

**THE STATE OF TEXAS   §**

**COUNTY OF VICTORIA   §**

Be it remembered that on this the **21st day of August A.D., 2023**, 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       |
| Jason Ohrt,     | Commissioner Precinct No. 2       |
| Gary Burns,     | Commissioner Precinct No. 3       |
| Kenneth Sexton, | 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, August 21, 2023, 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. August 21, 2023. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Monday, August 21, 2023 at 10:00 a.m.

**2. Invocation and Pledges.**

(2-0:00)

2. August 21, 2023. 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.**

(3-1:26)

3. August 21, 2023. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Pat Tally with Victoria Trap Neuter Return (VTNR) informed the Court about VTNR's program and services. Ms. Talley voiced her concerns regarding volunteers being harassed and fined for feeding the stray cats and stated this is affecting the volunteers.

Michael Vonderau of 2204 E. North Street informed the Court that today is National Fentanyl Prevention and Awareness Day.

Deputy Fire Marshal Marshall Frazier updated the Court on the Victoria County burn ban and spoke about grass fires since last Friday.

Emergency Management Coordinator Rick McBrayer provided information on the tropical storm that will be making landfall in South Texas.

Commissioner Sexton mentioned that the weigh station off US Hwy 59N is now open.

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

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

(4-14:58)

4. August 21, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the minutes of the Commissioners Court meeting held on August 14, 2023. Motion adopted.

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

(5-15:10)

5. August 21, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the accounts payable as presented by Michelle Samford, County Auditor.

|                       |                       |              |
|-----------------------|-----------------------|--------------|
| Regular Accounts      | 8/21/2023             | \$611,257.82 |
| Supplemental Accounts | 8/11/2023 – 8/17/2023 | \$181,161.92 |

Motion adopted.

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

(6-15:36)

6. August 21, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court received the monthly reports from the County Treasurer; County Extension Agent-Family Community Health, and County Extension Agent-4-H Youth Development. Motion adopted.

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

(7-16:05)

7. August 21, 2023. None. No action taken.

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

(8-16:14)

8. August 21, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated August 17, 2023 in the amount of \$666,932.00 and the ACH report dated August 17, 2023 in the amount of \$2,045,479.57. Motion adopted.

**9. Receive the State of Texas Proclamation, including Victoria County, declaring a State of Disaster related to the existence of wildfires that pose an imminent threat of widespread or severe damage, injury, or loss of life or property.**

(9-16:43)

9. August 21, 2023. Emergency Management Coordinator Rick McBrayer and Fire Marshal Richard Castillo provided information to the Court. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court received the State of Texas Proclamation, including Victoria County, declaring a State of Disaster related to the existence of wildfires that pose an imminent threat of widespread or severe damage, injury, or loss of life or property. Motion adopted.

**10. Hold a public hearing on the application for tax abatement from Centerline Technologies, LLC, and take appropriate action.**

(10-20:06)

10. August 21, 2023. Sharon Barnard with Victoria Economic Development Corporation provided information to the Court regarding Centerline Technologies, LLC. County Judge Zeller opened the public hearing at 10:20 a.m. on the application for tax abatement from Centerline Technologies, LLC. Hearing no public comments, Judge Zeller closed the public hearing at 10:22 a.m. No action taken.

- 11. Consider the approval of a tax abatement agreement with Centerline Technologies, LLC, and take appropriate action.**

(11-22:49)

11. August 21, 2023. Sharon Barnard with Victoria Economic Development Corporation provided information to the Court. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved a tax abatement agreement between Victoria County, Texas and Centerline Technologies, LLC. Motion adopted.

- 12. Consider approval of Order No. 2023-0100 for the Special Election on November 7th, 2023, and take appropriate action.**

(12-23:52)

12. August 21, 2023. Moved by Jason Ohrt and seconded by Danny Garcia, the Commissioners Court approved Order No. 2023-0100 for the Special Election on November 7th, 2023. Motion adopted.

- 13. Receive for the record a fully executed Interlocal Agreement for E9-1-1 Public Safety Answering Point Services (PSAP) FY 2024-2025 biennium between the Golden Crescent Regional Planning Commission (GCRPC) and the Victoria Office of Emergency Management and take appropriate action.**

(13-24:46)

13. August 21, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court received for the record a fully executed Interlocal Agreement for E9-1-1 Public Safety Answering Point Services (PSAP) FY 2024-2025 biennium between the Golden Crescent Regional Planning Commission (GCRPC) and the Victoria Office of Emergency Management. Motion adopted.

- 14. Consider approval of Interlocal Agreements for E9-1-1 Services between the Golden Crescent Regional Planning Commission (GCRPC) and Victoria County Sheriff's Office Public Safety Answering Point (PSAP) for the FY 2024-2025 biennium and take appropriate action.**

(14-25:28)

14. August 21, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court received for the record the Interlocal Agreement for E9-1-1 Services between the Golden Crescent Regional Planning Commission (GCRPC) and Victoria County Sheriff's Office Public Safety Answering Point (PSAP) for the FY 2024-2025 biennium. Motion adopted.

- 15. Receive a fully executed Commercial Lease Agreement with Rawley McCoy & Associates, PLLC for space located at 311 Constitution St. and take appropriate action.**

(15-26:20)

15. August 21, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court received a fully executed Commercial Lease Agreement with Rawley McCoy and Associates, PLLC for space located at 311 Constitution Street. Motion adopted.

**16. Consider approval of the following requests for plat exemption in Pct. 4 and take appropriate action:**

**a. Cassie Tinkey & Sarah McClintock at J-2 Ranch Road.**

(16a-26:46)

16a. August 21, 2023. County Engineer John Johnston spoke to the Court about the plat exemption. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the plat exemption request from Cassie Tinkey and Sarah McClintock at J-2 Ranch Road in Precinct No. 4 with the following conditions:

- \* Shall secure and verify the 911 addresses for the tracts with the Golden Crescent Regional Planning Commission.
- \* All created/revised tracts, new property deeds and ingress/egress easement(s) must be created and filed in the Victoria County Clerk's Public Records.
- \* Further subdivision of tracts shall comply with the requirements of the effective published version of the VCDSM at the time of subdivision.
- \* No future tract created shall be less than 1-acre, excluding easements.
- \* Each tract shall have public right of way frontage or access to a public right-of-way through an ingress/egress easement.
- \* Each tract will have its own water well and Onsite Sanitary Sewer Facility (OSSF) (septic system).

Motion adopted.

**Consider approval of the following requests for plat exemption in Pct. 4 and take appropriate action:**

**b. Stanley & Audra Portis at 976 FM 444 South.**

(16b-26:46)

16b. August 21, 2023. County Engineer John Johnston spoke to the Court about the plat exemption. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the plat exemption request from Stanley and Audra Portis at 976 FM 444 South in Precinct No. 4 with the following conditions:

- \* Shall secure and verify the 911 addresses for the tracts with the Golden Crescent Regional Planning Commission.
- \* All created/revised tracts, new property deeds and ingress/egress easement(s) must be created and filed in the Victoria County Clerk's Public Records.
- \* Further subdivision of tracts shall comply with the requirements of the effective published version of the VCDSM at the time of subdivision.
- \* No future tract created shall be less than 1-acre, excluding easements.
- \* Each tract shall have public right of way frontage or access to a public right-of-way through an ingress/egress easement.
- \* Each tract will have its own water well and Onsite Sanitary Sewer Facility (OSSF) (septic system).

Motion adopted.

- 17. Consider approval of a request for payment to Constar Construction in the amount of \$250,126.20 in connection to CDBG Hurricane Disaster Recovery Program Contract No. 20-065-094-C262 and take appropriate action.**

(17-28:42)

17. August 21, 2023. Commissioner Danny Garcia provided information to the Court. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the request for payment to Constar Construction in the amount of \$250,126.20 in connection to CDBG Hurricane Disaster Recovery Program Contract No. 20-065-094-C262. Motion adopted.

- 18. Receive for the record a fully executed Business Associate Agreement (BAA) between Citizens Medical Center and the Public Health Department and take appropriate action.**

(18-29:49)

18. August 21, 2023. David Gonzales, Public Health Director, provided information to the Court. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court received for the record a fully executed Business Associate Agreement (BAA) between Citizens Medical Center and the Victoria County Public Health Department. Motion adopted.

- 19. Receive for the record the fully executed scope of work with Centurion Planning and Design for a new commercial terminal planning study/report and take appropriate action.**

(19-30:40)

19. August 21, 2023. Lenny Llerena, Airport Executor Director, provided information to the Court. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court received for the record the fully executed scope of work with Centurion Planning and Design for a new commercial terminal planning study/report for the Victoria Regional Airport. Motion adopted.

- 20. Consider approval of the following detention and residential contracts with the Victoria Regional Juvenile Justice Center and take appropriate action:**  
**a. Erath County.**

(20a-31:52)

20a. August 21, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved the Detention and Residential Contracts between Victoria Regional Juvenile Justice Center and Erath County. Motion adopted.

**Consider approval of the following detention and residential contracts with the Victoria Regional Juvenile Justice Center and take appropriate action:**

**b. Anderson County.**

(20b-31:52)

20b. August 21, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved the Detention and Residential Contracts between Victoria Regional Juvenile Justice Center and Anderson County. Motion adopted.

- 21. Discuss and consider approval of Victoria County's Reduced & No Cost Gym Benefit**

**Policy and take appropriate action.**

(21-32:30)

21. August 21, 2023. The Court will put together a policy to include Victoria County retiree's and an estimate of cost. Paige Foster, County Treasurer, discussed the payroll situation with the Court. The Commissioners Court passed on the Victoria County's Reduced and No Cost Gym Benefit Policy at this time in order to make the necessary changes. No action taken.

**22. Consider approval of the following 2023 budget amendments and take appropriate action.**

(22-40:06)

22. August 21, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved the 2023 budget amendments for:

- a. General Fund, Various Departments, Revenues and Expenditures – Increase
- b. Emergency Management, Expenditures - Line item transfer
- c. Road and Bridge, Precinct No. 2, Expenditures - Line item transfer
- d. Road and Bridge, Precinct No. 4, Revenues and Expenditures – Line item transfer
- e. General Fund, Sheriff's Office, Expenditures - Line item transfer

Motion adopted.

**23. Receive for the record the following 2023 Discretionary Funds Budget Amendments and take appropriate action:**

**a. CDA Contraband Forfeiture Fund (370).**

(23a-40:40)

23a. August 21, 2023. Moved by Jason Ohrt and seconded by Danny Garcia, the Commissioners Court received for the record the 2023 Discretionary Funds Budget Amendment for the CDA Contraband Forfeiture Fund (370) as an increase to expenditures. Motion adopted.

**Receive for the record the following 2023 Discretionary Funds Budget Amendments and take appropriate action:**

**b. Sheriff Commissary Fund (380).**

(23b-40:40)

23b. August 21, 2023. Moved by Jason Ohrt and seconded by Danny Garcia, the Commissioners Court received for the record the 2023 Discretionary Funds Budget Amendment for the Sheriff Commissary Fund (380) as a line item transfer to expenditures. Motion adopted.

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

(24-41:19)

24. August 21, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. Ashley Hernandez, County Tax Assessor-Collector - County Tax Office:
  - 1. Certificate of Completion for Ashley Hernandez from the Tax Assessor-Collector Association of Texas for completing 2.00 hours of educational training on Ethics for County Tax Assessor-Collectors.
  - 2. Salary change for Ashley Nicole Garcia, Asst. Chief Deputy, from a rate of \$19.03 per hour, Budget Code 100-499-1104 to a rate of \$19.35 per hour, effective August 26, 2023.
  - 3. Salary and position/other code change for Mary Goldstein, from Deputy Clerk, at a rate of \$16.58 per hour, Budget Code 100-499-1106 to Asst. Chief Deputy, at a rate of \$18.35 per hour, Budget Code 100-499-1104, effective August 26, 2023.
- b. Pama Hencerling, Chief Probation Officer - Juvenile Detention:
  - 1. Resignation of Erik Mitchell Terrell, JSO, effective August 11, 2023.

Motion adopted.

- 25. Closed meeting pursuant to V.T.C.A. Government Code §551.074 to discuss personnel, §551.071 to conduct a private consultation with the County's attorney regarding matters protected by attorney-client privilege, and §551.072 to discuss real property.**

(25-41:45)

25. August 21, 2023. The Commissioners Court went into closed session at 10:42 a.m., pursuant to V.T.C.A. Government Code §551.074 to discuss personnel, §551.071 to conduct a private consultation with the County's attorney regarding matters protected by the attorney-client privilege, and §551.072 to discuss real property.

- 26. Pursuant to V.T.C.A. Government Code §551.102, return to an open meeting and take any action deemed necessary.**

(26-3:12:27)

26. August 21, 2023. The Commissioners Court returned to open meeting at 1:12 p.m., pursuant to V.T.C.A. Government Code §551.102 with no action taken.

- 27. Consider resolution No. 2023-0101 to forward the draft airport joint action agreement to the FAA for review and comment and take appropriate action.**

(27-3:12:46)

27. August 21, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved Resolution No. 2023-0101 to forward the draft joint action agreement to the FAA for review and comment. Motion adopted.

- 28. Consider FY2024 reclassification requests, and changes to the position gradings to be**



**effective January 1, 2024, and take appropriate action.**

(28-3:13:53)

28. August 21, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved the FY2024 reclassification requests, and changes to the position grading to be effective December 16, 2023 for Victoria County employees. Motion adopted.

**29. Adjourn.**

(29-3:15:34)

29. August 21, 2023. The Commissioners Court adjourned the meeting of August 21, 2023.