

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 12th day of February 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 Father Norm Ermis, St. Peter's Catholic Church.
Pledges of Allegiance to the United States and Texas flags.
Judge Lux presented Jeff Fincke with a pocket knife to commemorate his 40 years of service to Kendall 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 22, January 25, and February 8, 2018.**
Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

3. THE STATE OF TEXAS
COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim the month of February as Dating Violence Awareness Month (attached).**
Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

4. THE STATE OF TEXAS
COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the special prosecutor agreement with Amy Lambiase for the prosecution of four white-collar criminal cases.**
Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

5. 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 Durden, and carried by a vote of 5-0 with Commissioner Elkins abstaining from matters related to GVTC.

6. 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 Elkins, seconded by Commissioner Bergmann, 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 Kendall County Order 02-12-2018A regulating electioneering on County owned property and buildings (attached).**
Motion was made by Commissioner Durden, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

8. The County Treasurer presented the Sales Tax Report.

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Summary for November 2017 (attached).

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

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

11. PUBLIC COMMENTS:

- Rod Fowler spoke about residences near the South Glen development, TCEQ, and water recharge issues.
 - Nancy Scoggins spoke against allowing fireworks to be sold during the additional periods.
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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt Kendall County Order 02-12-2018B to allow fireworks to be sold by retail fireworks permit holders during the three dates listed (attached).

Motion was made by Commissioner Durden, seconded by Judge Lux, and carried by a vote of 4-1 with Commissioner Elkins voting against.

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the partial release of the Financial Guarantee for Pleasant Valley Business Park for roadway, drainage and public water supply in the amount of \$278,045.29. The amount of \$35,000 of the financial guarantee is held back pending the completion of the public water supply.

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

14. At 9:36 a.m. a Public Hearing was held concerning the application filed by Charles Hill for Cordillera Ranch, Ltd., and Cordillera Ranch POA for the proposed revision of the subdivision plat for Lots 1 and 11, Block B, Lot 1002, Block Z and a portion Lot 1000, Block Z in Cordillera Ranch, Unit 1 filed in Vol. 2, Pg. 354-359 of the plat records of Kendall County, Texas. The proposed plat revision would revise the configuration of Unit 1, extend an existing roadway (Cordillera Ridge) and create 13 additional lots with a density of 3.69 acres. No one spoke. The Public Hearing was closed at 9:37 a.m.

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief for Cordillera Ranch, Unit 1, for the following items from the 1990 Kendall County, Texas, Regulations, Rules and Specifications for Roads and Subdivisions: 1) allow certain utility main lines (water, sewer, electric, and telephone) to be located within the road right-of-way versus a utility easement, 2) allow a 21-foot pavement width with 6-inch roll curb in a 55-foot right-of-way for local cul-de-sac streets, 3) allow use of 1½ inches of compacted hot mix asphalt concrete over a prime coat (AE-P cutback asphalt) versus one-course surface treatment, and 4) Eliminate yellow center line pavement markings on Cordillera Ridge.

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

16. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the low bid for Road Materials for fiscal year 2018, Bid # 2018.03 (attached).
 Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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17. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve publication of an invitation to bid various concrete work, annual contract for Kendall County.
 Motion was made by Commissioner Elkins, seconded by Commissioner Durden, and carried by a vote of 5-0.
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18. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve publication of an invitation to bid pavement surface repair services and materials for Kendall County.
 Motion was made by Commissioner Durden, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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19. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve an agreement with Kerr County to house Kendall County inmates.
 Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.
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20. **Bill Ballard, ACDA, led discussion on the Crime Victim Assistance/Advocacy grant applications.**
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21. **Juanita Espino, Human Resources Director, presented upcoming employee-related programs/activities.**
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22. **Juanita Espino, Human Resources Director, presented the Annual Report of the Sick Leave Pool Program.**
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23. **THE STATE OF TEXAS**
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize transferring Unit #8 dump truck from the Road & Bridge Department to the Parks Department.
 Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.
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24. **No action was taken on the request from West Central Wireless for use of EMS antenna site on Jennifer Drive.**
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25. **Tommy Mathews, Westward Environment, and Kenny Mantor, HMC President, presented information on the proposed expansion of the existing HMC concrete plant located on IH-10 West.**
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26. **Jeff Fincke, Emergency Management Coordinator/EMS Administrator/Fire Marshal, presented the 2017 Report for Emergency Management, EMS, and the Fire Service.**
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27. **The County Sheriff submitted the Racial Profiling Reports for Constable 3 and Constable 4 and presented the Racial Profiling report and the 2017 Annual Report for the Sheriff's Office.**
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At 11:10 a.m. the Court recessed Open Session, took a Break, and at 11:17 a.m. 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
- 3. CCN Application, Kendall West Utility, LLC
- 4. ChildSafe, Inc. and ChildSafe Corporation
- 5. Fair Labor Standards Act
- 6. Road & Bridge employee

II. The Court will meet in Executive Session pursuant to Section pursuant to Section 551.072 to deliberate the purchase, exchange, lease or value of real property. (Note: Deliberation in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)

- 1. Sale of County property
- 2. Sale of County easement
- 3. 0.46 acres in Comfort, Texas

The Court recessed at 12:05 p.m. for lunch and resumed at 1:30 p.m.

At 3:00 p.m. the Court closed Executive Session and resumed Open Session where the following motions were made:

I-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve payment of \$55.00 to Carls, McDonald & Dalrymple LLP.

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

II-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve moving forward with the sale of the jointly owned property at 112 Sparrowhawk Trail and allow Judge Lux to sign on behalf of Commissioners Court.

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

Being no further business, the meeting was adjourned at 3:01 p.m.

EXAMINED AND APPROVED THIS 26th DAY OF FEBRUARY 2018.

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

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