

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **28th day of March 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

MONDAY, MARCH 28, 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. March 28, 2022. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Monday, March 28, 2022 at 10:00 a.m.

2. Invocation and Pledges.

(2-0:00)

2. March 28, 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.

(3-1:08)

3. March 28, 2022. 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 E. North Street, Victoria, Texas, thanked County Judge Zeller for hosting Coffee with the Judge with Senator Lois Kolkhorst, and provided additional information. Mr. Vonderau also thanked Victoria County Animal Control for providing free dog food to the public at the beginning of every month.

(1:13:05) Commissioner Gary Burns informed the Court that the first Animal Control Advisory Committee Meeting will be held this Thursday at 6:00 p.m. at the Victoria County Public Health Department.

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

4. Consider approval of minutes and take appropriate action.

(4-3:28)

4. March 28, 2022. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the minutes of the Commissioners Court meeting held on March 21, 2022. Motion adopted.

5. Consider approval of accounts payable and take appropriate action.

(5-3:44)

5. March 28, 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	3/28/2022	\$246,694.65
Supplemental Accounts	3/18/2022 – 3/24/2022	\$275,983.18

Motion adopted.

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

(6-4:17)

6. March 28, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the monthly reports from the County Treasurer and Sheriff. Motion adopted.

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

(7-4:29)

7. March 28, 2022. None. No action taken.

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

(8-4:39)

8. March 28, 2022. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the accounts payable and interim vendor payments for Citizens Medical Center dated March 24, 2022 in the amount of \$475,928.16 and the ACH report dated March 24, 2022 in the amount of \$2,613,135.00. Motion adopted.

9. Consider Proclamation designating April 2022 as County Government Month and hear a report of plan of the historic 1892 courthouse tour and take appropriate action.

(9-5:19)

9. March 28, 2022. County Judge Zeller read the Proclamation to the Court. Heritage Director Jeff Wright provided information for the upcoming tour of the 1892 Historic Courthouse that will be held in April. County Judge's Chief of Staff Giani Cantu stated the week of April 19th would be the best week to hold the tour. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court approved the Proclamation designating April 2022 as County Government Month. Motion adopted.

10. Discuss and consider approval of all necessary documents 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 appropriate action.

a. Memorandum of Understanding between Max Midstream Texas, LLC and The County of Victoria

(10a-11:54)

10a. March, 28, 2022. County Engineer John Johnston reviewed the Memorandum of Understanding between County of Victoria and Max Midstream Texas, LLC with the Court. Commissioner Garcia voiced his concerns and asked how this pipeline project would affect the Port of Victoria. He also discussed the drainage issue in Precinct No. 1. Mr. Jon Novitsky, CEO of Max Midstream Texas, LLC, responded to Commissioner Garcia. Sean Stibich, Executive Director of Port of Victoria, provided information to the Court. Gregory Salinas with McCall, Parkhurst and Horton, LLP, provided the timeline information for this project. Mr. Novitsky discussed the project's financing and purchasing of assets for this project. The Court, Mr. Novitsky, Mr. Salinas, and Mr. Stibich held a discussion regarding this project, the impact of this project on the Port of Victoria, drainage, and the involvement of the Court regarding the private enterprise. County Engineer John Johnston provided information to the Court. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved the Memorandum of Understanding between Max Midstream Texas, LLC and The County of Victoria in connection to 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. Motion adopted.

Discuss and consider approval of all necessary documents 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 appropriate action.

b. Resolution No. 2022-0007

(10b-11:54)

10b. March, 28, 2022. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2022-0007 in connection to 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. Motion adopted.

11. Consider approval of Grant Award for the FEMA Public Assistance Grant 4485-Texas COVID-19 Pandemic and take appropriate action.

(11-39:17)

11. March 28, 2022. First Assistant Auditor Becky Smiley provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the Grant Award for the FEMA Public Assistance Grant 4485-Texas COVID-19 Pandemic. Motion adopted.

12. Receive Notice of No Cost Funding Extension for Law Enforcement Officer (LEO)

Reimbursement Program, Contract Number 70T02021T6114N288 and take appropriate action.

(12-40:28)

12. March 28, 2022. John Johnston, County Engineer and Victoria Regional Airport's Executive Director Lenny Llerena provided information to the Court. County Auditor Michelle Samford stated this notice is to extend the time to use the funding. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court received the Notice of No Cost Funding Extension for Law Enforcement Officer (LEO) Reimbursement Program, Contract Number 70T02021T6114N288. Motion adopted.

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

a. Services Agreement with Laura Ynfante for Silver Sneakers instruction service through the 2021-2022 Texas Healthy Communities Grant.

(13a-42:19)

13a. March 28, 2022. Public Health Director David Gonzales provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the agreement with Laura Ynfante for Silver Sneakers instruction service through the 2021-2022 Texas Healthy Communities Grant Contract No. HHS000438400007 for the Victoria County Public Health Department. Motion adopted.

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

b. CPS/Hazards Contract No. 537-18-0181-00001 — Amendment No. 06 Renewal.

(13b-42:19)

13b. March 28, 2022. David Gonzales, Public Health Director, provided the Court with information. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the CPS/Hazards Contract No. 537-18-0181-00001 - Amendment No. 06 Renewal for the Victoria County Public Health Department. Motion adopted.

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

c. Receive fully executed Building Brands Marketing Billboard Rotation & Design Contract (Texas Home Visiting Grant).

(13c-42:19)

13c. March 28, 2022. Public Health Director David Gonzales provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court received the fully executed Building Brands Marketing Billboard Rotation and Design Contract for advertising for Texas Home Visiting Grant Contract No. 24551033 for the Victoria County Public Health Department. Motion adopted.

- CONTINUED -

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

and take appropriate action:

d. Receive fully executed Ryan White Service Delivery Grant Contract No. 5608/6-565-01.

(13d-42:19)

13d. March 28, 2022. David Gonzales, Public Health Director, provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court received the fully executed Ryan White Service Delivery Grant Contract No. 5608/6-565-01 for the Victoria County Public Health Department. Motion adopted.

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

e. Receive fully executed HIV Health and Social Services Supplemental (State Services R) Contract No. 5608/SR4-565-01.

(13e-42:19)

13e. March 28, 2022. Public Health Director David Gonzales provided the Court with information. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court received the fully executed HIV Health and Social Services Supplemental (State Services R) Contract No. 5608/SR4-565-01 for the Victoria County Public Health Department. Motion adopted.

14. Consider approval of the purchase of a New Xerox PrimeLink C9070 Copy Machine for the Victoria County Clerk's office and take appropriate action.

(14-44:25)

14. March 28, 2022. County Clerk Heidi Easley informed the Court that the current copy machine has been in operation for eleven years and parts will no longer be available. Mrs. Easley mentioned the new copy machine will handle the needs of her office and will also reduce costs overall. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved the purchase of a new Xerox PrimeLink C9070 copy machine for the Victoria County Clerk's Office. Motion adopted.

15. Consider approval of FY 22-23 Property Renewal Questionnaire, in regards to Victoria County Property & Liability Insurance through the Texas Association of Counties, and take appropriate action.

(15-45:52)

15. March 28, 2022. Compliance Specialist Sarah Hamman, provided information to the Court. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved the FY 22-23 Property Renewal Questionnaire in regards to Victoria County Property and Liability Insurance through the Texas Association of Counties. Motion adopted.

16. Award bids for the following Victoria County Annual Road Material Contracts for

all precincts and take appropriate action:

a. Processed Base, Crushed Limestone Base, Portland Cement, Aggregate for Surface Treatment Type PB and Type PE.

(16a-46:29)

16a. March 28, 2022. Moved by Clint Ives and seconded by Kevin Janak, the Commissioners Court awarded the annual road material contract bids for Processed Base, Crushed Limestone Base, Portland Cement and Aggregate for Surface Treatment Type PB and Type PE for all precincts in Victoria County as follows:

Processed Flexible Base Type B, Grade 3	ABN Construction, LLC	Cuero, TX
Crushed Limestone Base, Type A, Grade 4	Colorado Materials, Ltd.	San Marcos, TX
Type II Portland Cement	No Bid Awarded	
Surface Treatment Aggregate, Type PB, Grade 4	Quality Hot Mix, Inc.	El Campo, Texas
Surface Treatment Aggregate, Type PE, Grade 4	Vulcan Construction Materials, LLC	San Antonio, Texas

and rejected all other bids. Motion adopted.

Award bid for the following Victoria County Annual Road Material Contract for all precincts and take appropriate action:

b. Cold Mix Limestone Rock Asphalt.

(16b-46:29)

16b. March 28, 2022. County Engineer John Johnston discussed the Cold Mix Limestone Rock Asphalt bid prices with the Court. After discussion, the Court will pass on the annual road material contract bid for Cold Mix Limestone Rock Asphalt for all precincts in Victoria County in order to receive additional information from Vulcan Construction Materials, LLC and Waller County Asphalt, Inc. No action taken.

Award bid for the following Victoria County Annual Road Material Contract for all precincts and take appropriate action:

c. Hot Mix Cold Laid Asphalt.

(16c-46:29)

16c. March 28, 2022. Moved by Clint Ives and seconded by Kevin Janak, the Commissioners Court awarded the annual road material contract bid for Hot Mix Cold Laid Asphalt Type D for all precincts in Victoria County to Quality Hot Mix, Inc. of El Campo, Texas and rejected all other bids. Motion adopted.

Award bid for the following Victoria County Annual Road Material Contract for all precincts and take appropriate action:

d. Asphaltic Materials.

(16d-46:29)

16d. March 28, 2022. Moved by Clint Ives and seconded by Kevin Janak, the Commissioners Court awarded the annual road material contract bid for asphaltic materials, Type AC-15P, Type MC-30, Type CRS2 Emulsions, and Type CRS2-P Emulsions for all precincts in Victoria County to Martin Asphalt Company of Houston, Texas and rejected all other bids. Motion adopted.

17. Consider approval of Final Plat for Castaway Boat & RV Storage Subdivision in

Precinct No. 2 and take appropriate action.

(17-1:04:36)

17. March 28, 2022. County Engineer John Johnston stated that due to not receiving the Final Plat for Castaway Boat and RV Storage Subdivision in Precinct No. 2 from the applicants, he asked to postpone this agenda item. No action taken.

18. Consider a letter of support for the Port of Victoria Logistics Center Rail buildout project and contingent dedication of ARPA funding and take appropriate action.

(18-1:05:04)

18. March 28, 2022. County Judge Zeller read the letter of support and provided additional information. Sean Stibich, Executive Director for Port of Victoria, explained the Victoria Logistics Center project. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the letter of support for the Port of Victoria Logistics Center Rail buildout project and contingent dedication of ARPA funding. Motion adopted.

19. Consider approval of an agreement with FleetCor Technologies Operating Company, LLC (dba Fuelman) for fuel card services and take appropriate action.

(19-1:08:57)

19. March 28, 2022. Becky Smiley, First Assistant Auditor, explained the agreement to the Court. Moved by Kevin Janak and seconded by Clint Ives, the Commissioners Court approved the agreement with FleetCor Technologies Operating Company, LLC (dba Fuelman) for fuel card services. 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. 2022-0032 for Armando & Jose Bautista, Brownson Rd., Victoria, Texas in the amount of \$2,400.00.

(20a-1:10:47)

20a. March 28, 2022. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2022-0032 for a road donation in the amount of \$2,400.00 from Armando and Jose Bautista for installation of a driveway and pipe culvert to improve drainage on Brownson Road, Victoria, Texas in Precinct No. 1. 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. 2022-0033 for Claudia Reyes, 339 N. Cuero St., Bloomington, Texas in the amount of \$740.00.

(20b-1:10:47)

20b. March 28, 2022. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2022-0033 for a road donation in the amount of \$740.00 from Claudia Reyes for installation of a driveway and pipe culvert to improve drainage on 339 N. Cuero Street, Bloomington, Texas in Precinct No. 1. Motion adopted.

- CONTINUED -

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. 2022-0034 for Saul Alonso, 4601 Key Rd., Bloomington, Texas in the amount of \$540.00.

(20c-1:10:47)

20c. March 28, 2022. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2022-0034 for a road donation in the amount of \$540.00 from Saul Alonso for installation of a driveway and pipe culvert to improve drainage on 4601 Key Road, Bloomington, Texas in Precinct No. 1. 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. 2022-0035 for Eluterio Rivera Jr., 180 Franklin., Bloomington, Texas in the amount of \$60.00.

(20d-1:10:47)

20d. March 28, 2022. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2022-0035 for a road donation in the amount of \$60.00 from Eluterio Rivera, Jr. for installation of a driveway and pipe culvert to improve drainage on 180 Franklin (corner of Franklin and San Antonio Street), Bloomington, Texas in Precinct No. 1. Motion adopted.

- 21. Receive for the record, 2022 Discretionary Funds Budget Amendment for Sheriff's Commissary Fund No. 380 and take appropriate action.**

(21-1:11:28)

21. March 28, 2022. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court received for the record the 2022 Discretionary Funds Budget Amendment for the Sheriff's Commissary Fund No. 380 as an increase to expenditures. Motion adopted.

- 22. Consider approval of the following 2022 budget amendments and take appropriate action:**

(22-1:12:00)

22. March 28, 2022. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved the 2022 budget amendments for:

- a. General Fund/Various Departments, Revenues and Expenditures – Line item transfer
- b. LEOSE Fund, Revenues and Expenditures - Line item transfer
- c. Road and Bridge, Precinct No. 4, Expenditures - Line item transfer
- d. Elections Administrators Special, Expenditures - Increase
- e. Health Department, Revenues and Expenditures - Line item transfer

Motion adopted.

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

(23-1:14:29)

23. March 28, 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. Position change for Hank Cunningham, from Patrol Deputy Tier 2, at a rate of \$25.86 per hour, Budget Codes 100-563-1209-24.86 and 100-563-1136-1.00 to Admin Deputy Tier 2, Budget Codes 100-562-1225-24.86 and 100-562-1136-1.00, effective March 26, 2022.
2. Salary and position change for Lacey Padier, from Cook, at a rate of \$19.69 per hour, Budget Code 100-565-1123 to Clerk III, at a rate of \$16.58 per hour, Budget Code 100-562-1148, effective March 26, 2022.
3. Salary and position change for Matthew Padier, from Detention Officer Tier 1, at a rate of \$18.53 per hour, Budget Code 100-565-1116 to Cook, at a rate of \$19.69 per hour, Budget Code 100-565-1123, effective March 26, 2022.
4. Correction - Position change for Jack Justus, System Specialist, at a rate of \$37.32 per hour, from Budget Codes 100-562-1146 (72.37%) \$27.01 and 360-560-1146 (27.63%) \$10.31 to Budget Codes 100-562-1146 (73.45%) \$27.41 and 360-560-1146 (26.55%) \$9.91, effective March 12, 2022. Other Remarks: Payroll system correction to split distribution for 2022.
5. Correction (Cancellation) Salary and position change for Kenneth Gerloff, from Detention Officer Tier 1, at a rate of \$18.53 per hour, Budget Code 100-565-1116 to Cook, at a rate of \$19.69 per hour, Budget Code 100-565-1123, effective March 26, 2022. Remarks: Employee rescinded request to transfer positions.

b. Pama Hencerling/Gina Howard - Chief Probation Officer/Human Resources Director - Juvenile Services/Human Resources:

1. Position change for Esmeralda Trevino, from Clerk III (Juvenile Services), at a rate of \$16.58 per hour, Budget Code 231-588-1109 to Clerk III (Human Resources), at a rate of \$16.58 per hour, Budget Code 100-505-1105, effective March 26, 2022. Other Remarks: Transfer of Departments.

c. Pama Hencerling, Chief Probation Officer - Juvenile Detention:

1. Resignation of Jonathan Gilbert Garcia, Juvenile Supervision Officer, effective March 19, 2022.
2. Salary and position change for Anthony Hernandez, Jr., from Extra Help, at a rate of \$14.75 per hour, Budget Code 100-573-1130 to JSO, at a rate of \$16.14 per hour, Budget Code 100-573-1156, effective March 26, 2022.

d. Matt Bochat, Extension Service Agent - Extension Service:

1. Retirement of Patricia Simank, Asst. Chief Clerk, with 80.0 PTO and 0.43 Compensatory hours due, effective March 31, 2022.

- CONTINUED -

e. Heidi Easley, County Clerk - County Clerk's Office:

1. Salary change for Kelly Kosler, Clerk III, from a rate of \$16.93 per hour, Budget Codes 100-403-1105 \$16.58 and 120-403-1105 \$0.35 to a

rate of \$17.08 per hour, Budget Codes 100-403-1105 \$16.58 and 120-403-1105 \$0.50, effective March 26, 2022.

f. Clint Ives, Commissioner, Precinct No. 4 - Road and Bridge, Precinct No. 4:

1. Employment of Dennis Cano, Jr., Sr. Equipment Operator, at a rate of \$21.67 per hour, Budget Code 204-614-1108, effective March 29, 2022.

g. David Gonzales, Public Health Director - Victoria County Public Health Director:

1. Employment of Cynthia Valenzuela, CSA IV, at a rate of \$18.10 per hour, Budget Code 800-643-1126. effective March 29, 2022.

Motion adopted.

24. Adjourn.

(24-1:14:53)

24. March 28, 2022. The Commissioners Court adjourned the meeting of March 28, 2022.