

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **18th day December 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	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, December 18, 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. December 18, 2023. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Monday, December 18, 2023, at 10:01 a.m.

2. Invocation and Pledges.

(2-0:00)

2. December 18, 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.

(3-2:16)

3. December 18, 2023. 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, spoke about illegal dumping in Victoria, Jury Duty Service Pay, and a recent possession case held in Victoria County.

Marshal Frazier with the Victoria County Fire Marshal's Office stated they will be on standby at Patriot Park on December 31, 2023 for fireworks. Commissioner Burns commended their office for their help.

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

4. Consider approval of minutes and take appropriate action.

(4-4:58)

4. December 18, 2023. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the minutes of the Commissioners Court meeting held on December 11, 2023. Motion adopted.

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

(5-5:17)

5. December 18, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved the accounts payable as presented by Michelle Samford, County Auditor.

Regular Accounts	12/18/2023	\$624,202.78
Supplemental Accounts	12/8/2023 – 12/14/2023	\$96,123.17

Motion adopted.

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

(6-5:45)

6. December 18, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court received the monthly reports from the County Treasurer; Sheriff; Justice of the Peace, Precincts No. 1; and Constable, Precinct No. 4. Motion adopted.

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

(7-6:07)

7. December 18, 2023. None. No action taken.

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

(8-6:17)

8. December 18, 2023. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the interim vendor payment for Citizens Medical Center dated December 14, 2023, in the amount of \$701,428.64 and the ACH report dated December 14, 2023, in the amount of \$2,224,121.12. Motion adopted.

9. Consider approval and adoption of the following items regarding the donation of property located at 501-513 Profit and 1409 La Valliere, and take appropriate action.

a. Donation Agreement - Pezbella Partnership, Ltd.

(9a-6:54)

9a. December 18, 2023. County Judge Zeller provided information to the Court and thanked the Heilker family for their generous donations of the properties to Victoria County. Mr. Ben Heilker thanked the community for their support in helping their business grow and wished the County well with the properties. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the agreement for donation of land from Pezbella Partnership, Ltd., acting herein by and through its General Partner, Marlino Azul, L.L.C. regarding the donation of the property located at 501-513 Profit, Victoria, Texas. Motion adopted.

- CONTINUED -

Consider approval and adoption of the following items regarding the donation of property located at 501-513 Profit and 1409 La Valliere, and take appropriate action.

b. Donation Agreement - Profit Center Partnership.

(9b-6:54)

9b. December 18, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the agreement for donation of land from Profit Center Partnership by and between Warren Heilker and Darren Heilker regarding the donation of property located at 1409 La Valliere, Victoria, Texas. Motion adopted.

Consider approval and adoption of the following items regarding the donation of property located at 501-513 Profit and 1409 La Valliere, and take appropriate action.

c. Contemporaneous Written Acknowledgment & Gift Deed - Pezbella Partnership, Ltd.

(9c-6:54)

9c. December 18, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the Contemporaneous Written Acknowledgment and Gift Deed between Pezbella Partnership, Ltd., acting herein by and through its General Partner, Marlino Azul, L.L.C. and Victoria County, Texas regarding the donation of the property located at 501-513 Profit, Victoria, Texas. Motion adopted.

Consider approval and adoption of the following items regarding the donation of property located at 501-513 Profit and 1409 La Valliere, and take appropriate action.

d. Contemporaneous Written Acknowledgment & Gift Deed - Profit Center Partnership.

(9d-6:54)

9d. December 18, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the Contemporaneous Written Acknowledgment and Gift Deed between Profit Center Partnership by and between Warren Heilker and Darren Heilker regarding the donation of property located at 1409 La Valliere, Victoria, Texas. Motion adopted.

10. Consider approval of Resolution 2023-0139 for a Joint Primary Special Election for March 5, 2024, and take appropriate action.

(10-13:47)

10. December 18, 2023. Elections Administrator Margetta Hill provided information to the Court and stated a voting location would need to be located on the North side of town for the upcoming election. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved Resolution 2023-0139 for a Joint Primary Special Election for March 5, 2024, and the Victoria County Joint Primary Runoff Election, if necessary, on June 15, 2024. Motion adopted.

11. Consider approval of an online procurement listing site and solicitation library with Beacon and take appropriate action.

(11-19:30)

11. December 18, 2023. Procurement Specialist Amanda Reyes provided information to the Court. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the online procurement listing site and solicitation library with Beacon. Motion adopted.

- 12. Consider authorization to advertise a limited solicitation for proposals for real property for an inpatient mental health facility in Victoria County and take appropriate action.**

(12-23:17)

12. December 18, 2023. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the authorization to advertise a limited solicitation for proposals for real property for an inpatient mental health facility in Victoria County. Motion adopted.

- 13. Consider approval of the Bi-Annual Food Bid/Annual Coffee Bid for the Victoria County Sheriff's Office and take appropriate action.**

(13-26:12)

13. December 18, 2023. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the following Bi-Annual Food Bids for the Victoria County Sheriff's Office:

Dairy, Eggs & Meat	Performance Food Service (PFG)
Fruit & Vegetables	Performance Food Service (PFG)
Staple Items	Performance Food Service (PFG)
Miscellaneous Food Items	Performance Food Service (PFG)
Milk/Juice	Hill Country Dairies
Bread	Performance Food Service (PFG)

for the period of January 1, 2024 through June 30, 2024, and the following Annual Food Bid for Coffee to Performance Food Service (PFG) for the period of January 1, 2024 through December 31, 2024, as recommended by the Victoria County Sheriff's Office. Motion adopted. All per bids as filed in the minutes of this Court.

- 14. Receive for the record a Financial Statement for the 24th Judicial District Community Supervision and Corrections Department for Fiscal Year 2023 and take appropriate action.**

(14-27:00)

14. December 18, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court received for the record a Financial Statement for the 24th Judicial District Community Supervision and Corrections Department for Fiscal Year ending August 31, 2023. Motion adopted.

- 15. Consider approval of Order No. 2023-0138 Ratifying Purchases of Certificates of Deposit and take appropriate action.**

(15-27:32)

15. December 18, 2023. County Treasurer Paige Foster provided information to the Court. Moved by Gary Burns and seconded by Kenneth Sexton, the commissioners Court approved Order No. 2023-0138 Ratifying Purchases of Certificate of Deposits. Motion adopted.

16. Consider approval of Order No. 2023–0135 affixing the salaries for 2024 Victoria County officials and employees and take appropriate action.

(16-28:55)

16. December 18, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved Order No. 2023–0135 affixing the salaries for 2024 Victoria County officials and employees and the following salary changes:

a. Ben Zeller, County Judge:

1. Salary change for Nora Brosig-Kucera, PreTrial Services Coordinator, from a rate of \$28.63 per hour, Budget Code 100-404-1104 to a rate of \$32.89 per hour, effective December 16, 2023. Other Remarks: Cell Phone Annual Allowance 100-404-1139 \$1080.04. Grade 13 Plan General.
2. Salary change for Jeff Wright, Heritage Director, from a rate of \$29.30 per hour, Budget Code 100-407-1102 to a rate of \$30.18 per hour, effective December 16, 2023. Grade 7 Plan General.
3. Salary change for Margetta Hill, Elections Administrator, from a rate of \$29.00 per hour, Budget Code 100-490-1102 to a rate of \$30.45 per hour, effective December 16, 2023. Grade 12 Plan General.
4. Salary change for John Johnston, Engineer/Project Manager, from a rate of \$62.93 per hour, Budget Code 100-501-1101 to a rate of \$64.82 per hour, effective December 16, 2023. Other Remarks: Cell Phone Annual Allowance 100-501-1139 \$1080.04. Grade 18 Plan General.
5. Salary change for John Sestak, IT Director, from a rate of \$40.91 per hour, Budget Code 100-503-1104 to a rate of \$47.87 per hour, effective December 16, 2023. Other Remarks: Cell Phone Annual Allowance 100-503-1139 \$1080.04. Grade 18 Plan General.
6. Salary change for Gina Howard, HR Director, from a rate of \$39.94 per hour, Budget Code 100-505-1101 to a rate of \$46.73 per hour, effective December 16, 2023. Other Remarks: Cell Phone Annual Allowance 100-505-1139 \$1080.04. Grade 18 Plan General.
7. Salary change for Kelly Hubert, Facilities Manager, from a rate of \$38.46 per hour, Budget Code 100-510-1102 to a rate of \$39.04 per hour, effective December 16, 2023. Other Remarks: Cell Phone Annual Allowance 100-510-1139 \$1080.04. Grade 15 Plan General.
8. Salary change for Mark Sloat, Director, from a rate of \$38.46 per hour, Budget Code 100-630-1104 to a rate of \$41.39 per hour, effective December 16, 2023. Other Remarks: Cell Phone Annual Allowance 100-630-1139 \$1080.04. Grade 16 Plan General.
9. Salary change for Rick McBrayer, Emergency Mgmt. Coordinator, from a rate of \$43.22 per hour, Budget Code 108-599-1103 to a rate of \$51.92 per hour, effective December 16, 2023. Other Remarks: Cell Phone Annual Allowance 108-599-1139 \$1080.04. Grade 18 Plan General.
10. Salary change for Vinicio Llerena, Airport/FBO Executive Director, from Annual \$180,000.00 to Annual \$185,400.00, Budget Coding 321-606-1102, effective December 16, 2023. Other Remarks: Car Allowance Annual \$6000 321-606-1135 and Cell Phone Allowance 321-606-1139 Annual \$1080.04. Grade 20 Plan General.

- CONTINUED -

11. Salary change for Diana Galvan, FNP, from a rate of \$64.31 per hour, Budget Code 410-900-1108 to a rate of \$66.24 per hour, effective December 16, 2023. Grade 16 Plan General.
12. Salary change for David Gonzales, Director, from a rate of \$44.29 per hour, Budget Code 800-631-1140 to a rate of \$51.92 per hour, effective December 16, 2023. Other Remarks: Annual Car Allowance 802-631-1135 \$5400 and Cell Phone Annual Allowance 800-631-1139 \$1080.04. Grade 18 Plan General.

Motion adopted.

17. **Consider approval of Order No. 2023-0136 authorizing Victoria County, including Citizens Medical Center, to issue payments for payroll, withholding, social security, retirement, insurance, unemployment compensation, Credit Union, United Way, CMC Health Plex, out-of-county fines, fees, cash bonds, postage, utilities, bond fees, and jury service payments and take appropriate action.**

(17-29:46)

17. December 18, 2023. County Treasurer Paige Foster provided information to the Court. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved Order No. 2023-0136 authorizing Victoria County, including Citizens Medical Center, to issue payments for payroll, withholding, social security, retirement, insurance, unemployment compensation, Credit Union, United Way, CMC Healthplex, out of county fines, fees, cash bonds, postage, utilities, bond fees, and jury service payments. Motion adopted.

18. **Consider approval of Resolution 2023-0137 for a road donation in Pct. 4 from Aaron Coons for the installation of a driveway and pipe culvert to improve drainage at 1690 FM 444, Inez, Texas, for the value of \$650 and take appropriate action.**

(18-30:51)

18. December 18, 2023. Commissioner Kenneth Sexton provided information to the Court. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved Resolution No. 2023-0137 for a road donation from Aaron Coons in the amount of \$650.00 for repairs to the driveway and pipe culvert to improve drainage at 1690 FM 444, Inez, Texas in Precinct No. 4. Motion adopted.

19. **Pursuant to Local Government Code 81.005, designate the day of the week of each month for Regular Term for Commissioners' Court for 2024 and all other meetings to be Special Term Meetings and take appropriate action.**

(19-31:34)

19. December 18, 2023. County Judge's Chief of Staff Giani Cantu provided information to the Court. Moved by Kenneth Sexton and seconded by Jason Ohrt, pursuant to Local Government Code §81.005, the Commissioners Court approved to designate the second Monday of the month as Regular Term and all other meetings as Special Term of Commissioners Court in 2024. Motion adopted.

20. Consider approval of the amended Victoria County Sheriff's Office Tier Pay Progression Plan and take appropriate action.

(20-32:40)

20. December 18, 2023. Sheriff Justin Marr and County Judge's Chief of Staff Giani Cantu provided information to the Court. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved the amended Victoria County Sheriff's Office Tier Pay Progression Plan. Motion adopted.

21. Consider approval of the Victoria Regional Juvenile Justice Center Tier Pay Progression Plan and take appropriate action.

(21-35:10)

21. December 18, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the Victoria Regional Juvenile Justice Center Tier Pay Progression Plan. Motion adopted.

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

(22-35:32)

22. December 18, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved the 2023 budget amendments for:

- a. General Fund, Various Departments, Expenditures – Line item transfer
- 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, Expenditures - Line item transfer
- e. Airport Fund, Expenditures - Line item transfer
- f. National School Lunch Program, Expenditures - Line item transfer
- g. Health Department, Expenditures - Line item transfer
- h. General Fund, Sheriff's Office, Expenditures - Line item transfer

Motion adopted.

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

(23-36:34)

23. December 18, 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, Tax Assessor Collector - County Tax Office:
 - 1. Transcript from the Texas Tax Assessor-Collectors Association of 71.50 Continuing Education hours for the Year 2023 for Ashley Hernandez, Tax Assessor-Collector.
- b. Constance Filley Johnson, Criminal District Attorney - Criminal District Attorney's Office:
 - 1. A change of longevity pay for Andrea M. Smith Harvey for an increase in longevity pay from \$46.15 to \$55.50 on 1/5/2024 payroll, and \$55.38 thereafter, GL Code 100-475-1135.

- c. Justin Marr, Sheriff - Sheriff's Office:
 - 1. Salary and position/other change for Philip Garcia, from SRO, at a rate of \$26.07 per hour, Budget Code 395-560-1109-26.07 and Cert Pay - 395-560-1137 - 46.15 to Investigator - Tier 1, at a rate of \$30.85 per hour, Budget Code 100-563-1106-30.85 and Cert Pay - 395-560-1137 - 46.15, effective December 30, 2023. Remarks: LE Grade 9.
 - 2. Resignation of Elexis Crump, Detention Officer - Tier 1, with 80.0 PTO and 57.75 Compensatory hours due, effective December 29, 2023.
- d. Jason Ohrt, County Commissioner, Precinct No. 2 - Road and Bridge, Precinct No. 2:
 - 1. Resignation of Chandler Burkes, Equipment Operator, effective December 17, 2023.

Motion adopted.

24. Adjourn.

(24-37:35)

24. December 18, 2023. Commissioner Jason Ohrt and Commissioner Kenneth Sexton thanked everyone for their support in their first year as Commissioners and wished everyone a Merry Christmas. The Commissioners Court adjourned the meeting of December 18, 2023.