

**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 9th day of March 2015.

**Present:**            **DARREL L. LUX, COUNTY JUDGE**  
                         **MIKE FINCKE, COMMISSIONER, PCT. #1**  
                         **RICHARD W. ELKINS, COMMISSIONER, PCT. #2**  
                         **TOMMY PFEIFFER, COMMISSIONER, PCT. #3**  
                         **ROYCE STEUBING, COMMISSIONER, PCT. #4**  
                         **SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT**

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

Pledges of Allegiance to the United States and Texas flags.

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2.        **THE STATE OF TEXAS**

**COUNTY OF KENDALL**        It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for February 23, 2015.

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

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3.        **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 Fincke, seconded by Commissioner Pfeiffer, and carried by a vote of 5-0.

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(Agenda item #4 was addressed out of sequence after agenda item #16)

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5.        The County Treasurer presented the February 2015 Sales Tax Report.
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6.        **THE STATE OF TEXAS**

**COUNTY OF KENDALL**        It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County to apply for the Texas Comptroller Leadership Circle award for on-line financial transparency.

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

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7.        No action was taken on reinstating the burn ban. It is still off.
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8. PUBLIC COMMENTS:

- Mike Luckey, Mary Himlin, and Earl Smith spoke during agenda item #10.
  - Mike Luckey, Earl Smith, John Kight, Jay Braymer, and Lamar Kimble spoke during agenda item #11.
  - Mark Brown, Paul Morawski, and John Kight spoke during agenda item #14.
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9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the appointments to the Alamo Area Council of Governments (AACOG) committees as stated (attached).

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

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(The following people spoke concerning agenda item #10: Mike Luckey, Mary Himlin, and Earl Smith)

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution 03-09-2015 concerning the Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP) (attached).

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

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(The following people spoke concerning agenda item #11: Mike Luckey, Earl Smith, John Kight, Jay Braymer, and Lamar Kimble)

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve changing the provision in Paragraph IV.D of the Rules of Procedure, Conduct and Decorum at Meetings of the Kendall County Commissioners Court so that prior to commencing the business of the Court, a member of the Court may call for a moment of silence and/or a member of the Court, or a person designated by a member of the Court, may offer a prayer or invocation.

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

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12. 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 Subdivision, Unit 207C, to not use centerline striping as required by Subsection 410.10 of the 1990 Regulations, Rules, and Specifications for Roads and Subdivisions.

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

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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Preliminary Plat for Cordillera Ranch, Unit 207D, in accordance with the 1990 Kendall County Regulations, Rules and Specifications for Roads and Subdivisions. The proposed subdivision will consist of 11.01 acres, 8 residential lots, and 1,368 linear feet of roadway with a density of 1.38 acres per lot and will be served by a central water and sewer system.

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

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(The following agenda items #17 and #18 were addressed out of sequence)

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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 the Court Payment Card Processing Participation Agreement with Tyler Technologies, Inc.

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

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18. Susan Jackson, District Clerk, informed the Court that effective immediately the District Clerk's public office hours would be Monday – Friday, 8:00 a.m. - 4:00 p.m. From 4:00 p.m. to 5:00 p.m. the District Clerk and staff will be in training for a new system.
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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Preliminary Plat for Lerin Hills Garden Home Subdivision, Unit 1A, Phase 1, in accordance with Section 202 of the Kendall County Development Guidelines and Regulations Book effective January 1, 1997. The proposed subdivision will consist of 29.528 acres; 36 residential lots; 2,612 linear feet of roadway with a density of 0.82 acres per lot.

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

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15. The Road Superintendent notified the Court of the change of hours for the Road & Bridge Department to a four-day work week, Monday – Thursday, 6:30 a.m. – 5:00 p.m. starting April 5, 2015.
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16. THE STATE OF TEXAS

COUNTY OF KENDALL        It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the payment for Emergency Call Out for Road & Bridge.

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

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(Agenda items #17 and #18 were addressed out of sequence earlier after agenda item #13)

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(The following agenda item #4 was addressed out of sequence)

4. No action was taken on the request to proclaim March as American Red Cross Month. It will be brought to the next Commissioners Court meeting.
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At 10:12 a.m. the Court closed Open Session and after a break went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- I. Pursuant to Section 551.071 to seek the advice of the County Attorney and/or 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. County authority and obligations concerning subdivisions, county roads and bridges
  - 2. Guy James Gray vs. Kendall County
- II. Pursuant to Section 551.072 to deliberate the purchase, exchange, lease or value of real property.  
(Note: Deliberations in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)
  - 1. Right-of-way / easements for the Herff Road Project
  - 2. Claim of J3 Company, LLC
- III. Pursuant to Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee:
  - 1. Duties and responsibilities of the County Sheriff's Office
  - 2. Duties and responsibilities of the County Development Manager & County Engineer
  - 3. Duties and responsibilities of the Road & Bridge Department
  - 4. Deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of the County Road Superintendent

At 12:20 p.m. the Court recessed Executive Session for lunch and at 1:30 p.m. resumed Executive Session.

At 2:05 p.m. the Court closed Executive Session and resumed Open Session where the following motion was made:

III-4-1. THE STATE OF TEXAS

COUNTY OF KENDALL        It is ordered by the Commissioners' Court of Kendall County, Texas, to suspend Ricky Pfeiffer for two weeks with pay, to give Commissioners Court time to further investigate Road & Bridge supervisor allegations.

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

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III-4-2. THE STATE OF TEXAS

COUNTY OF KENDALL      It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Billy Shussler to be in charge of the Road & Bridge operations in Ricky Pfeiffer's absence.

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

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At 2:10 p.m. the Court closed Open Session and resumed Executive Session.

At 3:40 p.m. the Court closed Executive Session and resumed Open Session where a motion was begun and then stopped.

At 3:41 p.m. the Court closed Open Session and resumed Executive Session.

At 3:43 p.m. the Court closed Executive Session and resumed Open Session where the following motion was made:

II-2. THE STATE OF TEXAS

COUNTY OF KENDALL      It is ordered by the Commissioners' Court of Kendall County, Texas, to pay J3 Company, LLC, for delay claim #2 submitted on February 6, 2015 in the amount of \$250,000.00 with a substantial completion date of July 24, 2015.

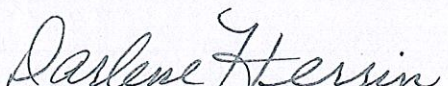
Motion was made by Commissioner Fincke, seconded by Judge Lux, and carried by a vote of 5-0.

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Being no further business, the meeting was adjourned at 3:45 p.m.

EXAMINED AND APPROVED THIS 23rd DAY OF MARCH A.D., 2015.

ATTESTED:



COUNTY CLERK  
KENDALL COUNTY, TEXAS



COUNTY JUDGE  
KENDALL COUNTY, TEXAS