

**THE STATE OF TEXAS   §**

**COUNTY OF VICTORIA   §**

Be it remembered that on this the **18th day of January A.D., 2022**, 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**

**TUESDAY, JANUARY 18, 2022, 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. January 18, 2022. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Tuesday, January 18, 2022 at 10:00 a.m.

**2. Invocation and Pledges.**

(2-0:00)

2. January 18, 2022. 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.**

(3-1:07)

3. January 18, 2022. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Commissioner Burns stated he has received calls regarding the current burn ban and controlled burns with the local ranches. Fire Marshal Castillo responded by reviewing the factors for the current burn ban. He also explained permitted and non-permitted burns along with prescribed burns. Commissioner Garcia spoke about having water tanks spread throughout the county for faster water access for the fire departments and suggested to start looking for sites for these water tanks. Fire Marshal Castillo responded. Judge Zeller stated the burn ban will be put on this coming Monday's agenda for renewal if need be.

Commissioner Ives mentioned a location for a water well. Rick McBrayer, Emergency Management Coordinator, and Robin Knipling, Grant Administrator spoke on the Hazard Mitigation Program. Commissioner Janak spoke on the water tanks in Precinct No. 2. Richard Marbach of 8780 US Hwy 77S, Victoria, Texas, voiced his concerns about work that needs to be done at the Raisin Volunteer Fire Department and stated that upgrades need to be made on the south end of the county. Kirk Feuerbacher with Coastal Bend Prescribed Burn Association provided information on the benefits of prescribed burning and stated an opportunity and his opinion for solutions regarding the water supply situations. He stated that everyone he will be working with will have a burn plan. Mr. Marbach spoke on prescribed burns on ranches.

Michael Vonderau of 2204 E. North Street, Victoria, Texas, asked the Court to hold a fundraiser for the daughter of Deputy Simons with the Victoria County Sheriff's Office for her immunocompromised illness. Mr. Vonderau asked Victoria County Animal Control for an animal trap and spoke about their services at the East North Mobile Home Park.

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

**4. Consider approval of minutes and take appropriate action.**

(4-30:13)

4. January 18, 2022. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the minutes of the Commissioners Court meeting held on January 10, 2022. Motion adopted.

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

(5-31:02)

5. January 18, 2022. 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      | 1/18/2022            | \$705,264.11 |
| Supplemental Accounts | 1/7/2022 – 1/13/2022 | \$88,140.89  |

Motion adopted.

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

(6-31:13)

6. January 18, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the monthly reports from the County Treasurer; Fire Marshal; and Constables, Precincts Nos. 1 and 2. Motion adopted.

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

(7-31:32)

7. January 18, 2022. None. No action taken.

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

(8-32:02)

8. January 18, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated January 13, 2022 in the amount of \$483,939.27 and the ACH report dated January 13, 2022 in the amount of \$2,040,134.74. Motion adopted.

**9. Consider the appointment of an American Rescue Plan Act Committee and take appropriate action.**

(9-32:13)

9. January 18, 2022. County Judge Zeller stated the purpose of this group is to review treasury guidance and help prioritize projects and purchases funded through the American Rescue Plan Act funds. Judge Zeller also responded to Commissioners Janak question regarding the deadline to use the funds. Grant Administrator Robin Knipling also provided

information on the deadline to use the funds. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the appointment of an American Rescue Plan Act Committee to include County Judge Ben Zeller, Commissioner Clint Ives, Emergency Management Coordinator Rick McBrayer, County Engineer John Johnston, County Auditor Michelle Samford, and Grant Administrator Robin Knipling. Motion adopted.

**10. Consider approval of changes to the county policy for the disposition of deceased paupers and take appropriate action.**

(10-36:09)

10. January 18, 2022. County Judge Ben Zeller explained the policy changes and answered Commissioners Garcia question. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the changes to the Victoria County policy for the disposition of the body of deceased paupers. Motion adopted.

**11. Discuss and consider Resolution No. 2022-0007 approving a project in Victoria County, Texas, financed by the Calhoun County Navigation Industrial Development Authority for the purposes of Chapter 501 of the Texas Local Government Code, and take any necessary action.**

(11-40:05)

11. January 18, 2022. Greg Salinas with McCall, Parkhurst, and Horton, L.L.P., Charles Hausmann, Port Director with Calhoun Port Authority, and Jon Novitsky, Chief Executive Officer with Max Midstream Texas, LLC spoke to the Court regarding a project in Victoria County, Texas which would be financed by the Calhoun County Navigation Industrial Development Authority for the purposes of Chapter 501 of the Texas Local Government Code. Commissioners Garcia and Commissioner Janak asked for a map of the roads that the pipeline crosses for their review. After discussion, Commissioners Court passed on this agenda item. No action taken.

**12. Consider approval of Order No. 2022-0008 for appropriation in the amount of \$8,500.00 to the Community Action Committee for Meals on Wheels Victoria for the year 2022 and take appropriate action.**

(12-56:55)

12. January 18, 2022. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved Order No. 2022-0008 for appropriation in the amount of \$8,500.00 to the Community Action Committee for Meals on Wheels Victoria for the year 2022. Motion adopted.

**13. Consider approval of the 2021 High-Intensity Drug Trafficking Areas (HIDTA) grant award modifications, grant number G21HN0020A and take appropriate action.**

(13-57:48)

13. January 18, 2022. Grant Administrator Robin Knipling provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the 2021 High-Intensity Drug Trafficking Areas (HIDTA) Grant Award Modifications, Grant Number G21HN0020A. Motion adopted.

- 14. Consider approval of the Interlocal Agreement for Flood Buyout Property Transfers between the City of Victoria and Victoria County in relation to Texas General Land Office Contract No. 20-066-004-C033 and take appropriate action.**

(14-59:07)

14. January 18, 2022. Grant Administrator Robin Knipling and Commissioner Danny Garcia provided the Court with information. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved the Interlocal Agreement for Flood Buyout Property Transfers between the City of Victoria and Victoria County in relation to Texas General Land Office Contract No. 20-066-004-C033. Motion adopted.

- 15. Consider approval of the following Suddenlink contract renewal and take appropriate action.**

**a. County internet and phone services.**

(15a-1:02:55)

15a. January 18, 2022. Assistant IT Director Matt Schneider provided the Court with information. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the contract renewal for County internet and phone services with Suddenlink. Motion adopted.

**Consider approval of the following Suddenlink contract renewal and take appropriate action.**

**b. Network service to the airport.**

(15b-1:02:55)

15b. January 18, 2022. Matt Schneider, Assistant IT Director, provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the contract renewal for network service to the airport with Suddenlink. Motion adopted.

- 16. Consider approval of Resolution No. 2022-0013 accepting a donation of \$1000.00 from American Legion Post 166 for the Crossroads Area Veterans Center and take appropriate action.**

(16-1:04:28)

16. January 18, 2022. Moved by Clint Ives and seconded by Danny Garcia, pursuant to Local Government Code §81.032, the Commissioners Court approved Resolution No. 2022-0013 accepting a donation of \$1,000.00 from American Legion Post 166 for the Crossroads Area Veterans Center. Motion adopted.

- 17. Receive Temporary Construction Easements from Clinton and Denise Franz & Ronald Sumbera, associated with the reconstruction of Raven Road Bridge located at Arnold Draw in Precinct No. 1, and take appropriate action.**

(17-1:05:13)

17. January 18, 2022. County Engineer John Johnston and Commissioner Danny Garcia provided information to the Court. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court received the temporary construction easements from Clinton and Denise Franz and Ronald Sumbera, associated with the reconstruction of Raven Road Bridge located at Arnold Draw in Precinct No. 1. Motion adopted. Commissioner Ives questioned the letting of this bridge and Commissioner Garcia stated they are trying for the March letting. Commissioner Janak stated Fordtran Store Road Bridge in Fordtran area is expected for February letting.

- 18. Ratify the following payment in Precinct No. 1 in connection to the Rehabilitate and Widen Roadway Project for McCoy Road and Bayer Road and take appropriate action.**

**a. Union Pacific Railroad Company in the amount of \$2,320.42.**

(18a-1:06:17)

18a. January 18, 2022. John Johnston, County Engineer, provided information to the Court. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court ratified the payment to Union Pacific Railroad Company in the amount of \$2,320.42 in connection to the Rehabilitate and Widen Roadway Project for McCoy Road and Bayer Road in Precinct No. 1. Motion adopted.

**Ratify the following payments in Precinct No. 1 in connection to the Rehabilitate and Widen Roadway Project for McCoy Road and Bayer Road and take appropriate action.**

**b. Kinder Morgan in the amount of \$251,170 (Invoice No. 544) and \$258,358 (Invoice No. 535).**

(18b-1:06:17)

18b. January 18, 2022. County Engineer John Johnston provided the Court with information. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court ratified the payment to Kinder Morgan in the amount of \$251,170.00 (Invoice No. 544) and \$258,358.00 (Invoice No. 535) in connection to the Rehabilitate and Widen Roadway Project for McCoy Road and Bayer Road in Precinct No. 1. Motion adopted.

- 19. Consider approval of payment to John D. Mercer & Associates in the amount of \$3,960.00 in connection with TX-CDBG No. 7219451 Water Plant Improvements for WCID No. 2 in Placedo and take appropriate action.**

(19-1:09:37)

19. January 18, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the payment to John D. Mercer and Associates in the amount of \$3,960.00 in connection with TX-CDBG No. 7219451 for the Placedo Water Plant Improvements for WCID No. 2. Motion adopted.

- 20. Consider approval of the following Resolution for road donations in Precinct No. 1 for the installation of a driveway and pipe culvert to improve drainage and take appropriate action.**

**a. Resolution No. 2022-0009 for Claudia Reyes, 339 N. Cuero St. Bloomington, TX in the amount of \$300.00.**

(20a-1:10:51)

20a. January 18, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved Resolution No. 2022-0009 for road donation in the amount of \$300.00 from Claudia Reyes of 339 N. Cuero 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 donations in Precinct No. 1 for the installation of a driveway and pipe culvert to improve drainage and take appropriate action.**

**b. Resolution No. 2022-0010 for Fernando R Perez, La Fe, Bloomington, TX in the amount of \$270.00.**

(20b-1:10:51)

20b. January 18, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved Resolution No. 2022-0010 for road donation in the amount of \$270.00 from Fernando R. Perez of La Fe, 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 donations in Precinct No. 1 for the installation of a driveway and pipe culvert to improve drainage and take appropriate action.**

**c. Resolution No. 2022-0011 for Steven Flores, 1220 Commerce St. Bloomington, TX in the amount of \$270.00.**

(20c-1:10:51)

20c. January 18, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved Resolution No. 2022-0011 for road donation in the amount of \$270.00 from Steven Flores of 1220 Commerce 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 donations in Precinct No. 1 for the installation of a driveway and pipe culvert to improve drainage and take appropriate action.**

**d. Resolution No. 2022-0012 for Brian Nagle, Bowie St., Placedo, TX in the amount of \$460.00.**

(20d-1:10:51)

20d. January 18, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved Resolution No. 2022-0012 for road donation in the amount of \$460.00 from Brian Nagle of Bowie Street, Placedo, Texas, in Precinct No. 1 for installation of a driveway and pipe culvert to improve drainage. Motion adopted.

**21. Receive for the record, 2022 Discretionary Funds Budget Amendment for CDA Contraband Forfeiture Fund No. 370 and take appropriate action.**

(21-1:12:51)

21. January 18, 2022. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court received for the record the 2022 Discretionary Funds Budget Amendment for the CDA Contraband Forfeiture Fund No. 370 as an Increase to Expenditures. Motion adopted.

**22. Receive for the record 2022 Discretionary Fund Budget Amendment for Tax Assessor Special Fund No. 499 and take appropriate action.**

(22-1:13:06)

22. January 18, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court received for the record the 2022 Discretionary Fund Budget Amendment for the Tax Assessor Special Fund No. 499 as an Increase to Expenditures. Motion adopted.

**23. Consider approval of the following 2022 budget amendments and take appropriate action.**

(23-1:14:10)

23. January 18, 2022. Moved by Kevin Janak and seconded by Clint Ives, the Commissioners Court approved the 2022 budget amendments for:

- a. General Fund, Various Departments, Expenditures – Line item transfer
- b. Road and Bridge, Precinct No. 1, Expenditures - Line item transfer
- c. Road and Bridge, Precinct No. 2, Expenditures - Line item transfer
- d. Road and Bridge, Precinct No. 3, Expenditures - Increase
- e. Justice Technology Fund, Expenditures - Increase
- f. Pretrial Intervention, Expenditures - Increase
- g. National School Lunch Program, Revenues and Expenditures - Line item transfer

Motion adopted.

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

(24-1:14:21)

24. January 18, 2022. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. Justin Marr, Sheriff - Sheriff's Office:
  - 1. Correction: Salary and position change for Valdemar Vasquez, from Civil Corporal (Deputy), at a rate of \$24.66 per hour, Budget Codes 100-563-1113-23.66 and 100-563-1136-1.00 to Civil Deputy-Tier 3, at a rate of \$26.36 per hour, Budget Codes 100-563-1311-25.36 and 100-563-1136-1.00, effective December 18, 2021.
  - 2. Correction: Salary and position change for Bryan Simons, from School Resource Officer, at a rate of \$24.66 per hour, Budget Codes 395-560-1109-23.66 and 395-560-1136-1.00 to School Resource Officer-Tier 3, at a rate of \$26.36 per hour, Budget Codes 395-560-1309-25.36 and 395-560-1136-1.00, effective December 18, 2021.
  - 3. VCSO Salary Adjustment Certification for Mathew Vasquez, to be paid Advanced Certificate Pay of \$46.15 per pay period, effective January 21, 2022. Certification date for Mathew Vasquez is September 16, 2021. Budget Coding: Enforcement/CID Certificate Pay 100-563-1137.
- b. Pama Hencerling, Chief Probation Officer - Juvenile Detention:
  - 1. Salary and position change for Anthony Hernandez, Jr., from Supervision Officer, at a rate of \$16.14 per hour, Budget Code 100-573-1156 to Extra Help-Rover, at a rate of \$14.75 per hour, Budget Code 100-573-1130, effective January 29, 2022.
- c. Danny Garcia, Commissioner, Precinct No. 1 - Road and Bridge, Precinct No. 1:
  - 1. Salary change for Richard Townsend, Assistant Foreman, at a rate of \$26.20 per hour, Budget Code 201-611-1104, effective January 1, 2022. Other Remarks: add cell phone allowance of \$41.54 per pay period 201-611-1139.

Motion adopted.

- 25. 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 Attorney-Client privilege.**

(25-1:14:36)

25. January 18, 2022. The Commissioners Court went into closed session at 11:16 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 Attorney-Client privilege.

- 26. 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.**

(26-2:01:31)

26. January 18, 2022. The Commissioners Court returned to open meeting at 12:03 p.m., pursuant to V.T.C.A. Government Code §551.102, with no action taken.

- 27. Adjourn.**

(27-2:01:45)

27. January 18, 2022. The Commissioners Court adjourned the meeting of January 18, 2022.