

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, MAY 6, 2013**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 6<sup>th</sup> day of May 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, Owen Bludau, Carole Patrick, Mitch Thames, Steve Smith, Cristyn Hallmark, Bob Watts, Doug Matthes, Martha Drake, Bobbie Oncken, Mitch Thames, Mary B. Johnston, Paul Waters, Alicia Waters, Michael George, Jo Albert, Tom Stanley, Sherry Stasney, Hoe Heaton, Douglas McNabb, Charles Corporon, Jody Cassady, Dianne Stone, Stan Eldridge, Bill Isaacson, Charles Brookhouser, Loy Sneary, Linda Jisha, John W. Crenshaw, Simon DeSoto, Paul Orr, Rikki Stanley, Ron Carroll, Barry Fry, Bill Pendergraft, Claude "Tiger" Lane, Alan Fuller, James Folse, Chrystal Folse, Bob Klepac, Jean Fehmel, Tami Savage, Jason Childers, Doc Campbell, Kristi Jones, Debbie Morris, Carolyn Thames, John Woolsey, Joe A. Layer, John White, Lane Hollister, Donna A. Younger, Willie R. Younger, Jennifer Rodriguez, Amanda Lee, Jennifer Vowell, Janina Pilgreen, Eric Gardner, Wendy Hoffman, Kim Schneider, Becca Sitz, Holly Craft, Cecelia Pena, Chinaty Gladrich, Donnie Montemayor, Brent Batchelor, Laura Reyna, Sharon Ward, W. C. Cornman, Erwin Ward, Charles Allison, Bobby Head, Mark Bricker, Jim Frankson, Terry Farrer, 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 April 29, 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 April 29, 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 a Proclamation declaring May as “Older American’s Month” in Matagorda County**

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 Proclamation declaring May as “Older American’s Month” in Matagorda County. Motion carried. Vote 5 ayes 0 nays

**8. Introduction and recognition of the 2013-2014 Junior Service League Provisionals by Cecelia Pena**

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

**9. Consideration and possible action to approve the application including assurances and certifications for SCAAP funds and allow the County Auditor to submit application and to draw down funds when available**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Woodson, with all others concurring, to approve the application including assurances and certifications for SCAAP funds and allow the County Auditor to submit application and to draw down funds when available. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve a Resolution authorizing the submission of an application to the Texas Department of Agriculture for funding through the Texas Capital Fund for acquisition of public roadway, utility relocation, drainage improvements, and wetlands mitigation**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring and Commissioner Pollard abstaining, to approve a Resolution authorizing the submission of an application to the Texas Department of Agriculture for funding through the Texas Capital Fund for acquisition of public roadway, utility relocation, drainage improvements, and wetlands mitigation. Motion carried. Vote 4 ayes 0 nays 1 abstention.

**11. Consideration and possible action on the adoption of a Citizen Participation Plan and Citizen Complaint Procedures to be followed during implementation of Texas Community Development Block Grant Program Texas Capital Fund projects**

This being the next item for business, motion was duly made by Commissioner Woodson and seconded by Commissioner Gibson, with all others concurring and Commissioner Pollard abstaining, to adopt of a Citizen Participation Plan and Citizen Complaint Procedures to be followed during implementation of Texas Community Development Block Grant Program Texas Capital Fund projects. Motion carried. Vote 4 ayes 0 nays 1 abstention

**12. Consideration and possible action to approve an Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between Matagorda County and the Houston-Galveston Area Council, beginning September 1, 2013 and terminating on August 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 Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between Matagorda County and the Houston-Galveston Area Council, beginning September 1, 2013 and terminating on August 31, 2015. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to accept the applicant selected by the Texas A&M AgriLife Extension Service to fill the Matagorda County Extension Agent-Family & Consumer Sciences position, presented by Mr. Donnie Montemayor, District Extension Administrator, and with the applicant's start date being July 1st**

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 applicant selected by the Texas A&M AgriLife Extension Service to fill the Matagorda County Extension Agent-Family & Consumer Sciences position, presented by Mr. Donnie Montemayor, District Extension Administrator, and with the applicant's start date being July 1<sup>st</sup>. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to approve a Proclamation declaring May 2013 as the United States Army Corps of Engineers "Water Safety6 Awareness Month"**

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 approve a Proclamation declaring May 2013 as the United States Army Corps of Engineers "Water Safety6 Awareness Month". Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to approve the Matagorda County Treasurer's Monthly Investment Report for March 2013**

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 table action to approve the Matagorda County Treasurer's Monthly Investment Report for March 2013. Motion carried. Vote 5 ayes 0 nays

**16. Consideration and possible action to approve the setting and publishing of a Public Hearing concerning the establishment of a Reinvestment Zone for Tax Abatement purposes upon the request of Tenaris-Bay City**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring and Commissioner Pollard abstaining, to approve the publishing of a notice for a Public Hearing on May 12, 2013 and set the Public Hearing for May 20, 2013 concerning the establishment of a Reinvestment Zone for Tax Abatement purposes upon the request of Tenaris-Bay City. Motion carried. Vote 4 ayes 0 nays 1 abstention

**15. Meet 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 in the following matters:**

**Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas**

**Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas**

**Economic Development to discuss and consider entering into a Memorandum of Understanding Seeking Collaboration and Cooperation of Local Entities Incentivizing the Tenaris-Bay City Project to expedite project with the City of Bay City and Bay City Gas Board (both of whom have interests mutually aligned with Matagorda County)**

**Personnel Matters**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka at 10:35 am, 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 county in an executive session concerning pending litigation, contemplated litigation, or settlement offers in the following matters:

**Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas**

**Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas**

**Economic Development to discuss and consider entering into a Memorandum of Understanding Seeking Collaboration and Cooperation of Local Entities Incentivizing the Tenaris-Bay City Project to expedite project with the City of Bay City and Bay City Gas Board (both of whom have interests mutually aligned with Matagorda County)**

**Personnel Matters**

Motion carried. Vote 5 ayes 0 nays

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

**Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas**

**Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas**

**Economic Development to discuss and consider entering into a Memorandum of Understanding Seeking Collaboration and Cooperation of Local Entities Incentivizing the Tenaris-Bay City Project to expedite project with the City of Bay City and Bay City Gas Board (both of whom have interests mutually aligned with Matagorda County)**

**Personnel Matters**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson at 11:29 am, with all others concurring, to Reconvene open session and consider taking action on the following matters:

Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas

Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas

Economic Development to discuss and consider entering into a Memorandum of Understanding Seeking Collaboration and Cooperation of Local Entities Incentivizing the Tenaris-Bay City Project to expedite project with the City of Bay City and Bay City Gas Board (both of whom have interests mutually aligned with Matagorda County)

**Personnel Matters**

Motion carried. Vote 5 ayes 0 nays. No action was taken on Civil Action No. 3:13-CV-058; Nathan Genzer v. Robert Pierce; In the United States District Court for the Southern District of Texas OR Cause No. 13-E-0057-C; Nathan Genzer v. Robert Pierce; In the 130<sup>th</sup> Judicial District Court of Matagorda County, Texas OR Personnel Matters.

Motion was duly made by Commissioner Pustka and seconded by Commissioner Gibson, with all others concurring and Commissioner Pollard abstaining, to not approve entering into a Memorandum of Understanding Seeking Collaboration and Cooperation of Local Entities Incentivizing the Tenaris-Bay City Project to expedite project with the City of Bay City and Bay City Gas Board (both of whom have interests mutually aligned with Matagorda County). The court appreciated being asked to participate in the MOU agreement, however, in the interest of moving quickly they felt they should continue to work on their own issues. The court is most willing to discuss any mutual issues with all the parties involved. The court knows other taxing entities intend to duplicate what Commissioners Court does, so the court needs to move quickly so the other taxing entities can also move forward with their tax incentives. Motion carried. Vote 4 ayes, 0 nays 1 abstention.

17. Public Comments

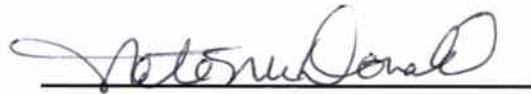
This being the next item for business, no action required.

18. Adjournment

Motion was duly made at approximately 11:33 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 13<sup>th</sup> day of May, 2013.



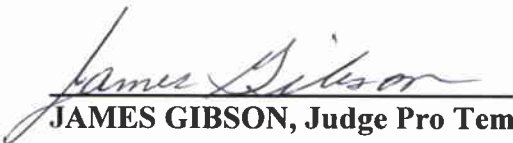
**NATE McDONALD,**  
County Judge



**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**