

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **13th day of September 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, SEPTEMBER 13, 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. September 13, 2021. Ben Zeller, County Judge, called to order the Commissioners Court Regular Term for Monday, September 13, 2021 at 10:00 a.m.

2. Invocation and Pledges.

(2-0:00)

2. September 13, 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.

(3-1:15)

3. September 13, 2021. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Rick McBrayer, Emergency Management Coordinator, updated the Court on Tropical Storm Nicholas.

Commissioner Danny Garcia informed the Court of the working hours for his crew in Precinct No. 1.

Commissioner Clint Ives spoke to the Court regarding communication for the Precincts during Tropical Storm Nicholas.

Judge Zeller stated Victoria County's non-emergency offices will close at noon today due to Tropical Storm Nicholas and a decision will be made this evening for tomorrow.

Commissioner Kevin Janak stated that Precinct No. 2 is moving equipment to both sides of the river in case of flooding or trees blocking roadways due to Tropical Storm Nicholas.

Commissioner Gary Burns mentioned that Dawn with the Harley Shop called and asked the Commissioners to be careful when cutting grass along the sides of the roads, due to the cut grass being slick on the roads.

Commissioner Kevin Janak once again asked for prayers for the American citizens left behind enemy lines and that the public should remember how this administration failed them.

(59:42) Bill Pozzi, Republican Chair, recommended an Elections Commission meeting be held regarding the new State laws and process for voting.

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

4. Consider approval of minutes and take appropriate action.

(4-10:21)

4. September 13, 2021. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the minutes of the Commissioners Court meeting held on September 7, 2021. Motion adopted.

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

(5-10:38)

5. September 13, 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	9/13/2021	\$233,492.22
Supplemental Accounts	9/3/2021 – 9/9/2021	\$261,253.02

Motion adopted.

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

(6-11:21)

6. September 13, 2021. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the monthly reports from the County Judge, County Commissioners, Precincts Nos. 1 - 4; Criminal District Attorney; Tax Assessor Collector; County Auditor; Constables, Precincts Nos. 1 and 2; Victoria County Extension Agent Family and Community Health; and Victoria County Extension Agent- Ag/Natural Resources 4-H. Motion adopted.

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

(7-11:58)

7. September 13, 2021. None. No action taken.

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

(8-12:05)

8. September 13, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated September 9, 2021 in the amount of \$616,050.09 and the ACH report dated September 9, 2021 in the amount of \$1,659,607.93. Motion adopted.

9. Consider approval of the 2022 Victoria County Budget, record vote, and take appropriate action. *THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$2,308,325 OR 9.12%, AND OF THAT AMOUNT, \$350,316 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.*

(9-12:46)

9. September 13, 2021. County Judge Zeller stated this budget will raise more total property taxes than last year's budget by \$2,308,325 or 9.12%, and of that amount, \$350,316 is tax revenue to be raised from new property added to the tax roll this year. Sheriff Justin Marr answered Judge Zeller's questions regarding the new position he is

requesting. Commissioner Janak spoke to the Court regarding the new position for the Sheriff's Office. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved Order No. 2021-0089 adopting the 2022 Victoria County Budget as presented with the amendment of adding the Sheriff's new position with the salary and benefits to match a patrol deputy, the cost of which would be equal to the increase of the sales tax projection of 2022. The Court voted as follows: Commissioner Danny Garcia, Commissioner Kevin Janak, Commissioner Gary Burns, Commissioner Clint Ives, and County Judge Ben Zeller voted "aye" unanimously in favor of the 2022 Victoria County Budget. ***THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$2,308,325 OR 9.12%, AND OF THAT AMOUNT, \$350,316 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.*** Motion adopted.

10. Ratify the property tax increase reflected in the adopted budget, pursuant to Sec. 111.008(c) of the Local Government Code, and take appropriate action.

(10-20:31)

10. September 13, 2021. Moved by Danny Garcia and seconded by Clint Ives, pursuant to Section 111.008 (c) of the Local Government Code, the Commissioners Court ratified the property tax increase reflected in the adopted budget. The Court voted as follows: Commissioner Danny Garcia, Commissioner Kevin Janak, Commissioner Gary Burns, Commissioner Clint Ives, and County Judge Ben Zeller voted "aye" unanimously in favor of the property tax increase in the adopted budget. Motion adopted.

11. Consider approval of the 2021 tax levy order, record vote and take appropriate action.

(11-21:32)

11. September 13, 2021. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the Tax Levy Order No. 2021-0090 increasing the property tax rate by the adoption of a tax rate of \$0.3959, which is effectively a 7.98% increase in the tax rate, for the year 2021. Commissioner Danny Garcia, Commissioner Kevin Janak, Commissioner Gary Burns, Commissioner Clint Ives, and County Judge Zeller voted "aye" unanimously in favor of the Tax Levy Order No. 2021-0090. Motion adopted.

12. Consider approval of an agreement between LDS Builders and the Victoria Regional Airport for repairs of damages caused by Winter Storm Uri at 169 Aviation Dr. and take appropriate action.

(12-22:12)

12. September 13, 2021. Lenny Llerena, Airport Manager, explained the agreement between LDS Builders and the Victoria Regional Airport for damage repairs caused by Winter Storm Uri at 169 Aviation Drive to the Court. After discussion with the Court, Mr. Llerena will meet with the contractor to discuss the Court's recommendations on the agreement. The Commissioners Court passed on this agenda item. No action taken.

- 13. Consider approval of repairs to the ARFF Station at the Airport in the amount of \$9,700 by Superior Custom Builders and take appropriate action.**

(13-41:03)

13. September 13, 2021. Lenny Llerena, Airport Manager, discussed the repairs that need to be done to the ARFF Station at the Victoria Regional Airport with the Court. The amount of repairs is \$9,700.00 and would be repaired by Superior Custom Builders. After discussion and Commissioner Ives suggestion to send Mr. Llerena some vendors, the Commissioners Court passed on this agenda item. No action taken.

- 14. Receive the following executed copy of the FY2022 agreement and take appropriate action:**

a. Victoria County Sheriff's Office Victim and Coordinator Liaison Grant (VCLG) Contract No. 2215267.

(14a-49:05)

14a. September 13, 2021. Moved by Kevin Janak and seconded by Clint Ives, the Commissioners Court received the executed copy of the FY2022 Victoria County Sheriff's Office Victim Coordinator and Liaison Grant (VCLG) Contract No. 2215267. Motion adopted.

Receive the following executed copy of the FY2022 agreement and take appropriate action:

b. Victoria County District Attorney's Office Victim Coordinator Grant (VCLG) Contract No. 2215259.

(14b-49:05)

14b. September 13, 2021. Moved by Kevin Janak and seconded by Clint Ives, the Commissioners Court received the executed copy of the FY2022 Victoria County District Attorney's Office Victim Coordinator and Liaison Grant (VCLG) Contract No. 2215259. Motion adopted.

Receive the following executed copy of the FY2022 agreement and take appropriate action:

c. Victoria County Statewide Automated Victim Notification Service (SAVNS) Grant Contract No. 2219640.

(14c-49:05)

14c. September 13, 2021. Moved by Kevin Janak and seconded by Clint Ives, the Commissioners Court received the executed copy of the FY2022 Victoria County Statewide Automated Victim Notification Service (SAVNS) Grant Contract No. 2219640. Motion adopted.

- 15. Consider approval of the following High Intensity Drug Trafficking Areas (HITDA) Grant Award Modification for Grant Number G21HN0020A and take appropriate action:**

a. Modification 1.

(15a-50:00)

15a. September 13, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the High Intensity Drug Trafficking Areas (HITDA) Grant No. G21HN0020A Award Modification No. 1 to add funding in the amount of \$19,100.00 to the initial award, bringing the overall award amount to \$148,600.00. Motion adopted.

- CONTINUED -

Consider approval of the following High Intensity Drug Trafficking Areas (HITDA)

Grant Award Modification for Grant Number G21HN0020A and take appropriate action:

b. Modification 2.

(15b-50:00)

15b. September 13, 2021. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the High Intensity Drug Trafficking Areas (HIDTA) Grant No. G21HN0020A Award Modification No. 2 to add funding in the amount of \$15,000.00 to the initial award, bringing the overall award amount to \$163,600.00. Motion adopted.

16. Ratify Community Development Block Grant (CDBG) Hurricane Harvey Disaster Recovery (DR) Program & Infrastructure Projects Amendment Request Contract No. 20-065-094-C262, General Land Office (GLO) and take appropriate action.

(16-51:17)

16. September 13, 2021. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court ratified the Community Development Block Grant (CDBG) Hurricane Harvey Disaster Recovery (DR) Program and Infrastructure Projects Amendment Request Contract No. 20-065-094-C262, General Land Office (GLO). Motion adopted.

17. Receive for the record a notice to terminate the lease from Hue Truong regarding Nail Spot located at 2604 Mockingbird Lane, Suite A, and take appropriate action.

(17-52:17)

17. September 13, 2021. Chief of Staff Giani Cantu and Commissioner Ives provided information to the Court. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court received for the record a notice to terminate the lease from Hue Truong regarding Nail Spot located at 2604 Mockingbird Lane, Suite A. Motion adopted.

18. Consider approval of the lease with Tri Huynh regarding Nail Spot located at 2604 Mockingbird Lane, Suite A, and take appropriate action.

(18-54:38)

18. September 13, 2021. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved the lease with Tri Huynh regarding Nail Spot located at 2604 Mockingbird Lane, Suite A. Motion adopted.

19. Consider approval of Citizens Medical Center Emergency Department Expansion & Renovation AIA Document G702 Application for payment no. 11, and take appropriate action.

(19-55:05)

19. September 13, 2021. Moved by Clint Ives and seconded by Danny Garcia, the Commissioners Court approved Citizens Medical Center Emergency Department Expansion and Renovation AIA Document G702 Application for payment No. 11. Motion adopted.

20. Consider approval of Resolution 2021-0085 accepting a donation of \$1,000 from Warriors Weekend for the Crossroads Area Veterans Center and take appropriate

action.

(20-55:53)

20. September 13, 2021. Commissioner Garcia thanked Warriors Weekend for the donation and mentioned that starting today the Crossroads Area Veterans Center is open face to face. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2021-0085 for a donation of \$1,000.00 from Warriors Weekend to be used for and dedicated to the Crossroads Area Veterans Center. Motion adopted.

21. Consider approval of the Detention and Residential Contracts between Victoria Regional Juvenile Justice/Detention Facility and take appropriate action:

a. Caldwell County.

(21a-56:47)

21a. September 13, 2021. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved the Detention and Residential contracts between the Victoria County Regional Juvenile Justice/Detention Facility and Caldwell County. Motion adopted.

Consider approval of the Detention and Residential Contracts between Victoria Regional Juvenile Justice/Detention Facility and take appropriate action:

b. Calhoun County.

(21b-56:47)

21b. September 13, 2021. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved the Detention and Residential contracts between the Victoria County Regional Juvenile Justice/Detention Facility and Calhoun County. Motion adopted.

Consider approval of the Detention and Residential Contracts between Victoria Regional Juvenile Justice/Detention Facility and take appropriate action:

c. Fayette County.

(21c-56:47)

21c. September 13, 2021. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved the Detention and Residential contracts between the Victoria County Regional Juvenile Justice/Detention Facility and Fayette County. Motion adopted.

Consider approval of the Detention and Residential Contracts between Victoria Regional Juvenile Justice/Detention Facility and take appropriate action:

d. Walker County.

(21d-56:47)

21d. September 13, 2021. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved the Detention and Residential contracts between the Victoria County Regional Juvenile Justice/Detention Facility and Walker County. Motion adopted.

22. Consider approval of the following resolution for road donation in PCT No. 1 and take appropriate action:

a. Resolution No. 2021-0086 is a donation from Brizo Construction for the installation of a driveway and pipe culvert to improve drainage at 368 San Antonio St., Bloomington, Texas for the amount of \$540.00.

(22a-57:42)

22a. September 13, 2021. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2021-0086 for road donation in the amount of \$540.00 from Brizo Construction of 368 San Antonio Street, Bloomington, Texas in Precinct No. 1 for installation of a driveway and pipe culvert to improve drainage. Motion adopted.

Consider approval of the following resolution for road donation in PCT No. 1 and take appropriate action:

b. Resolution No. 2021-0087 is a donation from Sergio Miranda for the installation of a driveway and pipe culvert to improve drainage at Nueces St., Bloomington, Texas for the amount of \$540.00.

(22b-57:42)

22b. September 13, 2021. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2021-0087 for road donation in the amount of \$540.00 from Sergio Miranda of Nueces Street, Bloomington, Texas, in Precinct No. 1 for installation of a driveway and pipe culvert to improve drainage. Motion adopted.

Consider approval of the following resolution for road donation in PCT No. 1 and take appropriate action:

c. Resolution No. 2021-0088 is a donation from Miguel Monroy for the installation of a driveway and pipe culvert to improve drainage at Indiana St., Bloomington, Texas for the amount of \$295.00.

(22c-57:42)

22c. September 13, 2021. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2021-0088 for road donation in the amount of \$295.00 from Miguel Monroy of Miguel Monroy, Indiana Street, Bloomington, Texas, in Precinct No. 1 for installation of a driveway and pipe culvert to improve drainage. Motion adopted.

23. Consider approval of the following 2021 budget amendments and take appropriate actions:

(23-58:47)

23. September 13, 2021. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the 2021 budget amendments for:

- a. General Fund, Various Departments, Expenditures – Line item transfer
- b. Road and Bridge, Precinct No. 4, Expenditures - Line item transfer
- c. Health Department, Expenditures - Line item transfer

Motion adopted.

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

(24-59:21)

24. September 13, 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. Ben Zeller, County Judge – County Judge’s Office:
 1. Salary change for Lee Bowman, Veteran’s Officer, from a rate of \$23.00 per hour, Budget Code 100-405-1104 to a rate of \$24.96 per hour, effective September 11, 2021. Other Remarks: TVC accreditation.
- b. Justin Marr, Sheriff - Sheriff’s Office:
 1. VCSO Salary Adjustment Certification for Jason Garcia to be paid Advanced Certificate Pay of \$46.15 per pay period, effective September 17, 2021. Certification Date for Jason Garcia is July 28, 2021. Budget Coding: Enforcement/CID Certificate Pay 100-563-1137. Remarks: Jason Garcia received his Enforcement/CID Cert. on July 28, 2021. The Change in certification began with 09/17/21 PR from Intermediate to Advanced Cert. Pay. One payment for \$92.29 should be paid on 09/17/21 and \$46.15 thereafter.
- c. Pama Hencerling, Chief Probation Officer – Juvenile Detention:
 1. Salary and position change for Johnny Ray Polk, from Extra Help-PRN, at a rate of \$13.50 per hour, Budget Code 100-573-1130 to Supervision Officer, at a rate of \$15.67 per hour, Budget Code 100-573-1156, effective September 11, 2021.
 2. Salary and position change for Jaden Lane Stephenson, 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 September 11, 2021.
 3. Resignation of Christopher E. Jimenez, Supervision Officer I, with 80.0 PTO and 28.51 Compensatory hours due, effective September 4, 2021.
 4. Employment of Anton Dwain Franklin, Extra Help-Rover, at a rate of \$14.50 per hour, Budget Code 100-573-1130, effective September 14, 2021.
 5. Employment of Daisy Monik Contreras, Extra Help-PRN, at a rate of \$13.50 per hour, Budget Code 100-573-1130, effective September 14, 2021.
- d. Vinicio Llerena, Airport Manager – Victoria Regional Airport:
 1. Resignation of Jesus Olivarez, Jr., Ops/Maint Spec III, effective September 1, 2021.
- e. David Gonzales, Public Health Director – Victoria County Public Health Director:
 1. Salary change for Melody Stanford, Stormwater Inspector, from a rate of \$20.00 per hour, Budget Code 800-631-1155 to a rate of \$20.50 per hour, effective August 28, 2021.
 2. Resignation of Barbara Fuller, ADAP Eligibility Worker, effective September 10, 2021.

Motion adopted.

25. Adjourn.

(25-1:01:17)

25. September 13, 2021. The Commissioners Court adjourned the meeting of September 13, 2021.

