

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **17th day of October 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	Absent
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, OCTOBER 17, 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. October 17, 2022. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Monday, October 17, 2022 at 10:00 a.m.

2. Invocation and Pledges.

(2-0:00)

2. October 17, 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. October 17, 2022. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Fire Marshal Richard Castillo updated the Court on the fire situation and KBDI numbers for Victoria County.

Commissioner Danny Garcia gave a shout out to the former Victoria East quarterback Bailey Zappe on the game he played over the weekend with the New England Patriots.

Commissioner Burns thanked the rescues in Victoria County and spoke about the Animal Control Department.

County Judge Zeller stated that the new Animal Control Director would be starting next week.

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

4. Consider approval of minutes and take appropriate action.

(4-4:17)

4. October 17, 2022. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the minutes of the Commissioners Court meeting held on October 10, 2022. Motion adopted.

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

(5-4:30)

5. October 17, 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	10/17/2022	\$511,050.76
Supplemental Accounts	10/7/2022 – 10/13/2022	\$250,959.10

Motion adopted.

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

(6-4:59)

6. October 17, 2022. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court received the monthly reports from County Commissioner, Precinct No. 4; Justice of the Peace, Precinct No. 2; Constable, Precinct No. 2; County Extension Agent-Ag/Natural Resources; and County Extension Agent - 4-H Youth Development. Motion adopted.

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

(7-5:30)

7. October 17, 2022. None. No action taken.

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

(8-5:39)

8. October 17, 2022. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated October 13, 2022 in the amount of \$475,019.73 and the ACH report dated October 13, 2022 in the amount of \$2,266,288.98. Motion adopted.

9. Consider the exchange of labor and material valued at approximately \$500 in consideration for materials from Safety Railway in Pct. No. 3 and take appropriate action.

(9-6:18)

9. October 17, 2022. Commissioner Gary Burns informed the Court of the legal responses he received in regards to the exchange of labor and material valued at approximately \$500.00 in consideration for materials from Safety Railway in Precinct No. 3. Commissioner Burns no longer wishes to proceed. This agenda item was passed on. No action taken.

10. Call public hearing on approval and reauthorization of Guidelines and Criteria for Tax Abatement agreements for Monday, October 31, 2022 and take appropriate action.

(10-7:20)

10. October 17, 2022. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the public hearing for the reauthorization of Guidelines and Criteria for Tax Abatement agreements for Monday, October 31, 2022. Motion adopted.

11. Consider approval of Resolution No. 2022-0091 celebrating October 16-22, 2022 as Friends of the Libraries Week and take appropriate action.

(11-8:42)

11. October 17, 2022. Diana Sneed, President of the Friends of the Public Library Board, thanked the Court for recognizing Friends of the Public Libraries Week and spoke about the successful fundraisers the Victoria Public Library held this past year. Ms. Sneed explained how the money raised from the fundraisers will benefit the library. County Judge Zeller read the Proclamation to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2022-0091 proclaiming October 16-22, 2022 as Friends of the Public Libraries Week in Victoria. Motion adopted. Jessica Berger, Assistant Director of the Victoria Public Library; Kayla Massey, Development and Partnership Coordinator for the Victoria Public Library; Diane Boyett, Vice President of the Friends of the Public Library Board; and Diana Sneed, President of the Friends of the Public Library Board introduced themselves.

12. Hear an update regarding the Compensation Study with Bakertilly and take appropriate action.

(12-13:44)

12. October 17, 2022. County Judge's Chief of Staff Giani Cantu informed the Court that Bakertilly has completed the data collection, market assessment, and position review for the compensation study and is in the process of finalizing the pay plan development. Mrs. Cantu stated the County Judge's Office and Human Resources Department have discussed with Bakertilly the type and number of plans for Victoria County. Bakertilly will present the gradings in November. Bakertilly is currently working on benefit analysis, drafting job descriptions and then a finalized compensation plan will be presented to be reviewed and adopted if Court chooses and they will also handle staff training. Mrs. Cantu thanked everyone for their patience and understanding. County Judge Zeller spoke about the process of the compensation study and the future decisions that will need to be made. Mrs. Cantu answered County Clerk Heidi Easley's questions regarding the number of counties that Bakertilly has worked with and if the elected officials would be consulted with the results to be able to engage in conversation with the Commissioners Court with any questions and concerns. No action taken.

13. Consider approval of the Environmental Public Health Services Agreement between Victoria County Public Health Department and Jackson County and take appropriate action.

(13-23:06)

13. October 17, 2022. Public Health Director David Gonzales provided information to the Court. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved the Environmental Public Health Services Agreement between Victoria County Public Health Department and Jackson County. Motion adopted.

- 14. Ratify the letter of extension request and deobligation of funds to the Texas General Land Office in regard to the Victoria County Buyout Contract No. 20-066-004-C033 and take appropriate action.**

(14-23:49)

14. October 17, 2022. Grant Administrator Robin Knipling provided information to the Court. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court ratified the letter of extension request and deobligation of funds to the Texas General Land Office in regards to the Victoria County Buyout Contract No. 20-066-004-C033. Motion adopted.

- 15. Receive executed copy of the following contracts in connection to CDBG-DR Grant No. 20-065-094-C262 and take appropriate action:**
a. Constar Contract for Paving and Drainage Improvements for Various Locations in Placedo, TX (Precinct No. 1).

(15a-26:16)

15a. October 17, 2022. Grant Administrator Robin Knipling provided information to the Court. Moved by Clint Ives and seconded by Danny Garcia, the Commissioners Court received the executed copy of the Constar Contract for Paving and Drainage Improvements for various locations in Placedo, Texas in Precinct No. 1 in connection to CDBG-DR Grant No. 20-065-094-C262 and rejected all other bids. Motion adopted.

Receive executed copy of the following contracts in connection to CDBG-DR Grant No. 20-065-094-C262 and take appropriate action:

b. Constar Contract for Drainage Improvements for Fordyce Road (Precinct No. 3).

(15b-26:16)

15b. October 17, 2022. Robin Knipling, Grant Administrator, provided the Court with information. Moved by Clint Ives and seconded by Danny Garcia, the Commissioners Court received the executed copy of the Constar Contract for Drainage Improvements for Fordyce Road in Precinct No. 3 in connection to CDBG-DR Grant No. 20-065-094-C262 and rejected all other bids. Motion adopted.

Receive executed copy of the following contracts in connection to CDBG-DR Grant No. 20-065-094-C262 and take appropriate action:

c. Revised Brannan Contract for Nursery Road Street Improvements (Precinct No. 2).

(15c-26:16)

15c. October 17, 2022. Grant Administrator Robin Knipling provided information to the Court. Moved by Clint Ives and seconded by Danny Garcia, the Commissioners Court approved the revised Brannan Contract for Nursery Road Street Improvements in Precinct No. 2 and rejected all other bids. Motion adopted.

- 16. Consider approval of the following items by the Victoria County Sheriff's Office and take appropriate action:**

a. Resolution No. 2022-0090 accepting a donation valued at \$6,000 from VCS Companies and the Hartman Family.

(16a-31:53)

16a. October 17, 2022. Sheriff Marr provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved Resolution No. 2022-0090 accepting a donation valued at \$6,000.00 from VCS Companies and the Hartman Family to be utilized for and dedicated to the Victoria County Sheriff's Office workout room for use by the Sheriff's Office. Motion adopted.

Consider approval of the following items by the Victoria County Sheriff's Office and take appropriate action:

b. Intergovernmental Agreement with US Department of Justice United State Marshals Service Prisoner Operations.

(16b-31:53)

16b. October 17, 2022. Sheriff Marr provided the Court with information. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved the Intergovernmental Agreement with the U.S. Department of Justice United State Marshals Service Prisoner Operations for the Victoria County Sheriff's Office. Motion adopted.

- 17. Consider approval and authorization of payment to PGAL, for invoice No. 10057014 for Professional Services, in connection to the Victoria County Emergency Operations Stair Enclosure Project and take appropriate action.**

(17-34:13)

17. October 17, 2022. County Engineer John Johnston provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court approved and authorized the payment in the amount of \$165.26 to PGAL for Invoice No. 10057014 for Professional Services in connection to the Victoria County Emergency Operations Stair Enclosure Project. Motion adopted.

- 18. Consider approval of the request for plat exemption from Collin W. Dufour at 1895 Kemper City Road in Pct. No. 3 and take appropriate action.**

(18-35:23)

18. October 17, 2022. John Johnston, County Engineer, addressed the court on the request for plat exemption. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved the request for plat exemption from Collin W. Dufour at 1895 Kemper City Road in Precinct No. 3. Motion adopted.

- 19. Consider approval of Construction Change Order No. 5 for Udelhoven Oilfield Services, Inc. in relation to Community Development Block Grant (CDBG) Contract No. 7219451 and take appropriate action.**

(19-36:15)

19. October 17, 2022. Grant Administrator Robin Knipling provided the Court with information. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved the Construction Change Order No. 5 for Udelhoven Oilfield Services, Inc. in relation to Community Development Block Grant (CDBG) Contract No. 7219451. Motion adopted.

20. Consider approval of Resolution No. 2022-0092 accepting a donation of \$600 to the Crossroads Area Veterans Center and take appropriate action.

(20-37:03)

20. October 17, 2022. Moved by Danny Garcia and seconded by Clint Ives, the Commissioners Court approved Resolution 2022-0092 accepting donations of \$200.00 from American Legion Post 166, \$200.00 from Shirley Ellis Vatter on behalf of VFW Auxiliary, and \$200.00 from the Catholic War Veterans to be utilized for and dedicated to the Crossroads Area Veterans Center. Motion adopted.

21. Receive the Biannual Fire Safety Inspection Report for the Victoria Regional Juvenile Detention/Residential Facility and take appropriate action.

(21-37:45)

21. October 17, 2022. Fire Marshal Castillo provided information to the Court. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court received the Biannual Fire Safety Inspection Report for the Victoria Regional Juvenile Detention/Residential Facility. Motion adopted.

22. Consider non-renewal of the lease agreement with Texas Facilities Commission - Texas Parks and Wildlife and take appropriate action.

(22-38:37)

22. October 17, 2022. Len Polasek, Region 4 Wildlife Director for Texas Parks and Wildlife, introduced David Forester, District Leader for LaGrange; Shannon Grubbs, Biologist for Victoria and Calhoun Counties; and Trey Barron, Wildlife Diversity Biologist. Mr. Polasek spoke to the Court about the leased space and the services that the Texas Parks and Wildlife Department provides. Mr. Polasek asked the Court to consider renewing the lease and, if not, asked for a six-month extension. Mr. Polasek also stated they are willing to move to any other county buildings. The Court discussed different options with Mr. Polasek. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved the non-renewal State lease agreement with Texas Parks and Wildlife with a month-to-month lease past April 30, 2023 for up to two months and an offer for early termination with no penalty if suitable office space should be made available to the Commission before April 30, 2023. Motion adopted.

23. Consider approval of the Detention and Residential contracts between the Victoria Regional Justice Center and take appropriate action:

a. 100th Judicial District (Childress County).

(23a-50:45)

23a. October 17, 2022. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved the Detention and Residential Contracts between Victoria Regional Juvenile Justice Center and the 100th Judicial District (Childress County). Motion adopted.

Consider approval of the Detention and Residential contracts between the Victoria Regional Justice Center and take appropriate action:

b. Lubbock County.

(23b-50:45)

23b. October 17, 2022. Moved by Clint Ives and seconded by Gary Burns, the Commissioners Court approved the Detention and Residential Contracts between Victoria Regional Juvenile Justice Center and Lubbock County. Motion adopted.

- 24. Receive a letter of permission to enter and work on the private property of Page Hathaway located at the Kobitz Rd. Bridge for the purpose of cleaning ditches and underbrush for drainage improvement in Pct. No. 3 and take appropriate action.**

(24-51:38)

24. October 17, 2022. Commissioner Burns provided information to the Court. Moved by Gary Burns and seconded by Clint Ives, the Commissioners Court received the letter of permission from Page Hathaway to enter and work on private property located at Kobitz Road Bridge in Precinct No. 3 for the purpose of cleaning ditches and underbrush for drainage improvement. Motion adopted.

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

(25-52:26)

25. October 17, 2022. Moved by Danny Garcia and seconded by Gary Burns, 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. Road and Bridge, Precinct No. 4, Expenditures - Increase
- f. Health Department, Expenditures - Line item transfer

Motion adopted.

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

(26-53:05)

26. October 17, 2022. 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. Employment of Mark Sloat, Animal Control Director, at a rate of \$38.46 per hour, Budget Code 100-630-1104, effective October 25, 2022. Other Remarks: Cell Phone Allowance - Annual \$1,080.04/41.54 bi-weekly G/L 100-630-1139.
- b. Justin Marr, Sheriff - Sheriff's Office:
 - 1. Resignation of Carmen Rojas, School Resource Officer (Tier 1), with 14.26 Compensatory hours due, effective October 14, 2022.
 - 2. Employment of Gabriel Guajardo, Det. Deputy Tier 1 (Det. Officer Tier 1), at a rate of \$18.53 per hour, Budget Code 100-565-1114, effective October 18, 2022.
 - 3. Resignation of Christopher Marquis, CMA/EMT/EMT-P, with 185.52 Compensatory hours due, effective October 13, 2022.
- c. Gary Burns, Commissioner, Precinct No. 3 - Road and Bridge, Precinct No. 3:
 - 1. Retirement of Allen Polonsky, Jr., Sr. Equipment Operator, effective October 3, 2022.

- d. Vinicio Llerena, Executive Director - Victoria Regional Airport:
 - 1. Employment of Andrew Neuenkirk, Oper/Maint Spec II, at a rate of \$15.50 per hour, Budget Code 321-606-1116, effective October 11, 2022.

Motion adopted.

27. Adjourn.

(27-53:53)

27. October 17, 2022. The Commissioners Court adjourned the meeting of October 17, 2022.