

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, OCTOBER 14, 2013**

**Call to Order**

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 14<sup>th</sup> day of October 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, Ruben Gonzales, Sheriff Osborne, Ellen Dodd, Tammy McDonald, Chris Peikert, Bob Watts, Vivian Wagnon, Stacia Taylor, Edward Stavinoha, Joe C. Kana, Kathy Nichols, Janice Hawthorne, David Sheblak, Haskell Simon, 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 Gibson**

**3. Texas Pledge – Commissioner Gibson**

**4. Prayer – Commissioner Pollard**

**5. Consideration and possible action regarding approving Commissioners Court Minutes for October 7, 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 October 7, 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 for the use of the Matagorda County Fairground facilities from Maria and Crestina Calderon and Bay City High School 1982 class reunion. Motion carried. Vote 5 ayes 0 nays

**7. Consideration and possible action to approve the Certificate of Construction Completion for GLO Contract #10-5108-000-5089 (Sargent Beach Bulkhead Project), and authorize the County Judge to sign**

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 Certificate of Construction Completion for GLO Contract #10-5108-000-5089 (Sargent Beach Bulkhead Project), and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve a Resolution with Cover Letter for the Friends of Elder Citizens, Inc. in order for them to apply for a Texas Department of Agriculture, Texans Feeding Texans – Home Delivered Meal Grant Program**

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 a Resolution with Cover Letter for the Friends of Elder Citizens, Inc. in order for them to apply for a Texas Department of Agriculture, Texans Feeding Texans – Home Delivered Meal Grant Program. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to approve an Interlocal Services Contract between Matagorda County and the Texas General Land Office, Contract #13-429-000-7888, for the use of the State of Texas allocation of funds under the Gulf of Mexico Energy Security Act of 2006 for services to review and inspect beach access sites and update the beach access points in the Matagorda County Beach Access and Dune Protection Plan, not to exceed \$14,600.00**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to table an Interlocal Services Contract between Matagorda County and the Texas General Land Office, Contract #13-429-000-7888, for the use of the State of Texas allocation of funds under the Gulf of Mexico Energy Security Act of 2006 for services to review and inspect beach access sites and update the beach access points in the Matagorda County Beach Access and Dune Protection Plan, not to exceed \$14,600.00. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to approve the Fourth Amendment and Renewal of Interlocal Agreement between Matagorda County and the University of Texas Medical Branch at Galveston, (UTMB) for Forensic Pathology Services, effective August 31, 2013 through February 28, 2014, retaining the same fee schedule**

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 Fourth Amendment and Renewal of Interlocal Agreement between Matagorda County and the University of Texas Medical Branch at Galveston, (UTMB) for Forensic Pathology Services, effective August 31, 2013 through February 28, 2014, retaining the same fee schedule. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to approve a Resolution regarding the 2014 Indigent Defense Grant Program Application, designating the County Judge, Nate McDonald as the Authorized Official, District Judge, Craig Estlinbaum as the Program Director and contact person, and County Auditor, Ellen Dodd, as the Financial Officer for this grant**

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 a Resolution regarding the 2014 Indigent Defense Grant Program Application, designating the County Judge, Nate McDonald as the Authorized Official, District Judge, Craig Estlinbaum as the Program Director and contact person, and County Auditor, Ellen Dodd, as the Financial Officer for this grant. Motion carried. Vote 5 ayes 0 nays.

**12. Consideration and possible action to approve the Interlocal Agreement between Matagorda County and Lubbock County, Texas acting through the Regional Public Defender for Capital Cases, providing for court appointed counsel for individuals charged with the offense of capital murder, who cannot afford to hire their own attorney**

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 the Interlocal Agreement between Matagorda County and Lubbock County, Texas acting through the Regional Public Defender for Capital Cases, providing for court appointed counsel for individuals charged with the offense of capital murder, who cannot afford to hire their own attorney. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to accept the recommendation of John D. Mercer & Associates, Inc. and award the Construction Bid for the Wastewater Treatment Plant Improvements – TxCDBG Contract #712221 – to L L & F Construction Management, Inc.**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Pustka, with all others concurring, to accept the recommendation of John D. Mercer & Associates, Inc. and award the Construction Bid for the Wastewater Treatment Plant Improvements – TxCDBG Contract #712221 – to L L & F Construction Management, Inc. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to approve a Resolution authorizing the De-Obligation of Funds (\$40,333.00) from the U. S. Department of the Interior Fish and Wildlife Service Contract Number F13AF00204 (Sargent Beach Erosion Mitigation/Protection Measures), and the Re-Obligation of Funds (\$40,333.00) to U. S. Department of the Interior Fish and Wildlife Service Contract Number F12AF01263 (Palacios Multi-Use Nature Center)**

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 a Resolution authorizing the De-Obligation of Funds (\$40,333.00) from the U. S. Department of the Interior Fish and Wildlife Service Contract Number F13AF00204 (Sargent Beach Erosion Mitigation/Protection Measures), and the Re-Obligation of Funds (\$40,333.00) to U. S. Department of the Interior Fish and Wildlife Service Contract Number F12AF01263 (Palacios Multi-Use Nature Center). Motion carried. Vote 5 ayes 0 nays.

**15. 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.

**16. 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

**17. Consideration and possible action to approve Emergency Amendments**

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 Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

**17a. Consideration and possible action to approve A Resolution requesting that the Texas Commission of Environmental Quality allow the 2010 Water Management Plan to continue with the minimal amount of fresh water inflow**

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 Resolution requesting that the Texas Commission of Environmental Quality allow the 2010 Water Management Plan to continue with the minimal amount of fresh water inflow. Motion carried. Vote 5 ayes 0 nays

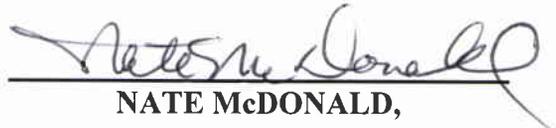
**18. Public Comments**

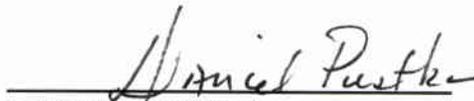
This being the next item for business, no action required.

**19. Adjournment**

Motion was duly made at approximately 10:08 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

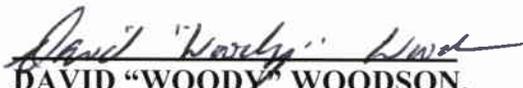
Approved in Open Court, this the 21<sup>st</sup> day of October, 2013.

  
\_\_\_\_\_  
NATE McDONALD,  
County Judge

  
\_\_\_\_\_  
DANIEL PUSTKA,  
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

