

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **12th day of April A.D., 2021**, the Commissioners Court convened in **Regular 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
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 12, 2021, 10:00 AM, REGULAR TERM
VICTORIA COUNTY COURTHOUSE
115 N. BRIDGE ST., ROOM 241, SECOND FLOOR, VICTORIA, TX

1. Call to Order

(1-0:00)

1. April 12, 2021. Ben Zeller, County Judge, called to order the Commissioners Court Regular Term for Monday, April 12, 2021, at 10:00 AM

2. Invocation and Pledges

(2-00:05)

2. April 12, 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.

(3-1:16)

3. April 12, 2021. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Will Martin along with Ernest Montez, VVA Chapter 898, thanked the Court and Gary Burns, Commissioner, Precinct 3, for helping the Vietnam Veterans put together a pavilion at Patriot Park. Mr. Martin and Mr. Montez presented Commissioner Burns with a flag as appreciation.

Constance Filley Johnson, Criminal District Attorney, along with Daniel Gilliam, Judge of County Court at Law No. 2, addressed the Court about an independent DWI study they have been working on with Dr. Brent Lang from UHV. Last year Victoria County was awarded the top DWI Court award in the state. Judge Gilliam publicly thanked those involved. The Court offered congratulations on finding a program that works and a discussion was held.

Bill Pozzi, Republican Chair, addressed the Court about his approach with two Texas State Representatives in regards to the Lobbying Bill going through the Senate. The bill has not yet been presented to the house. Judge Ben Zeller and Clint Ives, Commissioner, Precinct No. 4 held a discussion with Mr. Pozzi.

David Gonzales, Public Health Director, updated the Court on the COVID-19 vaccine clinic. Danny Garcia, Commissioner Precinct No. 1, held a quick discussion with Mr. Gonzales.

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

4. Consider approval of minutes and take appropriate action.

(4-19:48)

4. April 12, 2021. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the minutes of the Commissioners Court meeting held on April 5, 2021. Motion adopted.

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

(5-21:04)

5. April 12, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the accounts payable as presented by Michelle Samford, County Auditor.

Regular Accounts	4/12/2021	\$ 176,684.61
Supplemental Accounts	4/1/2021 – 4/8/2021	\$ 66,870.29

Motion adopted

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

(6-21:37)

6. April 12, 2021. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved the monthly reports from the County Judge, County Commissioners Precinct 1, 2, 3 and 4, Constable Precinct 1 and 3, District Attorney's Office, Tax Assessor Collector, Auditor, Justice of the Peace Precinct No. 2 and 3, County Trapper, Victoria County Extension Agents 4-H Report and the Victoria County Extension Family and Community Health Reports. Motion adopted.

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

(7-22:18)

7. April 12, 2021. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the release of the following bond forfeiture judgement from the court:

a. Cause No. 14-11-77266-B: The State of Texas VS Isabella Zuniga

Motion adopted.

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

(8-22:42)

8. April 12, 2021. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated April 8, 2021 in the amount of \$709,917.53 and the ACH report dated April 8, 2021 in the amount of \$2,563,364.43. Motion adopted.

- 9. Hear presentation from Victoria County Master Gardener Association on proposed new landscaping for the 1967 Victoria County Courthouse grounds and take appropriate action.**

(9-23:26)

9. April 12, 2021. Kelly Hubert, Facilities Manager, addressed the Court and gave a history on the Victoria County Courthouse grounds. Barbara David from the Victoria County Master Gardener Association thanked the Court for the opportunity to provide landscaping to the Victoria County Courthouse and stated the plans for the grounds. Mike Martignoni, Victoria County Master Gardener Association, asked the Court if a sign can be placed by the Courthouse giving recognition to the Master Gardener Association. Judge Ben Zeller did not see a problem with this. Mr. Hubert spoke to the court in regards to two live oak trees that are in an unhealthy condition along with other trees around the Courthouse. Kevin Janak, Commissioner Precinct No. 2, asked Mr. Hubert to get with the Historical Society to see what we can and can't do around the 1892 Courthouse. Moved by Kevin Janak and seconded by Danny Garcia, with the exception that all be done to save the two live oak trees instead of cutting down if possible. The Commissioners Court approved the new landscaping for the 1967 Victoria County Courthouse grounds. Motion adopted.

- 10. Consider approval and authorization of a Road Use Agreement with Old Hickory Solar LLC, regarding use of certain Victoria County maintained roads to access a solar project in Jackson County, Texas and take appropriate action.**

(10-39:28)

10. April 12, 2021. John Johnston, County Engineer, asked for a road use agreement to be approved with the modification of construction plans to include the Texas firm registration number. Clint Ives, Commissioner, Precinct No. 4 stated this is not a solar project for Victoria County, however, due to flood plain issues an agreement has been made to use Victoria County roads. Moved by Clint Ives and seconded by Danny Garcia, subject to them providing registration information for the engineering firm. The Commissioners Court approved the road Use Agreement with Old Hickory Solar LLC, regarding use of certain Victoria County maintained roads to access a solar project in Jackson County, Texas. Motion adopted.

- 11. Receive fully executed Earnest Money Contract to purchase a portion of Lots 1 and 4, Block 143, The Original Townsite of Victoria, Victoria, Texas and take appropriate action.**

(11-43:12)

11. April 12, 2021. John Johnston, County Engineer, stated that there are two errors from last week with the identification of the block number. The packet has the fully executed contract from both the seller and the buyer. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court received and approved the Earnest Money Contract to purchase a portion of Lots 1 and 4, Block 143, The Original Townsite of Victoria, Victoria, Texas. Motion adopted.

- 12. Consider approval and authorization of payment to CivilCorp, LLC for Invoice No.**

159966 and Invoice No. 160019 in connection to engineering services related to Lots 1 & 4, Block 143, The Original Townsite of Victoria, Victoria, Texas and take appropriate action.

(12-44:16)

12. April 12, 2021. John Johnston, County Engineer, addressed the Court and stated that he met with CivilCorp, LLC on how to efficiently use the property for parking. They provided 3 concepts and had an informal meeting with the City of Victoria on those concepts. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved and authorized payment to CivilCorp, LLC for Invoice No. 159966 and Invoice No. 160019 in connection to engineering services related to Lots 1 & 4, Block 143, The Original Townsite of Victoria, Victoria, Texas. Motion adopted.

- 13. Consider authorization of the Victoria County Engineer/Floodplain Administrator to submit an Appeal to the published FEMA Preliminary Flood Insurance Rate Maps (FRIM) and Flood Insurance Study (FIS) dated April 30, 2020 prepared by CivilCorp, LLC at the request of Victoria County Navigation District and take appropriate action.**

(13-45:34)

13. April 12, 2021. John Johnston, County Engineer, asked the Court for authorization to submit an appeal due today on behalf of the Victoria Navigation District. Danny Garcia, Commissioner, Precinct No. 1, asked if we are inquiring FEMA to consider a model CivilCorp, LLC has been working on. Ben Galvan, CivilCorp, LLC, addressed Mr. Garcia and the Court discussing the appeal of the levy. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the Victoria County Engineer/Floodplain Administrator to submit an Appeal to the published FEMA Preliminary Flood Insurance Rate Maps (FRIM) and Flood Insurance Study (FIS) dated April 30, 2020 prepared by CivilCorp, LLC at the request of Victoria County Navigation District. Motion adopted.

- 14. Consider approval of request for payment in connection to CDBG Hurricane Harvey Disaster Recovery Program Contract No. 20-065-094-C262 and take appropriate action.**

(14-53:58)

14. April 12, 2021. Michelle Samford, County Auditor, stated that the payment is approving the CivilCorp, LLC invoice for mainly drainage improvement. Court held a brief description. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the request for payment of the following in connection to CDBG Hurricane Harvey Disaster Recovery Program Contract No. 20-065-094-C262. Motion adopted.

- 15. Consider approval of Citizens Medical Center Emergency Department Expansion & Renovation AIA Document G702 Application for Payment #6 and take appropriate action.**

(15-56:08)

15. April 12, 2021. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved Citizens Medical Center Emergency Department Expansion & Renovation AIA Document G702 Application for Payment #6. Motion adopted.

16. Consider approval of the following resolutions for road donations in PCT #3 and take appropriate actions:

- a. Resolution No. 2021-0038 donation from Robert Gonzales for installation of a driveway and pipe culvert to improve drainage at 191 Summer Lane, Victoria, Texas 77905 in the amount of \$667.00.**

(16a-56:51)

16a. April 12, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the following resolutions for road donations in PCT #3:
a. Resolution No. 2021-0038 donation from Robert Gonzales for installation of a driveway and pipe culvert to improve drainage at 191 Summer Lane, Victoria, Texas 77905 in the amount of \$667.00.
Motion adopted.

Consider approval of the following resolutions for road donations in PCT #3 and take appropriate actions:

- b. Resolution No. 2021-0039 donation from Willie Strelec for installation of a driveway and pipe culvert to improve drainage at 213 Blue Jay Loop, Victoria, Texas 77905 in the amount of \$333.50**

(16b-56:51)

16b. April 12, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the following resolutions for road donations in PCT #3:
b. Resolution No. 2021-0039 donation from Willie Strelec for installation of a driveway and pipe culvert to improve drainage at 213 Blue Jay Loop, Victoria, Texas 77905 in the amount of \$333.50.
Motion adopted.

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

(17-57:45)

17. April 12, 2021. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved the 2021 Budget Amendments.

- a. General Fund. Various Departments, Expenditures- Increase
- b. District Clerk Record Management, Expenditures- Line Item Transfer
- c. Health Insurance Fund, Expenditures- Increase

Motion adopted.

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

(18-58:26)

18. April 12, 2021. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

Continue

- a. Justin Marr, Sheriff – Sheriff's Office:

1. Employment of Josias Lemus, Detention Deputy (Tier 1), at a rate of \$17.99 per hour, Budget Code 100-565-1114, effective April 20, 2021.
- b. Pama Hencerling- Juvenile Detention:
 1. TJJD Salary Adjustment Certification for Rafael Castaneda, Juvenile Detention Officer (JSO), to be paid \$46.42 per pay period, effective April 16, 2021. Certification date for Rafael Castaneda is March 30, 2021. Budget Coding: Post-Adj Secure (JSO) 231-578-1135. Remarks: Rafael Castaneda became certified JSO on 3/30/2021. The 2021 salary adjustment of \$46.42 should begin on pay date 4/16/2021. One payment of \$46.42 should be paid on 4/16/2021 and \$46.42 thereafter.
 2. Resignation of Kelsey Nicole Porras, Supervision Officer, with 0 PTO and 13.13 Compensatory hours due, effective April 6, 2021.
- c. Ashley Hernandez- Tax Office:
 1. Certificates of completion of continuing education hours from Victoria Central Appraisal District for Ashley Hernandez, Tax Assessor.
 2. Certificates of completion of continuing education hours from V.G. Young Institute of County Government for Ashley Hernandez, Tax Assessor.

Motion adopted.

19. Closed meeting pursuant to V.T.C.A. Government Code §551.071 to conduct private consultation with the County's attorney regarding matters protected by the Attorney-Client privilege.

(19-59:01)

19. April 12, 2021. The Commissioners Court went into closed session at 11: 00 a.m., pursuant to V.T.C.A. Government Code §551.071 to conduct private consultation with the County's attorney regarding matters protected by the Attorney-Client privilege.

20. 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.

(20-2:23:33)

20. April 12, 2021. The Commissioners Court returned to open meeting at 12:23 p.m. pursuant to V.T.C.A. Government Code §551.102. No action taken.

21. Adjourn

(21-2:23:44)

21. April 12, 2021. The Commissioners Court adjourned the meeting of April 12, 2021.