



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Commissioners Court Meeting Minutes
DEPARTMENT & PERSON MAKING REQUEST	County Clerk's Office Sally W. Peters, Deputy Clerk/Administrative Assistant
PHONE # OR EXTENSION #	830-249-9343, ext. 212
TIME NEEDED FOR PRESENTATION	1 minute
WORDING OF AGENDA ITEM	Consideration and action on the approval of the Minutes for March 22 and 26, 2018.
REASON FOR AGENDA ITEM	To approve the Minutes from the previous Commissioners Court meetings.
IS THERE DOCUMENTATION	After approval, the minutes will be posted on the County website.
WHO WILL THIS AFFECT?	The public
ADDITIONAL INFORMATION	None



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Proclamation declaring April 8-14 as Crime Victims' Rights Week
DEPARTMENT & PERSON MAKING REQUEST	Glennnda Wilke, Crime Victims' Advocate, CDA
PHONE # OR EXTENSION #	830-249-9343 Ext. 299
TIME NEEDED FOR PRESENTATION	3 minutes
WORDING OF AGENDA ITEM	Consideration and action on proclaiming April 8-14, 2018 as Crime Victims' Rights week.
REASON FOR AGENDA ITEM	Crime Victims Rights Week
IS THERE DOCUMENTATION	Yes
WHO WILL THIS AFFECT?	Countywide
ADDITIONAL INFORMATION	None

**PROCLAMATION BY KENDALL COUNTY
DECLARING APRIL 8-14, 2018 CRIME VICTIMS' RIGHTS WEEK**

WHEREAS, Americans are the victims of more than 20 million crimes each year, affecting individuals and communities; and

WHEREAS, providing victims with knowledge of their rights and available services further strengthens their ability to recover by restoring a sense of self-empowerment; and

WHEREAS, victims who feel understood and supported are more likely to disclose their victimization, seek services, and participate in the justice process; and

WHEREAS, a multi-disciplinary response, involving collaboration among victim service professionals, criminal justice officials, legal professionals, medical and mental health providers, and community leaders is essential to reach and serve all victims—especially those who are marginalized, have disabilities, or live in remote locations; and

WHEREAS, National Crime Victims' Rights Week, April 8-14, 2018, provides an opportunity to recommit to ensuring that all victims of crime—especially those who are challenging to reach or serve—are afforded their rights and receive a trauma-informed response; and

WHEREAS, March 3, 2018 was the 8th Annual Heal the Soul 5k/10k Trail Run benefiting the Kendall County Women's Shelter (KCWS) and Kendall County by providing funding to provide a safe haven for victims of violence; and

WHEREAS, Kendall County is hereby dedicated to strengthening victims and survivors in the aftermath of crime, building resilience in our communities and our victim responders, and working for justice for all victims and survivors;

NOW, THEREFORE, I, Darrel Lux, as County Judge of Kendall County, do hereby proclaim the week of April 8-14, 2018, as

Crime Victims' Rights Week

and reaffirm this County's commitment to creating a victim service and criminal justice response that assists all victims of crime during Crime Victims' Rights Week and throughout the year; and to express our sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice, and peace.

County Judge

Date



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Child Abuse Prevention
DEPARTMENT & PERSON MAKING REQUEST	Darrel L. Lux, County Judge Deborah Owens, Kendall County Child Services Board President
PHONE # OR EXTENSION #	830-249-9343
TIME NEEDED FOR PRESENTATION	3 minutes
WORDING OF AGENDA ITEM	Consideration and action on proclaiming April 2018 as Child Abuse Prevention Month.
REASON FOR AGENDA ITEM	To bring awareness and promote prevention of child abuse.
IS THERE DOCUMENTATION	The proclamation
WHO WILL THIS AFFECT?	Countywide
ADDITIONAL INFORMATION	None

Proclamation: April is Child Abuse Prevention Month

WHEREAS, In America every 11 seconds a child is abused or neglected. The number of *Texas* children reported as confirmed victims of abuse or neglect reached an astounding high of more than 60,000 for 2017. A more devastating statistic is the fact that 171 *Texas* children lost their lives as a result of abuse and neglect in 2017. Sadly, the parents of these children continue to be the main perpetrators of the abuse and/or neglect; and

WHEREAS, Kendall County saw a 6% increase of 39, confirmed cases of child abuse and/or neglect in 2017, and fortunately there were ZERO abuse/neglect fatalities for Kendall County for 2017. As cited by the Texas Department of Protective & Regulatory Services. These numbers do not account for the victims who are abused by an acquaintance, family friend, neighbor, minister, or Coach. Many instance go unreported; and

WHEREAS, Kendall County must make every effort to promote prevention program and awareness. It is with collaborated partnerships among agencies, schools, religious organizations, law enforcement, district attorneys, counselors, victim advocates, and the business community as a while that these prevention measures are successful where children can grow and succeed in a safe, stable, and nurturing environment that is free from abuse and/or neglect. And, any person who has "cause to believe" or suspicion that "abuse has occurred or **will** occur", must report according to Texas State Law.

We all must **STAND UP TO CHILD ABUSE.**

THEREFORE, I, DARREL L. LUX, **HONORABLE KENDALL COUNTY JUDGE**, do hereby proclaim the month of April 2018 be recognized as *Child Abuse Prevention Month* in Kendall county. We, as a community, must get involved in prevention efforts against this unspeakable crime before it ever occurs. After all, it is up to us to protect our children and their voice.

Signed this 9th day of April 2018.

Darrel L. Lux
Kendall County Judge



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Accounts Payable Claims
DEPARTMENT & PERSON MAKING REQUEST	Auditor's Office Corinna Speer, County Auditor
PHONE # OR EXTENSION #	830-249-9343 Ext. 240
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action on the approval of accounts payable claims for purchases, services and vendors.
REASON FOR AGENDA ITEM	To pay current accounts payable claims.
IS THERE DOCUMENTATION	Yes Financial Transparency Link / County Auditor Web Page
WHO WILL THIS AFFECT?	Departments that have AP claims
ADDITIONAL INFORMATION	None



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018 OPEN SESSION	
SUBJECT	Accept Donations
DEPARTMENT & PERSON MAKING REQUEST	County Auditor's Office Corinna Speer, County Auditor
PHONE # OR EXTENSION #	830-249-9343 Ext. 240
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action on accepting the list of donations on behalf of Kendall County as per Local Government Code 81.032.
REASON FOR AGENDA ITEM	Accept donations.
IS THERE DOCUMENTATION	Yes
WHO WILL THIS AFFECT?	Countywide
ADDITIONAL INFORMATION	None

Kendall County, Texas
Donation List for Commissioners Court April 9, 2018

Pursuant to LGC 81.032, the commissioners court may accept a gift, grant, donation, bequest, or devise of money or other property on behalf of the county, including a donation under Chapter 26, Government Code, for the purpose of performing a function conferred by law on the county or a county officer.

The following donations were received from March 5, 2018 - March 27, 2018 .

Monetary Donations:

<u>Date</u>	<u>Amount</u>	<u>Received From</u>	<u>Description of Donation</u>	<u>Specific Department or Purpose</u>
03/05/18	\$ 70.00	Robert Niederhauser	Cash	Animal Shelter
03/09/18	\$ 20.00	Patricia Ptak	Cash	Animal Shelter
03/10/18	\$ 20.00	Anonymous	Cash	Animal Shelter
03/13/18	\$ 20.00	Monica Ciano	Cash	Animal Shelter
03/14/18	\$ 5.00	Beth Jones	Cash	Animal Shelter
03/19/18	\$ 50.00	Kelly Wright	Cash	Animal Shelter - Petfest
03/19/18	\$ 50.00	C.G. or I.D. Matter	Cash	EMS Memorial
03/20/18	\$ 75.00	Boerne Veterinary Clinic	Cash	Animal Shelter - Petfest
03/20/18	\$ 20.00	Felicia Frausto	Cash	Animal Shelter
03/20/18	\$ 50.00	Kelly Wright	Cash	Animal Shelter - Petfest
03/20/18	\$ 10.00	Brett D'Spain	Cash	Animal Shelter
03/22/18	\$ 60.00	Diane Frausto	Cash	Animal Shelter
03/23/18	\$ 60.00	Andrea Gargano	Cash	Animal Shelter
03/27/18	\$ 120.00	Pawsitive Solutions Dog&Puppy Training	Cash	Animal Shelter
03/27/18	\$ 25.00	Ashley Hickman	Cash	Animal Shelter

Other Donations:

<u>Date</u>	<u>Received From</u>	<u>Description of Donation</u>	<u>Specific Department or Purpose</u>
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KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

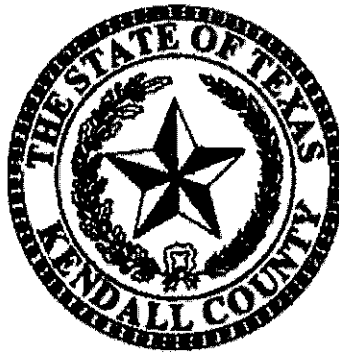
COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Consider and take action on the sale of County property.
DEPARTMENT & PERSON MAKING REQUEST	Darrel L. Lux, County Judge Christina Bergmann, Commissioner Pct 1
PHONE # OR EXTENSION #	830-249-9343 Ext. 303
TIME NEEDED FOR PRESENTATION	10 minutes
WORDING OF AGENDA ITEM	Consideration and action on the distribution of proceeds from the sale of County property donated by Judge Ken and Ada Muller located at 112 Sparrow Hawk.
REASON FOR AGENDA ITEM	Distribution of proceeds
IS THERE DOCUMENTATION	No
WHO WILL THIS AFFECT?	Kendall County
ADDITIONAL INFORMATION	None



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018 OPEN SESSION	
SUBJECT	Shriners Hospitals for Children Day
DEPARTMENT & PERSON MAKING REQUEST	Miguel Inclan, President, Boerne Shrine Club Darrel L. Lux, County Judge
PHONE # OR EXTENSION #	830-249-9343, ext 212
TIME NEEDED FOR PRESENTATION	3 minutes
WORDING OF AGENDA ITEM	Consideration and action on proclaiming April 21, 2018 as Shriners Hospitals for Children Day.
REASON FOR AGENDA ITEM	To recognize and honor the philanthropic cause and contribution of Shriners to Kendall County.
IS THERE DOCUMENTATION	The proclamation
WHO WILL THIS AFFECT?	The public
ADDITIONAL INFORMATION	None



Proclamation

Whereas, Shriners Hospitals for Children is a health care system dedicated to improving the lives of children under the age of 18 by providing innovative research, outstanding teaching programs, and specialty pediatric care in a family centered environment regardless of the patient's ability to pay and without regard to race, religion, or relationship to a Shriner; and,

Whereas, of the 22 Shriners Hospitals located throughout North America, 19 provide pediatric orthopedic care, four treat children with severe burns, three provide spinal cord injury rehabilitation, and nine correct cleft lips and palates; and,

Whereas, the Shriners Hospitals in Boston, Cincinnati, Galveston, and Sacramento treat children with acute burns; children needing plastic reconstructive or restorative surgery as a result of "healed" burns; children with severe scarring that results in immobile limbs; and children with scarring and deformity of the face; and,

Whereas, medical research at Shriners Hospitals for Children is having a strong, positive impact on the worldwide care and cure of children with orthopedic problems, severe burns, cleft lip and palate, and spinal cord injuries; and,

Whereas, since their conception more than one million children have been served by Shriners Hospitals; and that today Shriners and their Hospitals spend \$2 million a day treating 120,000 children per year for orthopedic and/or burn injuries and for correction of congenital deformities; and,

Whereas, Alzafar Shriners and the Boerne Shrine Club have endeared themselves to all the citizens of Kendall County through their philanthropic efforts, public service, and civic involvement;

Now, Therefore, I Darrel L. Lux, Kendall Country Judge, do hereby declare the 21st Day of April 2018, to be ***Shriners Hospitals for Children Day*** in honor of all Shriners and in recognition of their philanthropic cause and selfless contributions to all the Citizens of Kendall County, Texas.

The Honorable Darrel L. Lux
Kendall County Judge



**KENDALL COUNTY COMMISSIONERS COURT
AGENDA REQUEST**

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Cash Summary January 2018
DEPARTMENT & PERSON MAKING REQUEST	Sheryl D'Spain Treasurer
PHONE # OR EXTENSION #	830-249-9343 Ext 220
TIME NEEDED FOR PRESENTATION	2 minutes
WORDING OF AGENDA ITEM	Discuss and approve cash summary for January 2018
REASON FOR AGENDA ITEM	This report is made in compliance with the provisions of Chapter 114.026 of the Local Government Code, which requires regular reporting of financial transactions for the County funds to the Commissioners Court.
IS THERE DOCUMENTATION	Yes, the report is on the County website under departments, County Treasurer once it is approved by Commissioners Court.
WHO WILL THIS AFFECT?	Countywide
ADDITIONAL INFORMATION	None

KENDALL COUNTY SUMMARY OF CASH BALANCES

Month ending January 31, 2018

	Beg Balance	Receipts (includes Journal Entries and Transfers In)	Disbursements (includes Journal Entries and Transfers Out)	Ending Balance
10-General Fund	\$ 478,550.34	\$ 2,767,088.63	\$ 1,942,209.24	\$ 1,303,429.73
11-Road & Bridge	\$ 177,202.64	\$ 57,160.56	\$ 65,525.09	\$ 168,838.11
13-Courthouse Security	\$ 28,606.40	\$ 1,919.54	\$ 9,573.41	\$ 20,952.53
15-Lateral Road & Bridge	\$ 55,558.94	\$ -	\$ 196.51	\$ 55,362.43
16-Court Reporter Service	\$ 35,545.27	\$ 750.00	\$ 1,730.76	\$ 34,564.51
17-Attorney-Hot Check	\$ 6,111.84	\$ -	\$ -	\$ 6,111.84
19-Records Mgmt (County Clerk)	\$ 105,789.78	\$ 8,317.88	\$ 343.25	\$ 113,764.41
20-Law Library	\$ 32,645.88	\$ 1,750.00	\$ 664.00	\$ 33,731.88
21-Justice Court Technology	\$ 31,973.72	\$ 1,035.33	\$ -	\$ 33,009.05
22-Justice Court Building Security	\$ 27,943.12	\$ 258.83	\$ -	\$ 28,201.95
23-County & District Technology	\$ 13,500.09	\$ 245.79	\$ -	\$ 13,745.88
24-Alternative Dispute Resolution	\$ 1,644.10	\$ 850.00	\$ -	\$ 2,494.10
25-District Clerk Records Mgmt	\$ 32,049.96	\$ 1,156.60	\$ 482.00	\$ 32,724.56
26-County Clerk Rec. Archive Fund	\$ 217,121.74	\$ 8,315.00	\$ 210.45	\$ 225,226.29
27-Vital Statistics Records	\$ 770.00	\$ 57.00	\$ -	\$ 827.00
28-Pre-Trial Intervention	\$ 34,433.11	\$ 1,332.00	\$ 2,073.54	\$ 33,691.57
29-LEOSE Training	\$ 42,402.94	\$ -	\$ 1,185.00	\$ 41,217.94
33-Juv Probation-State Grant	\$ 25,897.37	\$ 17,740.00	\$ 14,310.50	\$ 29,326.87
34-Juv Probation Title IV E	\$ (421.52)	\$ -	\$ -	\$ (421.52)
35-Juvenile Probation	\$ (60,694.99)	\$ 335.00	\$ 18,068.24	\$ (78,428.23)
41-MVDIT Interest	\$ 5,068.32	\$ -	\$ -	\$ 5,068.32
42-Election Services Contract Fund	\$ 64,595.90	\$ -	\$ -	\$ 64,595.90
43-Fire Inspection & Permit Fund	\$ 139,601.94	\$ 6,393.00	\$ -	\$ 145,994.94
50-Crime Victims Grant	\$ (39,853.30)	\$ -	\$ 12,970.19	\$ (52,823.49)
80-Tobacco Settlement	\$ (3,247.79)	\$ 19,000.00	\$ 15,533.72	\$ 218.49
81-Historical Commission	\$ 8,088.35	\$ -	\$ -	\$ 8,088.35
82-County Donations	\$ 66,928.66	\$ 946.97	\$ 5,796.95	\$ 62,078.68
84-Abandoned Vehicles	\$ 4,952.75	\$ -	\$ -	\$ 4,952.75
93-Texas State Fees	\$ 240,581.11	\$ 54,544.01	\$ 115,583.96	\$ 179,541.16

KENDALL COUNTY SUMMARY OF CASH BALANCES
MONTH ENDING January 31, 2018

Funds	Beg Balance	Receipts (includes Journal Entries and Transfers In)	Disbursements (includes Journal Entries and Transfers Out)	Ending Balance
62-Series 2007 Lim. Tax Gen	\$ 14,813.22	\$ 3,825.34	\$ -	\$ 18,638.56
63-Series 2013 UnLimited Tax Road Bond	\$ 70,156.28	\$ 95,154.38	\$ -	\$ 165,310.66
64-Series 2014 Limited Tax Refunding	\$ 64,625.75	\$ 76,922.22	\$ -	\$ 141,547.97
65-Series 2016 Limited Tax Gen.Oblig.Bond	\$ 167,741.86	\$ 203,773.98	\$ -	\$ 371,515.84
72-Law Enforcement Center Project	\$ 3,516.64	\$ 1,500,121.17	\$ 1,464,501.12	\$ 39,136.69
85-Local S.O. Forfeiture	\$ 8,500.44	\$ 6.41	\$ -	\$ 8,506.85
87-Federal S.O. Forfeiture	\$ 53,151.99	\$ 1,274.98	\$ 7,808.27	\$ 46,618.70
88-CDA Asset Forfeiture	\$ 4,948.38	\$ 1,001.03	\$ 1,000.80	\$ 4,948.61
90-Trust Account	\$ 14,253.01	\$ 13.15	\$ -	\$ 14,266.16
96-Public Grants	\$ 80.85	\$ -	\$ -	\$ 80.85

Examined and Approved by Auditor's office

Corinna Speer

Date

4/2/18



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Burn Ban
DEPARTMENT & PERSON MAKING REQUEST	Darrel L. Lux, County Judge Jeffery Fincke, Fire Marshal
PHONE # OR EXTENSION #	830-249-9343, ext. 213
TIME NEEDED FOR PRESENTATION	3 minutes
WORDING OF AGENDA ITEM	Consideration and action on the burn ban (Authority Section 352.081, Local Government Code).
REASON FOR AGENDA ITEM	To determine whether or not there is a need for a ban on burning
IS THERE DOCUMENTATION	No
WHO WILL THIS AFFECT?	Countywide
ADDITIONAL INFORMATION	None



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Amended Deposit Agreement between Antony Palumbo, Karl Gramling d/b/a Gramling Real Estate Holdings LLC and Kendall County
DEPARTMENT & PERSON MAKING REQUEST	County Engineer - Richard Tobolka
PHONE # OR EXTENSION #	830-249-9343 Ext. 250
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action on approving a Second Amended and Restated Cash Deposit Agreement between Antony Palumbo, Karl Gramling d/b/a Gramling Real Estate Holdings LLC and Kendall County to serve as financial guarantee for the satisfactory completion of Street and Drainage improvements, Construction of Detention Pond, Public Water Supply related to the approved plat of Pleasant Valley Business Park. The Amended agreement will expire July 31, 2018. (Tony Palumbo d/b/a Gramling Real Estate Holdings LLC)
REASON FOR AGENDA ITEM	Amend Financial Agreement
IS THERE DOCUMENTATION	Yes
WHO WILL THIS AFFECT?	Pct #2
ADDITIONAL INFORMATION	None

STATE OF TEXAS

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KENDALL COUNTY

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**SECOND AMENDED AND RESTATED FINANCIAL GUARANTEE CASH DEPOSIT
AGREEMENT**

This Financial Guarantee Cash Deposit Agreement (this "Agreement") is entered into between Anthony Palumbo, Karl Gramling d/b/a Gramling Real Estate Holdings LLC (hereinafter "Palumbo and Gramling"), and Kendall County (hereinafter "County"), a subdivision of the State of Texas.

WHEREAS, Palumbo and Gramling, deposited cash in the amount indicated herein with the County on March 30, 2017 as the financial guarantee pursuant to Section 205.1300, *Kendall County, Texas Development Rules and Regulations* for satisfactory and timely completion of the following to be constructed at the Pleasant Valley Business Park (hereinafter the "Subdivision"):

- (1) Street and drainage improvements in the Subdivision; and
- (2) Construction of a Detention Pond in the Subdivision; and
- (3) Provision of a Public Water System for the Subdivision.

WHEREAS, Palumbo and Gramling, deposited cash with the County, in the following amounts:

- (1) Two hundred twenty one thousand, four hundred forty three and no/100 dollars (\$221,443.00) as the financial guarantee for the Street and Drainage improvements; and
- (2) Thirty three thousand, eight hundred forty and no/100 dollars (\$33,840.00) as financial guarantee for construction of the Detention Pond; and
- (3) Fifty seven thousand, seven hundred sixty two and no/100 dollars (\$57,762.00) for provision of the Public Water System; and

WHEREAS, Palumbo and Gramling have submitted a final plat for the Subdivision;

WHEREAS, Palumbo and Gramling has caused the completion of Street and Drainage improvements and the County authorized release of \$221,433.00 being held by the County under the Original Surety to Palumbo and Gramling, and Palumbo and Gramling have received such payment from the County; and

WHEREAS, Palumbo and Gramling has caused the completion of Detention Pond improvements and the County authorized release of \$33,840.00 being held by the County under the Original Surety to Palumbo and Gramling, and Palumbo and Gramling have received such payment from the County; and

WHEREAS, Palumbo and Gramling has caused the partial completion of Public Water System improvements and the County authorized release of \$22,762.00 being held by the County under the Original Surety to Palumbo and Gramling, and Palumbo and Gramling have received such payment from the County; and

NOW THEREFORE, in recognition of the consideration provided herein, the County and Palumbo and Gramling agree as follows:

1. The County Treasurer shall hold the cash deposit in an interest bearing account, with any interest accruing to such funds to be retained in the account for the benefit of the County, until such time as the Street and Drainage improvements, the Detention Pond, and the Public Water System are completed by Palumbo and Gramling in accordance with the final plat and construction drawings and specifications approved by the County or until such funds are forfeited to the County as set out herein:
 - a) Thirty Five Thousand and no/100 dollars (\$35,000.00) for the Public Water System.
2. Palumbo and Gramling acknowledge and agree that, in the event that the Street and Drainage Improvements, the construction of the Detention Pond, and the provision of the Public Water System are not completed on or prior to July 31, 2018 in accordance with the final plat and construction drawings and specifications approved by the County, the applicable amount of the funds on deposit will be forfeited to the County to use to complete either the Street and Drainage Improvements, the Detention Pond, and/or the Public Water System as applicable.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, this ____ day of April, 2018 (the "Effective Date").

Anthony Palumbo

Gramling Real Estate Holdings LLC

Karl Gramling
Title: _____

State of Texas

County of _____

This instrument was acknowledged before me on _____, 2016 by Anthony Palumbo, individually, and Karl Gramling, individually, and as _____ of Gramling Real Estate Holdings LLC, on behalf of said corporation.

Notary Public
State of Texas

Approved this _____ day of April 2017

Darrell L. Lux, County Judge

Attest: _____
Darlene Herrin, County Clerk



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Amend Deposit agreement between Miralomas Development Corporation and Kendall County
DEPARTMENT & PERSON MAKING REQUEST	County Engineer - Richard Tobolka
PHONE # OR EXTENSION #	830-249-9343 Ext. 250
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action on approving a Fourth Amended and Restated Cashiers Checks Deposit Agreement between Miralomas Development Corporation and Kendall County to serve as financial guarantee for the satisfactory completion of Street and Drainage improvements related to the approved plat of Lerin Hills Garden Homes Subdivision, Unit 1, Phase 1. The Amended agreement will expire July 31, 2018. (Charles Cook, P.E., for Miralomas Development Corporation)
REASON FOR AGENDA ITEM	Amend financial agreement
IS THERE DOCUMENTATION	Yes
WHO WILL THIS AFFECT?	Pct #1
ADDITIONAL INFORMATION	None

STATE OF TEXAS
KENDALL COUNTY

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**FOURTH AMENDED AND RESTATED
CASHIERS CHECKS DEPOSIT AGREEMENT**

This Amended and Restated Cashier's Checks Deposit Agreement (this "Agreement") is entered into between Miralomas Development Corporation, a Delaware corporation ("Miralomas"), and Kendall County (the "County"), a subdivision of the State of Texas.

WHEREAS, Steve Petuck, acting as President of LH Devco, Inc., executed that certain *Cashier's Checks Deposit Agreement* (herein after, the "Original Surety") with the County on June 30, 2014 related to the approved plat for *Lerin Hills Garden Homes Subdivision, Unit 1, Phase 1* (the "Subdivision") to serve as a financial guarantee pursuant to Section 205.1300, *Kendall County, Texas Development Rules and Regulations* for satisfactory and timely completion of the following:

- (1) Texas Department of Transportation approved work on State Highway 46 to provide access to the Subdivision (the "TxDOT Work");
- (2) Street improvements in the Subdivision (the "Street Improvements"); and
- (3) Drainage improvements in the Subdivision (the "Drainage Improvements"); and

WHEREAS, LH Devco, Inc., pursuant to the Original Surety, deposited cashier's checks with the County, in the following amounts:

- (1) Three hundred three thousand, three hundred twenty five and no/100 dollars (\$303,325.00) as surety for the TxDOT Work; and
- (2) Nine hundred thirteen thousand, two hundred sixty three and no/100 dollars (\$913,263.00) for the Street Improvements;
- (3) Two hundred sixty one thousand, fifty two and no/100 dollars (\$261,052.00) for the Drainage Improvements; and

WHEREAS, the assets of LH Devco, Inc. including the Subdivision have been acquired by Miralomas as the designee of Putnam Bridge Funding III, LLC following that certain Order Confirming First Amended Joint Plan of Liquidation of MA Lerin Hills Holder, LP et al., United States Bankruptcy Court of the Western

District of Texas, San Antonio division (CASE NO. 15-51424), September 10, 2015; and

WHEREAS, Charles E. Cook, acting as Authorized Officer of Miralomas, executed that certain Amended and Restated Cashier's Checks Deposit Agreement (herein after, the "First Amended Surety Agreement") with the County on September 26, 2016 related to the approved plat for Lerin Hills Garden Homes Subdivision, Unit 1, Phase 1 (the "Subdivision") to serve as a financial guarantee pursuant to Section 205.1300, Kendall County, Texas Development Rules and Regulations.

WHEREAS, Miralomas has caused the completion of TxDOT Work and the County has authorized the release of \$303,325.00 being held by the County under the Original Surety to Miralomas, and Miralomas has received such payment from the County; and

WHEREAS, Miralomas is proceeding with final Street Improvements and Drainage Improvements on behalf of Miralomas, in accordance with their contract, and anticipate the completion of those requirements by October, 2017.

WHEREAS, Miralomas has requested an extension until December 31, 2017, of the deadline stated in the First Amended Surety Agreement to allow Miralomas to complete the Street Improvements and Drainage Improvements.

NOW THEREFORE, in recognition of the consideration provided herein, the County and Miralomas agree as follows:

1. This "Second Amended and Restated Cashier's Check Agreement" shall amend and restate in its entirety the Original Surety and Amended and Restated Cashier's Check Agreement upon execution by both parties.
2. The County Treasurer shall hold the following cashier check deposits in an interest bearing account, with any interest accruing to such funds to be retained in the account for the benefit of the County, until such time as the infrastructure improvements are completed by Miralomas in accordance with the amended final plat and revised construction drawings and specifications approved by the County or until such funds are forfeited to the County as set out herein:
 - a) Nine hundred thirteen thousand, two hundred sixty three and no/100 dollars (\$913,263.00) for the Street Improvements;
 - b) Two hundred sixty-one thousand, fifty-two and no/100 dollars (\$261,052.00) for the Drainage Improvements; and

3. Miralomas acknowledges and agrees that, in the event that the infrastructure improvements are not completed on or prior to July 31, 2018, in accordance with the amended final plat and revised construction drawings and specifications approved by the County, the applicable amount of the funds on deposit will be forfeited to the County to use to complete either the infrastructure improvements, as applicable.

[Signatures on the following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, this ____ day of April, 2018 (the "Effective Date").

KENDALL COUNTY, TEXAS

Darrel L. Lux
County Judge

Attest: _____
Darlene Herrin
County Clerk

MIRALOMAS DEVELOPMENT CORPORATION

Charles E. Cook, Authorized Officer
Miralomas Development Corporation

State of Texas

Bexar County

This instrument was acknowledged before me on the ____ day of _____, 2018 by Charles E. Cook, Authorized Officer of Miralomas Development Corporation, a Delaware corporation, on behalf of said corporation.

Notary Public
State of Texas



**KENDALL COUNTY COMMISSIONERS COURT
AGENDA REQUEST**

**COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION**

SUBJECT	Presentation Miralomas status
DEPARTMENT & PERSON MAKING REQUEST	County Engineer - Richard Tobolka
PHONE # OR EXTENSION #	830-249-9343 Ext. 250
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Presentation on status of Miralomas Garden Homes Subdivision, Unit 1, Phase 1. (Charles Cook, P.E., for Miralomas Development Corporation)
REASON FOR AGENDA ITEM	Status update
IS THERE DOCUMENTATION	No
WHO WILL THIS AFFECT?	Pct #1
ADDITIONAL INFORMATION	None



**KENDALL COUNTY COMMISSIONERS COURT
AGENDA REQUEST**

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Request for Relief from frontage and platting requirements 82 Bar M Ranch Road
DEPARTMENT & PERSON MAKING REQUEST	County Engineer - Richard Tobolka
PHONE # OR EXTENSION #	830-249-9343 Ext. 250
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action on a request for relief from the platting requirements and road frontage in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations. The proposed division would create two tracts of +/- 15.5 acres, one tract of +/- 24 acres, and one tract of +/- 80 acres from a parent tract of +/- 135 acres. The proposed tracts will be accessed over multiple private easements to FM 473. (Maxie and Donna Jonas)
REASON FOR AGENDA ITEM	Request for Relief from frontage and platting requirements
IS THERE DOCUMENTATION	Yes
WHO WILL THIS AFFECT?	Pct #3
ADDITIONAL INFORMATION	None

REQUEST FOR RELIEF (Variance)

From the Kendall County (KC) Development Rules and Regulations
(Section 106)

1. Date: **March 27, 2018**
2. Location of Property: **F.M. 473**
3. Name of Development (If Applicable)
4. Property Owner/Developer Name: **Maxie and Donna Jonas**
5. **Relief Requested** (Reference the specific Section/Paragraph of the current KC Development Rules and Regulations:

Relief from minimum road frontage – Section No. 300.1100
6. Reason(s) for Requesting Relief: (Please refer to Section 106, Relief by County Commissioners Court in answering these questions)
 - a. What special circumstances or conditions affecting the land involved such that the strict interpretation of the provisions of these regulations would deprive you of the reasonable use of this land.

The subject 15 acre tracts do not have road frontage and will be accessed by multiple private easements
 - b. Why is relief necessary for the preservation and enjoyment of a substantial property right of yours?

The subject 15 acre tracts do not have road frontage and will be accessed by multiple private easements
 - c. Will the granting of relief not be detrimental to the public's health, safety, and welfare? Please explain.

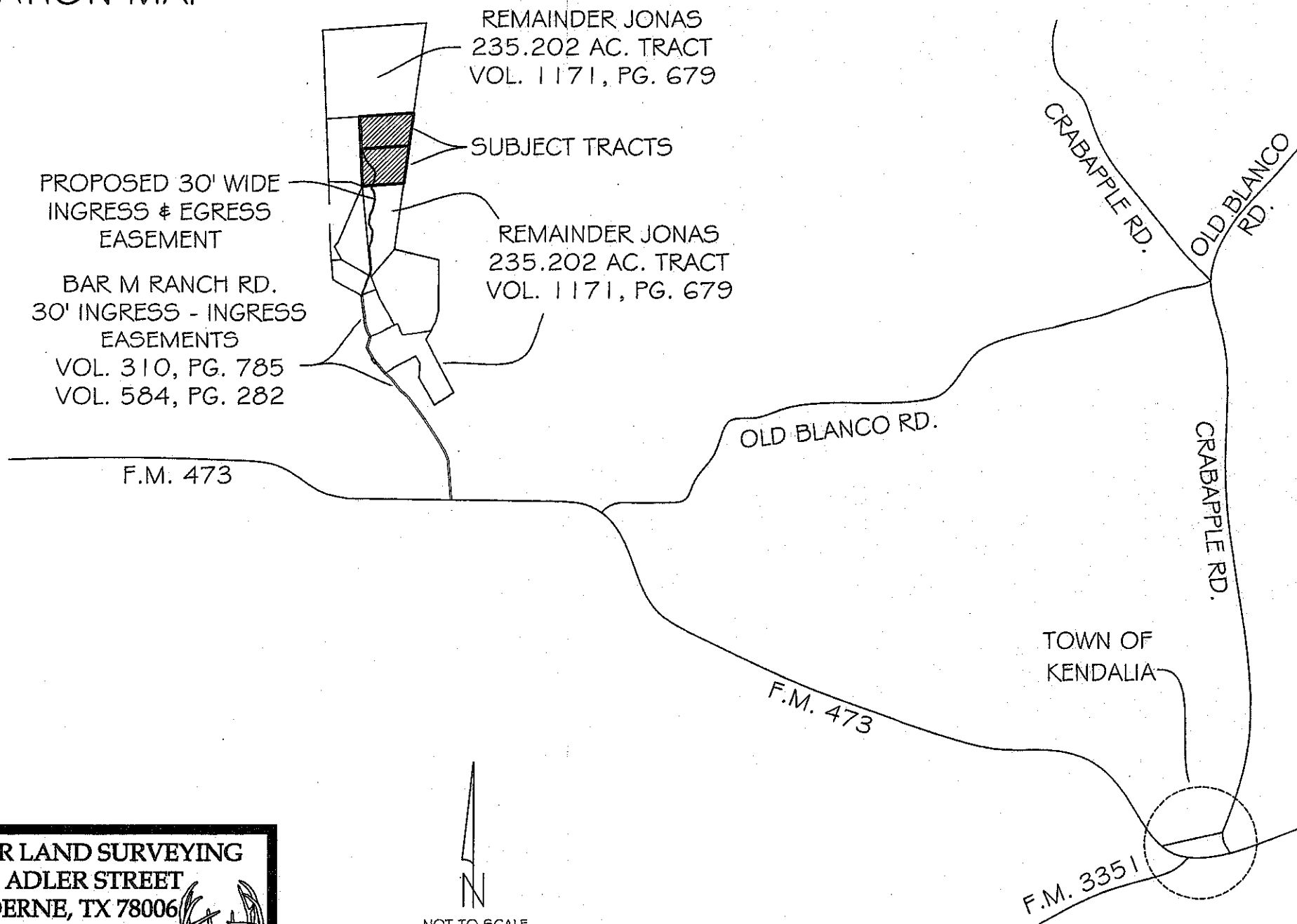
Not to my knowledge
 - d. Will the granting of relief not have the effect of preventing the orderly subdivision of other land in the area? Please explain.

Not to my knowledge


Maxie Jonas


Donna Jonas

LOCATION MAP



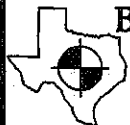
PFEIFFER LAND SURVEYING

918 ADLER STREET

BOERNE, TX 78006

830-249-3385

FIRM NO. 10193761



NOT TO SCALE

EXISTING



NOT TO SCALE

T.M. GOURLEY
SURVEY NO. 796 1/2
ABSTRACT NO. 815

ANDERSON RAY
SURVEY NO. 73
ABSTRACT NO. 413

KOLIN MAX JONAS
15.018 ACRES
VOLUME 1442, PAGES
190-195
OFFICIAL RECORDS

KOLIN MAX JONAS
8.635 ACRES
VOLUME 584, PAGES
282-285
OFFICIAL RECORDS

30' WIDE INGRESS -
EGRESS EASEMENT VOL.
584, PG. 282
OFFICIAL RECORDS

DONNA LEE JONAS AND
MAXIE C. JONAS
REMAINDER OF 235.202
ACRES
VOLUME 1171, PAGES
679-681
OFFICIAL RECORDS

30' WIDE INGRESS -
EGRESS EASEMENT VOL.
310, PG. 785 KENDALL
CO. OFFICIAL RECORDS

F.M. 473

PFEIFFER LAND SURVEYING

918 ADLER STREET

BOERNE, TX 78006

830-249-3385

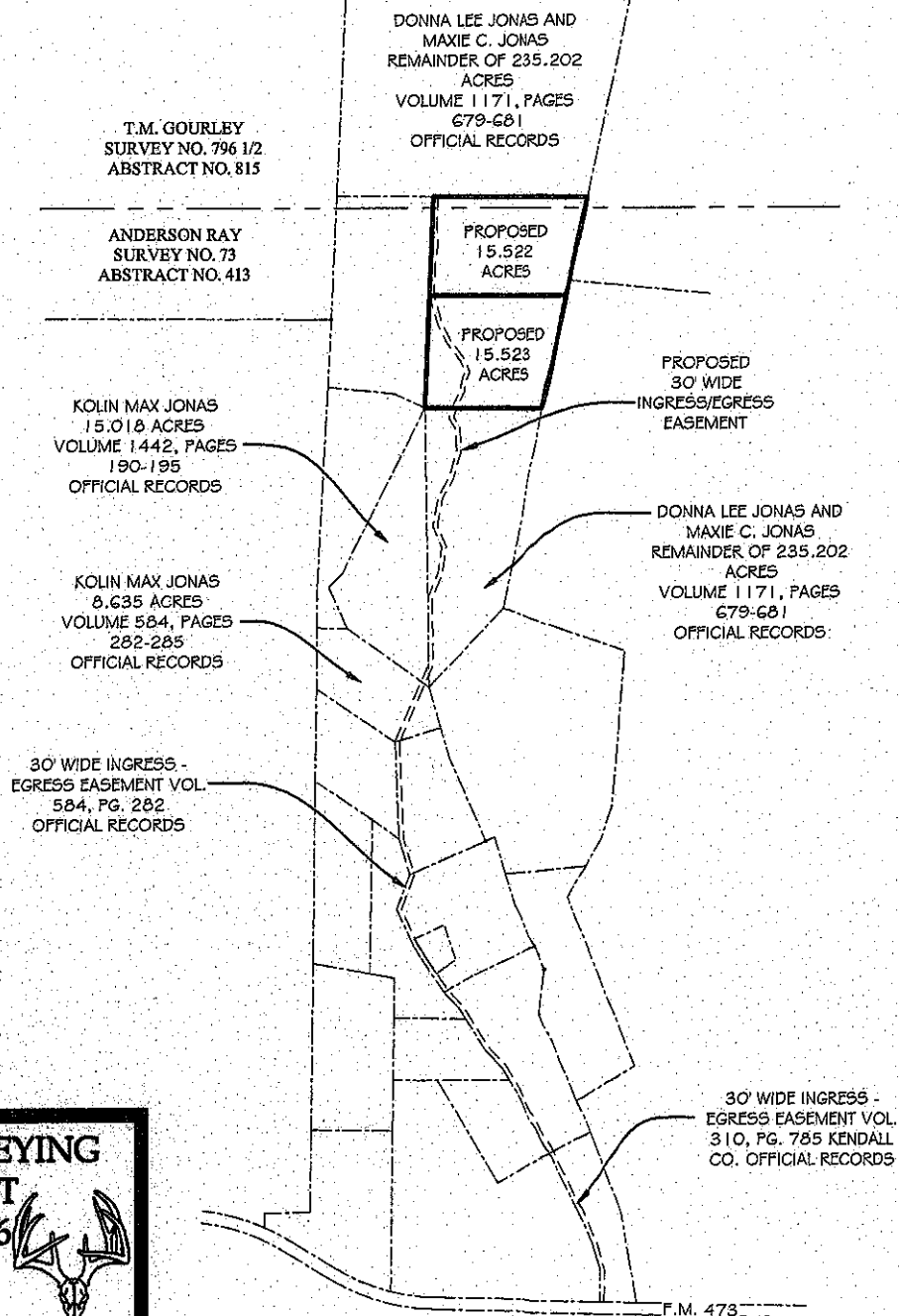
FIRM NO. 10193761



PROPOSED



NOT TO SCALE



PFEIFFER LAND SURVEYING

918 ADLER STREET

BOERNE, TX 78006

830-249-3385

FIRM NO. 10193761





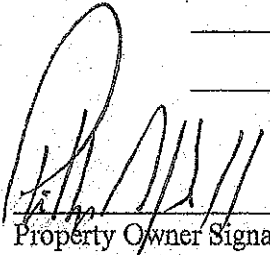
KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018 OPEN SESSION	
SUBJECT	Request for Relief - FM 1376 - Phillip Hall
DEPARTMENT & PERSON MAKING REQUEST	County Engineer - Richard Tobolka
PHONE # OR EXTENSION #	830-249-9343 Ext. 250
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action on a request for relief from the platting requirements and road frontage in accordance to Sections 101 and 102 of the Kendall County Development Rules and Regulations. The proposed division would create up to eighteen tracts out of a parent tract of 3,300 acres. Each tract would be at least 100 acres. Access will be provided by a private paved entrance road from FM 1376 to a cul-de-sac (100' diameter). Each lot will have an easement for roadway purposes from their property, across the paved entrance road, to FM1376. (Ken Kolacny, engineer for Phillip Hall)
REASON FOR AGENDA ITEM	Request for Relief - FM 1376 - Phillip Hall
IS THERE DOCUMENTATION	Yes
WHO WILL THIS AFFECT?	Pct #4
ADDITIONAL INFORMATION	None

REQUEST FOR RELIEF (Variance)

From the Kendall County (KC) Development Rules and Regulations
(Section 106)

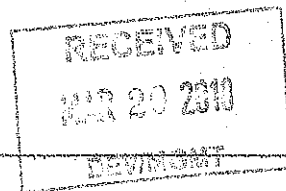
1. Date 3/16/2018
2. Location of Property: West side of FM1376, approx. 5 miles north of Sisterdale and approx. 7.5 miles south of the Kendall-Gillespie County Line.
3. Name of Subdivision (If Applicable): n/a
4. Property Owner/Developer Name: H2W, LLC.
5. Relief Requested (Reference the specific Section/Paragraph of the current KC Development Rules and Regulations and state the relief requested:
Relief is requested to Rule 101.1000 requiring preparation of a subdivision plat for a division of land meeting the requirements for platting. I hereby request relief to subdivide the 3,349-acre tract into no more than 18 individual tracts, with a minimum tract size of 100 acres, and with a common access easement to FM1376, without a subdivision plat. The proposed deed restrictions shown on the attached list will ensure that the property cannot be further developed beyond 18 ~ 100 acre minimum tracts.
6. Reason(s) for Requesting Relief: (Please refer to Section 106, Relief by County Commissioners Court in answering these questions)
 - a. Are there special circumstances or conditions affecting the land involved such that the strict interpretation of the provisions of these regulations would deprive you of the reasonable use of this land: Yes (if "yes" please state the special circumstances or conditions)
Due to the large, rural nature of the property, the best use of the land is to leave it in large acreage tracts with restrictions on future development. If a subdivision plat is required, then several thousand feet of street built to County standards would be required, which would need to be offset by a higher-density, smaller lot subdivision. By granting the relief, the County ensures that the property will remain in very low-density, large acreage tracts.
 - b. Is relief necessary for the preservation and enjoyment of a substantial property right of yours? Yes (if "yes", please state the substantial property right involved)
The right to split the property into very low-density, large acreage tracts without the burden of constructing thousands of feet of street to County standards.


Property Owner Signature

Phone Number 

Phillip R. Hartz, Manager
Print Owner Name

Date 3/20/18

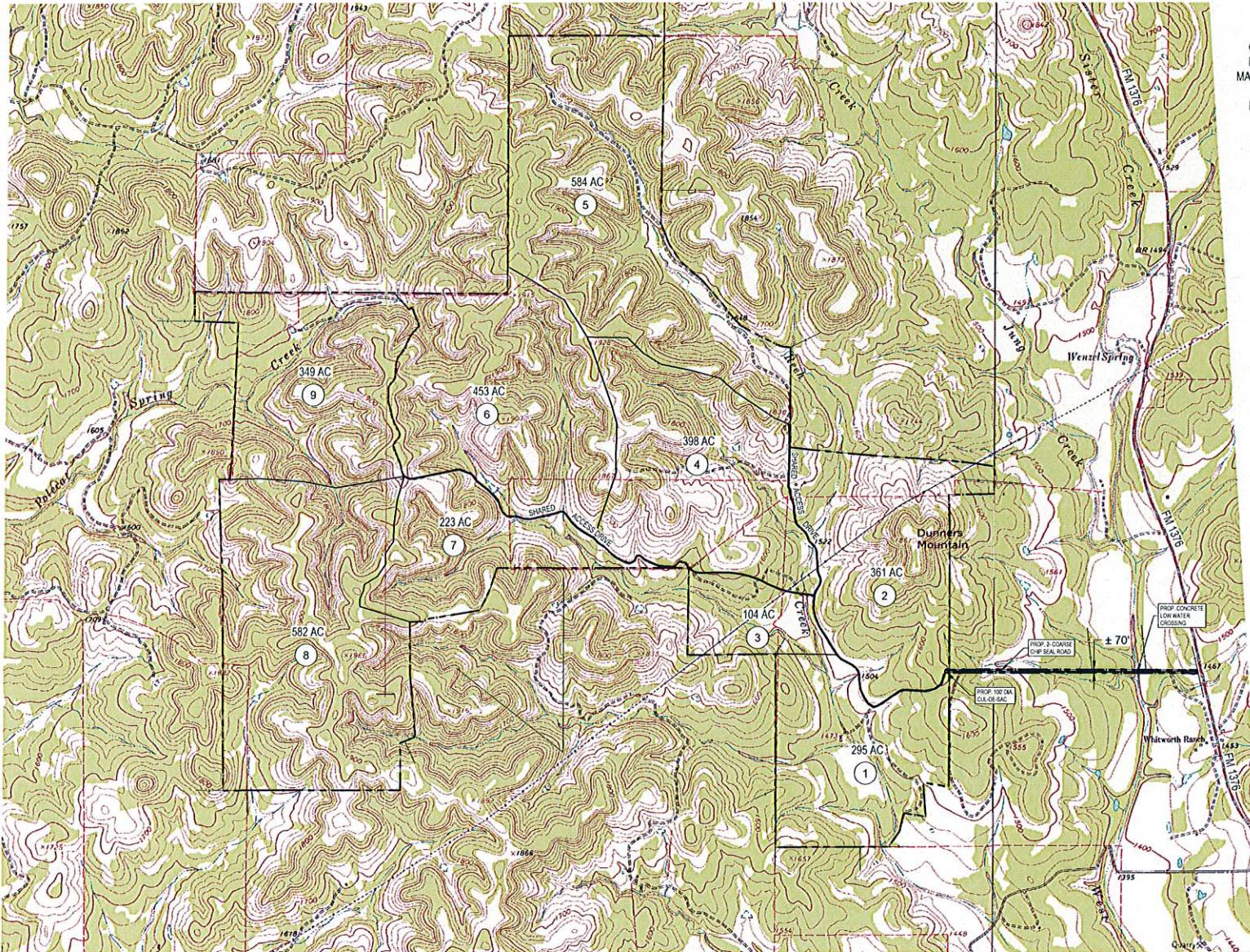


3,349 Acres – FM 1376

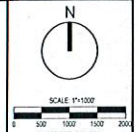
Kendall County, Texas

List of Proposed Deed Restrictions

1. **Divisions.** The Property shall be allowed no more than 18 future divisions, for a total of no more than 18 tracts.
2. **Tract Size.** No tract shall be less than 100 acres.
3. **Mobile Homes.** No mobile homes shall be placed on the Properties.
4. **Prohibited Use.** There will be no feedlot, dairy or pig farm operations on the Properties.
5. **Commercial Use.** No manufacturing or warehouse storage or commercial quarrying or commercial recreational vehicle park is permitted on the Properties.



OVERALL ACREAGE= 3,349 AC
 MINIMUM TRACT SIZE= 100 AC
 MAXIMUM NUMBER OF TRACTS= 18
 NOTE: 20' CONTOURS SHOWN



REVISIONS
01 REVISED 03/29/2018

MATKIN-HOOVER
 ENGINEERING
 & SURVEYING
 1000 E. 10TH AVE. SUITE 100
 DALLAS, TEXAS 75201
 PHONE: 214-638-1111
 FAX: 214-638-1112
 WWW.MATKIN-HOOVER.COM
 TOTAL PROFESSIONAL ENGINEERING HOURS: 10,000

FOR EXHIBIT PURPOSES ONLY

OVERALL CONCEPT PLAN EXHIBIT
 FOR
 3,300 AC TRACT FM 1376
 KENDALL COUNTY, TEXAS

EX-01
JOB NO. 2982.00
DESIGNED BY: RSK
DRAWN BY: BCB
CHECKED BY: RSK
SHEET # 01



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Salary Scale
DEPARTMENT & PERSON MAKING REQUEST	County Auditor's Office Christina Bergmann, Commissioners, Precinct 1 Corinna Speer, County Auditor Juanita Espino, HR Director
PHONE # OR EXTENSION #	830-249-9343 Ext. # 240
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action on the approval to move current employees to the new classification and change the job titles according to the Classification Scale and Salary Bracket.
REASON FOR AGENDA ITEM	Move employees to correct class and change job titles.
IS THERE DOCUMENTATION	No
WHO WILL THIS AFFECT?	County Wide
ADDITIONAL INFORMATION	None



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Adjust salaries to the new minimum
DEPARTMENT & PERSON MAKING REQUEST	County Auditor's Office Christina Bergmann, Commissioners, Precinct 1 Corinna Speer, County Auditor Juanita Espino, HR Director
PHONE # OR EXTENSION #	830-249-9343 Ext. # 240
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action on the approval to adjust salaries up to the new minimum according to the Classification Scale and Salary Bracket.
REASON FOR AGENDA ITEM	Adjust salaries up to the minimum.
IS THERE DOCUMENTATION	No
WHO WILL THIS AFFECT?	County Wide
ADDITIONAL INFORMATION	None



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	County Overtime Payroll Approval Procedure
DEPARTMENT & PERSON MAKING REQUEST	Commissioner Bergmann
PHONE # OR EXTENSION #	830-249-9343 ext 370
TIME NEEDED FOR PRESENTATION	5 minutes
WORDING OF AGENDA ITEM	Consideration and action to require payroll agenda items for overtime to be requested in the Commissioner Court meetings that approve payroll. This will be for all departments (including the Sheriff's Office, EMS, Road & Bridge, and Facilities).
REASON FOR AGENDA ITEM	The Texas Attorney General released an Opinion that employee payroll for county employees is a claim and must be considered by a commissioners court prior to payment.
IS THERE DOCUMENTATION	No
WHO WILL THIS AFFECT?	Kendall County
ADDITIONAL INFORMATION	None



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	County Overtime Policy
DEPARTMENT & PERSON MAKING REQUEST	Christina Bergmann, Commissioner Pct 1
PHONE # OR EXTENSION #	830-249-9343 ext 370
TIME NEEDED FOR PRESENTATION	5 minutes
WORDING OF AGENDA ITEM	Consideration and action to approve the Emergency Response Time Policy.
REASON FOR AGENDA ITEM	The Texas Attorney General released an Opinion that employee payroll for county employees is a claim and must be considered by a commissioners court prior to payment. Approve the updated County Emergency Response Time Policy.
IS THERE DOCUMENTATION	No
WHO WILL THIS AFFECT?	Kendall County
ADDITIONAL INFORMATION	None



**KENDALL COUNTY COMMISSIONERS COURT
AGENDA REQUEST**

**COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION**

SUBJECT	Bid # 2018-4
DEPARTMENT & PERSON MAKING REQUEST	County Auditor's Office Corinna Speer, County Auditor
PHONE # OR EXTENSION #	830-249-9343 Ext. # 240
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action to award the Concrete Work Bid, #2018-4.
REASON FOR AGENDA ITEM	To award the bid for the pavement surface repair.
IS THERE DOCUMENTATION	Yes
WHO WILL THIS AFFECT?	Road and Bridge
ADDITIONAL INFORMATION	None

Bernhard Quality Construction Inc.**County of Kendall****Various Concrete Work****Bid No. 2018-04****March 2018****Hand Formed (timeline: 500 sq. feet per 5 days)**

Curb Standard	24.00 per sq. foot
Curb Gutter	29.00 per sq. foot

Machine Formed (timeline: 500 sq. feet per 5 days)

Curb Standard	20.00 per sq. foot
Curb Gutter	25.00 per sq. foot

Pipe Ends (timeline: 5 days)

	Single	Double
15"	31.00 per sq. foot	33.00 per sq. foot
18"	29.00 per sq. foot	31.00 per sq. foot
21"	27.00 per sq. foot	29.00 per sq. foot
24"	25.00 per sq. foot	27.00 per sq. foot
30"	23.00 per sq. foot	25.00 per sq. foot

Headwalls, Wingwalls, Catch Basin, etc. (timeline: 20 days)	49.00 per sq. foot
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Sidewalk (4" concrete thickness and 6- gauge wire mesh) (timeline: 1000 sq. feet per 5 days)

700 sq. feet and under	6.75 per sq. foot
731 sq. feet to 1500 sq. feet	5.85 per sq. foot
1501 sq. feet and over	4.90 per sq. foot

Concrete Paving (6" concrete thickness and #4 rebar 12" o.c.e.w.)

(timeline: 1000 sq. feet per 7 days)

540 sq. feet and under	9.00 per sq. foot
541 sq. feet to 1080 sq. feet	8.30 per sq. foot
1081 sq. feet and over	7.25 per sq. foot

All Concrete Rip Rap (4" concrete thickness and 6 gauge wire mesh)

(timeline: 1000 sq. feet per 7 days)

6.70 per sq. foot



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Bid # 2018-5
DEPARTMENT & PERSON MAKING REQUEST	County Auditor's Office Corinna Speer, County Auditor
PHONE # OR EXTENSION #	830-249-9343 Ext. # 240
TIME NEEDED FOR PRESENTATION	5 Minutes
WORDING OF AGENDA ITEM	Consideration and action to award the Pavement Surface Repair Bid, #2018-5.
REASON FOR AGENDA ITEM	To award the bid for the pavement surface repair.
IS THERE DOCUMENTATION	Yes
WHO WILL THIS AFFECT?	Road and Bridge
ADDITIONAL INFORMATION	None

KENDALL COUNTY, TEXAS

BID SHEET

PAVEMENT SURFACE REPAIR Bid # 2018-05

Unit Price

Unit cost, cast in place turnkey 1 ton @ \$175.00

Extended Price

100 gallons of oil and 5 yards of rock = 7.5 tons @ \$1,312.50 total

BIDDER: DOES (✓) DOES NOT () MEET SPECIFICATIONS

EXEMPTIONS: (Attach is a detailed list of exceptions) _____

Name of Bidder: Texas Road Repair And Patches

Address of Bidder: 322 East Bandera Rd. Boerne TX. 78006

By (Print name) Johnny Valerio Title: President

Telephone #: 830-249-8736 Email: tx.rr@live.com

Signature: Johnny Valerio



KENDALL COUNTY COMMISSIONERS COURT AGENDA REQUEST

COMMISSIONER COURT DATE: 4/9/2018
OPEN SESSION

SUBJECT	Jail Report
DEPARTMENT & PERSON MAKING REQUEST	Al Auxier, Sheriff
PHONE # OR EXTENSION #	830-249-9721
TIME NEEDED FOR PRESENTATION	10 minutes
WORDING OF AGENDA ITEM	Report to Commissioners Court of jail status and operations.
REASON FOR AGENDA ITEM	Information
IS THERE DOCUMENTATION	No
WHO WILL THIS AFFECT?	County wide
ADDITIONAL INFORMATION	None