



**COUNTY OF VICTORIA**  
**COMMISSIONERS COURT**  
**MINUTES • DECEMBER 11, 2017**

**Regular Term Meeting**

**Commissioners Court Room**

**10:00 AM**

**115 N Bridge Street, 2nd Floor, Victoria, TX 77901**

CALL TO ORDER:

1. December 11, 2017. Ben Zeller, County Judge, called to order the Commissioners Court Regular Term for Monday, December 11, 2017, at 10:02 a.m.

**RESULT: NO ACTION TAKEN**

INVOCATION AND PLEDGES:

2. December 11, 2017. 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.

**RESULT: NO ACTION TAKEN**

MINUTES:

3. December 11, 2017. Moved by Kevin M. Janak and seconded by Gary Burns, the Commissioners Court approved the minutes of the Commissioners Court meeting held on December 04, 2017. Motion adopted.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Kevin M Janak, Commissioner Pct 2  
**SECONDER:** Gary Burns, Commissioner Pct 3  
**AYES:** Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives  
**ABSENT:** Danny Garcia

CITIZENS' COMMUNICATION:

4. December 11, 2017. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Bill Pozzi, County Chair for Victoria GOP, informed the court that today at 6 pm is the last time to file for the political party primaries.

Brian Koenig of Victoria County addressed the audience about trapping feral hogs.

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

**RESULT: NO ACTION TAKEN**

ACCOUNTS PAYABLE:

5. December 11, 2017. Moved by Gary Burns and seconded by Clint C. Ives, the Commissioners Court approved the accounts payable as presented by Judy McAdams, County Auditor.

Regular Accounts	12/11/2017	\$ 465,645.36
Supplemental Accounts	12/01 -12/07/2017	\$ 173,535.74

Motion adopted.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Gary Burns, Commissioner Pct 3  
**SECONDER:** Clint C Ives, Commissioner Pct 4  
**AYES:** Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives  
**ABSENT:** Danny Garcia

REPORTS:

6. December 11, 2017. Moved by Clint C. Ives and seconded by Gary Burns, the Commissioners Court approved the monthly reports from the County Treasurer; County Clerk; Criminal District Attorney; Justices of the Peace, Precincts Nos. 3 and 4; Constables, Precincts Nos. 2 and 4. Motion adopted.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Clint C Ives, Commissioner Pct 4  
**SECONDER:** Gary Burns, Commissioner Pct 3  
**AYES:** Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives  
**ABSENT:** Danny Garcia

BOND FORFEITURE RELEASES:

7. December 11, 2017. None.

**RESULT: NO ACTION TAKEN**

INTERIM VENDOR PAYMENTS - ACH REPORT - CITIZENS MEDICAL CENTER:

8. December 11, 2017. Moved by Gary Burns and seconded by Kevin M. Janak, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated December 7, 2017, in the amount of \$908,110.10 and the ACH report dated December 7, 2017, in the amount of \$2,916,462.45. Motion adopted.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Burns, Commissioner Pct 3
<b>SECONDER:</b>	Kevin M Janak, Commissioner Pct 2
<b>AYES:</b>	Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives
<b>ABSENT:</b>	Danny Garcia

DISCUSSION - WILDLIFE MANAGEMENT - PREDATOR DAMAGE CONTROL ISSUES - VICTORIA COUNTY:

9. December 11, 2017. Judge Zeller spoke to the Court regarding the trapper program. Mr. G.A. Gutmann of 2432 Cologne Road, Victoria, Texas; Mr. Scott Kuester, rancher; Richard Marbach of Marbach Ranch; Tom Nelson of Placedo, Texas; Shawn Campbell of DC Wildlife; Brett Huegele of McFaddin Enterprises, Ltd.; Stephen Diebel, rancher; David Penry of 311 Chimney Rock, Victoria, Texas; and John Hagel of 3J Cattle Company voiced their concerns regarding the trapper program that was to be discontinued in 2018. Ms. Linda Tschirhart Hejl, District Supervisor for College Station District, spoke about the trapper program and provided numbers to the Court. Mr. Keith Wheat, trapper for Victoria County addressed the Court. The Court held a lengthy discussion. Moved by Gary Burns and seconded by Kevin M. Janak, the Commissioners Court approved for Judge Zeller to prepare a letter to rescind the cancellation of the trapper program with a 90 day term for Commissioner Gary Burns and Kevin M. Janak to work out specifics for a 50/50 cooperative cost split. Motion adopted.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Burns, Commissioner Pct 3
<b>SECONDER:</b>	Kevin M Janak, Commissioner Pct 2
<b>AYES:</b>	Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives
<b>ABSENT:</b>	Danny Garcia

PRESENTATION - DISCUSSION - OPIOID USAGE AND EFFECTS - VICTORIA COUNTY:

10. December 11, 2017. Mr. Daniel Barrientos, Executive Director for Billy T. Cattan Recovery Outreach Center, informed the Court about the issues of Opioid usage and effects for Victoria County. Mr. Barrientos answered the Courts questions. Derrick Neal, Public Health Director, shared an article from 2015 and gave information on opioid usage. No action taken.

<b>RESULT:</b>	<b>NO ACTION TAKEN</b>
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BUDGET AMENDMENTS:

11. December 11, 2017. Moved by Gary Burns and seconded by Clint C. Ives, the Commissioners Court approved the following budget amendments:

- a. General Fund, Various Departments, Expenditures - Line item transfer
- b. General Fund, Sheriff's Office, Expenditures - Line item transfer
- c. Health Department, Expenditures - Line item transfer

Motion adopted.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gary Burns, Commissioner Pct 3
<b>SECONDER:</b>	Clint C Ives, Commissioner Pct 4
<b>AYES:</b>	Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives
<b>ABSENT:</b>	Danny Garcia

DESIGNATE - DAY OF WEEK EACH MONTH - REGULAR TERM - COMMISSIONERS COURT 2018 - LOCAL GOVERNMENT CODE §81.005 - VICTORIA COUNTY:

12. December 11, 2017. Moved by Clint C. Ives and seconded by Gary Burns, pursuant to Local Government Code §81.005, the Commissioners Court approved the second Monday of the month as Regular Term and all others as Special Term of Commissioners Court in 2018. Motion adopted.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clint C Ives, Commissioner Pct 4
<b>SECONDER:</b>	Gary Burns, Commissioner Pct 3
<b>AYES:</b>	Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives
<b>ABSENT:</b>	Danny Garcia

PERSONNEL:

13. December 11, 2017. Vicki Vogel, Elections Administrator, Chief Deputy Roy Boyd and Brandy Jones with the Sheriff's Office personally appeared and requested payment of compensatory time within their respective offices. Moved by Kevin M. Janak and seconded by Gary Burns, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. T. Michael O'Connor, Sheriff - Victoria County Sheriff's Department:
  1. Employment of Justin Campbell, Detention Officer Tier 1, at a rate of \$16.99 per hour, Budget Code 100-565-1116, effective December 18, 2017.
  2. Employment of Jessie Kief, Detention Officer Tier 1, at a rate of \$16.99 per hour, Budget Code 100-565-1116, effective December 18, 2017.

3. Salary and position change for Lisa Mathews, from Detention Officer (Tier 2) at a rate of \$18.88 per hour, Budget Code 100-565-1117, to Cook at a rate of \$18.12 per hour, Budget Code 100-565-1123, effective December 9, 2017.
  4. Salary and position change for John Milner, from Detention Deputy (Tier 1) at a rate of \$16.99 per hour, Budget Code 100-565-1116, to Detention Officer Tier 2 at a rate of \$18.88 per hour, Budget Code 100-565-1117, effective December 9, 2017.
  5. Salary and position change for Brandey Davis, from Detention Officer Tier 2 at a rate of \$18.88 per hour, Budget Code 100-565-1117, to Detention Officer Tier 3 at a rate of \$21.19 per hour, Budget Code 100-565-1115, effective December 9, 2017.
  6. Salary and position change for Stephanie Hubbard, from Detention Officer Tier 1 at a rate of \$16.99 per hour, Budget Code 100-565-1116, to Detention Officer Tier 2 at a rate of \$18.88 per hour, Budget Code 100-565-1117, effective December 9, 2017.
  7. Request to pay law enforcement and detention personnel's compensatory time balances down to 200 hours, as well as dispatch and grant personnel down to 80 hours using the remaining unexpected salary and fringe in the 2017 budget.
- b. Rena Scherer, County Tax Assessor-Collector- County Tax Office:
1. Resignation of Veronica Gonzales, Clerk III, effective December 8, 2017
- c. Pama Hencerling, Chief Probation Officer - Juvenile Detention:
1. Employment of David Allen Williams Jr., Extra Help, at a rate of \$13.20 per hour, Budget Code 100-573-1130, effective December 11, 2017.
  2. Resignation of Kevin Iraggi, Supervision Officer, effective December 6, 2017.
  3. Salary and position change for Wade Purcell, from Supervision Officer I at a rate of \$16.06 per hour, Budget Code 100-573-1155, to JPO I at a rate of \$18.07 per hour, Budget Code 231-571-1108, effective January 6, 2018.
  4. Salary and position change for Jacob Juarez, from Extra Help at a rate of \$13.20 per hour, Budget Code 100-573-1130, to Supervision Officer at a rate of \$14.17 per hour, Budget Code 100-573-1156, effective December 9, 2017.
- d. Vinicio "Lenny" Llerena, Regional Airport Manager - Victoria Regional Airport:
1. Resignation of James Kelly Maroney, Line Attendant, with 26.81 PTO and 10.78 Compensatory hours due, effective December 15, 2017.
- e. Derrick Neal, Public Health Director - Victoria County Public Health Department:
1. Resignation of Delmar Jaschke, Extra Help-Mosquito Control, effective December 11, 2017.
  2. Resignation of James Bennett, Extra Help-Mosquito Control, effective December 11, 2017.
  3. Resignation of David Howard, Extra Help-Mosquito Control, effective December 11, 2017.
  4. Salary and position change for Angelica Stafford, from Community Health Worker at a rate of \$18.00 per hour, Budget Code 800-668-1101 \$18.00, to Program Manager at a rate of \$20.38 per hour, Budget Code 803-631-1142 \$20.38, effective December 9, 2017.
- f. Vicki Vogel, Elections Administrator - Elections
1. Request to pay a portion of accrued compensatory hours for Margetta Hill.

Motion adopted.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin M Janak, Commissioner Pct 2
<b>SECONDER:</b>	Gary Burns, Commissioner Pct 3
<b>AYES:</b>	Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives
<b>ABSENT:</b>	Danny Garcia

DISCUSSION - POTENTIAL ACTION - SOLID WASTE ORDINANCE - TAKINGS IMPACT ASSESSMENT PURSUANT TO CHAPTER 2007 - TEXAS GOVERNMENT CODE - AUTHORIZE PUBLICATION AND OTHER PROCEDURES - NOTICE OF HEARING - VICTORIA COUNTY:

14. December 11, 2017. Eric Magee, Attorney for Victoria County, provided information to the court regarding the City of Victoria's request to amend the Victoria County Solid Waste Ordinance. Charmelle Garrett and Darryl Lesak with the City of Victoria provided the Court with information. Moved by Clint C. Ives and seconded by Gary Burns the Commissioners Court approved the order authorizing legal counsel, Allison, Bass & Magee, to prepare a proposed Amended Ordinance Designating Areas in Victoria County, Texas; to prepare a Takings Impact Assessment concerning the proposed Amended Ordinance; and publish a public notice and schedule a hearing on the proposed Takings Impact Assessment and the proposed Amended Ordinance Designating Areas in Victoria County, Texas, where municipal and solid waste disposal is not prohibited and prohibiting solid waste disposal in other areas. Motion adopted. Executive session not requested.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clint C Ives, Commissioner Pct 4
<b>SECONDER:</b>	Gary Burns, Commissioner Pct 3
<b>AYES:</b>	Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives
<b>ABSENT:</b>	Danny Garcia

DISCUSSION - POTENTIAL ACTION - BENEFICIAL LAND MANAGEMENT, L.L.C.'S APPLICATION - PRELIMINARY DECISION - TCEQ - LAND APPLICATION PERMIT OF SEWAGE SLUDGE RENEWEL - PERMIT NO. WQ0004666000 - VICTORIA COUNTY:

15. December 11, 2017. Eric Magee, Attorney for Victoria County, provided the court with a brief history on Victoria County's protest of the Land Application Permit of Sewage Sludge Renewal Permit No. WQ0004666000 and stated that there will be a resolution by settlement agreement. Moved by Clint C. Ives and seconded by Kevin M. Janak, the Commissioners' Court authorized settlement and to ultimately withdraw from the contested case hearing proceeding after final settlement. Motion adopted. Executive session not requested.

**RESULT:** AUTHORIZED [UNANIMOUS]  
**MOVER:** Clint C Ives, Commissioner Pct 4  
**SECONDER:** Kevin M Janak, Commissioner Pct 2  
**AYES:** Ben Zeller, Kevin M Janak, Gary Burns, Clint C Ives  
**ABSENT:** Danny Garcia

CLOSED MEETING:

16. December 11, 2017. The Commissioners Court went into closed session at 12:11 p.m., pursuant to V.T.C.A. Government Code §551.071, to conduct private consultation with the County's attorney regarding matters protected by the Attorney-Client privilege.

**RESULT:** NO ACTION TAKEN

OPEN MEETING:

17. December 11, 2017. The Commissioners Court returned to open meeting at 12:39 p.m., pursuant to V.T.C.A. Government Code §551.102 with no action taken.

**RESULT:** NO ACTION TAKEN

ADJOURN:

18. December 11, 2017. The Commissioners Court adjourned the meeting of December 11, 2017.

**RESULT:** NO ACTION TAKEN

Attendee Name	Title	Status	Arrived
Ben Zeller	County Judge	Present	
Danny Garcia	Commissioner Pct 1	Absent	
Kevin M Janak	Commissioner Pct 2	Present	
Gary Burns	Commissioner Pct 3	Present	
Clint C Ives	Commissioner Pct 4	Present	