

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **21st day of June 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
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, June 21, 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. June 21, 2021. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Monday, June 21, 2021 at 10:00 a.m.

2. Invocation and Pledges

(2-0:05)

2. June 21, 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.

(3-01:15)

3. June 21, 2021. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Michael Vonderau of 2204 East North Street, Victoria, Texas, voiced his concerns regarding a sinkhole in the East North Mobile Home Park.

Bill Pozzi, Republican Chair, addressed the Court that July 3, 2021 is the end of the voting period for the Victoria County Mayor and District 3 City Council.

Ann Riechers of 101 Hampton Court, Victoria, Texas, voiced her concerns regarding the Zinc Recycling Plant. Ms. Riechers is against tax abatement.

Due to the large number of citizens wanting to voice their concerns on the Zinc Resources LLC, Judge Ben Zeller elected to move to number 9 on the agenda.

After returning to Citizens Communication and hearing no further comments, Judge Ben Zeller continued to the next agenda item.

4. Consider approval of minutes and take appropriate action.

(4-41:24)

4. June 21, 2021. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the minutes of the Commissioners Court meeting held on June 14, 2021. Motion adopted.

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

action.

(5-42:22)

5. June 21, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the accounts payable as presented by Becky Smiley, First Assistant County Auditor.

Regular Accounts	6/21/2021	\$1,016,352.56
Supplemental Accounts	6/11/2021 – 6/17/2021	\$129,061.68

Motion adopted.

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

(6-42:52)

6. June 21, 2021. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the monthly report from the County Treasurer. Motion adopted.

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

(7-43:12)

7. June 21, 2021. None. No action taken.

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

(8-43:18)

8. June 21, 2021. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated June 17, 2021 in the amount of \$730,198.49 and the ACH report dated June 17, 2021 in the amount of \$2,440,548.49. Motion adopted.

9. Receive and discuss application for tax abatement from Zinc Resources LLC, consider authorizing Victoria Economic Development Corporation to conduct an impact study and set a date for public hearing and take appropriate action.

(9-11:16)

9. June 21, 2021. Judge Ben Zeller spoke to the Court on a proposed date for a public hearing and the Court heard from the following:

Sister Elizabeth Riebschlaeger of 1603 E. Brazos, Victoria, Texas, spoke to the Court regarding tax abatement. Sister Riebschlaeger thanked the Court for arranging a public hearing and spoke on pollutants. Sister is against the tax abatement.

Dale Fowler, AEP, approached the Court and stated he has been working to bring a new tax base and new jobs to the Victoria area. Wanted to applaud the Court for their support on economic development and the tax abatement program. Mr. Fowler believes Zinc Resources LLC will be able to create some good jobs.

Cindy Brewer, 504 E. Constitution Street, Victoria, Texas, stated she is not against Zinc Resources LLC locating to Victoria, but as the company recycles hazardous waste she wants the County to hold them to known safety requirements and be one or several steps ahead of the company to ensure that there will never be pollution emission beyond the state and national limits. Ms. Brewer provided additional information to the court.

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Sharon Barnard, Victoria Economic Development Corporation, thanked the Court

for their support on economic development, especially the agreement to partner with the Port. The tax abatement is proposed to be an 8-year phase, they will be paying some taxes-partial abatement.

Ann Riechers and Sister Elizabeth Riebschlaeger addressed their concern on formalizing their opposition to the tax abatement. Judge Ben Zeller and Heidi Easley, County Clerk, stated that the meeting is recorded and archived online. The minutes will not be verbatim. It will be noted that you are against the tax abatement and project.

Commissioner Clint Ives clarified that this meeting is only to receive the application. The decision to award the abatement will not be today.

Sandra McKenzie, 503 E. Constitution, Victoria, Texas, asked the Court to request a public hearing in front of the Texas Commission on Environmental Equality. Ms. McKenzie spoke against Zinc Resources LLC and the tax abatement.

John Clegg, Clegg Industries, spoke to the Court in support of the tax abatement and believes it will be good for Victoria. Mr. Clegg stated that the TCEQ has already granted the permit. Mr. Clegg is for the tax abatement and economic development.

Sean Stibich, Executive Director, Port of Victoria, thanked the Court for taking their time to review this project and hopes that the application is accepted.

Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court received the application for tax abatement from Zinc Resources LLC and authorized Victoria Economic Development Corporation to conduct an impact study and set the date of August 2, 2021 for a public hearing. Motion adopted.

Hearing no further comments, Judge Ben Zeller returned to item number 3, Citizens Communication.

10. Consider approval of the following items for the Victoria County Health Department and take appropriate actions:

a. Avita Pharmacy Services Agreement Amendment

(10a-44:20)

10a. June 21, 2021. David Gonzales, Public Health Director, addressed the Court on the Avita Pharmacy Agreement Amendment. Moved by Kevin Janak and seconded by Clint Ives, the Commissioners Court approved the Avita Pharmacy Services Agreement Amendment for the Victoria County Public Health Department. Motion adopted.

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

b. Memorandum of Understanding with the University of Houston-Victoria (UHV) for Getting Better Together

(10b-44:20)

10b. June 21, 2021. David Gonzales, Public Health Director, introduced Dr. Brent Lang and Dr. Michael Wiblishauser who provided a short presentation to the Court. Commissioner Gary Burns asked if this could help with the Veterans Office. Dr. Lang and Dr. Wiblishauser answered the question. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the Memorandum of Understanding with the University of Houston-Victoria (UHV)-Getting Better Together for the Victoria County Public Health Department. Motion adopted.

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Consider approval of the following items for the Victoria County Health Department

and take appropriate actions:

c. Memorandum of Understanding with the University of Houston-Victoria (UHV) for Victoria Alliance Against Chronic Kidney Disease (10c-44:20)

10c. June 21, 2021. Dr. Michael Wiblishauser stated this program will be the same as before with the exception that it will be an online service. Mr. Wiblishauser provided additional information to the Court. Judge Ben Zeller asked David Gonzales, Public Health Director, how well this was utilized. Mr. Gonzales answered the question. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the Memorandum of Understanding with the University of Houston-Victoria (UHV)-Victoria Alliance Against Chronic Kidney Disease for the Victoria County Public Health Department. Motion adopted.

11. Consider approval of Resolution No. 2021-0069 for donation of 18 cases of disinfectant wipes in the amount of \$648.00 from Walmart Inc. to the Victoria County Sheriff's Office and take appropriate action.

(11-55:58)

11. June 21, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2021-0069 for the donation of 18 boxes of disinfectant wipes in the amount of \$648.00 from Walmart Inc. to the Victoria County Sheriff's Office. Motion adopted.

12. Receive Victoria County's Report of Completion for Cyber Security Training, mandated under Tex. Gov't Code 2054.5191, for FY 2021 and take appropriate action.

(12-56:28)

12. June 21, 2021. Sarah Hamman, Administrative Services, spoke to the Court on receiving the compliance report for Cyber Security Training. Ms. Hamman wanted to make the Court aware that House Bill 1118 which became in effect in May of 2021 and will go with House Bill 3834 will add a penalty for non-compliant counties and is important. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court received the Victoria County's Report of Completion for Cyber Security Training, mandated under Tex. Gov't Code 2054.5191 for FY 2021. Motion adopted.

13. Receive and consider approval of Victoria County TAC RMP Property Insurance Coverage Renewal and Invoice #32275 for coverage period July 1, 2021-July 1, 2022 and take appropriate action.

(13-57:59)

13. June 21, 2021. Sarah Hamman, Administrative Services, spoke about the property insurance renewal. Lisa McCaig, Risk Management Consultant with the Texas Association of Counties (TAC), along with Joe Szewczyk, Risk Control Consultant provided information to the Court. Ms. McCaig introduced, Andrea Beard, Legal Liability Claims Supervisor, Stacy Corluccio, Claims Manager, and Clem Zabalza, Risk Control Manager with TAC. Commissioner Kevin Janak asked Ms. McCaig questions on the loss rate and the policy. Ms. McCaig along with Ms. Hamman answered Mr. Janak's questions.

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Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court received

the approval of the Victoria County TAC RMP Property Insurance Coverage Renewal and Invoice No. 32275 for the coverage period July 1, 2021 through July 1, 2022. Motion adopted.

- 14. Consider approval of request for plat exemption from Brandon Garcia for 1401 Garcitas Creek Road, Inez, Texas 77968 in Precinct #4 and take appropriate action.**
(14-1:06:49)

14. June 21, 2021. John Johnston, County Engineer, briefed the Court on the plat exemption request from Brandon Garcia. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court approved the request for plat exemption from Brandon Garcia 1401 Garcitas Creek Road, Inez, Texas 77968 in Precinct No. 4. Motion adopted.

- 15. Consider approval of the following Grant agreements related to Texas Department of Transportation (TXDOT) Airport Coronavirus Relief Grant Program and take appropriate actions:**

a. Grant Agreement No. 21TWVICTR

(15a-1:08:20)

15a. June 21, 2021. Lenny Llerena, Airport Manager, provided information to the Court. Judge Ben Zeller and Commissioner Kevin Janak asked Mr. Llerena questions, which were answered. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved Grant Agreement No. 21TWVICTR related to the Texas Department of Transportation (TXDOT) Airport Coronavirus Relief Grant Program. Motion adopted.

Consider approval of the following Grant agreements related to Texas Department of Transportation (TXDOT) Airport Coronavirus Relief Grant Program and take appropriate actions:

b. Grant Agreement No. 21CRVICTR

(15b-1:08:20)

15b. June 21, 2021. Lenny Llerena, Airport Manager, provided information to the Court. Judge Ben Zeller and Commissioner Kevin Janak asked Mr. Llerena questions, which were answered. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved Grant Agreement No. 21CRVICTR related to the Texas Department of Transportation (TXDOT) Airport Coronavirus Relief Grant Program. Motion adopted.

- 16. Consider approval of minutes for April 2021 from Victoria Regional Airport and take appropriate action.**

(16-1:13:54)

16. June 21, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the Victoria Regional Airport Commission Meeting minutes of April 21, 2021. Motion adopted.

- 17. Consider approval of addendum to audit services agreement with Harrison, Waldrop & Uherek, L.L.P. (HWU) and take appropriate action.**

(17-1:14:09)

17. June 21, 2021. Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court approved the addendum to the audit services agreement with Harrison, Waldrop and Uherek, LLP (HWU). Motion adopted.

- 18. Consider approval of payment to John D. Mercer & Associates in the amount of**

\$5,700.00 in connection with TX-CDBG No. 7219451 Water Plant Improvements for WCID No. 2 in Placedo and take appropriate action.

(18-1:14:50)

18. June 21, 2021. John Johnston, County Engineer, provided information to the Court. Commissioner Danny Garcia asked questions and those were answered. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the payment in the amount of \$5,700.00 to John D. Mercer & Associates in connection with the TX-CDBG No. 7219451 Water Plant Improvements for WCID No. 2 in Placedo. Motion adopted.

- 19. Receive letter of permission to enter and work on private property of Charles Faupel located at Reeves Ranch Park Road for purpose of cleaning ditches and underbrush for drainage improvement in the County ROW in Precinct #3 and take appropriate action.**

(19-1:16:31)

19. June 21, 2021. Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court approved the letter of permission to enter and work on private property from Charlie Faupel of Reeves Ranch Park Road, Victoria County, Texas, for the purpose of cleaning ditches and underbrush for drainage improvement in the County Right of Way in Precinct No. 3. Motion adopted.

- 20. Consider approval of purchase with John Deere in the amount of \$93,387.91 for Precinct #3 and take appropriate action.**

(20-1:17:02)

20. June 21, 2021. Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court approved the lease-purchase with John Deere in the amount of \$93,387.91 for Precinct No. 3. Motion adopted.

- 21. Receive for the record, 2021 Discretionary Fund Budget Amendment for CDA Contraband Forfeiture Fund and take appropriate action.**

(21-1:17:33)

21. June 21, 2021 Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court received for the record the 2021 Discretionary Fund Budget Amendment for the CDA Contraband Forfeiture Fund as an increase. Motion adopted.

- 22. Consider approval of the following 2021 budget amendments and take appropriate actions:**

(22-1:17:57)

22. June 21, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the 2021 budget amendments for:

- a. General Fund, Various Departments, Revenues and Expenditures – Increase
- b. Road and Bridge, Precinct No. 3, Expenditures - Increase

Motion adopted.

- 23. Consider approval of personnel changes and take appropriate action.**

(23-1:18:22)

23. June 21, 2021. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. Pama Hencerling, Chief Probation Officer - Juvenile Services/Detention:
 - 1. Employment of Shelly Nesloney Hencerling, JPO, at a rate of \$19.07 per hour, Budget Code 231-571-1108, effective June 22, 2021.
 - 2. Salary and position change for Max Christie, from Supervision Officer III, at a rate of \$20.03 per hour, Budget Code 100-573-1151 to Supervision Officer Supervisor, at a rate of \$22.59 per hour, Budget Code 100-573-1150, effective June 19, 2021.
 - 3. Salary and position change for Michelle A. Koenig, from Supervision Officer I, at a rate of \$17.06 per hour, Budget Code 100-573-1155 to Supervision Officer III, at a rate of \$20.03 per hour, Budget Code 100-573-1151, effective June 19, 2021.
 - 4. Salary and position change for Christopher Jimenez, from Supervision Officer, at a rate of \$15.67 per hour, Budget Code 100-573-1156 to Supervision Officer I, at a rate of \$17.06 per hour, Budget Code 100-573-1155, effective June 19, 2021.
 - 5. Salary and position change for Karolina Clifford, from Supervision Officer, at a rate of \$15.67 per hour, Budget Code 100-573-1156 to Supervision Officer I, at a rate of \$17.06 per hour, Budget Code 100-573-1155, effective June 19, 2021.
 - 6. Salary and position change for Shyrone Kevon Moore, from Supervision Officer, at a rate of \$15.67 per hour, Budget Code 100-573-1156 to Supervision Officer I, at a rate of \$17.06 per hour, Budget Code 100-573-1155, effective June 19, 2021.
 - 7. Salary and position change for Norman Edward Simmang, Jr., from Extra Help-Rover, at a rate of \$14.50 per hour, Budget Code 100-573-1130 to Supervision Officer, at a rate of \$15.67 per hour, Budget Code 100-573-1156, effective June 19, 2021.
 - 8. Salary and position change for Celeste Maria Garcia, from Extra Help-Rover, at a rate of \$14.50 per hour, Budget Code 100-573-1130 to Supervision Officer, at a rate of \$15.67 per hour, Budget Code 100-573-1156, effective June 19, 2021.
 - 9. Resignation of Jasmaine Marie Barrera, Extra Help-Rover, effective June 15, 2021.
 - 10. Resignation of Amanda Elizabeth Bautista, Extra Help-PRN, effective June 16, 2021.
- b. Justin Marr, Sheriff - Sheriff's Office:
 - 1. Employment of Haley Vasquez, Clerk III Records, at a rate of \$16.10 per hour, Budget Code 100-562-1148, effective June 29, 2021.
 - 2. Dismissal of Katie Moore, Extra Help, effective June 11, 2021.

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- c. Danny Garcia, Commissioner, Precinct No. 1- Road and Bridge, Precinct No. 1:

1. Salary and position change for Oscar Stiles, from Extra Help, at a rate of \$15.00 per hour, Budget Code 201-611-1130 to Courtesy Station, at a rate of \$17.00 per hour, Budget Code 201-611-1120, effective June 19, 2021.
- d. John Miller, Justice of the Peace, Justice of the Peace, Precinct No. 4
 1. Employment of MaKayla Ramirez, Regular Part Time Clerk III, at a rate of \$12.50 per hour, Budget Code 100-458-1106, effective June 22, 2021.
- e. Ben Zeller, County Judge, County Judge's Office:
 1. Resignation of Eva Painter, Veteran County Service Officer, Veteran Services, with 4.92 PTO and 0.14 Compensatory Hours due, effective July 30, 2021.

Motion adopted.

- 24. Closed meeting pursuant to V.T.C.A. Government Code §551.072 to discuss real property and Personnel exception to the Open meetings Act contained in Section §551.074 of the Texas Government Code to discuss/deliberate regarding the Airport Executive Director, Veterans Service Officer and various departments.**

(24-1:18:47)

24. June 21, 2021. The Commissioners Court went into closed session at 11:19 a.m., pursuant to V.T.C.A. Government Code §551.072 to discuss real property and personnel exception to the open meetings act contained in Section §551.074 of the Texas Government Code to discuss/deliberate regarding the Airport Executive Director, Veterans Service Officer and various departments.

- 25. 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.**

(25-2:21:00)

25. June 21, 2021. The Commissioners Court returned to open meeting at 12:21 p.m. pursuant to V.T.C.A. Government Code §551.102, with no action taken.

- 26. Adjourn**

(26-2:21:10)

26. June 21, 2021. The Commissioners Court adjourned the meeting of June 21, 2021.