

THE STATE OF TEXAS

COUNTY OF KENDALL BE IT REMEMBERED, that the Commissioners' Court of Kendall County, Texas, was begun and held at a Regular Meeting at the Courthouse in Boerne, Texas, on the 22nd day of January 2018.

Present: **DARREL L. LUX, COUNTY JUDGE**
 CHRISTINA BERGMANN, COMMISSIONER, PCT. #1
 RICHARD W. ELKINS, COMMISSIONER, PCT. #2
 TOMMY PFEIFFER, COMMISSIONER, PCT. #3
 DON DURDEN, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT

1. The meeting was called to order at 9:00 a.m.

Prayer said by Pastor Allen Taha, Trinity Presbyterian Church.

Pledges of Allegiance to the United States and Texas flags.

Commissioner Durden invited everyone to the Comfort Chamber of Commerce annual banquet this Thursday.

Judge Lux commented that the Court made a decision last November to request a contested case hearing concerning the Vulcan Concrete Batch Plant that was planned on SH46. He said the Court would be addressing that issue again in Executive Session today. He encouraged citizens to contact their state representatives concerning legislation to give Commissioners Courts the ability to prevent incompatible land use in the county.

2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for January 8 and 11, 2018.

Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.

3. The following Service Awards were presented:

- 5 years of service: Al Auxier, Kendall County Sheriff
- 5 years of service: Juan Guerrero, Road & Bridge
- 5 years of service: Rollin Senger, Sheriff's Office
- 15 years of service: Gerald Neill, EMS
- 15 years of service: Michelle Lux, Human Resources
- 40 years of service: Jeffery Fincke, EMS

Awards to be presented later for 5 years of service: Larry Ripley, Matthew Johnson, Cary Boerner, Clint Madsen, Thomas Dudley, and Thomas Majeka.

4. Introductions / Recognitions:

- Parks Director Daniel Vetter introduced the new Parks Recreation Coordinator, Joseph Reissig.
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5. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve submittal of a grant application for the Justice Assistance Grant (JAG) Program #2772204 (Resolution attached).

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the submittal of a grant application for Violence Against Women Act (VAWA) Assistance Formula Grant Program #3562701 (Resolution attached).

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the submittal of a grant application for Victims of Crime Act (VOCA) Assistance Formula Grant Program #3540701 (Resolution attached).

Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the accounts payable claims for purchases, services, and vendors (on file).

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0 with Commissioner Durden abstaining from personal reimbursements and Commissioner Elkins abstaining from matters related to GVTC.

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the list of donations on behalf of Kendall County as per Local Government Code 81.032 (attached).

Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to pay the JP Morgan county credit card charge of \$850.62 out of line item 10-560-53330 for a two-night hotel stay.

Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Monthly Reports for December 2017 (on file).

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

12. No action was taken on lifting the burn ban. It is still on.

13. PUBLIC COMMENTS:

- Tory Hendry spoke in opposition to the Vulcan Concrete Batch Plant location on SH46.
 - Tim Young spoke in opposition to the Vulcan Concrete Batch Plant location on SH46.
 - Amber Clowney spoke in opposition to the Vulcan Concrete Batch Plant location on SH46.
 - Kim Ahrens spoke in opposition to the Vulcan Concrete Batch Plant location on SH46.
 - Janice Murphy spoke in opposition to the Vulcan Concrete Batch Plant location on SH46.
 - Sarah Barowsky spoke in opposition to the Vulcan Concrete Batch Plant location on SH46.
 - Toni Lott spoke in opposition to the Vulcan Concrete Batch Plant location on SH46.
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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the Kendall County Law Enforcement Center Project HVAC Testing Adjusting and Balancing committee to 1) Rank responders; 2) Select the most qualified responder; 3) Enter into contract negotiations; and 4) Execute a professional services contract for Construction Materials Testing for the Law Enforcement Center project.

Motion was made by Commissioner Durden, seconded by Judge Lux, and carried by a vote of 5-0.

15. No action was taken concerning a letter agreement with the Alliance for Community Solutions, Ltd. for the purchase of certain equipment for the Kendall County Law Enforcement Center.

16. The summary of parks activities from October – December 2017 was presented (attached).

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the transfer of funds from line item 11-620-54540 in the amount of \$2,720.00 to line item 11-620-55400 for purchase of a Switch & Go System for Road & Bridge.

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

18. The summary of road activities by Road & Bridge for December 2017 was presented (attached).

19. The summary of activities by the Operations Department for December 2017 was presented (attached).

At 10:14 a.m. the Court recessed Open Session and went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- I. The Court will meet in Executive Session pursuant to Section 551.071 to seek the advice of attorney(s) representing the County, concerning pending and/or threatened litigation, settlement offers and/or matters in which the duties of the attorney(s) under the Texas Rules of Professional Conduct of the State Bar of Texas require confidential communications. Specific topics to be discussed are:
1. Commissioners Court authority and obligations concerning subdivisions, county property, roads and bridges
 2. Vulcan Concrete Batch Plant litigation

At 11:00 a.m. the Court closed Executive Session and resumed Open Session where the following motions were made:

I-2-a. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to pay the claim of \$27.50 to Carls, McDonald & Dalrymple concerning the Texas Commission on Environmental Quality (TCEQ) permit by Vulcan Construction Materials LLC.

Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.

I-2-b. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to continue the litigation against the Vulcan permit application #150104, including requesting a contested case hearing and seeking party status.

Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.

Being no further business, the meeting was adjourned at 11:02 a.m.

EXAMINED AND APPROVED THIS 12th DAY OF FEBRUARY 2018.

/s/ Darrel L. Lux
 COUNTY JUDGE
 KENDALL COUNTY, TEXAS

ATTESTED: /s/ Darlene Herrin
 COUNTY CLERK
 KENDALL COUNTY, TEXAS