

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, AUGUST 26, 2013**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 26<sup>th</sup> day of August 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: Doug Matthes, Bob Watts, Frances Williams, Bernadette Bryant, Jane Greeson, David W. Sheblak, Ruben Gonzales, Tammy McDonald, Sheriff Osborne, Gayle Watkins, Coy Ramsey, Barry Halvorson, Denise Fortenberry, 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 Pustka**

**3. Texas Pledge – Commissioner Pustka**

**4. Prayer – Commissioner Woodson**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for August 19, 2013**

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 August 19, 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 two contracts by Camp Saddle Sore and Moore Avenue Church of Christ for the use of the Matagorda County Fairground facilities. Motion carried. Vote 5 ayes 0 nays

**7. Consideration and possible action to approve a Heavy Load Application and Bond for Magnum Producing, LP to travel CR 267 (Thompson Drive) in Precinct 2, Matagorda County, Texas**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to table approving a Heavy Load Application and Bond for Magnum Producing, LP to travel CR 267 (Thompson Drive) in Precinct 2, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve the purchase of a 2012 Gradall XL 3100 IV Hydraulic Excavator, Serial #3120000261, from Gradall Industries, Inc. by Commissioner Dan Pustka, Precinct #1, to be financed over 3 to 5 years**

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 purchase of a 2012 Gradall XL 3100 IV Hydraulic Excavator, Serial #3120000261, from Gradall Industries, Inc. by Commissioner Dan Pustka, Precinct #1, to be financed over 3 to 5 years. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve a Resolution to enter into a Financing Agreement with Government Capital Corporation to finance a 2012 Gradall XL 3100 IV Hydraulic Excavator, Serial #3120000261, from Gradall Industries, Inc. for a period of 3 years, in the amount of \$75,898.07 per year, with the first payment due on February 14, 2014, and annually thereafter**

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 Resolution to enter into a Financing Agreement with Government Capital Corporation to finance a 2012 Gradall XL 3100 IV Hydraulic Excavator, Serial #3120000261, from Gradall Industries, Inc. for a period of 3 years, in the amount of \$75,898.07 per year, with the first payment due on February 14, 2014, and annually thereafter. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to accept the Proposal from Gernand Builders Supply, Inc. for labor and materials, in the amount of \$6,474.00, for work on the Van Vleck Volunteer Fire Department building**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to accept the Proposal from Gernand Builders Supply, Inc. for labor and materials, in the amount of \$6,474.00, for work on the Van Vleck Volunteer Fire Department building. Motion carried. Vote 5 ayes 0 nays

**11. Second Public Hearing at 9:45 AM to discuss the 2013 Proposed Maintenance and Operation tax rate of .31695, and the 2013 proposed Interest and Sinking tax rate of .00404 (for a total tax rate of .32099)**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to go into a Second Public Hearing at 9:45 AM to discuss the 2013 Proposed Maintenance and Operation tax rate of .31695, and the 2013 proposed Interest and Sinking tax rate of .00404 (for a total tax rate of .32099). Motion carried. Vote 5 ayes 0 nays. A 9:53 a motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson with all others concurring , to convene the Second Public Hearing at 9:53 AM to discuss the 2013 Proposed Maintenance and Operation tax rate of .31695, and the 2013 proposed Interest and Sinking tax rate of .00404 (for a total tax rate of .32099). Motion carried. Vote 5 ayes 0 nays.

**12. Consideration and possible action to approve an increase of \$5.00 to the County Clerk's Archive Fund and an increase of \$5.00 to the Records Management and Preservation Fund, as per House Bill 1513, to become effective September 1, 2013**

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 an increase of \$5.00 to the County Clerk's Archive Fund and an increase of \$5.00 to the Records Management and Preservation Fund, as per House Bill 1513, to become effective September 1, 2013. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to authorize the Proposal for Bids regarding the Wastewater Treatment Plant Improvements for the Matagorda Waste Disposal & Water Supply Corporation, CDBG Contract #712221, to be opened on September 25, 2013 at 9:30 AM in the County Auditor's Office, and approve the publishing of Invitation for Bids**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to authorize the Proposal for Bids regarding the Wastewater Treatment Plant Improvements for the Matagorda Waste Disposal & Water Supply Corporation, CDBG Contract #712221, to be opened on September 25, 2013 at 9:30 AM in the County Auditor's Office, and approve the publishing of Invitation for Bids. Motion carried. Vote 5 ayes 0 nays

**14. Public Hearing at 9:55 AM to discuss the 2014 Matagorda County Budget**

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 go into a Public Hearing at 9:55 AM to discuss the 2014 Matagorda County Budget. Motion carried. Vote 5 ayes 0 nays. Motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard with all others concurring, to reconvene open session at 10:00 AM. Motion carried. Vote 5 ayes 0 nays.

**15. Consideration and possible action to approve the 2014 Matagorda County Budget**

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 2014 Matagorda County Budget. Motion carried. Vote 5 ayes 0 nays

Commissioner Pustka Pct. 1	Aye
Commissioner Pollard Pct. 2	Aye
Commissioner Gibson Pct. 3	Aye
Commissioner Woodson Pct. 4	Aye

**16. 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 and seconded by Commissioner Gibson, with all others concurring, to approve Monthly Reports for various county departments. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to approve the Matagorda County Auditor's Report for July 2013**

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 Matagorda County Auditor's Report for July 2013. 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 Pollard and seconded by Commissioner Gibson, with all others concurring, to approve Payment of Bills. Motion carried. Vote 5 ayes 0 nays

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

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

**20. Meet in Executive Session under Section 551.071 of the Gov't Code to consult with attorney(s) representing the count 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 States 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 in the Matter of the Testamentary Trust of Thomas Beach LeTulle and in the Matter of the Citizens of Matagorda County, Texas Interested in this Trust vs. J. L. Ziegenhals, Trustee; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas**

**Claim of Francisco Gonzales**

**Civil Action No. 3:13-CV-60; Frances Mendoza, et al. vs. Matagorda County, et al.; In the United States District Court for the Southern District of Texas**

**Discussion of possible litigation concerning employment grievances**

**Discussion of notice of intent to cancel contract**

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to Meet at 10:12 AM in Executive Session under Section 551.071 of the Gov't Code to consult with attorney(s) representing the count 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 States 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 in the Matter of the Testamentary Trust of Thomas Beach LeTulle and in the Matter of the Citizens of Matagorda County, Texas Interested in this Trust vs. J. L. Ziegenhals,

Trustee; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas

Claim of Francisco Gonzales

Civil Action No. 3:13-CV-60; Frances Mendoza, et al. vs. Matagorda County, et al.; In the United States District Court for the Southern District of Texas

Discussion of possible litigation concerning employment grievances

Discussion of notice of intent to cancel contract

Motion carried. Vote 5 ayes 0 nays

**21. Reconvene open session and consider taking action on the following matters:**

**Meet in Executive Session under Section 551.071 of the Gov't Code to consult with attorney(s) representing the count 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 States 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 in the Matter of the Testamentary Trust of Thomas Beach LeTulle and in the Matter of the Citizens of Matagorda County, Texas Interested in this Trust vs. J. L. Ziegenhals, Trustee; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas**

**Claim of Francisco Gonzales**

**Civil Action No. 3:13-CV-60; Frances Mendoza, et al. vs. Matagorda County, et al.; In the United States District Court for the Southern District of Texas**

**Discussion of possible litigation concerning employment grievances**

**Discussion of notice of intent to cancel contract**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring, to Reconvene open session at 10:43 AM and consider taking action on the following matters:

Meet in Executive Session under Section 551.071 of the Gov't Code to consult with attorney(s) representing the count 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 States 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 in the Matter of the Testamentary Trust of Thomas Beach LeTulle and in the Matter of the Citizens of Matagorda County, Texas Interested in this Trust vs. J. L. Ziegenhals, Trustee; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas

Claim of Francisco Gonzales

Civil Action No. 3:13-CV-60; Frances Mendoza, et al. vs. Matagorda County, et al.; In the United States District Court for the Southern District of Texas

Discussion of possible litigation concerning employment grievances

Discussion of notice of intent to cancel contract

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

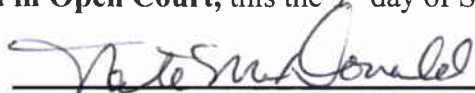
**22. Public Comments**

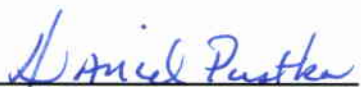
This being the next item for business, no action required.


**23. Adjournment**

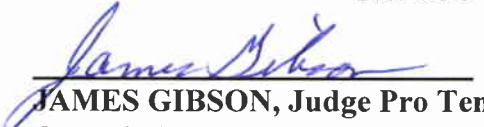
Motion was duly made at approximately 10:44 a.m. by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

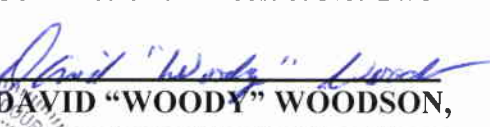
Approved in Open Court, this the 9<sup>th</sup> day of September, 2013.

  
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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

