matter of the Testamentary Trust of Thomas Beach LeTulle and the Matter of the Citizens of Matagorda County, Texas Interested in this Trust v. J. L. Ziegenhals, Trustee; In the 130th Judicial District Court of Matagorda County, Texas

Economic Development Contracts

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to go into executive session at 9:43 a.m. to consult with attorney(s) representing the court in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

Civil Action NO. 3-11-CV-32; Matagorda County Teen Court Program, Inc. et al. vs. The City of Bay City, et al.; In the United State District Court for the Southern District of Texas

Cause No. 11-464; United States of America vs. James L. Ziegenhals; Robert Louis Ziegenhals; Le Tulle Foundation, a trust; Le Tulle Foundation, a defunct corporation, and Matagorda County; In the U. S. District Court for the Southern District of Texas, Galveston Division

Cause No. 11-E-0693-C; In the Matter of the Testamentary Trust of Thomas Beach LeTulle and the Matter of the Citizens of Matagorda County, Texas Interested in this Trust v. J. L. Ziegenhals, Trustee; In the 130th Judicial District Court of Matagorda County, Texas

Economic Development Contracts

Motion carried.

19. **Reconvene Open Session and consider taking action on the following matters:**

Civil Action NO. 3-11-CV-32; Matagorda County Teen Court Program, Inc. et al. vs. The City of Bay City, et al.; In the United State District Court for the Southern District of Texas

Cause No. 11-464; United States of America vs. James L. Ziegenhals; Robert Louis Ziegenhals; Le Tulle Foundation, a trust; Le Tulle Foundation, a defunct corporation, and Matagorda County; In the U. S. District Court for the Southern District of Texas, Galveston Division

Cause No. 11-E-0693-C; In the Matter of the Testamentary Trust of Thomas Beach LeTulle and the Matter of the Citizens of Matagorda County, Texas Interested in this Trust v. J. L. Ziegenhals, Trustee; In the 130th Judicial District Court of Matagorda County, Texas

Economic Development Contracts

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson with all others concurring, to Reconvene Open Session at 10:22 a.m. and take no further action on the following matters:

Civil Action NO. 3-11-CV-32; Matagorda County Teen Court Program, Inc. et al. vs. The City of Bay City, et al.; In the United State District Court for the Southern District of Texas

Cause No. 11-464; United States of America vs. James L. Ziegenhals; Robert Louis Ziegenhals; Le Tulle Foundation, a trust; Le Tulle Foundation, a defunct corporation, and Matagorda County; In the U. S. District Court for the Southern District of Texas, Galveston Division

Cause No. 11-E-0693-C; In the Matter of the Testamentary Trust of Thomas Beach LeTulle and the Matter of the Citizens of Matagorda County, Texas Interested in this Trust v. J. L. Ziegenhals, Trustee; In the 130th Judicial District Court of Matagorda County, Texas

Economic Development Contracts

Motion carried.

20. **Public Comments**

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


21. **Adjournment**

Motion was duly made at approximately 10:23 a.m. by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to adjourn the meeting. Motion carried.

Approved in Open Court, this the 11th day of March, 2013.




NATE McDONALD,
County Judge



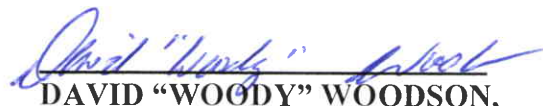
DANIEL PUSTKA,
Commissioner Precinct No. One



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

