

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **26th day of April A.D., 2021**, the Commissioners Court convened in **Special Session** at the Victoria County Courthouse in the City of Victoria, Victoria County, Texas, with His Honor, Ben Zeller, County Judge, presiding and the following Commissioners attending:

Danny Garcia,	Commissioner Precinct No. 1	
Kevin M. Janak,	Commissioner Precinct No. 2	
Gary Burns,	Commissioner Precinct No. 3	
Clint C. Ives,	Commissioner Precinct No. 4	Absent
and		
Heidi Easley,	County Clerk and Ex-Officio Clerk	

and the following orders were passed:



COUNTY OF VICTORIA
MINUTES
COMMISSIONERS' COURT OF VICTORIA COUNTY, TEXAS
Monday, April 26, 2021, 10:00 AM, SPECIAL TERM
VICTORIA COUNTY COURTHOUSE
115 N. BRIDGE ST., ROOM 241 SECOND FLOOR, VICTORIA, TX

1. Call to Order.

(1-0:00)

1. April 26, 2021. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Monday, April 26, 2021 at 10:00 a.m.

2. Invocation and Pledges.

(2-0:13)

2. April 26, 2021. Judge Ben Zeller opened the meeting with prayer and the reciting of the Pledges of Allegiance of the United States of America and the State of Texas.

3. Citizens Communication.

(3-2:20)

3. April 26, 2021. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Bryan Hummel of 13318 Kiltey Street, San Antonio Texas, voiced his concerns regarding the proposed Zinc Recycling Plant that will be located seven miles south of Victoria County.

Sandra Hardy McKenzie, Attorney in Victoria County, explained to the Court the expressed concerns from citizens that have contacted her regarding the Zinc Recycling Plant. Ms. McKenzie reviewed several issues that needs to be researched and considered. Ms. McKenzie asked the Court to avoid getting a tax abatement and consider filing a protest to have an opportunity for a community meeting and investigate what the hazards of this plant would be. She also provided information regarding a public meeting and a public hearing regarding this issue.

Debra Chronister, concerned citizen, reviewed her concerns of the future hazards that the Zinc Recycling Plant would cause the citizens and property of Victoria County. Ms. Chronister also encouraged the Commissioner's not to agree with the tax abatement.

Bill Pozzi of 1596 Westpark, Victoria Texas provided dates and times for the Elections of the VISD School Board, School Bond and City Office's, and encouraged the public to go vote.

Sister Elizabeth Riebschlaeger of 1603 E. Brazos, Victoria, Texas, spoke on her concerns of solid waste and the expansion of the Nordheim waste pit. Sister Riebschlaeger also spoke on the economic development and moral values for Victoria County.

Sandra McKenzie addressed Commissioner Burns question of requesting a public meeting and public hearing. She also spoke on deadlines, notices and additional information for the request and meetings. Ms. McKenzie answered Commissioner Garcia's questions.

Hearing no further comments, Judge Ben Zeller continued to the next agenda item.

4. Consider approval of minutes and take appropriate action.

(4-35:29)

4. April 26, 2021. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the minutes of the Commissioners Court meeting held on April 19, 2021. Motion adopted.

5. Consider approval of accounts payable for Victoria County and take appropriate action.

(5-35:42)

5. April 26, 2021. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved the accounts payable as presented by Michelle Samford, County Auditor.

Regular Accounts	4/26/2021	\$362,690.73
Supplemental Accounts	4/16/2021 – 4/22/2021	\$150,977.20

Motion adopted.

6. Receive monthly and quarterly reports from various county officials and departments and take appropriate action.

(6-36:34)

6. April 26, 2021. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the quarterly report from the County Treasurer and the monthly report from the Sheriff's Office. Motion adopted.

7. Consider approval of bond forfeiture releases and take appropriate action.

(7-36:45)

7. April 26, 2021. None. No action taken.

8. Consider approval of CMC Interim vendor payments and take appropriate action.

(8-36:50)

8. April 26, 2021. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated April 22, 2021 in the amount of \$698,239.70 and the ACH report dated April 22, 2021 in the amount of \$2,530,058.15. Motion adopted.

9. Consider approval of Resolution No. 2021-0044 designating April 2021 as County

Government Month and hear report of plans to begin regular tours of the historic 1892 courthouse and take appropriate action.

(9-37:24)

9. April 26, 2021. Jeff Wright with the Victoria County Historical Commission provided information on how to schedule a tour of the 1892 Courthouse and answered the Courts and County Clerk Heidi Easley's questions. County Engineer John Johnston thanked Jeff Wright for his assistance hanging the portraits of County Judges and for the slideshow of the history of County Judges. Mr. Johnston also thanked Facilities Manager Kelly Hubert and his staff for hanging the portrait supports. Judge Zeller read the Resolution for County Government Month. Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court approved Resolution No. 2021-0044 designating April 2021 as County Government Month. Motion adopted.

10. Receive report on the remodeling of the Sheriff's Office Dispatch Center, funded by a portion of the Golden Crescent Regional Planning Commission 9-1-1 Fees and Equalization Surcharge Allocation and take appropriate action.

(10-47:02)

10. April 26, 2021. John Johnston, County Engineer, Valarie McGuill with the Sheriff's Office, and Facilities Manager Kelly Hubert provided information to the Court. Sheriff Justin Marr and Chief Deputy Will Franklin spoke to the Court. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court received a report on the remodeling of the Sheriff's Office Dispatch Center which will be funded by a portion of the Golden Crescent Regional Planning Commission 9-1-1 Fees and Equalization Surcharge Allocation. Motion adopted.

11. Consider approval of Resolution No. 2021-0046 authorizing the County Judge to enter into an agreement between the County of Victoria and the Texas Department of Transportation for a Drainage Study at the Victoria Regional Airport and take appropriate action.

(11-51:50)

11. April 26, 2021. Airport Manager Lenny Llerena provided information to the Court and answered the Courts questions. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved Resolution No. 2021-0046 authorizing the County Judge to enter into an agreement between the County of Victoria and the Texas Department of Transportation for an Airfield Drainage Study at the Victoria Regional Airport. Motion adopted.

12. Consider approval of request from Brauntex Materials, Inc. to retract/withdraw their bid for the Victoria County Annual Road Materials Contract, Surface Treatment Aggregate, Type PB, Grade 4, and take appropriate action.

(12-58:35)

12. April 26, 2021. John Johnston, County Engineer, provided information to the Court. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the request from Brauntex Materials, Inc. to retract/withdraw their bid for the Victoria County Annual Road Materials Contract for Surface Treatment Aggregate, Type PB, Grade 4. Motion adopted.

13. Award bid for the Victoria County Annual Road Materials Contract for Surface Treatment Aggregate, Type PB, Grade 4 and take appropriate actions:

a. Colorado Materials, LTD: Precinct No. 2.

(13a-59:31)

13a. April 26, 2021. County Engineer John Johnston provided information to the Court. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court awarded the bid for the Victoria County Annual Road Materials Contract for Surface Treatment Aggregate, Type PB, Grade 4 to Colorado Materials, LTD for Victoria County Precinct No. 2. Motion adopted.

Award bid for the Victoria County Annual Road Materials Contract for Surface Treatment Aggregate, Type PB, Grade 4 and take appropriate actions:

b. Quality Hot Mix, Inc.: Precinct No. 1, Precinct No. 3, Precinct No. 4, and Jobsite as Directed.

(13b-59:31)

13b. April 26, 2021. County Engineer John Johnston provided information to the Court. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court awarded the bid for the Victoria County Annual Road Materials Contract for Surface Treatment Aggregate, Type PB, Grade 4 to Quality Hot Mix, Inc. for Victoria County Precincts Nos. 1, 3 and 4, and Jobsite as Directed. Motion adopted.

14. Receive Letter of Recommendation from CivilCorp, LLC of award and bid tabulation for the TXDOT Rider 45 Road Improvement Project, McCoy Road and Bayer Road and take appropriate action.

(14-1:00:14)

14. April 26, 2021. John Johnston, County Engineer, provided information to the Court. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court received the letter of recommendation from CivilCorp, LLC of award and bid tabulations for the TXDOT Rider 45 Road Improvement Project of widening McCoy Road and reconstruction of Bayer Road. Motion adopted.

15. Consider approval and authorization for the County Judge to execute the TXDOT Project Completion Form and Approval to Commence Construction for the TXDOT Rider 45 Road Improvement Project, McCoy Road and Bayer Road and take appropriate action.

(15-1:02:02)

15. April 26, 2021. County Engineer John Johnston provided the Court with information. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved and authorized the County Judge to execute the TXDOT Project Completion Form and Approval to Commence Construction for the TXDOT Rider 45 Road Improvement Project for McCoy Road and Bayer Road. Motion adopted.

16. Receive and discuss Victoria County ACV Letter from TAC and Victoria County Final Report of Loss & Adjustments from AS&G dated April 7, 2021 in connection

with Victoria County Airport Building damages related to Winter Storm Uri and Viola and take appropriate action.

(16-1:04:18)

16. April 26, 2021. Sarah Hamman, Compliance Specialist, provided information to the Court and answered the Court's questions. Lenny Llerena, Airport Manager, also provided the Court with information. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court received and discussed the Victoria County ACV Letter from TAC and Victoria County Final Report of Loss and Adjustments from AS&G dated April 7, 2021 in connection with Victoria County Airport Building damages related to Winter Storm Uri and Viola. Motion adopted.

17. Consider approval of Memorandum of Understanding with SYNREGO, Inc. and Victoria County as an E-Recording submitter and take appropriate action.

(17-1:10:21)

17. April 26, 2021. County Clerk Heidi Easley provided information to the Court and answered the Court's questions. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court approved the Memorandum of Understanding with SYNREGO, Inc. and Victoria County as an E-Recording submitter. Motion adopted.

18. Consider approval of the following items for the Public Health Department and take appropriate actions:

a. Texas Healthy Communities (TXHC) Grant Contract No. HHS000438400007-Amendment No. 2.

(18a-1:13:36)

18a. April 26, 2021. David Gonzales, Public Health Director, provided information to the Court. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the Texas Healthy Communities (TXHC) Grant Contract No. HHS000438400007 Amendment No. 2 for the Victoria County Public Health Department. Motion adopted.

Consider approval of the following items for the Public Health Department and take appropriate actions:

b. Renewal of Business Services Agreement with Sparklight Cable for High Speed Internet at the Port Lavaca WIC clinic building.

(18b-1:13:36)

18b. April 26, 2021. Public Health Director David Gonzales provided the Court with information. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the renewal of Business Services Agreement with Sparklight Cable for High Speed Internet at the Port Lavaca WIC clinic building. Motion adopted.

19. Consider approval of minutes for December 10, 2020, January 28, 2021 and February 25, 2021 for Victoria Regional Airport Commission and take appropriate action.

(19-1:14:36)

19. April 26, 2021. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved the Victoria Regional Airport Commission Meeting minutes of December 10, 2020, January 28, 2021, and February 25, 2021. Motion adopted.

20. Consider approval of Resolution No. 2021-0045 for road donation in PCT No. 3 from

Michael W. Starnes for installation of a driveway and pipe culvert to improve drainage at 714 Dove Dr., Victoria, Texas in the amount of \$268.00 and take appropriate action.

(20-1:15:04)

20. April 26, 2021. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved Resolution No. 2021-0045 for road donation in the amount of \$268.00 from Michael W. Starnes of 714 Dove Drive, Victoria, Texas, Precinct No. 3 for installation of a driveway and pipe culvert to improve drainage. Motion adopted.

21. Consider approval of the following 2021 Budget Amendments and take appropriate actions:

(21-1:15:33)

21. April 26, 2021. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the 2021 budget amendments for:

- a. General Fund, Sheriff's Office, Expenditures – Line item transfer
- b. Road and Bridge, Precinct No. 4, Revenues and Expenditures – Line item transfer

Motion adopted.

22. Consider approval of personnel changes and take appropriate action.

(22-1:15:50)

22. April 26, 2021. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. Pama Hencerling, Chief Probation Officer - Juvenile Detention:
 - 1. Employment of Joseph Ryan Black, Supervision Officer II (JSO), at a rate of \$15.67 per hour, Budget Code 100-573-1154, effective April 27, 2021.
 - 2. Resignation of Jerrel Edwards, Supervision Officer III, effective April 19, 2021.
 - 3. Employment of Delia Alonzo Guzman, Extra Help-PRN, at a rate of \$13.50 per hour, Budget Code 100-573-1130, effective April 27, 2021.
 - 4. Resignation of Abby Lankster, Staff Services Coordinator, with 80.0 PTO and 21.39 Compensatory hours due, effective April 22, 2021.
 - 5. Salary and position change for Marissa Purcell, from JPO I, at a rate of \$19.07 per hour, Budget Codes 231-571-1108 (19.07) and 231-577-1135 (TJJD Supplement) to JPO I, at a rate of \$19.07; \$1.50 Goliad; and TJJD Supplement, Budget Codes 231-571-1108 (19.07); 231-577-1108 (1.50); and 231-577-1135 (TJJD Supplement), effective April 24, 2021.
- b. Justin Marr, Sheriff - Sheriff's Office:
 - 1. VCSO Salary Adjustment Certification for Rebekah Wieting, to be paid Advanced Certificate Pay of \$46.15 per pay period, effective May 14, 2021. Certification date for Rebekah Wieting is April 14, 2021. Budget Coding: Enforcement/CID Certificate Pay 100-563-1137.
 - 2. Resignation of Franky Castilla, Detention Officer Tier 3, with 80.0 PTO and 32.28 Compensatory hours due, effective April 23, 2021.

c. David Gonzales, Public Health Director - Victoria County Public Health Department:

1. Position change (G/L Code) for Barbara Fuller, ADAP Eligibility Worker, at a rate of \$17.75 per hour, from Budget Code 800-657-1105 to Budget Code 800-672-1105, effective April 10, 2021. Other Remarks: GRANT CODE CHANGE.
 2. Position change (G/L Code) for Beth Vianes, Medical Case Manager, at a rate of \$17.75 per hour, from Budget Codes 800-671-1113 (60%) \$10.65 and 800-657-1113 (40%) \$7.10 to Budget Codes 800-674-1113 (60%) \$10.65 and 800-672-1113 (40%) \$7.10, effective April 10, 2021. Other Remarks: GRANT CODE CHANGES.
 3. Position change (G/L Code) for Eunice Martinez-Gonzalez, Receptionist/Transportation Clerk, at a rate of \$16.25 per hour, from Budget Codes 800-671-1106 (20%) \$3.25, 800-657-1106 (70%) \$11.38, and 800-663-1106 (10%) \$1.62 to Budget Codes 800-674-1106 (20%) \$3.25, 800-672-1106 (70%) \$11.38, and 800-663-1106 (10%) \$1.62, effective April 10, 2021. Other Remarks: GRANT CODE CHANGES.
 4. Position change (G/L Code) for Reuben Ybarra, Nurse, at a rate of \$22.18 per hour, from Budget Codes 800-649-1114 (22.54%) \$5.00, 800-641-1114 (72.74%) \$16.13, and 800-671-1105 (4.72%) \$1.05 to Budget Codes 800-649-1114 (22.54%) \$5.00, 800-641-1114 (72.74%) \$16.13, and 800-674-1105 (4.72%) \$1.05, effective April 10, 2021. Other Remarks: GRANT CODE CHANGES.
 5. Position change (G/L Code) for Victoria Reyna, Program Administrator, at a rate of \$24.25 per hour, from Budget Codes 800-671-1102 (70%) \$16.98 and 800-663-1102 (30%) \$7.27 to Budget Codes 800-674-1102 (70%) \$16.98 and 800-663-1102 (30%) \$7.27, effective April 10, 2021. Other Remarks: GRANT CODE CHANGES.
- d. Clint Ives, Commissioner, Precinct No. 4 - Road and Bridge, Precinct No. 4:
1. Request to pay Compensatory time of 180 hours to Greg Kutac, Foreman, Precinct No. 4, due to accrued hours through unforeseen projects and need for current staff to cover the vacancy at the Precinct No. 4 Courtesy Station on Saturdays. A Budget Amendment for Precinct No. 4 Road and Bridge Fund is being proposed for payment of these hours. Payment will be fully funded by the Road and Bridge Precinct No. 4 Budget.

Motion adopted.

23. Closed meeting pursuant to V.T.C.A. Government Code §551.074 to discuss personnel and pursuant to V.T.C.A. Government Code §551.0745 to discuss Board and Commissions.

(23-1:16:36)

23. April 26, 2021. The Commissioners Court went into closed session at 11:15 a.m., pursuant to V.T.C.A. Government Code §551.074 to discuss personnel and pursuant to V.T.C.A. Government Code §551.0745 to discuss Board and Commissions.

24. Pursuant to V.T.C.A. Government Code §551.102 return to open meeting and take any action deemed necessary based upon discussion in closed meeting.

(24-2:10:03)

24. April 26, 2021. The Commissioners Court returned to open meeting at 12:08 p.m. pursuant to V.T.C.A. Government Code §551.102, with no action taken.

25. Adjourn

(25-2:10:14)

25. April 26, 2021. The Commissioners Court adjourned the meeting of April 26, 2021.