

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, AUGUST 25, 2014

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 25th day of August 2014 in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with Commissioner Pustka Judge Pro Tem presiding.

Others present were as follows: Robert Thompson, Cathy Ezell, Ruben Gonzales, Doug Matthes, Chris Peikert, Cristyn Hallmark, Tammy McDonald, Brandon Malone, Jamie Bludau, Barry Halvorson, Brent Batchelor, Bruce Spitzinger, Harriet Townsend and Janet Hickl

1. Certification of quorum

Commissioner Pustka, Judge Pro Tem certified a quorum in attendance with Commissioner Woodson, and Commissioner Gibson. County Judge McDonald and Commissioner Pollard were absent.

2. Pledge of Allegiance – Commissioner Gibson

3. Texas Pledge – Commissioner Gibson

4. Prayer – Commissioner Gibson

5. Consideration and possible action regarding approving Commissioners Court Minutes for August 18, 2014 and August 21, 2014

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 Commissioners Court Minutes for August 18, 2014 and August 21, 2014. Motion carried. Vote 3 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 Continuation Certificate for Ballard Exploration Company, Inc., extending their Heavy Load Bond until November 7, 2014, to travel County Road 117 (Hill Road), and CR 115, Precinct #1, Matagorda County

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 Continuation Certificate for Ballard Exploration Company, Inc., extending their Heavy Load Bond until November 7, 2014, to travel County Road 117 (Hill Road), and CR 115, Precinct #1, Matagorda County. Motion carried. Vote 3 ayes 0 nays

8. Consideration and possible action to authorize a typed check for postage for tax statements in the amount of \$15,000.00

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to authorize a typed check for postage for tax statements in the amount of \$15,000.00. Motion carried. Vote 3 ayes 0 nays

9. Consideration and possible action to allow the aerial application of 2, 4-D by permit in Matagorda County beginning September 1, 2014

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring, to allow the aerial application of 2, 4-D by permit in Matagorda County beginning September 1, 2014. Motion carried. Vote 3 ayes 0 nays

10. Consideration and possible action to authorize the District Clerk to execute the Bank Account Add/Change Form from Chase Paymentech that is required for accepting payment for E-Filings

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to authorize the District Clerk to execute the Bank Account Add/Change Form from Chase Paymentech that is required for accepting payment for E-Filings. Motion carried. Vote 3 ayes 0 nays

11. Consideration and possible action to authorize the County Clerk to execute the Bank Account Add/Change Form from Chase Paymentech that is required for accepting payment for E-Filings

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to authorize the County Clerk to execute the Bank Account Add/Change Form from Chase Paymentech that is required for accepting payment for E-Filings. Motion carried. Vote 3 ayes 0 nays

12. Consideration and possible action to authorize the District Clerk to execute the Chase Paymentech certification and authorize the County Judge to execute the Payment Processing Instructions & Guideline that is required for accepting payment for E-Filings

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to authorize the District Clerk to execute the Chase Paymentech certification and authorize the County Judge to execute the Payment Processing Instructions & Guideline that is required for accepting payment for E-Filings. Motion carried. Vote 3 ayes 0 nays

13. Consideration and possible action to authorize the County Clerk to execute the Chase Paymentech certification and authorize the County Judge to execute the Payment Processing Instructions & Guideline that is required for accepting payment for E-Filings

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to authorize the County Clerk to execute the Chase Paymentech certification and authorize the County Judge to execute the Payment Processing Instructions & Guideline that is required for accepting payment for E-Filings. Motion carried. Vote 3 ayes 0 nays

14. Consideration and possible action to approve an Exemption Certificate from Thomas, Petroleum, LLC for gasoline and diesel to be used by Matagorda County during the year 2015, and authorize the County Judge to sign

This being the next item for business, motion was duly made by Commissioner Pustka, Judge Pro Tem and seconded by Commissioner Woodson, with all others concurring, to approve an Exemption Certificate from Thomas, Petroleum, LLC for gasoline and diesel to be used by Matagorda County during the year 2015, and authorize the County Judge to sign. Motion carried. Vote 3 ayes 0 nays

16. Consideration and possible action to approve a Cellular Phone Allowance, in the amount of \$60.00 per month, for Robert Roe, Precinct #1 Foreman, as of September 1, 2014

This being the next item for business, motion was duly made by Commissioner Pustka, Judge Pro Tem and seconded by Commissioner Woodson, with all others concurring, to approve a Cellular Phone Allowance, in the amount of \$60.00 per month, for Robert Roe, Precinct #1 Foreman, as of September 1, 2014. Motion carried. Vote 3 ayes 0 nays

17. Consideration and possible action to approve the updated Broker/Dealer list for the 2014 Investment Policy

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 the updated Broker/Dealer list for the 2014 Investment Policy. Motion carried. Vote 3 ayes 0 nays

18. Consideration and possible action to approve the HIPPA Exemption Election/Election Renewal Document for 10/1/14 – 9/30/15 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 Gibson, with all others concurring, to approve the HIPPA Exemption Election/Election Renewal Document for 10/1/14 – 9/30/15 and authorize the County Judge to sign. Motion carried. Vote 3 ayes 0 nays

19. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report for June 2014

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 the Matagorda County Treasurer's Monthly Investment Report for June 2014. Motion carried. Vote 3 ayes 0 nays

20. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report for July 2014

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 the Matagorda County Treasurer's Monthly Investment Report for July 2014. Motion carried. Vote 3 ayes 0 nays

15. Second Public Hearing at 9:45 AM to discuss the 2014 Proposed Maintenance and Operation Tax Rate of .35384, and the 2014 Proposed Interest and Sinking Tax Rate of .00483 (for a total tax rate of .35867)

This being the next item for business, motion was duly made by Commissioner Pustka, Judge Pro Tem, and seconded by Commissioner Gibson, with all others concurring, to go into the Second Public Hearing at 9:46 AM to discuss the 2014 Proposed Maintenance and Operation Tax Rate of .35384, and the 2014 Proposed Interest and Sinking Tax Rate of .00483 (for a total tax rate of .35867). Motion carried. Vote 3 ayes 0 nays
There being no further discussion, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to go back into regular session of court at 9:47. Motion Carried. Vote 3 ayes 0 nays

24. Consideration and possible action to approve an Advance Funding Agreement with Texas Department of Transportation for replacement or rehabilitation of bridge on Morris Road over E. Carancahua Draw

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Pustka, Judge Pro Tem, with all others concurring, to approve an Advance Funding Agreement with Texas Department of Transportation for replacement or rehabilitation of bridge on Morris Road over E. Carancahua Draw. Motion carried. Vote 3 ayes 0 nays

25. consideration and possible action to Order the Abandonment of all of the County's right, title and interest in all of that certain tract or parcel containing 3.89 acres situated in the F. W. Dempsey Survey, Abstract No. 26 and in the F. W. Dempsey Survey, Abstract No. 26 and in the Luke Lesassier Survey, Abstract No. 58 of Matagorda County, Texas and being a 30 Foot Wide Road Right-of-way along the East Boundary of Lots 1 and 2 of the Stewart Pasture Subdivision relative to the plat recorded in Volume 34, Pages 116 and 117 of Deed Records of Matagorda County, Texas. A more particularly described meets and bounds is attached as Exhibit "A" to this agenda request. The property was conveyed to the county in 1911 by A. C. Stewart for public road purposes and no public road exists and the county does not intend to create a public road on the property. Once abandoned, the property interest will vest in the owners of Lots 1,2, and property on west side of the road in proportion to their property frontage and to expand to the center line of the road on each side (in accordance with Section 251.058(b) of the Texas Transportation Code). The owner of Lots 1,2, and the property on the west side of this road is Hardy Family Real Estate Partnership, Ltd., 205 S. Main Victoria, Texas 77091, mailing address P. O. Box 1646 Bay City, Texas 77404-1646

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pustka, Judge Pro Tem, with all others concurring, to Order the Abandonment of all of the County's right, title and interest in all of that certain tract or parcel containing 3.89 acres situated in the F. W. Dempsey Survey, Abstract No. 26 and in the F. W. Dempsey Survey, Abstract No. 26 and in the Luke Lesassier Survey, Abstract No. 58 of Matagorda County, Texas and being a 30 Foot Wide Road Right-of-way along the East Boundary of Lots 1 and 2 of the Stewart Pasture Subdivision relative to the plat recorded in Volume 34, Pages 116 and 117 of Deed Records of Matagorda County, Texas. A more particularly described meets and bounds is attached as Exhibit "A" to this agenda request. The property was conveyed to the county in 1911 by A. C. Stewart for public road purposes and no public road exists and the county does not intend to create a public road on the property. Once abandoned, the property interest will vest in the owners of Lots 1,2, and property on west side of the road in proportion to their property frontage and to expand to the center line of the road on each side (in accordance with Section 251.058(b) of the Texas Transportation Code). The owner of Lots 1,2, and the property on the west side of this road is Hardy Family Real Estate Partnership, Ltd., 205 S. Main Victoria, Texas 77091, mailing address P. O. Box 1646 Bay City, Texas 77404-1646. Motion carried. Vote 3 ayes 0 nays

26. Consideration and possible action to Order the Abandonment of all of the County's right, title and interest in all of that certain tract or parcel containing 4.30 acres situated in the F. W. Dempsey Surey, Abstract No. 26 of Matagorda County, Texas and being a 60 Foot Wide Road Right-of-Way along the West boundary of Lot 10 and the East boundary of Lots 11 and 12 of the Stewart Pasture Subdivision relative to the plat recorded in Volume 34, Pates 116 and 117 of Deed Records of Matagorda County, Texas. A more particularly described metes and bounds is attached as Exhibit "A" to this agenda request. The property was conveyed to the county by A. C. Stewart in 1911 for public road purposes and no public road exists and the county does not intend to create a public road on the property. Once abandoned, the property interest will vest in the owners of Lots 10,11, and 12, in proportion to their property frontage and to expand to the center line of the road on each side (in accordance with Section 251.058(b) of the Texas Transportation Code). The owner of Lots 10,11, and 12 is Hardy Family Real Estate Partnership, Ltd., 205 S. Main Victoria, Texas 77091, mailing address P. O. Box 1646 Bay City, Texas 77404-1646

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pustka, Judge Pro Tem, with all others concurring, to Order the Abandonment of all of the County's right, title and interest in all of that certain tract or parcel containing 4.30 acres situated in the F. W. Dempsey Surey, Abstract No. 26 of Matagorda County, Texas and being a 60 Foot Wide Road Right-of-Way along the West boundary of Lot 10 and the East boundary of Lots 11 and 12 of the Stewart Pasture Subdivision relative to the plat recorded in Volume 34, Pates 116 and 117 of Deed Records of Matagorda County, Texas. A more particularly described metes and bounds is attached as Exhibit "A" to this agenda request. The property was conveyed to the county by A. C. Stewart in 1911 for public road purposes and no public road exists and the county does not intend to create a public road on the property. Once abandoned, the property interest will vest in the owners of Lots 10,11, and 12, in proportion to their property frontage and to expand to the center line of the road on each side (in accordance with Section 251.058(b) of the Texas Transportation Code). The owner of Lots 10,11, and 12 is Hardy Family Real Estate Partnership, Ltd., 205 S. Main Victoria, Texas 77091, mailing address P. O. Box 1646 Bay City, Texas 77404-1646. Motion carried. Vote 3 ayes 0 nays

27. Consideration and possible action to Order the Abandonment of all of the County's right, title and interest in all of that certain tract or parcel containing 7.27 acres situated in the F. W. Dempsey Survey, Abstract No. 26 of Matagorda County, Texas and being a 60 Foot Wide Road Right-If-Way along the North boundary of Lots 2 and 9 and the South boundary of Lots 1 and 10 of the Stewart Pasture Subdivision relative to the plat recorded in Volume 34, pages 116 and 117 of Deed Records of Matagorda County, Texas. A more particularly described metes and bounds is attached as Exhibit "A" to this agenda request. The property was conveyed to the county by A. C. Stewart in 1911 for public road purposes and no public road exists and the county does not intend to create a public road on the property. Once abandoned, the property interest will vest in the owners of Lots 1, 2, 9, and 10 in proportion to their property frontage and to expand to the center line of the road on each side (in accordance with Section 251.058(b) of the Texas Transportation Code). The owner of Lots 1, 2, 9, and 10 is Hardy Family Real Estate Partnership, Ltd., 205 S. Main Victoria, Texas 77091, mailing address P. O. Box 1646 Bay City, Texas 77404-1646

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pustka, Judge Pro Tem, with all others concurring, to Order the Abandonment of all of the County's right, title and interest in all of that certain tract or parcel containing 7.27 acres situated in the F. W. Dempsey Survey, Abstract No. 26 of Matagorda County, Texas and being a 60 Foot Wide Road Right-If-Way along the North boundary of Lots 2 and 9 and the South boundary of Lots 1 and 10 of the Stewart Pasture Subdivision relative to the plat recorded in Volume 34, pages 116 and 117 of Deed Records of Matagorda County, Texas. A more particularly described metes and bounds is attached as Exhibit "A" to this agenda request. The property was conveyed to the county by A. C. Stewart in 1911 for public road purposes and no public road exists and the county does not intend to create a public road on the property. Once abandoned, the property interest will vest in the owners of Lots 1, 2, 9, and 10 in proportion to their property frontage and to expand to the center line of the road on each side (in accordance with Section 251.058(b) of the Texas Transportation Code). The owner of Lots 1, 2, 9, and 10 is Hardy Family Real Estate Partnership, Ltd., 205 S. Main Victoria, Texas 77091, mailing address P. O. Box 1646 Bay City, Texas 77404-1646. Motion carried. Vote 3 ayes 0 nays.

28. Consideration and possible action to set a Public Hearing for September 22, 2014, at 9:45 AM in the Matagorda County Commissioners Courtroom to discuss the cancellation of part of the Stewart Pasture Subdivision in regards to Lots 1, 2, 9, 10, 11, 12, and 23, and to publish notice for at least three (3) weeks before the Public Hearing scheduled for September 22, 2014 according to Local Government Code section 232.008(c)

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to set a Public Hearing for September 22, 2014, at 9:45 AM in the Matagorda County Commissioners Courtroom to discuss the cancellation of part of the Stewart Pasture Subdivision in regards to Lots 1, 2, 9, 10, 11, 12, and 23, and to publish notice for at least three (3) weeks before the Public Hearing scheduled for September 22, 2014 according to Local Government Code section 232.008(c). Motion carried.
Vote 3 ayes 0 nays

21. **Public Hearing at 9:55 AM to discuss the 2015 Matagorda County Budget**

This being the next item for business, motion was duly made by Commissioner Pustka, Judge Pro Tem, and seconded by Commissioner Gibson, with all others concurring, to go into a Public Hearing at 9:57 AM to discuss the 2015 Matagorda County Budget. Motion carried. Vote 3 ayes 0 nays.

There being no further discussion, motion was duly made by Commissioner Gibson and seconded by Commissioner Woodson, with all others concurring, to go back into regular session of court at 9:58. Motion Carried. Vote 3 ayes 0 nays

22. **Consideration and possible action to adopt the District Clerk's Archive Fee of \$10.00 and Archive Fee Plan, as listed in Fund 20 in the 2015 Matagorda County Budget, and adopt the County Clerk's Archive Fee of \$10.00 and Archive Fee Plan, as listed in Fund 16 in the 2015 Matagorda County Budget**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pustka, Judge Pro Tem, with all others concurring, to adopt the District Clerk's Archive Fee of \$10.00 and Archive Fee Plan, as listed in Fund 20 in the 2015 Matagorda County Budget, and adopt the County Clerk's Archive Fee of \$10.00 and Archive Fee Plan, as listed in Fund 16 in the 2015 Matagorda County Budget. Motion carried. Vote 3 ayes 0 nays.

23. **Consideration and possible action to approve the 2015 Matagorda County Budget**

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 the 2015 Matagorda County Budget. Motion carried. Vote 3 ayes 0 nays.

29. **Consideration and possible action to approve Monthly Reports for various county departments**

This being the next item for business, motion was duly made by Commissioner Pustka, Judge Pro Tem and seconded by Commissioner Woodson, with all others concurring, to approve Monthly Reports for various county departments. Motion carried. Vote 3 ayes 0 nays.

30. **Consideration and possible action to approve the Payment of Bills**

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 the Payment of Bills. Motion carried. Vote 3 ayes 0 nays.

31. **Consideration and possible action to approve the Emergency Amendments**

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 the Payment of Bills. Motion carried. Vote 3 ayes 0 nays.

31a. **Discuss and consider opening bids for Road Improvements under the Texas Department of Transportation TIF Program, and take appropriate action as necessary**

This being the next item of business, no action taken.

32. **Meet in executive session under Section 551.071(2) of the Gov't Code to consult with attorney(s) representing the county in an executive session on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act**

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

33. Reconvene open session and consider ataking action on the matters discussed in: Meet in executive session under Section 551.071(2) of the Gov't Code to consult with attorney(s) representing the county in an executive session on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act

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

34. Public Comments

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

35. Adjournment

Motion was duly made at approximately 10:10 a.m. by Commissioner Woodson and seconded by Commissioner Pustka, Judge Pro Tem, with all others concurring, to adjourn the meeting. Motion carried. Vote 3 ayes 0 nays


Approved in Open Court, this the 8th day of September, 2014.



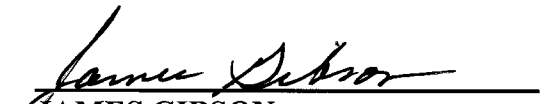
NATE McDONALD,
County Judge



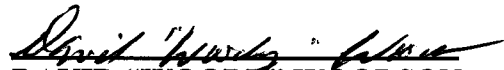
DANIEL PUSTKA, Judge Pro Tem
Commissioner Precinct No. One



KENT POLLARD,
Commissioner Precinct No. Two



JAMES GIBSON,
Commissioner Precinct No. Three



DAVID "WOODY" WOODSON,
Commissioner Precinct No. Four

ATTEST:


Janet Hickl, County Clerk

