

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, JANUARY 26, 2015

Call to Order

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 26th day of January 2015 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, Cathy Ezell, Barry Halvorson, Chris Peikert, Doug Matthes, Denise Fortenberry, Mike Reddell, Joe Lozano, Tammy McDonald, Bruce Spitzergel, Harriet Townsend and Janet Hickl

1. Certification of quorum

County Judge McDonald, certified a quorum in attendance with Commissioner Kent Pollard, Commissioner Gibson, Commissioner Pustka and Commissioner Frick.

2. Pledge of Allegiance – Commissioner Pustka

3. Texas Pledge – Commissioner Pustka

4. Prayer – Commissioner Gibson

5. Consideration and possible action regarding approving Commissioners Court Minutes for January 12, 2015

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve Commissioners Court Minutes for January 12, 2015. 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 Gibson, with all others concurring, to approve three contracts for the use of the Matagorda County Fairground facilities. Motion carried. Vote 5 ayes 0 nays

7. Consideration and possible action to approve a re-plat of Pabst River Estates, Section 1, Lots 66 & 67 and a re-plat of Pabst River Estates, Section 2, Lot 6, Selkirk, 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 approve a re-plat of Pabst River Estates, Section 1, Lots 66 & 67 and a re-plat of Pabst River Estates, Section 2, Lot 6, Selkirk, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve the 2015 Matagorda County Payroll

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 the 2015 Matagorda County Payroll. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve the corrected amounts for the 2015 automatic payments for the Service Center and Edith Armstrong

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 corrected amounts for the 2015 automatic payments for the Service Center and Edith Armstrong. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to set a Final Public Hearing for the CDBG Grant #712221 on Wednesday, February 4, 2015 at 5:05 p.m. in the Commissioner's Courtroom, and approve its publication

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 set a Final Public Hearing for the CDBG Grant #712221 on Wednesday, February 4, 2015 at 5:05 p.m. in the Commissioner's Courtroom, and approve its publication. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve a signed annual exemption form for Matagorda County from Oil Patch Petroleum, Inc., regarding diesel and gasoline purchases for the Department of Treasury

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to approve a signed annual exemption form for Matagorda County from Oil Patch Petroleum, Inc., regarding diesel and gasoline purchases for the Department of Treasury. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve the Quarterly Progress Report for the 4th Quarter of 2014 under Texas Capital Fund Contract #713082

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Gibson, with all others concurring, to approve the Quarterly Progress Report for the 4th Quarter of 2014 under Texas Capital Fund Contract #713082. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve the 2014 4th Quarter Progress Report, for the Economic Development Administration Grant #08-01-04955, regarding the Texas Capital Fund Road Improvements Match to this project

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 2014 4th Quarter Progress Report, for the Economic Development Administration Grant #08-01-04955, regarding the Texas Capital Fund Road Improvements Match to this project. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to approve a contract between Friends of Elder Citizens, Inc., and Matagorda County for FY 2015 beginning January 1, 2015 through December 31, 2015, in the amount of \$10,900.00 per year

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Gibson, with all others concurring, to approve a contract between Friends of Elder Citizens, Inc., and Matagorda County for FY 2015 beginning January 1, 2015 through December 31, 2015, in the amount of \$10,900.00 per year. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to approve a Contract between the Economic Action Committee and Matagorda County for FY 2015 beginning January 1, 2015 through December 31, 2015, in the amount of \$33,000.00 per year

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 Contract between the Economic Action Committee and Matagorda County for FY 2015 beginning January 1, 2015 through December 31, 2015, in the amount of \$33,000.00 per year. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to approve Amendment #1 to the County Facility Space Planning, Design and Project Management Services Contract, approved December 22, 2014, changing the General Aggregate Commercial General Liability to \$1,000,000.00

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 #1 to the County Facility Space Planning, Design and Project Management Services Contract, approved December 22, 2014, changing the General Aggregate Commercial General Liability to \$1,000,000.00. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve the adoption of the Anti-NIMBYism Action Plan, as described in the County's Fair Housing Activities Statement (FHASt)

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 the adoption of the Anti-NIMBYism Action Plan, as described in the County's Fair Housing Activities Statement (FHASt). Motion carried.
Vote 5 ayes 0 nays

18. Consideration and possible action to approve an Amendment to the County's Fair Housing Activity Statement (FHASt) so that remaining impediments can be addressed by December 31, 2015

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 an Amendment to the County's Fair Housing Activity Statement (FHASt) so that remaining impediments can be addressed by December 31, 2015. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to authorize County Courthouse Maintenance to submit an application for credit to Century for supplies

This being the next item for business, motion was duly made by County Judge McDonald, and seconded by Commissioner Frick, with all others concurring, to authorize County Courthouse Maintenance to submit an application for credit to Century for supplies. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve a Resolution authorizing the submission of a Community Development Block Grant Application to the Texas Department of Agriculture for water and/or sewer improvements in Wadsworth and Blessing

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Frick, with all others concurring, to approve a Resolution authorizing the submission of a Community Development Block Grant Application to the Texas Department of Agriculture for water and/or sewer improvements in Wadsworth and Blessing. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to approve an Interlocal Agreement between Matagorda County and the Blessing WCID No. 5 to use a county 2015-2016 Texas Community Block Grant to construct improvements to their public sewer system

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Gibson, with all others concurring, approve an Interlocal Agreement between Matagorda County and the Blessing WCID No. 5 to use a county 2015-2016 Texas Community Block Grant to construct improvements to their public sewer system. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to approve a Texas CDBG Project Agreement between Matagorda County and the Wadsworth Water Supply Corporation to use Matagorda County's 2015-2016 Texas Community Development Block Grant for the Construction of public water and sewer system improvements on behalf of the WSC

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, approve a Texas CDBG Project Agreement between Matagorda County and the Wadsworth Water Supply Corporation to use Matagorda County's 2015-2016 Texas Community Development Block Grant for the Construction of public water and sewer system improvements on behalf of the WSC. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to approve Cellular Phone Allowance for Victor Hadash, Patrol Deputy of Matagorda County Sheriff's Office, in the amount of \$60.00 per month according to county policies and procedures

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, approve Cellular Phone Allowance for Victor Hadash, Patrol Deputy of Matagorda County Sheriff's Office, in the amount of \$60.00 per month according to county policies and procedures. Motion carried. Vote 5 ayes 0 nays

24. Consideration and possible action to approve a Cellular Phone Allowance for Cynthia Roholt, Assistant District Attorney, in the amount of \$60.00 per month according to county policies and procedures

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, approve a Cellular Phone Allowance for Cynthia Roholt, Assistant District Attorney, in the amount of \$60.00 per month according to county policies and procedures. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to approve a Cellular Phone Allowance for Susan Maxwell, District Attorney Investigator, in the amount of \$60.00 per month according to county policies and procedures

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Gibson, with all others concurring, approve a Cellular Phone Allowance for Susan Maxwell, District Attorney Investigator, in the amount of \$60.00 per month according to county policies and procedures. Motion carried. Vote 5 ayes 0 nays

26. Consideration and possible action to approve the submittal of a Letter from Dr. Andrew Seigrist, requesting an Extension of the time line for the Tidehaven Independent School District FEMA Safe Shelter project

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Frick, with all others concurring, approve the submittal of a Letter from Dr. Andrew Seigrist, requesting an Extension of the time line for the Tidehaven Independent School District FEMA Safe Shelter project. Motion carried. Vote 5 ayes 0 nays

27. Consideration and possible action to approve a Bridgestone Federal Excise Tax Exemption Certificate for Matagorda County to run from 2/2015 to /2018

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Gibson, with all others concurring, approve a Bridgestone Federal Excise Tax Exemption Certificate for Matagorda County to run from 2/2015 to /2018. Motion carried. Vote 5 ayes 0 nays

28. Consideration and possible action to authorize Dan Pustka, Commissioner Precinct 1 to submit an application for credit to the Rice Farmers Coop, Inc

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 Dan Pustka, Commissioner Precinct 1 to submit an application for credit to the Rice Farmers Coop, Inc. County Auditor mentioned that the application will be submitted on behalf of the County. Motion carried. Vote 5 ayes 0 nays

29. Consideration and possible action to approve the submittal of 2 Applications for Beach Front Construction and Dune Protection Permits to the Texas General Land Office as recommended by the Beach Dune Committee

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 submittal of 2 Applications for Beach Front Construction and Dune Protection Permits to the Texas General Land Office as recommended by the Beach Dune Committee. Motion carried. Vote 5 ayes 0 nays

30. Consideration and possible action to accept an Assignment from Maverick Tube Corp, assigning all rights and obligations to Tenaris Bay City, Inc, as per Tax Abatement Agreement

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 accept an Assignment from Maverick Tube Corp, assigning all rights and obligations to Tenaris Bay City, Inc, as per Tax Abatement Agreement. Motion carried. Vote 5 ayes 0 nays

31. Consideration and possible action to approve Cellular Phone Allowance for Janice Hawthorne and Jessica Wied, County Attorney's Office, beginning January 19, 2015

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Gibson, with all others concurring, to approve Cellular Phone Allowance for Janice Hawthorne and Jessica Wied, County Attorney's Office, beginning January 19, 2015. Motion carried. Vote 5 ayes 0 nays

32. Consideration and possible action to approve Matagorda County Treasurer's Monthly Reports for August and September, 2014

This being the next item for business, motion was duly made by Commissioner Gibson, and seconded by Commissioner Frick, with all others concurring, to approve Matagorda County Treasurer's Monthly Reports for August and September, 2014. Motion carried. Vote 5 ayes 0 nays

33. **Consideration and possible action to approve Monthly Reports from 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 from various county departments. Motion carried. Vote 5 ayes 0 nays

34. **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 Pustka, with all others concurring, to approve Payment of Bills. Motion carried. Vote 5 ayes 0 nays

35. **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

36. **Consideration and possible action to approve Emergency Amendments**
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 Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

37. **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 and section 551.072 of the Gov't Code to deliberate the purchase, exchange, lease, or value of real property**
This being the next item for business, motion was duly made at 10:42 am by Commissioner Pollard and seconded by Commissioner Pustka, 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 count in an executive session concerning pending litigation, contemplated litigation, or settlement offers and section 551.072 of the Gov't Code to deliberate the purchase, exchange, lease, or value of real property. Motion carried. Vote 5 ayes 0 nays

38. **Reconvene open session and consider taking action on the matters discussed 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 and section 551.072 of the Gov't Code to deliberate the purchase, exchange, lease, or value of real property

This being the next item for business, motion was duly made at 11:58 am by Commissioner Puska and seconded by Commissioner Gibson, with all others concurring, to Reconvene open session and consider taking action on the matters discussed in:

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 and section 551.072 of the Gov't Code to deliberate the purchase, exchange, lease, or value of real property. Motion carried. Vote 5 ayes 0 nays

39. Public Comments

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

40. Adjournment

Motion was duly made at approximately 11:59 a.m. by Commissioner Pollard 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 2nd day of February, 2015.

absent

NATE McDONALD,
County Judge

Daniel Pustka

DANIEL PUSTKA,
Commissioner Precinct No. One

Kent Pollard

KENT POLLARD, Judge Pro Tem
Commissioner Precinct No. Two

James Gibson

JAMES GIBSON,
Commissioner Precinct No. Three

Charles "Bubba" Frick

CHARLES "BUBBA" FRICK,
Commissioner Precinct No. Four

ATTEST: *Janet Hickl*

Janet Hickl, County Clerk

