

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **13th day November A.D., 2023**, 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	Absent
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, November 13, 2023, 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. November 13, 2023. Ben Zeller, County Judge, called to order the Commissioners Court Regular Term for Monday, November 13, 2023 at 10:00 a.m.

2. Invocation and Pledges.

(2-0:00)

2. November 13, 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.

(3-1:44)

3. November 13, 2023. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Republican Chair Bill Pozzi informed the Court that the filing date is now open for anyone that is interested in running for public office. Mr. Pozzi stated that he could be contacted at 361-727-7029, if anyone has questions.

Michael Vonderau of 2204 E. North Street stated that Golden Corral is handing out Veterans vouchers today and thanked Texas Roadhouse and McDonald's for honoring Veterans with a free meal.

Mr. Peter Takacs introduced himself as the new Democratic Party Chair and provided his background information.

Mr. Donald Anderson, a Victoria resident, informed the Court and the public about the Veterans Resource Fair that will be held on December 6, 2023 at First Presbyterian Church Fellowship Hall located at 2408 N. Navarro from 1:00 p.m. to 4:00 p.m.

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

4. Consider approval of minutes and take appropriate action.

(4-9:56)

4. November 13, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the minutes of the Commissioners Court meeting held on November 6, 2023. Motion adopted.

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

(5-10:10)

5. November 13, 2023. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the accounts payable as presented by Michelle Samford, County Auditor.

Regular Accounts	11/13/2023	\$331,153.37
Supplemental Accounts	11/3/2023 – 11/8/2023	\$259,151.73

Motion adopted.

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

(6-10:38)

6. November 13, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court received the monthly reports from the County Auditor; Fire Marshal; Constables, Precincts Nos. 1, 2, and 4; County Extension Agent 4-H Youth Development; County Extension Agent Ag/Natural Resources; and County Extension Agent Family Community Health. Motion adopted.

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

(7-11:10)

7. November 13, 2023. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the release of the following bond forfeiture judgment from the Court:

- a. Cause No. CIV1-20804: The State of Texas vs. Luis Alberto Lerma, Defendant and Julio Espinosa and Roland Espinosa, Surety.

Motion adopted.

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

(8-11:35)

8. November 13, 2023. Moved by Jason Ohrt and seconded by Gary Burns, the Commissioners Court approved interim vendor payment for Citizens Medical Center dated November 9, 2023 in the amount of \$928,786.08 and the ACH report dated November 9, 2023 in the amount of \$1,712,197.12. Motion adopted.

9. Consider approval of the Hazard Mitigation Grant Program (HMGP) DR-4485 Victoria County Regional Emergency Operations Community Safe Room Grant Award, Project No. 005 and take appropriate action.

(9-12:13)

9. November 13, 2023. Grant Administrator Robin Knipling spoke about the funding for this project. Emergency Management Director Rick McBrayer explained the process and how the Victoria County Regional Emergency Operations Community Safe Room would benefit Victoria County. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved the Hazard Mitigation Grant Program (HMGP) DR-4485 Victoria County Regional Emergency Operations Community Safe Room Grant Award, Project No. 005. Motion adopted.

- 10. Consider the following items related to the Request for Proposals (RFP) for pre-award and post-award management services for hazard mitigation contract(s), if awarded, from the Texas Division of Emergency Management (TDEM), Texas Water Development Board (TWDB) or other funding sources and take appropriate action:**
a. Receive the Selection Committee Scoring Summary and hear recommendations as to award.

(10a-20:18)

10a. November 13, 2023. The Commissioners Court passed on this agenda item. No action taken.

Consider the following items related to the Request for Proposals (RFP) for pre-award and post-award management services for hazard mitigation contract(s), if awarded, from the Texas Division of Emergency Management (TDEM), Texas Water Development Board (TWDB) or other funding sources and take appropriate action:
b. Resolution 2023-0130 awarding GrantWorks, Inc. to provide management services for current and future Hazard Mitigation Assistance (HMA) grants

(10b-20:18)

10b. November 13, 2023. The Commissioners Court passed on this agenda item. No action taken.

Consider the following items related to the Request for Proposals (RFP) for pre-award and post-award management services for hazard mitigation contract(s), if awarded, from the Texas Division of Emergency Management (TDEM), Texas Water Development Board (TWDB) or other funding sources and take appropriate action:
c. Authorize the County Judge to enter into an agreement with the recommended firm, contingent on legal review and approval.

(10c-20:18)

10c. November 13, 2023. The Commissioners Court passed on this agenda item. No action taken.

- 11. Consider approval of the reappointment of Gay Patek as the City-County member to the Victoria Public Library Advisory Board, hear an update regarding the public library, and take appropriate action.**

(11-20:33)

11. November 13, 2023. City Manager Jesus Garza gave a presentation to the Court regarding an update on the Victoria Public Library Advisory Board and answered questions from the Court. Mr. Dale Zuck, Victoria Public Library Advisory Board member, voiced his concerns about the advisory board and the Victoria Public Library being opened to all City and County residents. Dr. Jill Fox, Victoria Public Library Advisory Board member, spoke about the by-laws for the Victoria Public Library and Mr. Garza responded to Dr. Fox regarding the by-laws. Ms. Gay Patek, Victoria Public Library Advisory Board member, spoke to the Court about the by-law purposes and changes. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved the reappointment of Gay Patek as the City-County member to the Victoria Public Library Advisory Board. Dr. Jill Fox updated the Court about the 2023 activities and challenges for the Victoria Public Library Advisory Board. Motion adopted.

12. Consider approval of the final appointment to the Crossroads Regional Public Defender Office Oversight Board and take appropriate action.

(12-1:12:28)

12. November 13, 2023. Moved by Jason Ohrt and seconded by Gary Burns, the Commissioners Court approved the final appointment of Joe Stephens from the Concho Valley Public Defenders Office to the Crossroads Regional Public Defender Office Oversight Board. Motion adopted.

13. Consider approval of a request for payment to Citizens Medical Center in the amount of \$140,959.07 for the American Rescue Plan Act (ARPA) Subrecipient Project No. VICT-11 and take appropriate action.

(13-1:14:47)

13. November 13, 2023. Grant Administrator Robin Knipling provided information to the Court. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved the request for payment to Citizens Medical Center in the amount of \$140,959.07 for the American Rescue Plan Act (ARPA) Subrecipient Project No. VICT-11. Motion adopted.

14. Consider approval of a plat exemption request from Kendall Buchholz-McAlister at 473 Kemper City Rd., S. Victoria, Texas 77905 in Pct. 3 and take appropriate action.

(14-1:15:40)

14. November 13, 2023. County Engineer John Johnston spoke to the Court about the plat exemption. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved the plat exemption request from Kendall Buchholz-McAlister at 473 Kemper City Road S, Victoria, Texas 77905 in Precinct No. 3 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.

15. Consider the reappointment of the Victoria County Fire Marshal, approval of the official bond and oath of office and take appropriate action.

(15-1:16:39)

15. November 13, 2023. County Judge Zeller swore in Fire Marshal Richard Castillo. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved the reappointment of the Victoria County Fire Marshal, Richard Castillo for a two-year term, and approved the official bond. Motion adopted.

16. Consider approval of a request for assistance from the DaCosta Volunteer Fire Department and take appropriate action.

(16-1:20:57)

16. November 13, 2023. Fire Marshal Richard Castillo provided the Court with information. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the request in the amount of \$4,878.65 to assist the DaCosta Volunteer Fire Department with an unpaid portion of a grant from the Texas Forest Service. Motion adopted.

17. Receive for the record the Jail Inspection Report issued on October 26, 2023, and a certificate of compliance notice from The Texas Commission on Jail Standards and take appropriate action.

(17-1:22:58)

17. November 13, 2023. Sheriff Justin Marr provided information to the Court. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court received for the record the Jail Inspection Report issued on October 26, 2023 and the Certificate of Compliance notice from The Texas Commission on Jail Standards for the Victoria County Sheriff's Office. Motion adopted.

18. Consider approval of the Psychoeducational/Counseling Services Contract between the Victoria Juvenile Justice Center and Ellen Vallejo Smith and take appropriate action.

(18-1:24:14)

18. November 13, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved the Psychoeducational/Counseling Services Contract between the Victoria Juvenile Justice Center and Ellen Vallejo Smith. Motion adopted.

19. Consider approval of the following detention and/or residential contracts with the Victoria Regional Juvenile Justice Center and take appropriate action:

a. Angelina County.

(19a-1:24:43)

19a. November 13, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved the Residential contract between Victoria Regional Juvenile Justice Center and Angelina County. Motion adopted.

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

b. Maverick, Dimmit, & Zavala Counties.

(19b-1:24:43)

19b. November 13, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved the Detention and Residential contracts between Victoria Regional Juvenile Justice Center and Maverick, Dimmit, and Zavala Counties. Motion adopted.

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

c. Atascosa County.

(19c-1:24:43)

19c. November 13, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved the Residential contract between Victoria Regional Juvenile Justice Center and Atascosa County. Motion adopted.

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

d. Zapata County.

(19d-1:24:43)

19d. November 13, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved the Detention and Residential contracts between Victoria Regional Juvenile Justice Center and Zapata County. Motion adopted.

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

e. Scurry & Borden Counties.

(19e-1:24:43)

19e. November 13, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved the Detention and Residential contracts between Victoria Regional Juvenile Justice Center and Scurry and Borden Counties. Motion adopted.

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

f. Receive the fully executed contracts from Johnson County.

(19f-1:24:43)

19f. November 13, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court received the fully executed Detention and Residential contracts from Johnson County. Motion adopted.

- 20. Consider approval of the Stop Loss Contract with Great MidWest Insurance Company and the Administrative Contract with Boon Chapman for the plan year January 1, 2024, through December 31, 2024, and take appropriate action.**

(20-1:25:25)

20. November 13, 2023. Laura Gwaltney with Walker and Associates presented the recommendation for the renewal to the Court. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the Stop Loss Contract with Great MidWest Insurance Company and the Administrative Contract with Boon Chapman for the plan year January 1, 2024 through December 31, 2024. Motion adopted.

- 21. Consider approval of Resolution 2023-0127 for a road donation in Pct. 1 from Patrick Canales for the installation of a driveway and pipe culvert to improve drainage at 64 College St., Placedo, Texas, for the value of \$1,200 and take appropriate action.**

(21-1:30:16)

21. November 13, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved Resolution No. 2023-0127 for a road donation from Patrick Canales in the amount of \$1,200.00 for the installation of a driveway and pipe culvert to improve drainage at 64 College Street, Placedo, Texas in Precinct No. 1. Motion adopted.

- 22. Consider approval of the following resolutions for road donations in Pct. 3 for the installation of a driveway and pipe culvert to improve drainage and take appropriate action:**

a. Resolution 2023-0126 from Mary Holmes at 592 De La Garza Rd., Victoria, Texas for the value of \$314.00.

(22a-1:30:37)

22a. November 13, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved Resolution No. 2023-0126 for a road donation from Mary Holmes in the amount of \$314.00 for the installation of a driveway and pipe culvert to improve drainage at 592 De La Garza Road, Victoria, Texas in Precinct No. 3. Motion adopted.

Consider approval of the following resolutions for road donations in Pct. 3 for the installation of a driveway and pipe culvert to improve drainage and take appropriate action:

b. Resolution 2023-0128 from Rodney Robinson at 395 Felming Praire Rd., Victoria, Texas for the value of \$914.00.

(22b-1:30:37)

20b. November 13, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved Resolution No. 2023-0128 for a road donation from Rodney Robinson in the amount of \$914.00 for the installation of a driveway and pipe culvert to improve drainage at 395 Fleming Prairie Road, Victoria, Texas in Precinct No. 3. Motion adopted.

Consider approval of the following resolutions for road donations in Pct. 3 for the installation of a driveway and pipe culvert to improve drainage and take appropriate action:

c. Resolution 2023-0129 from William Zrubek at 321 Pheasant Dr., Victoria, Texas for the value of \$262.00.

(22c-1:30:37)

22c. November 13, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved Resolution No. 2023-0129 for a road donation from William Zrubek in the amount of \$262.00 for the installation of a driveway and pipe culvert to improve drainage at 321 Pheasant Drive, Victoria, Texas in Precinct No. 3. Motion adopted.

- 23. Consider approval of the Right-of-Entry Agreement with the Texas Department of Transportation (TxDOT) for a bridge project at Spring Creek Bridge on Briggs Boulevard in Pct. 2 and take appropriate action.**

(23-1:31:33)

23. November 13, 2023. Commissioner Jason Ohrt provided information to the Court. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the Right-of-Entry Agreement with the Texas Department of Transportation (TxDOT) for a bridge project at Spring Creek Bridge on Briggs Boulevard in Precinct No. 2. Motion adopted.

- 24. Receive for the record 2023 Discretionary Fund Budget Amendment for Sheriff's**

Commissary Fund #380 and take appropriate action.

(24-1:32:25)

24. November 13, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court received for the record the 2023 Discretionary Fund Budget Amendment for the Sheriff Commissary Fund No. 380 as a line item transfer to Revenues and Expenditures. Motion adopted.

25. Consider approval of the following 2023 budget amendments and take appropriate action:

(25-1:32:56)

25. November 13, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved the 2023 budget amendments for:

- a. General Fund, Various Departments, Expenditures – Increase
- b. Emergency Management, Expenditures - Line item transfer
- c. Road and Bridge, Precinct No. 3, Expenditures - Increase
- d. Airport Fund, Expenditures - Line item transfer
- e. Capital Projects Fund, Expenditures - Increase
- f. General Fund, Sheriff's Office, Expenditures - Line item transfer

Motion adopted.

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

(26-1:33:32)

26. November 13, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. John Sestak, IT Director - IT Department:
 - 1. Employment of Daniel Gutierrez, System Admin., at a rate of \$24.00 per hour, Budget Code 100-503-1108, effective November 21, 2023. Grade 9 Plan General Tier n/a.
- b. David Gonzales, Public Health Director - Victoria County Public Health Department:
 - 1. Correction (Hire Date) Employment of Sunni Edmerson, Community Health Worker 1, at a rate of \$17.56 per hour, Budget Code 804-631-1104, effective November 14, 2023. Other Remarks: Cell Phone Allowance: \$480.00 - 804-631-1139 (\$18.46 per pay period) Grade 5 Plan General Tier n/a.
- c. Pama Hencerling, Chief Probation Officer - Juvenile Detention:
 - 1. Salary change for Rosalinda Borjas, Extra Help/PRN (non-certified), from a rate of \$12.50 per hour, Budget Code 100-573-1130 to a rate of \$13.91, effective November 18, 2023.
- d. Michelle Samford, County Auditor - County Auditor's Office:
 - 1. Request to pay out 55.89 Compensatory Time hours for Becky Smiley, First Assistant Auditor, in the amount of \$1,666.08 from G/L Code 100-495-1103.

- CONTINUED -

- 2. Request to pay out 11.27 Compensatory Time hours for Priscilla

Madrigal, Audit Manager, in the amount of \$313.08 from G/L Code 100-495-1106.

Motion adopted.

- 27. Closed meeting pursuant to V.T.C.A. Government Code §551.072 to discuss real property, §551.074 to discuss personnel matters, §551.0745 to discuss Board and Commissions, §551.087 to discuss Economic Development, and §551.071 to conduct a private consultation with the County's attorney regarding matters protected by the Attorney-Client Privilege.**

(27-1:39:27)

27. November 13, 2023. The Commissioners Court went into closed session at 11:39 a.m., pursuant to V.T.C.A. Government Code §551.072 to discuss real property, §551.074 to discuss personnel matters, and §551.0745 to discuss Board and Commissions, §551.087 to discuss Economic Development, and §551.071 to conduct a private consultation with the County's attorney regarding matters protected by the Attorney-Client Privilege.

- 28. Pursuant to V.T.C.A. Government Code §551.102, return to an open meeting and take any action deemed necessary based on discussion in the closed meeting.**

(28-2:33:43)

28. November 13, 2023. The Commissioners Court returned to an open meeting at 12:33 p.m., pursuant to V.T.C.A. Government Code §551.102, with no action taken.

- 29. Adjourn.**

(29-2:33:53)

29. November 13, 2023. The Commissioners Court adjourned the meeting of November 13, 2023.