

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, JUNE 10, 2013

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 10th day of June 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: Ellen Dodd, Ruben Gonzales, Sheriff Osborne, Barry Halvorson, Denise Fortenberry, Mitch Thames, Bob Watts, Doug Matthes, Sandra Horris, Mitch Thames, Erme Cunnar, Kyle Smith, Clint Hewitt, Elmo Duke, Jr., Pam Lane, Kelly Billington, Harry Norris, Jr., Vicki Head, Wayne Head, Rick Lehmann, Annette K. Stonedale, Jim Frankson, Vinu Patel, Grishma Patel, Bobbie Oncken, Chris North, Tenaris, Renn G. Neilson, Baker Botts, Bill Pendergraft, Jeanette Leese, Bruce Grover, Lynn Grebe, Keith A. Brown, Allen Green, James Roberson, Angie Pagel, Edie Privitt, Tami Savage, Alice Lowery, Charles Brookhouser, Ann Ryan, Steve Holland, Walt Phillips, Nick Bhelch, Dinesh Patel, Claude "Tiger" Lane, Willie Rollins, Diane Beyer, Pat Joyce, Carol Wootton, Terry Farrar, Maria Childers, Jason Childers, Jean Davis, Lurinda Barnwell, Pam Yeamans, Bobby Wilkinson, Carolyn Thames, Gertrude Hardy, D C Dunham, Luvy Bracken, Janet Peden, John White, Carol Ann Huitt, Donna Smith, Chris Owen, Floyce rown, Geor. Burlingam, Sharyl McDonald, Cheryl Stewart, Tonya Ellis, Heather Menzies, Dianne Stone, Barbara Brady Stewart, Jo Halbert, Alicia Waters, Paul Waters, Mary B. Johnston, Mike Griffith, James D. Kinard, Michael R. George, Brook Hoyt, Kevin Anderson, James Folse, Chrystal Folse, Ron Autin, Mike Strotheide, Owen Bludau, Betty Vacek, Tammy McDonald, Cristyn Hallmark, Janice Hawthorne, Whitney Krenek, 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 Pollard

3. Texas Pledge – Commissioner Pollard

4. Prayer – Commissioner Pustka

5. Consideration and possible action regarding approving Commissioners Court Minutes for June 3, 2013

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 Commissioners Court Minutes for June 3, 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, no action required.

7. Consideration and possible action to approve Revision Request #1, changing the project scope per the attached performance statement, for the Palacios Wastewater Collection System DRS220112/GLO 12-485-000-6657

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 Revision Request #1, changing the project scope per the attached performance statement, for the Palacios Wastewater Collection System DRS220112/GLO 12-485-000-6657. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to authorize Commissioner Dan Pustka, Precinct #1, to accept a proposal from Gernand Builders Supply to remove damaged ceiling, wall and other material, and replace with new at the Pledger Community Center for a total of \$8,995.00

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Woodson, with all others concurring, to authorize Commissioner Dan Pustka, Precinct #1, to accept a proposal from Gernand Builders Supply to remove damaged ceiling, wall and other material, and replace with new at the Pledger Community Center for a total of \$8,995.00. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve an Equitable Sharing Agreement and Certification for the Matagorda County District Attorney's Office with the Department of Justice and Department of the Treasury

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 an Equitable Sharing Agreement and Certification for the Matagorda County District Attorney's Office with the Department of Justice and Department of the Treasury. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to authorize the Environmental Health Department to schedule a Household Hazardous Waste Collection Event for October 26, 2013 at the Matagorda County Fairgrounds

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Woodson, with all others concurring to authorize the Environmental Health Department to schedule a Household Hazardous Waste Collection Event for October 26, 2013 at the Matagorda County Fairgrounds. Motion carried. Vote 5 ayes 0 nays.

11. Consideration and possible action to accept a check from the Matagorda County Sheriff's Department Reserves for \$630.00 for uniforms for the Reserves, with the check being applied to 010-560-336

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to accept a check from the Matagorda County Sheriff's Department Reserves for \$630.00 for uniforms for the Reserves, with the check being applied to 010-560-336. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve an Order Prohibiting Movement of High Profile Vehicles on Public Roads after a Hurricane Warning is issued for Matagorda County

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 Order Prohibiting Movement of High Profile Vehicles on Public Roads after a Hurricane Warning is issued for Matagorda County. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve a resolution authorizing the establishment of Guidelines and Criteria for Tax Abatement under Tax Code Chapter 312, Designation of a Reinvestment Zone, Negotiation of a Chapter 312 Tax Abatement Agreement, creation of a Local Government Code Chapter 381 Economic Development Program, and Negotiation of a Chapter 381 Economic Development Agreement

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 and consider later in the morning session. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to close, abandon, and vacate the following roads which have never been placed on the ground – no surfacing etc and exist only on the documentation recorded with the County Clerk, as per §251.058(b) of the Texas Transportation Code: (1) Right of Way from C. H. Beedy to Matagorda County, Texas, as recorded in Volume 1, Page 62, County Land Records (attached) – closure of that portion lying south of State Highway 35, (2) Right of Way from M. O’Connell to Matagorda County, Texas, as recorded in Volume 34, Page 00 of the Deed Records (attached) – closure of that portion lying south of State Highway 35, and (3) the portion of the platted roads on the Highbarger Subdivision lying south of State Highway 35, Plat recorded in Volume 1, Page 36 of Plat Records and also Plat File #34A (plat attached)

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Pollard, with all others concurring, to close, abandon, and vacate the following roads which have never been placed on the ground – no surfacing etc and exist only on the documentation recorded with the County Clerk, as per §251.058(b) of the Texas Transportation Code: (1) Right of Way from C. H. Beedy to Matagorda County, Texas, as recorded in Volume 1, Page 62, County Land Records (attached) – closure of that portion lying south of State Highway 35, (2) Right of Way from M. O’Connell to Matagorda County, Texas, as recorded in Volume 34, Page 00 of the Deed Records (attached) – closure of that portion lying south of State Highway 35, and (3) the portion of the platted roads on the Highbarger Subdivision lying south of State Highway 35, Plat recorded in Volume 1, Page 36 of Plat Records and also Plat File #34A (plat attached). Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to accept a Matagorda County Application for Tax Abatement from Maverick Tube Corporation, DBA Tenaris USA

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to accept a Matagorda County Application for Tax Abatement from Maverick Tube Corporation, DBA Tenaris USA. Motion carried. Vote 5 ayes 0 nays

22. Meet in Executive Session under Section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stat or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

This being the next item for business, motion was duly made at 9:47 a.m. by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to Meet in Executive Session under Section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stat or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. Motion carried. Vote 5 ayes 0 nays

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

Executive Session under Section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stat or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

This being the next item for business, motion was duly made and seconded at 10:07 a.m. with all others concurring, to Reconvene open session and consider taking action on the following matters:

Executive Session under Section 551.086 of the Gov't Code to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stat or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. Motion carried. Vote 5 ayes 0 nays

No action taken.

13. Consideration and possible action to approve a resolution authorizing the establishment of Guidelines and Criteria for Tax Abatement under Tax Code Chapter 312, Designation of a Reinvestment Zone, Negotiation of a Chapter 312 Tax Abatement Agreement, creation of a Local Government Code Chapter 381 Economic Development Program, and Negotiation of a Chapter 381 Economic Development 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 approve a resolution authorizing the establishment of Guidelines and Criteria for Tax Abatement under Tax Code Chapter 312, Designation of a Reinvestment Zone, Negotiation of a Chapter 312 Tax Abatement Agreement, creation of a Local Government Code Chapter 381 Economic Development Program, and Negotiation of a Chapter 381 Economic Development Agreement. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to grant Tenaris' request for variances from Section 2(f), Section 2(j), and Sections 6 and 7(g) from the current Matagorda County's Tax Abatement Policy and Guidelines

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 grant Tenaris' request for variances from Section 2(f), Section 2(j), and Sections 6 and 7(g) from the current Matagorda County's Tax Abatement Policy and Guidelines. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve the Tax Abatement Agreement with Maverick Tube Corporation DBA Tenaris USA pursuant to Chapter 312 of the Texas Tax Code 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 Gibson, with all others concurring, to approve the Tax Abatement Agreement with Maverick Tube Corporation DBA Tenaris USA pursuant to Chapter 312 of the Texas Tax Code and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve the creation of a Chapter 381.004 grant program as contained in the Chapter 381 Economic Development Agreement with Maverick Tube Corporation DBA Tenaris USA 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 Gibson, with all others concurring and Commissioner Pustka voting nay, to approve the creation of a Chapter 381.004 grant program as contained in the Chapter 381 Economic Development Agreement with Maverick Tube Corporation DBA Tenaris USA and authorize the County Judge to sign. The grant program to be signed within ten days to give time for the County Attorney and Tenaris' attorney to ensure accuracy of the documents. Motion carried. Vote 4 ayes 1 nays

19. Consideration and possible action to change the Matagorda County Policy 2.02 for part time employees, requiring that part time employees work 29 hours or less a week

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to table changing the Matagorda County Policy 2.02 for part time employees, requiring that part time employees work 29 hours or less a week. Motion carried. Vote 5 ayes 0 nays

20. 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.

21. Consideration and possible action to approve Payment of Bills

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 Payment of Bills. Motion carried. Vote 5 ayes 0 nays.

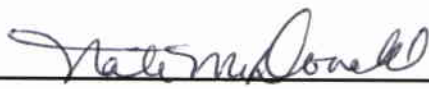
22. Public Comments

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

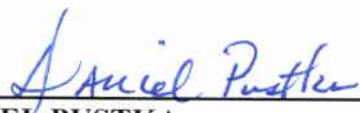
23. Adjournment

Motion was duly made at approximately 10:39 a.m. by Commissioner Pustka 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 17th day of June, 2013.



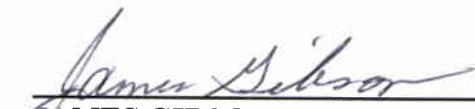
NATE McDONALD,
County Judge




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

